

U.L. - MORRIS County Family Housing Council
v. Boonton

~ 1979.

Transcript of Direct and Cross-examination of Carl G. Lindblom

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U.L. 000863S

1 A P P E A R A N C E S : (continued)

2 MESSRS. MATTSON, MADDEN & POLITO,
3 BY: MARY LYNNE MC DERMOTT, ESQ.,
 For the Defendant Passaic Township

4 MESSRS. YOUNG, DORSEY & FISHER,
5 BY: JOHN H. DORSEY, ESQ.,
 For Hanover Township

6 MESSRS. JAMES, WYCKOFF, VECCHIO & PITMAN,
7 BY: RONALD D. NICOLA, ESQ.,
 For Roxbury Township

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>
CARL G. LINDBLOOM,		
By Mr. Bisquaier:	2	
By Ms. Mc Dermott:		94

E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENTIFICATION</u>
L-11	Memorandum from Mr. Lindbloom to Ms. Mc Dermott	2
L-12	Memorandum dated 12/13/79	2
L-13	" " 9/26/79	2
L-14	" " 9/5/79	3
L-15	Booklet dated May, 1979	3
L-16A	Average Covered Wages-Passaic Township	3
L-16B	Covered Jobs - Roxbury Township	3
L-16C	Hanover Township Covered Jobs	3
L-16D	Rockaway Township Covered Jobs	3
L-17	Map dated 4/30/79	40
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1 C A R L G . L I N D B L O O M , PP, AIP, 156 Laurel
2 Road, Princeton, New Jersey 08540, being previously sworn,
3 testifies as follows:

4 DIRECT EXAMINATION BY MR. BISQUAIER:

5 (The following were marked for identification
6 off the record;

7 Memorandum from Carl G. Lindbloom, PP, AIP,
8 Urban Planning Design and Housing Consultants, to
9 Mary Lynne Mc Dermott, Esq., Matson, Maddon and
10 Polito, regarding Passaic Township Housing Region,
11 consisting of six pages, marked L-11 for identifi-
12 cation.

13 Memorandum, dated December 13, 1979, from
14 Carl G. Lindbloom, PP, AIP, Urban Planning Design
15 and Housing Consultants, to Department of Public
16 Advocate, regarding Morris County Fair Housing
17 Council versus Boonton Township, et al, directed
18 to Ms. Linda Hurd, consisting of nineteen pages,
19 marked L-12 for identification.)

20 (Memorandum dated September 26, 1979, from
21 Carl G. Lindbloom, Urban Planning Design and Housing
22 Consultants, to Mary Lynne Mc Dermott, regarding
23 Passaic Township Local Allocation of Regional Housing
24 Need, consisting of four pages, marked L-13 for
25 identification.

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1 Memorandum dated September 5, 1979, from
2 Carl G. Lindbloom, Urban Planning Design and Housing
3 Consultant, to Mary Lynne Mc Dermott, regarding
4 Passaic Township Housing Region and Regional Housing
5 Need, consisting of twenty five pages, marked L-14
6 for identification.

7 Booklet entitled Passaic Township and the
8 "Developing Municipality" criteria of the Mt. Laurel
9 decision, prepared by Passaic Township, by Carl G.
10 Lindbloom, Township Planning Consultant, Princeton,
11 New Jersey, dated May, 1979 amended October, 1979,
12 consisting of nineteen pages, marked L-15 for identi-
13 fication.)

14 (Document entitled Average Covered Wages,
15 Passaic Township Housing Region, consisting of
16 four pages, marked L-16A for identification.

17 Document entitled Covered Jobs-Roxbury
18 Township Fair Share, consisting of four pages,
19 marked L-16B for identification.

20 Document entitled Hanover Township-Covered
21 Jobs, consisting of four pages, marked L-16C for
22 identification.

23 Document entitled Covered Jobs-Rockaway
24 Township Region, consisting of four pages, marked
25 L-16D for identification.)

1 MR. BISQUAIER: On the record.

2 Q Carl, do you understand that you're still
3 under oath and sworn to tell the truth in this matter?

4 A Yes.

5 Q Let me show you these documents, previously
6 marked for identification as L-16A, B, C and D. Would
7 you briefly identify what those documents are?

8 A These are worksheets prepared by Richard Reading
9 Associates, in relation to his work with me in relation
10 to the housing analysis and it covers four of the municipalitie
11 in the regions, which I did the studies, such items as
12 cover jobs and wages.

13 Q To the best of your knowledge, are these
14 all the worksheets used by yourself and Mr. Reading, other
15 than information that's already been made available in the
16 course of prior deposition --

17 A Yes.

18 Q -- which were used by you and Mr. Reading
19 for preparation of the expert reports in this matter?

20 A Yes.

21 Q And you stated that this is Mr. Reading's
22 work product. Did you utilize the documents that are
23 marked L-16A, B, C or D and/or the information contained
24 in them for the purpose of your studies?

25 A Well, it was all part of the study but I didn't use

1 them directly, no. It was used in his development of the
2 -- his aspect of the work.

3 Q I understand that he used them directly.
4 Did you incorporate his work product, which relied on these
5 studies, in your work product?

6 A Yes, that's correct.

7 Q Do you stand behind the data and projections
8 that are contained in L-16A, B, C and D?

9 A Yes, I do.

10 Q You believe that they are reasonable?

11 A Yes, I do.

12 Q L-16A, on pages -- and unmarked pages three
13 and four, reveals statistics for total covered employment.
14 Would you state what the term "covered employment," is used
15 -- definition of the term "covered employment," as used
16 in the context of L-16?

17 A There is precise definition of cover employment,
18 which is included in the Department of Labor and Industry's
19 publications, which -- they have an annual report that
20 describes the cover employment by municipality and county
21 and -- but generally, and I don't have it with me but,
22 generally it's those persons, employed persons who are
23 covered by New Jersey Unemployment Compensation and it
24 covers most jobs in this state.

25 There are some exceptions but, it does cover most

1 jobs.

2 Q Do you know what the source of the data was
3 that is contained in the covered employment tables, in L-16?

4 A The staff of Richard Reading Associates, went down
5 to the Department of Labor and Industry and gathered this
6 information from their records.

7 Q Do you know precisely, for example, what
8 they reviewed in ascertaining covered employment, say in
9 1970 and say, 1971, for the specific municipalities?

10 A Some of that -- that could have come from the
11 annual report of the Department of Labor and Industry.
12 The reason they go down to Trenton is mostly for the wages
13 which are not published.

14 Q Would you be kind enough to find out for
15 me quite specifically --

16 A Sure.

17 Q -- what the source material was that Mr.
18 Reading or his associates used in ascertaining the covered
19 employment data, specifically for the years, 1970, 1971
20 and through 1978. I know the remaining information were
21 projections that were made.

22 A Yes, if you would like to have --

23 Q Sources identified and that would be for
24 each year. I understand that they are separately reported
25 documents for each year.

1 A Yes.

2 Q Okay, what I'm saying is I don't want you
3 to just come back and say the Department of Labor and
4 Industry covered data -- if it has specific identification
5 for each year, I'd like to know what that was.

6 I ask you for the same information regarding the
7 average covered wages. Again, this is not work personally
8 done by you. This is work done by Mr. Reading or his
9 associates on which you were relying?

10 A That's correct.

11 Q Did you yourself review the source materials
12 to ascertain that this was correctly done?

13 A No.

14 Q Let me show you the document marked L-11 for
15 the purpose of identification. This document bears no date.
16 I wonder if, to the best of your recollection, you can
17 recall when that was produced?

18 A Well, the last date on it --

19 MS. MC DERMOTT: I could supply that infor-
20 mation.

21 THE WITNESS: It would have been before
22 September --

23 MS. MC DERMOTT: -- because we sent this
24 down for the regional housing.

25 Q Would you just briefly, very briefly, describe

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1 what that document is?

2 A This is a memo to Ms. Mc Dermott, subject being
3 the Passaic Township Housing Region. It describes the
4 region for Passaic Township. It includes a listing of
5 the municipalities in the region and describes how the
6 region was determined.

7 Q I show you a document marked L-14 for purposes
8 of identification. Could you briefly describe what that
9 document is?

10 A This is also a memo from me to Ms. Mc Dermott,
11 the subject being the Passaic Township Housing Region and
12 Regional Housing Need for Passaic.

13 Q This document contains, does it not, your
14 evaluation of the appropriate methodology for determining
15 housing region and appropriate methodology for housing
16 need in that region?

17 A Yes.

18 Q Did you use the same methodology for all
19 municipalities, for what you have employed in this case,
20 specifically, Roxbury, Hanover, Passaic?

21 A I used the methodology for all the regions for
22 determination and housing needs.

23 Q And in those municipalities, as well as
24 others in which you've worked?

25 A Well, since the last few years, I've been using the

1 same methodology, yes. Some of my earlier housing studies
2 for -- had a different methodology.

3 Q But, is it your position that this methodology
4 is appropriate -- most appropriate, that you know of today,
5 for ascertaining those two items for any particular
6 municipality in the State?

7 A Yes, I do.

8 Q Can you think of any reason why it would not
9 be appropriate to use either of those methodologies for any
10 municipality in this state?

11 A No.

12 Q Is it your position that it would reasonable
13 for municipalities to plan its growth, its future growth,
14 consistent with projections that would be outlined in this
15 methodology?

16 A Well, you must understand that this methodology
17 for housing need determination, is just one of the tools
18 that a municipality should use in developing its master
19 plan or revising its plans or developing its future direction
20 -- direction for future growth.

21 There are obviously other aspects that could affect
22 this study one way or the other. The policy of the community
23 might be to have more residential growth than is outlined
24 in this study or for one reason or another, less growth.

25 Q Would you believe it to be reasonable for

1 a municipality to grow in accordance with the outlines or
2 conclusions that could be drawn from this methodology?

3 A I thought I just answered that question. This is
4 one of the -- one of the several studies that go into the
5 planning of the community and that -- this determination
6 of -- regarding housing, has to be balanced by other
7 determinations.

8 Q What other determinations?

9 A Everything else that goes into the planning of the
10 community. Your utilities, inter-structure, circulation,
11 planning, community facilities, open space.

12 Q How would that impact on this methodology
13 or its usefulness?

14 A Well, for -- as an example of this methodology,
15 it indicates that for Passaic Township, the 1990 housing
16 need, I believe, was something like 848 dwelling units.

17 Passaic Township, as you know, has -- is very
18 limited in its available land for development because of
19 characteristics of the community in terms of soils and
20 flooding and so forth.

21 Whether or not it's possible to accomodate 848
22 dwelling units, is a factor that has to be considered,
23 whether or not it can be accomodated under present
24 standards, development regulations and so forth so, the
25 township then taking this information, has to look at the

1 other aspects of its plans and see if indeed, you know,
2 what changes are necessary to accomodate these units that
3 can be made and can be made satisfactorily with the other
4 growth policies of the community.

5 Q Well, how would you recommend that the
6 conclusions that are drawn from the methodology contained
7 in L-14 and the allocation methodology that you utilized,
8 be used by a municipality?

9 A I recommended that this -- the housing studies
10 be part of the housing element of a community master plan
11 so then, it then becomes one of the factors in considering
12 future growth and development of the community.

13 Q Is it your position that if the municipality,
14 environmentally and given other factors, could accomodate
15 the growth that would be set forth as a result of your
16 methodology in L-14 and your allocation methodology, that
17 it should attempt to accomodate that growth?

18 A It didn't, you know, I can't give you a yes or no
19 answer because the community has to look at this in relation
20 to all the other aspects of its planning.

21 Q I understand that.

22 A When you say should it, if this dovetails with all
23 the other aspects of the master plan elements, if it dovetails
24 with policy, yes, of course, it's one of the factors to
25 consider in the planning of the community.

1 Now, I wouldn't recommend that any single element
2 be given just because, let's say, the -- I'm trying to
3 think of a good example. A policy of the community might
4 be to reduce tax rate and one of the ways of reducing
5 tax rate, obviously, is to bring in a number of ratables
6 that are -- don't cost a lot to service, let's say, for
7 the community.

8 Q For example, what are examples of those?

9 A Oh, office buildings are a good example.

10 Q Is there an example for residential?

11 A High rise apartment buildings would be that; luxury
12 high rise apartment buildings.

13 Q Why luxury high rise, as opposed to non-
14 luxury?

15 A Luxury would be usually small units occupied by
16 older persons without children.

17 Q For higher rents?

18 A Higher rents. They would be -- the unit would take
19 care of its own garbage and maintenance and so forth that --
20 there would be no services provided by the community. Same
21 with the property.

22 That objective of increasing ratables or reducing
23 taxes, might fly in the face of other objectives, which is
24 to maintain a certain character of the community, which
25 might preclude high rise office buildings or high rise luxury

1 apartments so, there has to be this balancing to meet the
2 objectives of the community.

3 Q I understand that.

4 A I think it's important that a community in its
5 planning, have positive planning to direct its growth,
6 and rather than in most communities, where the planning is
7 sort of benign. They just sort of review things as they
8 come before the community and really don't direct how the
9 community is going to grow in a positive direction.

10 Q Your analysis for Passaic Township sets
11 forth that, I believe in a -- a number through the year
12 1990, some 850 units that you believe would be Passaic's
13 share of the regional housing need.

14 A That's the total.

15 MS. MC DERMOTT: Total.

16 Q I understand.

17 A It's total units.

18 Q I understand total units and it's your
19 position that a certain portion of, or percentage of that
20 would be for low moderate income residents, somewhere between
21 thirty to twenty five percent?

22 A 279.

23 Q What I'm asking you is that I ask you to
24 assume, hypothetically, that that growth and that capacity
25 is -- if the municipality chooses to accomodate those units,

1 the municipality could be consistent with sound planning
2 principles, sound environmental principles consistent with
3 present projected infrastructure. Is it your position that
4 the municipality should attempt to accomodate those units,
5 given that hypothetical?

6 A Well, if it -- yes, if it can it's within its
7 objectives to do it and it's part of its planning goals.

8 To do it, yes, it should do it. When you say
9 "should," then, you have must. This goal may take twelve
10 or fifteen years to achieve.

11 When you say "should they", I mean, over the course
12 of this twelve or fifteen years, planning, as you know, is
13 a continuing thing and the objectives a few years down the
14 road may change and maybe the objective would be to increase
15 that number of units or maybe, it would be to decrease the
16 number of units.

17 Q What --

18 A Just because a plan is adopted and this is the goal,
19 you can't say arbitrarily, yes, this should be done.

20 Q What recommendation would you make, or do
21 you make, to Passaic Township, as an example, recognition
22 that you draw from the fact that you've concluded that your
23 share of total regional housing need in 1990 should be
24 approximately 850 units? Do you make any recommendations
25 to the Township, based on that conclusion?

1 A Let me give you a very specific example, which
2 I think I gave the last time.

3 In the 1972 Master Plan, included in that plan was
4 a housing analysis which was done to determine future housing
5 need for the community; total need as well and low and
6 moderately. That was done in '72 but, we only projected it
7 to 1980, I believe, and that projection served as one of
8 the studies in developing a master plan and in determining
9 where housing should go and what densities and that was
10 incorporated in the master plan and that master plan is
11 what you have to be revised -- going to have to be revised
12 soon and this information from this study should be also
13 incorporated in that master plan.

14 Q On page four of L-14, you use the term, a
15 "normative employment projection." Would you elaborate
16 to me what you mean by that statement?

17 A Well, what we did, was as I think I also described
18 last time, was we made a straight line projection from this
19 information, from 1970, took the 1970 through 1978 annual
20 figures, covered jobs and then made a straight line projection
21 to 1990 and obviously, there's different ways you can make
22 projections and the straight line method can be faulted,
23 certainly, in making a population projection but, we felt
24 in this case it was based on the -- on the figures that we
25 had from 1970. It was the most reasonable projection to make.

1 We had three years of good growth, '70 to '72, including a
2 year of moderate growth, '73 and relative inactivity in
3 '74, declined in '75 and recovery since then so, it provides
4 ups and downs, if you will, that show that the straight line
5 is the most reasonable you could make, assuming that the
6 past is going to repeat itself.

7 I would suggest that, you know, if there are --
8 that these projections can be reviewed yearly because it's
9 -- the same data is available and if there's an indication
10 of some -- something drastically different than what's
11 projected, well then, this can be reviewed and the study
12 revised.

13 Q What does normative mean in this context?

14 A Well, it's not a very descriptive word.

15 Q If it's not a term of art, than I'll drop
16 the question. I thought it was.

17 A No.

18 Q On page twelve, you have a table which presents
19 certain data relevant to covered jobs and occupied households.
20 Could you give me the source of that data?

21 A This is -- the census, you mean, page twelve?

22 Q Yes.

23 A The covered jobs?

24 Q Yes.

25 A That's --

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Q If you can't give it to me precisely now, would you be able to supply me with that information?

A Yes.

Q I would like the specific census book it was taken from.

A Okay.

Q That is, both as covered jobs and occupied households for both the 1960 and 1970 census. Can you supply me with that information? You have to speak.

A Oh, yes, I certainly will.

Q Page fifteen of L-14, you have a table and you use the term, "work force." Can you give me the definition of the term "work force," that's used in that table?

A Yes, that would be the persons over fifteen years of age that are working. When I say "working", that would be over so many hours per week. I'm sure of the figure but, working, essentially, gainfully employed, on a regular basis.

Q This is not identical to those persons in covered employment?

A No, it would not be. It would be a little more than covered employment.

Q Let me ask you, is your position then, that the income distribution that's shown on page fifteen, repre-

1 sents the income distribution for the total work force or
2 is the income distribution for those under covered employment?

3 A Well, the basis is those from covered employment but,
4 see, we did -- in the methodology, the covered employment
5 is translated to work force, to provide for all persons who
6 are employed.

7 Q Well --

8 A That's why it says, "work force," here.

9 Q I understand that but, I'm asking you specifically
10 cally if this income distribution here is an income distri-
11 bution of those persons who are generally in the work force
12 or does it reflect income distribution for those persons
13 under covered employment?

14 A It covers -- it's --

15 Q Are you saying they're identical?

16 A The wages distributed from covered employment --

17 Q So, this is distribution --

18 A -- that, we made --

19 Q Excuse me a second. This distribution
20 represents the distribution of those persons in covered
21 employment?

22 A Covered employment, yes.

23 Q That's now being translated to apply to the
24 total work force on page fifteen?

25 A Yes, it doesn't happen on page fifteen. We use the

1 -- starting on page nine, there is a description of a wage
2 income analysis and the -- on the second -- "these covered
3 employment wages report an analyzed represent only the
4 portion the family and household incomes as there are other
5 sources of income besides wages as well as policy building
6 for more than one wage earner for a family or household
7 unit."

8 And then, initially, to determine the relative
9 and according to family and household income region work
10 force, a comparative analysis was undertaken to determine
11 the relationship of the wage reported for covered jobs
12 in New Jersey for the average and median family incomes in
13 the state.

14 This relationship was then applied to the reported
15 wages to yield the income estimates of regions work force
16 families and households.

17 So, our basis was covered wages and covered jobs
18 and then this was translated to work force and this for
19 both wages and covered jobs.

20 Q Why didn't you simply utilize the percentages
21 that could have been gleaned from the regional median or
22 income of the general population, take fifty percent and
23 eighty percent of that?

24 A Of what region?

25 Q Of the region that you utilized?

1 A That's the purpose of doing this. You take the --
2 we took the -- we determined a regional relationship. When
3 it says "region", that's outside region. All median family
4 income for our region was \$12,544.

5 Q Why was that?

6 A So the objective for the exercise was to get a
7 regional income and since our region is not one county or
8 that state but, a group of municipalities that make up in
9 some cases a whole county but, usually not, it was necessary
10 to go through this exercise.

11 Q Who is outside of the work force as you
12 define work force?

13 A Well, outside of the work force would be those not
14 in the work force, those not employed.

15 Q What categories of people would that include?

16 A Well, retired, unemployed.

17 Q Any others?

18 A Well, there would be the -- no, that would be it,
19 retired, unemployed or not working, because of, you know,
20 school or whatever.

21 Q With the unemployed, you use that as a term
22 of art or do you use it to include persons who are on
23 governmental assistance?

24 A By governmental assistance, do you mean retired?

25 Q I mean persons on S.S.I., Social Security,

1 that would include all those persons not employed?

2 A That is correct, yes.

3 Q Do you have any information or identity
4 analysis as to what is relative to income distribution,
5 what income distributions would be for those categories
6 of people?

7 A No.

8 Q Do you have an opinion in that regard as
9 to whether they would be comparable to the ranges as you've
10 ascertained for those in the labor force?

11 A Have I made a separate study of persons on Social
12 Security?

13 Q No, do you have an opinion as to relative
14 income ranges of persons and families who were not in the
15 labor force, that are similar to persons and families who
16 are in the labor force? Do you believe the ranges of income
17 are comparable?

18 A I'm not sure I understand.

19 Q Okay. You have determined that for those
20 persons and families in the labor force, 14.89 percent and
21 I'm reading from page fifteen, are fifty percent and below
22 the median. Is that not correct?

23 A Yes.

24 Q And you further determined that for persons
25 and families in the labor force -- in the work force, 18.08

1 percent are between fifty and eighty percent of the median.

2 Is that not correct?

3 A Yes, that's correct.

4 Q Do you have an opinion or have you made any
5 analysis as to whether or not the same ranges would hold
6 true for persons and families who are not in the labor
7 force or don't you know?

8 A No, I don't -- I don't have an opinion on that.

9 Q Is it your assumption that they would be
10 the same?

11 A You see, our study, if you look back on the page
12 fourteen, the relationship between jobs and households
13 of .8, that factor takes in those persons who are
14 unemployed or retired.

15 Q I understand that. I'm simply asking you
16 whether it's your assumption that the relative income
17 distribution, as outlined on page fifteen for the work force,
18 would hold for those not on the work force?

19 MS. MC DERMOTT: I thought he already said
20 that he didn't have an opinion on that.

21 MR. BISQUAIER: I understand the testimony
22 is that he didn't have an opinion. I'm now asking
23 whether it was an assumption or is an assumption.

24 A I don't have any assumptions on that.

25 Q Okay. Now, on table two and table three of

1 L-14, it contains certain data and could you briefly describe
2 for me the source and the date of that information?

3 A Well, this table was derived from -- from the material
4 that was part of the study. I mean, it's -- it comes from
5 the study. It was developed by the study. The date is
6 when the study was done. The sources have been given in
7 the study.

8 Q So that, given the tables and information
9 you've given me already, I would be able to derive this
10 information?

11 A Yes.

12 Q So that, I would be mechanically working
13 it out?

14 A Yes.

15 Q Was methodology used to derive this information
16 on the tables, two and three?

17 A I could provide you with a -- the best thing to do
18 probably is to provide you with a -- with Mr. Reading's
19 help, provide you with an example of a format of how it
20 was done.

21 Q Would you be able to do that now or would
22 it be simpler to just send me a letter just explaining it?

23 A I'd rather do it that way.

24 Q Send a letter?

25 A To make sure that I don't get it wrong.

1 MR. DORSEY: You'll see that all of us get
2 copies?

3 THE WITNESS: Yes.

4 MS. MC DERMOTT: Is that in reference to
5 both tables?

6 MR. BISQUAIER: Yes, I'm not asking for an
7 elaborate statement. Just really something that --

8 THE WITNESS: Yes.

9 MR. BISQUAIER: -- you know, would enable
10 me to glean the methodology that was used in
11 arriving at the data.

12 Q Can you describe for me what the distinction
13 between table -- what distinction is between table two and
14 table three?

15 A Well, table two is of the total residents in the
16 county and table three is just the work force families.

17 Q What is the significance of the difference
18 between the data relative to one and relative to the other?
19 For example, table two shows median family income levels
20 for Essex, at 50 percent and below at .1954.

21 Table three shows the same information for your
22 work force resident factor as .1607, which is a difference
23 of approximately -- well, two and a half percent.

24 It obviously -- three and a half percent speaks for
25 itself. I'm just curious as to what the significance of that

1 distinction, if any, in your methodology or analysis is?

2 I just quite simply, I'm asking what function each
3 would play in the analysis that you've done, if there's any
4 function at all?

5 A Well, it's all part of the determining of the
6 factor for the income levels for the region and we took --
7 to come up with a factor for the region, we took the factors
8 from each portion of the region, to come up to -- to develop
9 and how many people were in that portion of the region, to
10 come up with a factor for the entire region.

11 Q Well, what role would the four on table two,
12 play in that?

13 A The specific methodology, this was done -- I would
14 happily again provide that for you.

15 Q Okay.

16 A It was all part of a compilation by Mr. Reading
17 to come up with the figure.

18 Q I show you a document that's been marked
19 L-14 for purposes of identification. Could you please
20 identify that briefly?

21 A This is again a memo from me to Ms. Mc Dermott,
22 regarding local allocation of regional housing and need
23 for Passaic Township.

24 Q I believe you did a similar methodology for --
25 for two other municipalities. Is that not correct?

1 A Yes.

2 Q That would be Roxbury and Hanover?

3 A That -- that --

4 Q But, you did not do one for Rockaway?

5 A No.

6 Q Did you utilize this same methodology in all
7 three cases?

8 A Yes.

9 Q As contained in L--

10 A Yes.

11 Q --13?

12 MR. DORSEY: 13.

13 MR. BISQUAIER: Thank you.

14 Q Yes?

15 A Yes.

16 Q Is it your position -- it is your position,
17 I take it, that this methodology would be appropriate for
18 any municipality in the State of New Jersey?

19 A Yes.

20 Q Why do you believe it is reasonable for
21 Passaic Township, for example, to share in the regional
22 household growth proportionate to its share of regional
23 employment growth? Why do you believe that's reasonable?

24 A Well, I think it's the most direct relationship to
25 housing but, having jobs is the most direct relationship to

1 housing that we have -- the level of jobs is the most direct
2 relationship to housing that we have.

3 It's a direct factoring in locating your home. Where
4 you work, that is one of the most important factors and it
5 is an important factor in how much you can afford to pay for
6 a house, your income from work so, it's -- it is the most
7 appropriate factor I think, you use.

8 Q Is it your position that -- that that is
9 true for each municipality in the state, that they should
10 share their household growth in proportion to their regions
11 employment growth?

12 A It's an important factor in that the communities
13 don't think of themselves as isolated enclaves from their
14 surroundings in housing, anymore than they can, obviously,
15 in road networks, open spaces.

16 They're part of a larger whole and they have to
17 consider the larger whole in their planning, which -- and
18 housing is part of that planning.

19 Q Why do you believe it is reasonable to
20 establish a set percentage of the household growth that
21 you projected as municipalities fair share as low and
22 moderate income household growth?

23 A Why do I think it's fair to --

24 Q Why do you believe that's reasonable?

25 A To first determine the total need and then to

1 determine the low and moderate income need by taking that
2 percentage of the region's low and moderate income families?

3 Q Yes.

4 A Well, it's reasonable because if a -- it provides
5 for that number of low and moderate income families in the
6 region to locate in the municipality, should they work in
7 the municipality or should they -- should their employment
8 be in that area. It's a balancing of the jobs with the
9 housing.

10 Q In other words, you applied a set regional
11 percentage of low and moderate income persons and families,
12 to the derived fair share of the total?

13 A Total households.

14 Q And you believe that that's reasonable to
15 do?

16 A Yes.

17 Q I'm asking you why. Do you believe you've
18 answered that adequately?

19 A Yes, I'll try again, if you say what part of my
20 last answer wasn't satisfactory.

21 Q I'm not saying it's unsatisfactory. I'm
22 just asking if you believe you covered the answer.

23 A Yes.

24 Q Let me ask you, can you think of any reasons
25 why that would not be reasonable or appropriate in a given

1 circumstance?

2 A Well, this isn't to say that a community should limit
3 itself to that number. There may be reasons why that
4 community should provide for more than that number, if the
5 circumstances are that -- that if a larger number isn't
6 more appropriate, those circumstances may be in the kind of
7 employment that's in the community, in the nature of the
8 community and its surroundings.

9 Q How would the nature of the community impact
10 on --

11 A It may be -- it may be a community that is more
12 appropriate for modest cost housing than one that's appro-
13 priate for higher cost housing. It might be a community
14 that's more appropriate for higher density housing than one
15 that's appropriate for lower density housing.

16 These are other aspects that I mentioned before,
17 that must be taken into consideration in developing communities
18 for future development plan so, it's the low and moderate
19 figure as the regional share -- as a percentage of the
20 region low and moderate income families is a guide.

21 That's not to say that, you know, that communities
22 should not provide more or should not provide less. It's
23 a guide. This is what the region's -- this is what it would
24 be if you took a region, took the regional percentage.

25 Q Why haven't you used that allocation method-

1 ology as a factor relative to available vacant land in the
2 municipality?

3 A Well, it's because -- it would provide distortions
4 of the analysis in the community. Let's say we're in a
5 remote area from the built up portion of the metropolitan
6 area. The fact that it had a vast amount of vacant and
7 developable land, is really not a factor for whether that
8 land should be developed for low and moderate income housing.

9 A more important factor would be the number of jobs
10 that were projected for that community.

11 Q Well, you believe --

12 A The mere fact that there's land, you know, doesn't
13 mean it to be built on with housing or with schools or with
14 industries.

15 Q I believe it's your testimony, not only is
16 it not a relatively important factor, it's not a factor
17 at all.

18 A In my methodology, it's not a factor.

19 Q And shouldn't be in any methodology?

20 A Well, it's a factor for developing your master plan.

21 Q But, in a fair share methodology --

22 A Not in a fair share.

23 Q You believe the use of such a factor in fair
24 share methodology would be unreasonable?

25 A Well, I don't use it. Let's leave it at that.

1 Q I know you don't use it. I'm not asking you
2 if something might be reasonable when you don't use it.
3 I'm asking you if you think it's unreasonable to use --

4 MR. NICOLA: I'm going to object to that
5 question. I don't think he can answer it. I don't
6 think it's an appropriate question and I don't
7 think he can answer it.

8 MR. BISQUAIER: Can you tell me why?

9 MR. NICOLA: Because he already explained
10 that he doesn't use it in his methodology and he
11 has a certain methodology and you haven't asked him
12 about other types of methodology and his opinion
13 is that he doesn't use it.

14 MR. BISQUAIER: I understand it's his
15 opinion.

16 Q Have you reached an opinion as, or concluded
17 at any time, as to whether you believe it's reasonable to
18 use a vacant land factor in fair share methodology?

19 A I don't think it's appropriate in fair share
20 methodology.

21 Q What about the factor relevant to municipal
22 wealth, such as relative to assessments and the like, in
23 various municipalities? Do you believe that that is an
24 unreasonable factor?

25 A Again, it's similar to vacant land. It's a distorting

1 factor that takes away from the primary factor, which I
2 think the relationship between jobs and housing, that the
3 theory behind wealth is wealthier communities are more
4 capable of absorbing a greater share of low and moderate
5 income families and, you know, from a planning standpoint,
6 that's not a valid planning factor.

7 Q Have you ever done an allocation plan where
8 you utilized the factor for present need?

9 A Early in my -- some of the studies I've done, I've
10 accepted the D.C.A. figure for the 1970 need.

11 Q What study was that when you accepted the
12 D.C.A. study?

13 A It's a similar methodology but, it just added into
14 -- in the D.C.A. 1970 existing need, this was in Bridgewater,
15 Bernards, also and -- in my Middletownship study, where
16 we had data on the status of the housing because of their
17 unique inspection program, we took the 1970 D.C.A. existing
18 need and updated it, based on the data available in the
19 municipality but, that data is now so outdated that it's
20 not reliable to use.

21 Q Do you believe it was reliable to use when
22 you used it?

23 A This was about five years ago so, it was more
reliable than -- but, I also had a hesitancy in using it
because of the way the data was derived. What would be

1 more appropriate is whether a municipality could --

2 Q What has occurred before?

3 A Like, Middletown had a program where they would --
4 where they would inspect all their dwelling units on a
5 periodic basis and they would have more up to date information
6 on the -- whether the units were standard or substandard.

7 Q What has occurred since the time that you
8 used the D.C.A. data to the time that you did these reports
9 for the purposes of this case, that has changed your mind
10 as to using that information?

11 A Well, I felt that it's just not -- it's -- nothing
12 has occurred other than -- other than the passage of time.

13 Q So, on the basis of passage of time, you've
14 now determined not to use that information?

15 A Well, it's the passage of time and my feeling,
16 growing feeling that it's just not a valid figure to use
17 as part of the master plan development revision or whatever.
18 A municipality could plug in that information.

19 Q Has Passaic Township ever done such a study?

20 MS. MC DERMOTT: What kind of study?

21 MR. BISQUAIER: Of present housing need within
22 the municipality?

23 A No, they have not.

24 Q Have you ever recommended to Passaic Township,
25 that it conduct such a study?

1 A I have suggested that several times, to the Planning
2 Board, the advantages of doing an inspection program similar
3 to the technique used in Middletown Township and the --
4 Passaic Township just doesn't have the resources of Middletown
5 Township to do that sort of thing. They don't have a full
6 time staff on their building inspection department.

7 Q Does Passaic Township have any housing units
8 within it today, which are occupied -- which you would consider
9 to be dilapidated?

10 A No, they do not.

11 Q What is your definition of the term
12 "dilapidated," in responding to that question?

13 A Unfit for human habitation.

14 Q Does Passaic Township today, have any housing
15 unit, whether it be occupied, which you consider to be in
16 a deteriorated state and give your definition of deteriorated?

17 A Deteriorated would be housing which has defects but,
18 would not -- not beyond the point where they couldn't be
19 rehabilitated to make it a standard dwelling.

20 To my knowledge, there are no units like that in
21 Passaic Township, although I have not made a study of the
22 interior of every dwelling unit in Passaic Township.

23 Q Can you give examples of characteristics
24 of an occupied dwelling which, if it contained those
25 characteristics, you would consider the dwelling to be

1 dilapidated?

2 A Dilapidated? If you see the walls in the dwelling
3 units, if the walls are out of plum, there is obviously
4 a structural fault. If there are holes in the foundation,
5 missing windows, these are all signs that very probably,
6 that the building is dilapidated or particularly, in the
7 sagging walls. If it is a structural fault, it determines
8 that it is not worth saving.

9 Q What about interior conditions of an
10 occupied dwelling, which, if they existed, you would consider
11 the dwelling to be uninhabitable?

12 A Uninhabitable? Well, if well -- if it had no heat
13 and/or the heat system was beyond repair, indoor plumbing.

14 Q What would be the basis of any information
15 that you would have regarding dilapidated or deteriorated
16 housing in Passaic Township?

17 A Pardon? What information do I have?

18 Q What -- fine, what would be the basis of any
19 information that you have and what information do you have
20 regarding the existence of dilapidation -- occupied dilapi-
21 dation and occupied deteriorated dwellings in Passaic
22 Township?

23 A Well, the one method of determining this, would be
24 a survey of all of the dwelling units in the town.

25 Q I'm sorry to interrupt you, Carl, I'm not asking

1 you how one would do that. I am asking you what is your
2 present state of knowledge with regards to the existence
3 of occupied dilapidated or deteriorated units in Passaic
4 Township. What is the basis of that knowledge?

5 A The basis -- my knowledge is -- is that to the best
6 of my knowledge, there is no dilapidated and very few,
7 if any, deteriorated and the basis for that knowledge, is
8 that I am the planning consultant in the Township and have
9 been for -- well, since -- since late 1971 and that as the
10 planning consultant, I am in the Township quite often. I
11 prepared the 1972 Master Plan, which included a land use
12 survey which I personally conducted and to do that, I had
13 to visually inspect every parcel of property in the Township
14 and since then, I have in the course of my reviewing site
15 plans and subdivision applications before the Planning Board,
16 have to go out on field inspections, which has taken me
17 to all portions of the Township over the course of time
18 since 1971 and as a result of those inspections, to the
19 best of my knowledge, the conditions which are described,
20 don't exist.

21 Q The inspections that you've done, have been
22 of exterior -- exterior in nature, have they not?

23 A Yes, I think you called them windshield last time.

24 Q Right.

25 A That's correct.

1 Q What is the extent of your present knowledge
2 and the basis of that knowledge with regard to the existence
3 of overcrowded dwellings in Passaic Township and what would
4 you consider to be an overcrowded dwelling?

5 A Well, the situation with overcrowded dwellings is
6 somewhat harder to determine than that of the actual --
7 the building conditions -- so, my knowledge of overcrowded
8 dwellings in the Township is somewhat limited.

9 The definition would be -- my definition would
10 probably be the same that's used in the census, which I
11 believe is more than one person to a room.

12 Q When you say "your knowledge is limited,"
13 do you have any knowledge at all about the existence of
14 an overcrowded dwelling in the Township?

15 A Well, to my knowledge, to the best of my knowledge,
16 there isn't any that I know of. I know of none.

17 Q Do you have a rule of thumb that you use
18 as a planner, to ascertain whether a person or family is
19 paying too much of their income for shelter?

20 A Well, the rule of thumb is, as you know, twenty
21 five percent of one's income, that is the maximum one should
22 pay for shelter.

23 Q Is that a reasonable standard, in your
24 opinion, as a planner?

25 A It's a reasonable standard. I think it could be --

1 in some cases it could be higher. It could go to thirty
2 percent but, that depends on the family.

3 In some cases, they may be able to spend thirty
4 percent without any sacrifice and another family, twenty
5 five percent may be the maximum.

6 Q Obviously if you were wealthier, a greater
7 percentage you would be able to spend for shelter without
8 suffering too much. That would be true, that's a rule
9 of thumb, wouldn't that be true?

10 A That's -- yes, that's true, yes.

11 Q Now, do you have any knowledge and if so,
12 what is it and what is the source of that knowledge, with
13 regard to habitation of dwellings in Passaic by persons or
14 families who are paying greater than what you believe to
15 be a reasonable proportion of their income for shelter?

16 A I have no knowledge of that.

17 Q Do you have any knowledge about existing
18 vacancy rates in Passaic Township?

19 A No.

20 Q You stated that you prepared the 1972
21 Passaic Township Master Plan and also, revision data document
22 relative to that Master Plan. Is that correct?

23 A I prepared the 1972 Master Plan. The 1979 re-adoption
24 was not a revision. It was a re-adoption of the '72 plan.

25 Q Did you stand behind the 1972 Master Plan as

1 a -- as far as the information and the recommendations
2 contained within it?

3 A Of course.

4 Q Has there been any updates that you have
5 done of that Master Plan?

6 A Well, there's been a number of studies, that every-
7 thing that's done is in effect an update, at least insofar
8 as information that goes into the plan.

9 For example, the regional housing need analysis
10 is an update of the 1972 housing study.

11 Q Have you done any other updates that you
12 consider substantial in nature to the 1972 Master Plan?

13 A Yes, I have a map with me that shows some information
14 that updates the information that was shown in the '72
15 Master Plan.

16 Q Could you produce that and have it marked?

17 A Sure.

18 Q Is there a copy of that or is it just --
19 what are the others? Do the others have any information
20 relatively the same that you brought with you?

21 A Yes.

22 Q We may as well have them all marked at the
23 same time to save her time.

24 (Whereupon, the above mentioned map for the
25 Township of Passaic, Morris County, New Jersey,

1 entitled Flood Boundary and Flood Way Map, dated
2 April 30, 1979, having pink, yellow and green
3 colors, marked L-17 for identification.)

4 (Whereupon, the above mentioned map for the
5 Township of Passaic, Morris County, New Jersey,
6 entitled Flood Boundary and Flood Way Map, dated
7 April 30, 1979, having green and blue colors, marked
8 L-18 for identification.)

9 MR. BISQUAIER: Off the record.

10 (Whereupon an off the record discussion
11 took place.)

12 MR. BISQUAIER: On the record.

13 Q You've produced two maps, one marked L-17
14 for identification. Could you briefly describe what L-17
15 is?

16 A This is a -- this is information shown on a base
17 map of the Township. By base map, I mean it's a block
18 line-street map. On this base map is also included flood
19 boundary and flood way map information.

20 Superimposed on this base map in color are shown
21 three catagories. One is vacant land parcels, two, agri-
22 cultural land parcels and third are large parcels that
23 are partially developed.

24 Q And on the map that has been marked L-18 for
25 purposes of identification, could you briefly describe what

1 that is?

2 A L-18 is also a base map of the Township, which has
3 superimposed on it, the flood way and flood fringe areas,
4 which are colored in and also shown are in a shaded pattern,
5 land that's owned by the Great Swamp National Wildlife
6 Refuge and land that's owned by the Township, the State and
7 the County.

8 MS. MC DERMOTT: I want Mr. Lindbloom to
9 clarify what is vacant land on this map in relation-
10 ship to the studies that were done.

11 MR. BISQUAIER: I will get to that.

12 MS. MC DERMOTT: Okay, there is some differ-
13 entiation.

14 Q Carl, you testified that these were two
15 examples of substantial updates to the 1972 Master Plan.
16 I'd like to know if there are any others that you have not
17 at this time produced?

18 A Do you consider the vacant land study part of this?

19 Q Well, you produced that. I'm not talking
20 about any substantial study or document which you prepared,
21 which you consider to be a certificate or substantial update
22 for the '72 Master Plan, whether for the Planning Board,
23 Zoning Board or whatever at any time over the past eight
24 years.

25 MS. MC DERMOTT: What he's done --

1 A Well, there -- I guess I would have to say no,
2 although there has been a number of things done to implement
3 the Master Plan since 1972, since it was adopted. There were
4 a number of things related to the Master Plan in implementing
5 it, a number of ordinances that were passed and so forth.

6 Q Other than the actual ordinances adopted by
7 the municipality, there's nothing else to your recollection?

8 A Not to my recollection.

9 Q Were there any analysis or work papers that
10 you did prior to or at the same time of the 1972 Master
11 Plan which -- the contents of which or the conclusions of
12 which are not contained in the Master Plan?

13 A No.

14 Q What is the present state of your knowledge
15 with regard to the existence of multi family dwellings in
16 Passaic Township?

17 A If you include in your definition of multi-family,
18 everything other than the single family detached houses,
19 there's approximately two hundred and eleven.

20 Q Are you capable of breaking those down by
21 the number of units that -- that are contained in the
22 structure? How many, for example, are two family structures?
23 How many are three family?

24 A I don't have the precise figures but, it's virtually --
25 all are two family structures with some three and four family.

1 Q Do you have any knowledge as to whether
2 these dwellings, all or any of them, are rental dwellings?

3 A Three and four family are, to the best of my knowledge,
4 all rentals. Obviously, some of the two families are and
5 as I'm sure some of the one families but, I have no knowledge
6 of that.

7 Q How many of the three and four family structures
8 are there?

9 A Approximately a half dozen.

10 Q So, there are six structures that contain
11 four units in each structure?

12 A To the best of my knowledge.

13 Q Yes?

14 A I don't -- I can provide you with more precise
15 information on that.

16 Q Yes, if it's not a great endeavor, I would
17 appreciate it. I don't mean to send you off on a walking
18 tour of the Township.

19 A No, this would be based on my 1972 land use.

20 Q Would it be contained within the 1972 land
21 use plan?

22 A Not in the report, no but, on my 1972 land use map,
23 I have marked those -- I have -- it's a colored map. I'm
24 sorry I didn't bring it today.

25 It's 1972 but, it does show the -- in the one -- in

1 the light yellow, it shows the single family residences
2 and multi family is in a darker shade of yellow and then
3 marked on each lot is the number of units in that multi
4 family structure so, I can provide you with that.

5 Q Well, that's not necessary. It's more or less
6 six structures with three or four dwellings in each structure.

7 MS. MC DERMOTT: Is that only for 1972?

8 THE WITNESS: That was for 1972 but, there
9 have been no such structures since then.

10 Q Do you have any knowledge as to the rental --
11 actual rentals -- backing up a second, do you have any
12 knowledge as to whether the units that are available for
13 rent in these structures, do you have any knowledge of their
14 bedroom configurations?

15 A No.

16 Q Do you have any knowledge as to the actual
17 rentals in Passaic Township, any structure?

18 A No.

19 Q Does anyone in Passaic, to your knowledge,
20 have such information? Anyone in official capacity?

21 A Not to my knowledge.

22 Q Do you have any knowledge as to sales in
23 Passaic Township, as to the market value of homes, the costs
24 of homes in Passaic?

25 MS. MC DERMOTT: As of what, any time?

1 Q As of any time frame that you may have
2 gleaned that information?

3 A New houses --

4 Q New or resales.

5 A No, I don't.

6 Q Do you have positions as to whether there
7 is any housing in Passaic Township today, which is available
8 or occupied by persons of low and moderate incomes, using the
9 standard that you used in your reports?

10 A No, I do not.

11 Q You've never undertaken such a step?

12 A No.

13 Q Does anybody, to your knowledge in Passaic
14 Township, have any knowledge as to whether any exists within
15 the Township, vacant and standard dwellings, which are
16 affordable by low or moderate income persons or families?

17 A The only people that might have that knowledge,
18 would be the -- those who have units that are available.
19 You know, that rent units in the Township.

20 Q You mean the natural owner or lessor?

21 MS. MC DERMOTT: I have one question to
22 clarify. When you said "affordable by low and
23 moderate income persons," what was your definition
24 of affordable?

25 MR. BISQUAIER: I was using Carl's definition

1 of the twenty five percent of income.

2 MS. MC DERMOTT: Okay.

3 Q This may be in your prior answer but, do
4 you have any knowledge as to whether any housing has been
5 built in Passaic Township since 1970, which is standard
6 housing and also affordable by low and moderate income
7 persons?

8 A There has been a number of two family units built
9 in the Township since 1970 and I am confident that they
10 would be affordable by moderate income families --

11 Q Do you have --

12 A -- but, I doubt that they would be affordable
13 by the definitions that we have for low income.

14 Q How many such two family structures have
15 been constructed, to your knowledge, since 1970?

16 MS. MC DERMOTT: Table three.

17 A In my report on table three, I show several multi
18 family, which is two or more dwelling units per structure
19 built since 1970 and we had a couple also, last year so,
20 it would approximately ten.

21 Q And those that are indicated in L-15 on
22 table three, as being built subsequent to 1970, were all
23 two family structures?

24 A I believe that's correct. I have that information
25 in my office from the building inspector but, I think they're

1 all two family.

2 Q If you find that not to be correct, would
3 you inform me?

4 If I don't hear from you, I'll assume that's correct.
5 You do not have, I take it, any knowledge as to what the
6 sales prices were to the individual units or do you?

7 A No.

8 Q Do you know any -- you do not know of any
9 of those units that were marked for rent, as opposed to
10 sale?

11 A I think most of them were built by residents of the
12 Township, to live in one half and rent out the other half.

13 Q What is the basis for your belief or opinion
14 or assumption, that one or more of those units would be
15 affordable by a low or moderate income person or family?

16 A I said that I thought that the two family would be --
17 would rent at a level affordable by a moderate income
18 family but, I thought I said I doubted that it would be
19 applied to a low income family.

20 Q I'm sorry. You did. I didn't mean to mis-
21 characterize what you said. I'm just curious, what would
22 be the basis for any assumption or opinion that you have,
23 that such a unit could be affordable by a moderate income
24 family?

25 A When I say "moderate," of course it would be the

1 upper hand of the moderate range but, these are -- these
2 two family units are those that have been built and some
3 are small units and my guess is that they are probably just
4 two bedroom units.

5 Q And you have no other --

6 A I have no other information to base that assumption
7 on.

8 Q When you say "they're small units," do you
9 know the actual square footage contained?

10 A Most of them are on fifty by a hundred foot lots
11 so, it would probably be around twelve hundred square foot
12 size. That is my guess.

13 Q Have you ever recommended to Passaic Township,
14 that it incorporate within the municipality, areas which you
15 -- which should be zoned for higher density, multi family
16 uses?

17 A Yes.

18 Q What recommendations have you made?

19 A In the 1972 Master Plan, let's say I recommended,
20 of course, that the Master Plan was -- I prepared the
21 Master Plan for the Planning Board and it's their plan but,
22 it does include several areas for multi famili housing.
23 The purpose of the multi family housing was to meet the
24 need that we had determined in our 1972 study.

25 Q To your knowledge, was that recommendation

1 accepted by the governing body of Passaic Township?

2 A In part it was in that they did adopt the Planning
3 Board's recommendations regarding standards for multi family
4 housing.

5 Q To your knowledge, did the governing body
6 create zones for multi family housing within the Township?

7 A They have not created the zones.

8 Q Do you have any understanding of, or knowledge,
9 as to why they did not actually create the zones, as
10 recommended by the Planning Board and by yourself?

11 A Not any direct knowledge. I understand though, that
12 it's because of the sewer situation and the fact that we
13 do not have sewer capacity for new development and they
14 are now under a sewer ban by the State.

15 Q Did you participate in any meetings where
16 such housing, multi family housing, at higher densities,
17 was discussed by the governing body?

18 A Yes.

19 Q To the best of your recollection, could you
20 state what the nature and purpose of such discussions were?

21 A The purpose was to explain the standards proposed
22 for multi family housing, to the Township Committee and the
23 basis for those standards and the Planning Board's recom-
24 mendation for the multi family zones.

25 Q Is it your understanding that the only reason

1 for not including multi family zones within the Township,
2 is because of a problem relating to sewers?

3 A I don't know of any -- if there has been any official
4 explanation in the Township but, it's my understanding that
5 that's the primary reason.

6 Q Have any other reasons been given to you?

7 A No.

8 MS. MC DERMOTT: For the record, I'd like
9 to note that I can supply you with the minutes when
10 they turned down -- I mean, actually decided not
11 to zone at this time. The main reason is the sewer
12 ban, but there were a few other factors that were
13 given. I don't want to limit it to that.

14 MR. BISQUAIER: Fine, maybe you can supply
15 that.

16 THE WITNESS: I might add that I wasn't at
17 that meeting.

18 MS. MC DERMOTT: That was the recent passing
19 of the zoning ordinance of '79.

20 Q To your knowledge, has there been any attempts
21 by any land owners or developers, a person with an interest
22 in any land in Passaic Township, to develop multi family
23 housing within the township?

24 A Yes.

25 Q Two, three, four units per structure?

1 A Yes, there have been.

2 Q Can you indicate to me what all of them
3 were?

4 A Yes, obviously when the 1972 Master Plan was
5 adopted by the Planning Board, which included proposals
6 for multi family houses, a number of land owners that had
7 land in the area designated in the Master Plan for multi
8 family housing and those that had land that was not in the
9 areas designated for multi family housing, came to the
10 Planning Board with proposals for developing multi family
11 housing on their land and it was a very useful process for
12 the Planning Board because we -- through that process,
13 developed the -- it helped in our development of the standards,
14 which at that point hadn't been yet developed for the zoning
15 and you also asked where they were located, did you or
16 what was the rest of your question?

17 Q I'm now kind of curious as to what was the
18 nature of these presentations. Were these requests for
19 variances? Were these people testifying at a hearing?

20 A Oh, this was after the Master Plan was adopted
21 and the Board was on record with this Master Plan, that they
22 favored multi family housing and then applicants came
23 forward for proposals for development of their properties.

24 Q You said there were actual variance requests?

25 A No, the Planning Board doesn't handle variances but,

1 there were development proposals because there was no
2 standard yet, no ordinance developed so, the Planning Board --
3 the persons came forward to the Planning Board and the
4 Planning Board said to them, "well, we haven't yet developed
5 a standard. It would be very helpful to us if you would
6 present us some, develop a sketch proposal and nothing
7 elaborate," and they went and did that and we had a number
8 of meetings with developers, where they presented proposals.

9 Q What were the nature of the proposals, to
10 the best of your recollection?

11 A What do you mean by "nature"?

12 Q What was the development plan?

13 A Mostly townhouses or apartments. It was a mixture.

14 Q Townhouses, garden apartments, mid-rise,
15 high-rise?

16 A Townhouse and garden apartments, exclusively.

17 Q Were the proposals with specific densities?

18 A Yes.

19 Q What were they proposing?

20 A They were -- it varied between six and twelve roughly
21 to eight an acre, depending on the type of unit and the
22 area.

23 Q And it was from these meetings that the
24 Township or Planning Board then derived certain standards?

25 A Yes.

1 Q What standards were those?

2 A We have a number of standards, actually, because
3 we have two zones. We have a zone by rights, which is our
4 multi family zone and then we have a conditional zone.

5 Q So, if I wanted to see those standards,
6 those that the Planning Board gleaned from these suggestions
7 with the developers, where would I look?

8 A In the zoning ordinance. The conditional standards
9 it has a much higher density, up to seventeen units per
10 acre. Then, the multi family by right zone which is in
11 different areas and it's six for townhouses and eight for
12 garden apartments.

13 Q Did you ever suggest any specific map before
14 for those multi family units at those densities?

15 A Yes. They're on the Master Plan map.

16 Q Those contain all your recommendations as
17 to appropriate sites for multi family housing?

18 A Yes, although the Master Plan does, while it
19 recommends specific sites, it also suggests that the --
20 an area which we call the Valley Road corridor, is the
21 appropriate location for multi family housing.

22 Q Has any developer or land owner come
23 forward in Passaic Township, requesting a variance to
24 construct multi family housing?

25 A Yes and I'd like to correct an answer that I gave

1 earlier. I said there was no -- no three or four bedroom
2 units since 1970. You just reminded me that there was
3 a variance for four family that was -- has just been
4 completed. I don't know if it's been occupied yet.

5 Q Is that the only variance for a multi family
6 unit that you're familiar with?

7 A I get involved with mostly the use variance requests,
8 as I do review them with the Board of Adjustment. Not all.
9 They do send me most of them, the major ones and let me
10 say, to the best of my knowledge, that's the -- there
11 may have been a number of others, you know, two family
12 variances or something like that, which they would send
13 me, which may or may not have been granted but, when you
14 say -- if you say major multi family developments I --
15 to the best of my knowledge, there hasn't been any.

16 Q The four family one you just referred to,
17 where was that located?

18 A It's this piece right there. It's on Mountain
19 Avenue, south of Valley Road, on the easterly side of
20 Mountain Avenue.

21 Q And that's a parcel of land which is to
22 some extent, intersected by the flood way fringe line on
23 the map?

24 A Yes, the southerly portion of the lot is -- was
25 not developable because it was subject to flooding.

1 Q Do you recall the size of the parcel, the
2 whole parcel?

3 A Well, I think if you said a half acre, it would
4 be close enough.

5 Q To your knowledge, has there been any
6 interest or discussion in Passaic Township, with regard to
7 the construction of subsidized housing?

8 A Has there been any interest? Yes.

9 Q What? Can you state what that has been?

10 A There is an application now -- strike that.

11 A developer proposing to put up subsidized housing
12 is now in discussion with the community.

13 Q What is the name of the developer?

14 A Don Cohen.

15 Q Can you state where that lot is located,
16 that Mr. Cohen wishes to develop for subsidized housing?

17 A Yes, it's the south side of Valley Road, a quarter
18 of a mile west of Main Avenue.

19 MR. BISQUA IER: Off the record.

20 (Whereupon an off the record discussion
21 took place.)

22 MR. BISQUA IER: On the record.

23 Q What is the nature of the development
24 proposal?

25 A Senior citizen housing.

1 Q For how many units?

2 A That hasn't been determined yet. It's about a
3 seven acre piece of land and it depends on whether he goes
4 to single family -- not single family, single story structures
5 or multi story structures. That will effect his density.
6 It will be between fifty and one hundred.

7 Q Fifty and one hundred units?

8 A Yes, depending on, you know, with the senior
9 citizens, you either go one story or you go multi story.

10 Q What is the status -- when was this first
11 proposed?

12 A Well, there's been a senior citizen housing committee
13 in the Township for possibly five years and they've been
14 looking for sites and trying to interest developers and
15 Mr. Cohen has been involved with them for, I guess, a year
16 and a half or two years.

17 I don't know for sure and they've been looking at
18 various sites and they came up with a site last year that
19 the committee rejected.

20 Q Which committee?

21 A The Township committee.

22 Q Where was that site?

23 A Where the so-called old silk mill site was, it was
24 a mill that burned down.

25 Q Where is that site located?

1 A It's this piece in Stirling, south of the Railroad
2 tracks, west of Main Avenue.

3 Q How is that proposed? You say it was proposed
4 to the committee. In what nature and what form did the
5 proposal take?

6 A He had a sketch showing a proposed structure.

7 Q Who is "he"?

8 A Mr. Cohen.

9 Q He owns that parcel of land as well?

10 A No.

11 Q He has an interest in the land?

12 A He has, I guess he has an option to buy. I don't
13 really know and he proposed a structure with -- next to
14 the silk mill, which is only about five acres.

15 I think it was only about eighty five units.

16 Q Again, what was the form of the proposal?

17 Was it --

18 A Senior citizen housing.

19 Q I'm sorry. Was it just preliminary discussion
20 with the committee or was it a variance request?

21 A Just preliminary discussions with the committee.

22 Q And you say the committee turned him down.
23 What do you mean by that?

24 A Well, I wasn't there when the decision was made but,
25 I think -- I don't think the actual vote was taken or it

1 was indicated that there wasn't enough votes to effect a --
2 the change necessary, the zoning change he was requesting.
3 He was requesting a zoning change.

4 Q Do you recall whether that took the form
5 of a formal resolution?

6 A No, I don't know.

7 Q Do you know if the minutes were taken of
8 the meeting?

9 A Well, I'm sure they were.

10 MS. MC DERMOTT: I really don't know
11 specifically. Off the record.

12 (Whereupon an off the record discussion
13 took place.)

14 MS. MC DERMOTT: On the record. I don't
15 know. I could probably find out but, I don't have
16 any --

17 MR. BISQUAIER: Would you just check, if it's
18 not a lot of trouble?

19 MS. MC DERMOTT: I'll try to find it.

20 Q It sounds like it was an informal meeting.

21 A To the best of my knowledge, the committee members
22 objected to the location of the site, its proximity to the
23 railroad.

24 Q Did you render any opinion with regard to
25 the site?

1 A Yes, I favored the site. I favored it.

2 Q Did you submit any formal report or written
3 report regarding the site?

4 A No. It's one of the sites that I have recommended
5 in the past in the Master Plan for multi family housing.

6 Q What was the basis for favoring the site
7 for senior citizen housing?

8 A It's close to a lot of the community facilities,
9 that would be attractive for a senior citizen housing site.
10 There's a -- it's only a few steps from some small shops.
11 It's close to -- reasonably close in walking distance to
12 two churches, Township Library, a park and a school where
13 there might be programs for entertainment.

14 Q What was the basis of the municipal rejection?

15 A The proximity to the railroad, which is admittedly
16 a detriment to the site and since the master plan recommenda-
17 tion, the State has taken over the railroad and the -- they
18 proposed to electrify the line or change the voltage, which
19 would require a new transformer and over the objection of
20 the Township and the Planning Board, they are locating the
21 transformer on the railroad property, adjacent to the site.

22 Q Why do you not believe that was a sufficient
23 reason to recommend rejection of the site?

24 A Well, I think that the -- the proximity of the site
25 to the community facilities.

1 Q You believe that was an overriding --

2 A Yes, overriding. I think the two -- the problems
3 of the railroad and the transformer, I think they could be
4 overcome with the building design, but, it would cause
5 added expense. Another problem is that the site is also
6 desirable as a location for a new municipal complex because
7 of its -- because of the particular location.

8 Q Do you have any other reasons that were given
9 formally or informally, for rejection of that site by the
10 committee?

11 A Well, I think this is just secondhand but, I think
12 some of them thought it was too small.

13 Q Too small a site?

14 A Too small a site.

15 It's only five acres.

16 Q Too small for the number of units proposed
17 or too small generally for subsidized housing?

18 A I guess on a combination of both.

19 Q Now, was there any other -- were there any
20 other sites which were proposed for subsidized housing for
21 a developer or land owner or person with an interest in the
22 land in the township?

23 A Not -- well, this same developer is now -- to the
24 best of my knowledge, no. Not for subsidized housing.

25 Q Well, you seem to be hesitant.

1 A Well, it's been so long. We have had some discussions
2 with a developer who wanted to put some multi family housing
3 up in the swamp and I'm not sure whether I recall whether
4 he was talking about -- whether it was going to be --
5 I believe there was going to be some moderate cost housing
6 but, I don't recall whether he specified subsidized or I
7 don't think he did.

8 That property has since been acquired by the govern-
9 ment for wildlife refuge.

10 Q What about the site regarding seven acres,
11 the site previously referred to for subsidized housing?

12 A The Township committee has asked me to prepare a
13 sketch site plan to show how the site might be developed
14 for -- on a one story basis, how many -- approximately how
15 many units you might get on the site.

16 Q Have you done that?

17 A I have to do it by Monday night.
18 I haven't started it yet.

19 Q Has a committee given any preliminary indi-
20 cation one way or another, as to whether it intends to move
21 forward with this project on this site?

22 A Well, I met with them last week. They all indicated
23 they were in favor of developing this site. There was an
24 informal poll taken.

25 MR. BISQUAIER: Off the record.

1 (Whereupon an off the record discussion
2 took place.)

3 MR. BISQUAIER: Back on the record.

4 Q Do you have any knowledge as to whether
5 there has been any litigation in the Township with regard
6 to the zoning for residential housing?

7 A In the -- all the time I've been associated with
8 the Township, there hasn't been.

9 MS. MC DERMOTT: There was an indication
10 with reference to --

11 MR. BISQUAIER: Housing.

12 THE WITNESS: Housing.

13 To the best of my knowledge --

14 MS. MC DERMOTT: Just zoning problems?

15 THE WITNESS: I haven't been involved in
16 any. I'm quite sure there hasn't been any.

17 Q What is your opinion as to the impact on
18 Passaic Township of its proximity to Routes 78 and 287,
19 as they presently exist?

20 A It's an interesting question because when I started
21 with the Township in late '71, Route 78 had just been
22 recently opened and a lot of the Township had anticipated
23 that the opening of 78 would -- development of 78 would
24 increase the pace of development in the Township and of
25 course, that just hasn't happened at all and when you look

1 at the map of 78 and the road connections to the Township,
2 you can see why there is virtually no relationship between
3 78 and 287 within Passaic Township. It's very circuitous
4 to get from either road to the Township.

5 Q You do not believe, then, that the proximity
6 of the routes has had any impact on the development of
7 the Township?

8 A I can say catagorically that it hasn't.

9 Q Has the Township done anything, to your
10 knowledge, other than creating the specific signs to
11 encourage or entract industrial or commercial growth?

12 A The Township has an economic development committee
13 and their function is to assist the economic developments
14 to locate in the Township. They don't have a staff. They're
15 just part-timers, of course.

16 Q Can you state what, if anything, has been
17 done in order to so attract economic development?

18 MS. MC DERMOTT: If you know.

19 MR. BISQUAIER: Exactly.

20 MS. MC DERMOTT: I don't know what he knows.

21 A There was in about 1969 and this was part of the
22 data that I looked at in developing the Master Plan, there
23 was a report that had been apparently done by the previous
24 economic development committee to send out to industries,
25 I guess, to show what sites were available, how they were

1 zoned and so forth in the Township and it's -- the relation-
2 ship to the Township 278 and it didn't result, to the best
3 of my knowledge, in any new ratables coming into the town.

4 Q Other than the existence of the economic
5 development committee, to your knowledge, has the munici-
6 pality done anything to attract specific commercial or
7 industrial development?

8 A You mean do they advertise in the Wall Street Journal,
9 that sort of thing?

10 Q Have they specifically zoned -- requested
11 the specific commercial developers, in order to enable them
12 to locate within the Township or to expand in the Township,
13 have they given any tax incentives for such development?
14 Have they in any way, you know, other than the formal
15 adoption of the existing zoning ordinance, which provides
16 zones for commercial and industrial development, enhanced
17 the ability of the developer to either provide a commercial
18 industrial use or expand an existing one?

19 A Well, there's two examples that I can give you, both
20 pro and con. As a result of the '72 Master Plan, a large
21 parcel that had been zoned for office development was rezoned
22 for residential development. We felt in the Master Plan,
23 that the land was not suitable for office development and
24 that was rezoned and it's now being developed residentially.

25 On the other hand, the last year or the year before,

1 the economic development committee --

2 Q Before you get into that example, I don't
3 mean to interrupt. I want to discuss this one that you
4 just mentioned. Has there been a developer interested in
5 that parcel that was rezoned as residential, to commercial
6 industrial growth?

7 A Not to my knowledge, no.

8 Q Okay, sorry to interrupt you.

9 A I think this goes back to the sixties. I think it
10 was -- may have been zoned in the anticipation of being
11 developed for that purpose but, it never came off but,
12 that's -- I have no knowledge of that. The other example
13 is that there is a parcel of land that's zoned for
14 economic development and it also contains a -- there's a
15 proposal to develop a storm water detention basin in that
16 same parcel, to help alleviate the flooding problem we
17 have in the Township and the economic development committee
18 proposed to apply to the Farmer's Home Administration
19 for funds to develop plans for that detention basin and
20 develop the land around the basin for industrial purposes
21 which -- for which it was zoned.

22 We submitted an application to Farmer's Home and
23 this required a commitment on the part of the Township for
24 their share in the funding and the Township Committee
25 declined to go along with the proposal.

1 Q Can you think of any other examples along
2 this line?

3 A No, I can only -- I mentioned those two because
4 I was directly involved and I don't know of any others.

5 Q Are you familiar with the growth of employment
6 in adjacent and nearby municipalities to Passaic Township?

7 A Yes, I am.

8 Q Do you have an opinion as to whether the
9 creation of or existence of such employment is creating a
10 demand for housing? Could it create a demand for housing
11 in Passaic Township?

12 MS. MC DERMOTT: Is it is or could?

13 MR. BISQUA IER: Both. Has it or could it.

14 A The one -- the major impact in terms -- in the region,
15 in the communities surrounding Passaic, is the 3,500 employees
16 at the Basking Ridge, AT & T Complex and perhaps, somewhat
17 less, the additional flow, one thousand or so, at the
18 Bedminster AT & T, Longlines Complex. The Township was
19 concerned that this would put pressures on the Township but,
20 to the best of my knowledge, it hasn't occurred. I think
21 from my experience with the community, a community in the
22 Hunterdon Township, which surrounded Flemington, I did the
23 master plan there a couple of years ago and they have --
24 seem to have gotten a lot of pressures for housing out there,
25 rather than Passaic Township.

1 Now, I don't know if that's because of the availability
2 of land for housing in Raritan as against the lack of
3 availability in Passaic.

4 Q How were those pressures experienced in
5 Raritan?

6 A Through my knowledge, through conversations with
7 realtors who are on the planning board and with the pressures
8 for the development of the planned residential developments
9 which were proposed in the township.

10 Q So, Raritan had planned residential zones
11 and with the onset of employment centers, there became
12 development interest in pursuing the development of those
13 zones?

14 A Yes.

15 Q Have you yourself, proposed that Passaic
16 undertake any specific action to encourage subsidized housing
17 within the Township?

18 A In our standards for multi family housing, we provide
19 an incentive for developers wishing to develop subsidized
20 housing, where there's a ten percent increase in the density
21 of the additional units under that incentive are developed
22 as subsidized housing.

23 Q Other than that, have you made any proposals
24 for the municipality, in terms of how they could encourage
25 the development of subsidized housing within its borders?

1 A No.

2 Q Have you made any proposals to the Township
3 other than what I might be able to glean from this
4 existing ordinance, which would encourage the development
5 of housing built consistent with minimum standards for health
6 and safety, known as least cost housing?

7 A Have I made proposals of how least cost housing
8 could be built?

9 Q Yes.

10 A Proposals for how the municipality might encourage
11 development incentive to encourage it?

12 MS. MC DERMOTT: Could you define "least
13 cost housing" in terms of the question?

14 MR. BISQUAIER: I'm attempting to use the
15 judicial definition, which is the only one the court
16 has articulated in Madison, minimal standard for
17 protection of public health and safety, as the
18 court articulated in the Madison case.

19 A Other than our zoning standards which I think
20 addressed that, I haven't made any specific proposals.

21 Q Do you know if the Township of Passaic was
22 part of the community development program, the community
23 development act from 1974?

24 A To the best of my knowledge, it's not.

25 Q Have you ever recommended that it participate

1 in such a program?

2 A Well, a couple of years ago we, the economic committee,
3 did attempt to make an application to the community for
4 funding but, it didn't get very far because of the -- it
5 appeared they would be very low. There was very limited
6 funding in Passaic Township and would be low on the --

7 Q To your knowledge --

8 A -- priority list.

9 Q Passaic is a member of the municipality
10 in the County Community Development Program or is it not?

11 A I'm not sure. I haven't been involved.

12 Q Do you know if Passaic Township is a member
13 of the municipality within the County Housing Authority?

14 A I don't know.

15 Q Do you know if Passaic Township itself has
16 a housing authority or designated local public agent?

17 A No, it does not.

18 Q Have you personally taken a position or
19 recommended that Passaic join the County Housing Authority
20 or itself, create one or designate a local public agent?

21 A No, I haven't.

22 Q To your knowledge, has Passaic Township
23 ever adopted a resolution of need, as required by the
24 State Housing Financial Agency for projects to be built
25 with the borders of the municipality?

1 A To my knowledge, it has not.

2 Q To your knowledge, has the Township taken
3 a position with regard to the provision that payment in lieu
4 of taxes agreement that may be necessary for subsidized
5 housing?

6 A It hasn't, of course, because it doesn't have that
7 kind of housing but, it has discussed that with the present
8 developer, Mr. Cohen, who proposes to put up the senior
9 citizen housing and in fact, explained that to the Township
10 committee last week.

11 Q To your knowledge, is there a formal or
12 informal decision taken by the committee with regard to that?

13 A No but -- they understood it and there was no
14 objections raised.

15 Q To your knowledge, are there any Section 8
16 or subsidized housing in the Township of Passaic, of any
17 kind whatsoever?

18 A To my knowledge, there is not.

19 Q Now, in your work in the Township of Passaic,
20 do you also review major development proposals for the
21 Planning Board?

22 A Yes.

23 Q And does your review of those proposals take
24 written form?

25 A Yes.

1 Q Do you have in your possession, in your
2 office, copies of such written comments that you have made?

3 A Yes.

4 Q Are they in one place?

5 A In one place?

6 Q Do you have them collected in one place or
7 are they in files all over the place? In other words, if
8 I wanted to see them, do you have them in a place where they
9 would readily be available to be looked at?

10 A I could dig them out for you, sure. It's not that
11 much.

12 Q Could you kindly do that?

13 A Which ones do you want to see? I could send you
14 copies.

15 Q All the development proposals you have reviewed
16 for the Township. I thought you said there weren't many.
17 That's why I said all.

18 A All housing?

19 Q No, housing or commercial or industrial or
20 any development proposals.

21 A Well, let's try and limit this to major. What do
22 you define as major? I can --

23 Q I guess, you know, what would be a major
24 subdivision or a comparable proposal in the commercial or
25 industrial sphere. I'm not talking about a ma and pa store

1 in the corner that wants to expand. I'm really talking
2 about significant employment facilities or residential
3 major subdivisions.

4 MS. MC DERMOTT: That sounds like it is very
5 broad. I have no idea myself.

6 THE WITNESS: Well, it is over seven years
7 but, there isn't that many major ones.

8 Q Why don't you see if that's something that
9 could be done with relative ease. If it's not, perhaps
10 Mary and I can talk about the appropriate way to handle this.

11 MS. MC DERMOTT: I have no idea myself.

12 MR. BISQUAIER: I'm not formally subpoenaing
13 you.

14 A If you can tell me what you're interested in, I can
15 dig out the ones.

16 Q I don't really have specific ones in mind
17 or I would articulate my request better. I would like to
18 review your work in the municipality as it relates to major
19 development proposals. I'm certainly interested in minor
20 subdivisions or --

21 MS. MC DERMOTT: This is housing, commercial?

22 MR. BISQUAIER: Small commercial, industrial
23 development proposals, yes. Is that agreeable to
24 all of us? Carl, you can see what you can put
25 together. If it looks like it's too difficult to

1 respond to this request, just let Mary know and
2 she and I can talk about it.

3 A The problem is with the Valley Mall. It's a mall,
4 shopping mall. It's one of the major ones for Passaic
5 Township.

6 Q See, that's it.

7 A That involved -- oh, you know, half a dozen employees
8 going from the sketch plat -- sketch site plan proposal to
9 the final, so it involved numerous -- it's not that simple.

10 Q See what shape this will take. If it looks
11 too burdensome to you, if it will take too much time, let
12 Mary know.

13 MS. MC DERMOTT: We can arrange --

14 Q We can arrange for someone from my office
15 to go.

16 MS. MC DERMOTT: When you say major, what
17 do you mean by major?

18 MR. BISQUAIER: I'm talking about what would
19 be significant in the context of Passaic.

20 MS. MC DERMOTT: Okay.

21 MR. BISQUAIER: Off the record.

22 (Whereupon an off the record discussion
23 took place.)

24 MR. BISQUAIER: On the record.

25 Q Do you have any knowledge as to proposals

1 in Passaic or those interested in Passaic today, for the
2 expansion of commercial or industrial facilities or for the
3 inclusion of new facilities with the municipality?

4 A Industrial or commercial?

5 Q Or office or any non-residential use.

6 A It's very limited and -- for the obvious reasons
7 from this map of -- there are considerable constraints on
8 the land in the -- particularly in the Valley Road area
9 where those uses are appropriate and most of the industrial
10 commercial we get are very -- industrial would be small.
11 Small manufacturing uses and commercial would be small shops.

12 Q And there's no major employer development
13 proposal for commercial or industrial development that you
14 know of, in the Township today?

15 A The major industrial development that we've had --
16 since I've been there, has been the conversion of the existing
17 plant. National Gypsum was taken over by a local man who
18 uses it for his business and he's expanding it.

19 By expanding, I mean he's going into -- it was in
20 a rundown condition and he's improving it and adding here
21 and there but, there's no major new commercial or industrial.
22 The last major one was the Valley Mall.

23 Q When was that developed?

24 A That was in 1972 and it was built in, I guess,
25 1973 and it consists of a supermarket and a number of

1 related stores.

2 Q Do you know how many employees were generated
3 by the Valley Mall?

4 A Well, it's the supermarket, that probably generates
5 the most of them because I don't know if they're still open
6 twenty four hours but, that was a big controversy in the
7 town. They were going to be open twenty four hours. A
8 supermarket twenty four hours could generate a hundred
9 employees. The other shops, it would be very few.

10 Q That would be a hundred full time employees?

11 A That would be everything, part time and full time.

12 Q Do you have any estimate for the kind of
13 population of Passaic Township?

14 A Well, to the best of my knowledge, the most recent
15 figure which we have from both the State and Census Bureau,
16 show it's slightly below what it was in 1970.

17 Q That's the estimate reflected in your May,
18 1979 report, L-15, on page -- table two?

19 A Since this was done, the State Labor and Industry
20 came out with a 1978 figure which was in the area of 7,100.
21 It is still below the 1970 census.

22 Q What State document are you referring to
23 at this time?

24 A There's an annual report on population by municipality.
25 It's put out by the -- whether it was -- I think it was the

1 Division of Planning and -- no, anyway. It's an annual
2 report.

3 Q Do you know their estimates are done?

4 A They -- I don't know how they're doing them now
5 but, they did rely on the reports that they also got from
6 each municipality on the number of building permits issued
7 yearly. I don't know if they still use that methodology
8 or not.

9 Q How would you account for the decline in
10 the population as reflected in table two, given the increase
11 in building permits?

12 A Well, the limited number of building permits has
13 been offset, I assume, by the reduction in the size of
14 the household.

15 Q Do you have any knowledge as to that was
16 computed? Reduction in the size of household, that's just
17 by conjecture.

18 A But, I don't know what else it could be. We haven't
19 had that much of a loss of dwelling units. We have a net
20 gain in dwelling units.

21 Q Has there been any loss in the dwelling
22 units in the town?

23 A For example, Valley Mall, one house was demolished,
24 that sort of thing.

25 Q What would be your estimate of the number of

1 units that were occupied, which were demolished since 1970?
2 A Approximately one a year. The reason for assuming
3 a loss, a decrease in the household size, is the decline
4 in our school age population.

5 Q Table four of L-15, you show data relating
6 to tax exempt land areas.

7 A Yes.

8 Q Do you have your worksheets for how you
9 computed that?

10 A Yes.

11 Q Could I be given a copy of that? Mark this.
12 (Whereupon, the above mentioned document,
13 Xeroxed copy from Tax Assessor's Office, consisting
14 of fourteen pages, marked L-19 for identification.)

15 Q This document that has been marked L-19,
16 are those the worksheets you just referred to?

17 A Yes, although they're really not worksheets.

18 They're Xeroxed copies from the Tax Assessor's listing
19 of property, classified as 15C, which is a tax exempt
20 classification and this -- it's also a worksheet in that
21 this listing contains the acreage by use and I just added
22 up the acreage by use to develop table four.

23 Q So, L-19 is the sole source of the information
24 contained in Table four of L-15?

25 A That's correct.

1 MR. BISQUAIER: Let's take a recess.

2 (Whereupon a recess was taken.)

3 MR. BISQUAIER: On the record.

4 Q Carl, you have mapped tax exempt land, isn't
5 that --

6 A Yes, I have.

7 Q Could that be found on L-17, shaded parcels?

8 A L-17 and 18. It's together.

9 Q Do you have any knowledge as to what extent
10 the acreage that you indicate on table four of L-15, is
11 vacant acres, as opposed to land that has been improved?

12 A I would guess at least half.

13 Q Let's take -- certainly, the wildlife refuge
14 would be relatively --

15 A I was including that.

16 Q The Township owned land, you indicate as
17 305 some odd acres. Is that land, to your knowledge, which
18 is vacant or land which is improved?

19 A It's both. It includes, of course, the schools.
20 It includes the improved open space. It includes the sewer
21 plant. It includes other municipal facilities.

22 Q Would you indicate which parcels it would
23 include which are vacant?

24 A Yes, the, where southern -- the south central part
25 of town, along the river, you see the sewer plant?

1 Q Yes.

2 A To the west of the sewer plant is a large area that's
3 all vacant. It was acquired by the Township through tax
4 foreclosure. It's all floodway land. Also, east of the
5 sewer plant is another area that is vacant.

6 MS. MC DERMOTT: That land is also in a
7 floodway?

8 THE WITNESS: It's also in the floodway, so
9 it will remain vacant, you know, or used. Part of it is
10 in the recreational use. That wouldn't be affected by
11 the floodway. There are little league baseball fields and
12 so forth and then, the other lands that are vacant, they
13 are part of cluster subdivisions and which the open space
14 was deeded to the Township.

15 This includes the Colonial Woods subdivision. It's
16 now under construction.

17 Q Between Hermitage Road and Passaic Valley
18 Road?

19 A Yes -- Heritage. It's Heritage Road.

20 Q It's written here as Hermitage.

21 A It is -- well, it's supposed to be Heritage.

22 Also, in the Sherbrooke subdivision, there are two
23 large parcels that are the open space for that subdivision.
24 The third area --

25 Q The one you referred to --

1 A On either side.

2 Q On parcels on either side of the railroad
3 and Cottage Place?

4 A West Street within the subdivision, Cottage Place
5 West, and another side of Mountain Avenue.

6 The third Township owned land that's vacant -- by
7 the way, those open spaces are predominantly in the flood
8 prone area.

9 The third open space area is on the east boundary
10 of the Township with Chatham Township. It's a sizable
11 portion that, I believe, was taken over by the Township for
12 non-payment of taxes but, I'm not sure of that.

13 Q Are there any others? I see the Township
14 park land.

15 A The Hicks tract is near the Township Mall on the
16 western part of the town in Millington, is the Township
17 open space that was acquired through the Green Acres program
18 of the State.

19 Q Are there any other major parcels like these,
20 which are Township owned and major?

21 A No, that's the only ones.

22 Q Do you have any estimate of acres contained
23 in those parcels?

24 A Probably two hundred of three hundred and five.

25 Q And table five shows, on L-15, shows designatio

1 floodway and floodway fringe. What definition have you
2 used for the floodway and for the floodway fringe?

3 A It's shown on the map -- the basis is the HUD flood
4 insurance study, which is dated October, 1977, which
5 also provide the basis for the Township flood damage
6 prevention ordinance.

7 The floodway is that area that is frequently inundated
8 and is needed for the free flow of the flood waters.

9 The floodway fringe is that area that's inundated
10 by heavier storms and is not needed necessarily for the
11 passage of the flood waters but, is a result of the back up
12 from storms and the basis is the hundred year storm occurrence
13 and the levels for the floodway and floodway fringe based
14 on various topographic points along the river.

15 Q Now, L-17 indicates what might be the key
16 to the map. It says, "floodway" and in parenthesis, "no
17 development permitted."

18 What is the basis for the statement on that map,
19 that no development is permitted in the floodway?

20 A The Township flood damage prevention ordinance
21 prohibits any development, any filling, any obstruction,
22 to the flood -- to the floods in that area.

23 Q Is the development in the floodway regulated
24 or is it totally prohibited?

25 A It's regulated. It is possible to -- when you say

1 "development" to put in a parking lot or a softball field
2 and it's possible to get a variance to permit a section to
3 be built but, essentially, as a general rule, no development
4 is permitted.

5 Q Is development permitted in the floodway
6 fringe?

7 A Yes, it is, if certain requirements can be met.

8 Q And has such development occurred, subsequent
9 to the ordinance regulating development adopted?

10 A There has been. There has been some development.

11 Q As to the nature of the development that
12 has occurred subsequent to the adoption of the regulatory
13 ordinance, what kind is there?

14 A Usually housing, single family housing in areas that
15 are subject to flooding but, where the houses can be built
16 on a portion of the lot and at an elevation above.

17 Q Based on the hundred year flood?

18 A Hundred year flood.

19 Q How many such units have been built, to your
20 knowledge?

21 A I hesitate to hazard a guess. Maybe a dozen.

22 Q To your knowledge, have those units -- I
23 don't know if they've been built, but there may be a dozen
24 development permits issued?

25 Is it your opinion that those units have been --

1 it was reasonable to approve the development of those units
2 within the floodway fringe?

3 A Yes, because --

4 Q I'm sorry. Floodway fringe, right?

5 A Yes, because for the most part, see -- even though
6 a portion of the lot is in that -- subject to the flooding,
7 then the applicant has to come before the Planning Board.
8 He may propose, you know, out of the floodway fringe because
9 of his lot and parking area or he needs to fill a portion
10 of it for a drive. If that is going to be in the floodway
11 fringe, it still needs development approval, a development
12 permit.

13 Q Do you know of any development of any lot
14 which was totally within the floodway fringe area?

15 A Not off hand but, there may well have been.

16 Q That could be done consistent with the
17 regulatory?

18 A Yes, if it's within the power of the Planning Board,
19 it can, who grant the development permit to permit, let's
20 say a house to be built, even though a lot is totally within
21 the floodway fringe.

22 Q Have there been in the past, residential,
23 commercial or industrial development, in the flood fringe
24 area?

25 A Developments in the flood fringe area? What do you

1 mean by that?

2 Q Well, do there presently exist residential,
3 commercial or industrial, in the floodway fringe area?

4 A Yes, there is.

5 Q Has the municipality experienced flooding
6 problems with such development?

7 A Yes, they have.

8 Q What has that experience been?

9 A Well, the way you explain the nature of the Township,
10 the area along Valley Road is quite flat and in a heavy
11 storm, after a heavy storm, what happens is that the river
12 backs up and we have these ditches that run to the river,
13 which drain the Township and this flat area, after a heavy
14 storm, these ditches back up and there's a reverse flow
15 and the -- the built up area of the Township is then inundated
16 and the Doria storm of 1971 was the most severe in my
17 experience with the Township and there were major problems.

18 The next one was '73 and again, I think in '75.
19 I'm not sure of those dates, where there was also severe
20 storms which caused flooding problems by this backing up
21 of the river.

22 Q Is it your position that the development
23 consistent with the regulatory ordinances with floodway
24 fringe control, would avoid such problems in the future?

25 A Not necessarily, because as -- if the downstream

1 communities continue to build in the flood plain and restricted
2 the flood, the flow, the problem will only get worse in
3 Passaic Township. It doesn't matter what we do because we're
4 an upstream community.

5 Q In the sense that the hundred year flood plain
6 boundary would change?

7 A Yes.

8 Q In L-17, you have an agricultural land study
9 and on L-17, you have mapped, according to the key, agricul-
10 tural land parcels.

11 A Yes.

12 Q Have you mapped all of the parcels which are
13 contained in the agricultural land study that's in the L-15?

14 A Yes.

15 Q That's regardless of whether or not they're
16 in the floodway fringe or in what you would consider vacant
17 developable land?

18 A Yes, I'm glad you mentioned that because the parcels
19 do show, as you say, both in the floodway and floodway fringe
20 and those not in those areas, whereas in my study, I only
21 show the acreage out of the floodway.

22 Q And on the map, I see you've written in pencil,
23 many of the parcels, where they intersect with the floodway --
24 where the floodway fringe intersects, you've written two
25 numbers. Can you explain what they are?

1 A The lot and block numbers.

2 Q So, that's so being identified with L-15?

3 A Yes.

4 Q Do you know what the present zoning is of
5 the agricultural land? I take it that since they're all
6 over the Township, they might be all different zones or
7 are they uniquely zoned in the Township?

8 A No, but they are predominantly the R-1, which is
9 our three acre, the farm zone and a portion in the R-2,
10 which is one acre zone.

11 Q What are the permitted uses -- I guess the
12 ordinance speaks for itself. I'm sorry. Has any of the
13 present development which actually exists in Passaic Township,
14 today, been a development which is on land, within the past
15 had been used as farms, to your knowledge?

16 A I'm sure that's the case because there was, I
17 understand, that there was more farmland in the community
18 years ago but, in the time that I've served the Board, I
19 don't know of any developments that have taken place on
20 former farmland except the Sherbrooke subdivision. I believe
21 that was farmed but, I'm not sure of that.

22 Q How many units were built in that subdivision?

23 A It's still under construction. The final number will
24 be, I think, sixty eight.

25 Q L-12 contains, does it not, the worksheets

1 that you utilized in doing the vacant land and agricultural
2 land study in L-15?

3 A Yes.

4 Q Is that the sole source of the information
5 contained in L-15, relative to the agricultural vacant land
6 and I believe, you did in addition to that large parcel
7 analysis of vacant land. Is that the sole source of those
8 three?

9 A Well, these sources actually tax assessment records.

10 Q I understand that.

11 A And also what is in the L-12 is my notes taken from
12 the tax assessment records of all land in different categories.

13 Q Then, that information that's in L-12 is
14 then transferred into L-15?

15 A Not directly, because this was all vacant land. For
16 example, all class one land that I took out, as is noted,
17 I noted, I took out land that was less than one acre in
18 size, land that was not in the flood zone areas and land --

19 Q You mean flood fringe and floodway?

20 A Yes and land owned by utilities.

21 Land owned by religious institutions and land owned
22 by the New Jersey Conservation Foundation and the Wildlife
23 Preserve, Inc. and also, those parcels that are in the
24 black brook acquisition area.

25 Q Now, L-17, also, reflects color designations

1 for vacant land parcels and large parcels. Are those
2 identical to the parcels indicated in L-15 as vacant or
3 large parcels?

4 A Yes.

5 Q Basically, you colored all those parcels
6 contained in your L-15 report?

7 A Yes.

8 Q Do you know if the agricultural lands desig-
9 nated in your report and on L-15 are all active farms?
10 Do you have any knowledge as to whether or not they're
11 active or not?

12 A I don't have that knowledge.

13 Q Do you have any knowledge as to whether any
14 of this farmland or agricultural land is for sale?

15 A Yes, this parcel, Block 219, Lot 15A, is over a
16 hundred acres, was just sold.

17 Q To whom and for what purpose?

18 A It was sold to the wildlife refuge, for the wildlife
19 refuge.

20 Q And that would be the entire parcel?

21 A No.

22 Q Whether it was in the floodway fringe or not?

23 A A portion of it was subdivided off, where there was
24 an existing house and a nursery.

25 MS. MC DERMOTT: Could you identify that

1 specifically?

2 MR. BISQUAIER: He did by lot and block
3 number.

4 You don't intend to remove these numbers
5 from the map, do you?

6 MS. MC DERMOTT: No, not at this point.

7 THE WITNESS: Well, I may reduce this map.
8 I may mount it. I don't know whether it's going
9 to overlays but, it will be basically the same.

10 MS. MC DERMOTT: This map won't be changed.

11 MR. BISQUAIER: I just ask that if there is
12 any additional work product relevant to this case,
13 that we be informed.

14 MS. MC DERMOTT: We have the final maps.
15 We'll let you know. It will probably be overlays.

16 THE WITNESS: I'd like to correct something
17 I said or didn't say, really, that the large parcel
18 partially developed and the agricultural parcels
19 are those shown in the L-15, the yellow shaded
20 vacant land parcels, are all vacant land parcels,
21 whether they're in the flood plain or not. I mean,
22 some parcels that are totally in the --

23 Q That's true of the agricultural and vacant --
24 A Large parcels. I mean, basically, the colored lots
25 in L-17 are the same as those in the -- as those indicated in

1 L-15. Basically yes, but, basically.

2 MS. MC DERMOTT: I would like to clarify
3 something there. The yellow vacant lots, they do
4 not include the lands that were less than one acre
5 in size. The utilities --

6 THE WITNESS: Utilities --

7 MS. MC DERMOTT: Religious institutions,
8 New Jersey Conservation or Wildlife Refuge acreage
9 that was pulled out first.

10 THE WITNESS: Basically there -- they don't
11 show all the parcels that are on L-12.

12 Q They show all the parcels on L-15, that are
13 renumerated by the lot and block number?

14 A Yes, they do.

15 Q Do the worksheets indicate on them and I'm
16 referring now to L-12, all of the land which is in the
17 Black Brook acquisition area?

18 A No, the worksheets -- the worksheets, I don't think
19 reflect that. I don't think it does.

20 Q Are all of the parcels in the acquisition
21 area, parcels that were also within the flood way or the
22 flood fringe?

23 A No, there are some parcels that were outside the
24 flood zone area.

25 Q Has the municipality done anything to

1 discourage public acquisition of lands which are not subject
2 to the floodway or the flood fringe?

3 A Not to my knowledge.

4 Q Why not?

5 A Well, very little of the land is -- as you can see
6 from the map, is not -- is outside of the flood fringe and
7 it's -- it would mean a subdivision of the parcel and leave
8 off a portion that was outside the flood fringe --

9 Q As a planner -- I'm sorry.

10 A -- and the only -- and if it's part ecologically or
11 whatever the term is, of the swamp, I would imagine this
12 swamp would want it. I would think it more appropriate for
13 this swamp that they would not acquire that piece and sub-
14 divide it and leave a portion off.

15 Q You, as a planner, would not be opposed to
16 the development of those areas now acquired by the --

17 A Wildlife refuge?

18 Q Well, the wildlife refuge and Black Brook
19 acquisition area, which are parcels not within the floodway
20 on that flood fringe.

21 A Well, yes, I would because the -- you mean I wouldn't
22 object to the development of fringe areas or the swamp? Is
23 that what you're saying?

24 Q Right, fringe areas which are not part of
25 the floodway, within the floodway or fringe.

1 A You have to be very careful because the development
2 of the area adjacent to this swamp could detrimentally effect
3 the swamp. It could run off because most of the slopes
4 from Long Hill Road, from where I'm drawing my hand along
5 Long Hill Road, goes up sharply and then drops down and
6 any development of that slope could detrimentally effect
7 the swamp.

8 Q If such development could be controlled so
9 as not to pose a significant detriment to the swamp, would
10 you oppose it?

11 A If it were within the development of standards we
12 have accorded, no.

13 Q Lastly, there's a table one, which is at
14 the very last page of L-15, which indicates vacant land
15 study large parcel analysis. Do you know how these parcels
16 are presently developed, part of them?

17 Each one is partially developed, I take it, is
18 that not correct?

19 A Yes, that's correct.

20 Q Do you know how they are partially developed?

21 A Yes, I do, for the most part.

22 Q Is it pretty much uniform or are they pretty
23 much all developed in residential properties?

24 A Pretty much.

25 Q Are any non-residential in nature?

1 A There are some non-residential in nature, yes, you
2 can see by the -- there's a zone classification in all the
3 R's, the residential for the most part, developed residentially
4 and there are some ED zones, and some of those are developed
5 partially, non-residentially.

6 Q Do you know if the development -- I'm sorry.
7 This is a two page table. Do you know if the actual
8 development that has occurred is the residential development
9 where there's a mix or a non-residential development?

10 A Where there's a mix? Well, there is a mix in that
11 some of the large parcels are in two zones.

12 Q Do you know where the development is,
13 residential or non-residential, where there is a mix?

14 A Yes, I do and there's a mix in some of the parcels.
15 Is that what you mean?

16 Q Can you -- instead of indicating it on the
17 table, which of the parcels, do you believe, are partially
18 developed non-residentially?

19 A Well --

20 Q Just give --

21 A Block 73, lot 4 is developed. That lot has both
22 residential and commercial.

23 Q What is commercial on it?

24 A Oh, it has a machine shop and it has an oil
25 storage depot.

1 Q Are there any others, non-residentially
2 developed?

3 A There are some that are developed both residentially
4 and there's nursery facilities on the lot.

5 Block 194, lot 12, is developed for both, commercial.
6 It's a small luncheonette and residential but, for the most
7 part, there is residential.

8 MR. BISQUAIER: All right.

9

10 CROSS EXAMINATION BY MS. MC DERMOTT:

11 Q On table four, there is an indication of
12 1,481 plus acres in the United States Wildlife Refuge on
13 table five -- or -- I'm sorry.

14 MR. BISQUAIER: Maybe this is better.

15 Q On table one is a total of 2,021 total acres.
16 On table five is 2,033 acres, indicated as tax exempt land,
17 which is wholly existing in the floodway on the flood fringe.
18 Could you explain that discrepancy?

19 A Yes, the planimeter calculations for the Wildlife
20 Refuge from my map, L-17, indicate that there is approximately
21 2,000 acres in wildlife ownership and not 1,500 as indicated
22 on tax assessment records. Actually, there is 1,481.

23 I plan to resolve this by checking into the actual
24 acreage of the parcels and the ownership to determine where
25 the error is made. I assume the error is in the acres in the

1 tax assessment records.

2 MR. BISQUAIER: If you're able to further
3 articulate what the discrepancy is, would you
4 forward that information to me through counsel as
5 to what you gleaned from your investigation?

6 THE WITNESS: Yes, since all the --
7 virtually all of the land in the wildlife refuge
8 is in the flood fringe. It's not going to affect
9 significantly our figures of vacant lands.

10 MR. BISQUAIER: Off the record.

11 (Whereupon there was an off the record
12 discussion.)

13 MS. MC DERMOTT: On the record. I'd just
14 like to make on further comment on the record. Our
15 report was submitted to the Public Advocate on the
16 date of September 10, 1979, which should have had
17 a proposed zoning map accompanying that report and
18 I'm submitting it to the Public Advocate today.

19 (Whereupon the deposition was adjourned.)
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C E R T I F I C A T E

I, Jill Friedberg,

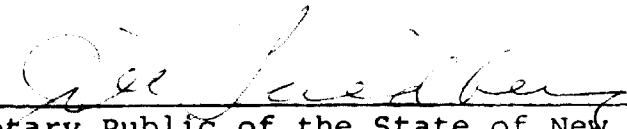
a Notary Public and Shorthand Reporter of the
State of New Jersey, do hereby certify that
prior to the commencement of the examination

CARL G. LINDBLOOM,

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