

ML - Morris County Fair Housing Council

6/15/79

v. Beerton Twp

Deposition of Alan Mallach - direct exam
by Mr. Zetzer.

p. 25

ML000903S

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NO. L-6001-78 P.W.

ML000903S

MORRIS COUNTY FAIR HOUSING COUNCIL,
MORRIS COUNTY BRANCH OF THE NATIONAL
ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE and STANLEY C. VAN
NESS PUBLIC ADVOCATE OF THE STATE OF
NEW JERSEY,

: DEPOSITION OF:
: ALAN MALLACH.

Plaintiffs,

-vs-

BOONTON TOWNSHIP, CHATHAM TOWNSHIP,
CHESTER TOWNSHIP, DENVILLE TOWNSHIP,
EAST HANOVER TOWNSHIP, FLORHAM PARK
BOROUGH, HANOVER TOWNSHIP, HARDING
TOWNSHIP, JEFFERSON TOWNSHIP, KINNELON
BOROUGH, LINCOLN PARK BOROUGH, MADISON
BOROUGH, MENDHAM BOROUGH, MENDHAM TOWN-
SHIP, MONTVILLE TOWNSHIP, MORRIS TOWN-
SHIP, MORRIS PLAINS BOROUGH, MOUNTAIN
LAKES BOROUGH, MOUNT OLIVE TOWNSHIP,
PARSIPPANY-TROY HILLS TOWNSHIP,
PASSAIC TOWNSHIP, PEQUANNOCK TOWNSHIP,
RANDOLPH TOWNSHIP, RIVERDALE BOROUGH,
ROCKAWAY TOWNSHIP, ROXBURY TOWNSHIP
and WASHINGTON TOWNSHIP,

Defendants.

B E F O R E:

VICTOR SELVAGGI, JR., a Notary Public
and Certified Shorthand Reporter of the State of New
Jersey, at the MORRIS TOWNSHIP MUNICIPAL BUILDING,
Convent Station, New Jersey, Wednesday, May 30, 1979,
commencing at 3 p.m.

KNARR - RICHARDS, ASSOCIATES

CERTIFIED SHORTHAND REPORTERS

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BY: BERTRAM J. LATZER, ESQ.
Attorneys for the Defendant Parsippany-
Troy Hills.

VICTOR SELVAGGI, JR.
Certified Shorthand Reporter

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WITNESS

DIRECT

ALAN MALLACH
By Mr. Latzer

2

1 A L A N M A L L A C H, previously sworn, recalled;

2 MR. LATZER: I agree to pay the travel
3 expenses for Mr. Mallach from Philadelphia and,
4 of course, testifying here at the rate of \$40
5 an hour.

6 MISS MASON: Thank you.

7
8 DIRECT EXAMINATION BY MR. LATZER:

9 Q Mr. Mallach, I'm Bert Latzer and I
10 represent the Township Parsippany-Troy Hills. I would
11 like to know what your area of expertise is. How do
12 you see yourself? A Well, in the context
13 of this litigation, at least leaving aside other
14 unrelated areas, I see my area of expertise as
15 encompassing some measure of housing, planning and
16 zoning and in particular bringing to bear both housing
17 and planning principles or expertise on zoning.

18 Q Addressing the area of planning and
19 zoning, if you were to be called upon to plan an ideal
20 residential community in terms of income medians,
21 could you give me some breakdown as to how you would
22 see this community? A Well, I would
23 think that the ideal community would be one which
24 contained a fairly wide cross section of people by
25 income and hopefully reasonably close to the distribution

1 of the region as a whole in terms of the relative mix
2 of people in different income groups.

3 Q Why is a cross section by income, in
4 your opinion, desirable? A Well, I
5 think there are a number of reasons. One, of course,
6 had to do with opportunity and I think in a society
7 which has principles going toward equality and
8 opportunity for citizens, a community that does not
9 provide reasonable opportunity for the less affluent
10 is in certain significant ways remiss in terms of its
11 relationship to that society and I mean the American
12 society and the American value scheme.

13 Now, in terms of opportunity, the significant
14 aspect of that is, of course, the opportunity for the
15 less affluent. One need not, as a rule go very often
16 out of one's way to provide opportunity for the
17 affluent. So I believe there are very strong philo-
18 sophical or social reasons that are basic to American
19 society as to why there should be a mix sort of working
20 downward from the top, as it were. I think in the
21 opposite direction, there are not only equally strong
22 philosophical reasons, but social and economic reasons
23 why a community should not be a concentration of the
24 poor or the less affluent. I think from a very practical
25 standpoint a community made up entirely of poor people

1 cannot afford to provide the level of services and
2 facilities that a good living environment should have
3 and I would go further that I think a community in
4 which there is a clear measure of economic segregation
5 is potentially a very troublesome area in terms of
6 potential conflict, frustration, hostility and other
7 things. I think that generally sums it up.

8 Q Addressing the question as a planner,
9 would your answer be the same? My question is being
10 addressed to your planning in terms of a particular
11 community.

12 These answers you are giving me are addressing
13 the problem as a land use planner is what I meant to
14 say. A Well, would I reach the
15 same conclusion?

16 Q Yes. A Yes. I think the
17 conclusions deal with admittedly social and economic
18 kinds of concerns. From a land use standpoint, the
19 goal would be to figure out how to implement something
20 that essentially stemmed from a social or economic
21 perspective.

22 Q I don't mean to narrow my question, but
23 as a planner, a land use planner or one who will be
24 planning the so-called ideal community and you take
25 into consideration the economic and social consequences

1 involved and I understand your answer. Do you find
2 any importance to having the so-called affluent or
3 upper middle income people part of your ideal community?

4 A Yes.

5 Q And could you give me any idea as to
6 what extent and why? Why is it important?

7 A Well, the extent again I would not want to put
8 hard numbers on it. I would see the extent as
9 generally resembling the mix in the society or the
10 region as a whole and the why is I think we have a
11 number of factors. One of course is from a practical
12 standpoint, the affluent population contributes more
13 economically in a pure physical sense to a community
14 than a less affluent population. They live in more
15 expensive dwelling units. They shop more or they spend
16 more for personal consumption which supports a greater
17 volume of commercial activity and so forth. So they
18 are certainly beneficial in that regard. I think they
19 are also beneficial elements from the social mixing of
20 people, different economic levels, educational levels
21 and background within a community.

22 Q And when you say that, you would think
23 that it would represent the mix in the region, could
24 you give me an example of what you mean?

25 A Again, I'm speaking in very general terms rather

1 than a precise mathematical equivalent, but for example,
2 in the region if you look and find out what the median
3 income is, I would guess that at the moment in the
4 sort of general New York-New Jersey metropolitan area,
5 this might be in the order of 18 to \$20,000. You
6 would certainly have say roughly comparable to portions
7 above and below. You would have opportunity for
8 reasonable proportion of really actually low income
9 people perhaps something in the area of 20 or so
10 percent of the population. Again, I'm not suggesting
11 that one should operate on the basis of any kind of a
12 mathematical formula.

13 Q If taking a range, using the metropolitan
14 area median income of 18 to \$20,000, you mention the
15 community should have in the neighborhood of 20
16 percent. Would that represent the percentage of low
17 income people within this region we are talking about?

18 A Roughly, yes.

19 Q When we say low income, what do you mean
20 by that in, I guess, median income?

21 A What I was thinking is typically a family, a
22 family of four who would be earning 50 percent or less
23 of the median in the region and proportionately more
24 or less with a larger or smaller household size.

25 Q What about the great middle or moderate,

1 what percentage there roughly and what would you be
2 talking about? A Well, here we are
3 talking about, let's say everything from, if you will,
4 from 50 percent of median up to say about 120 percent
5 of median. It might represent a general moderate
6 income population that could account for half or more
7 of the population of a community.

8 Q And then the upper may be 25 to 30 percent?

9 A Something in that area.

10 Q And if we were using again 50 percent
11 upper, would we then be talking upper roughly \$30,000
12 and above? A 25 or above, yes.

13 Q How do you see a community, let's create
14 a typical community and how do you see the problem of
15 the advantages of the cross section of a community
16 versus what we have come to know as fair share. Do you
17 understand my question? A I'm not sure.

18 Q Fine. Let's say if I can create a
19 community which, let's say, to take an extreme example,
20 75 percent of its population would fall into the low
21 income and middle income and let's assume that we've
22 got in that community X number of acres left, I should
23 say X number of acres that are not developed and let's
24 also assume that there is enough acreage left to take
25 more low and moderate income individuals or least cost

1 individuals which I refer to as the fair share concept,
2 and on the other hand the community is heavy in low
3 and middle income people and so by way of furthering
4 the hypothesis, the planner may be you in this case,
5 says I think we need a cross section. We need more
6 upper. How do you as a planner look at this and let's
7 say you represent the municipality now. Is there not
8 here a possible area of conflict, and if so, how would
9 you handle it? A Well, it's a
10 complicated area for sure. The fair share concept
11 recognizes or shall I say many of the practitioners
12 or proponents of the fair share concept recognize that
13 the question of the existing income distribution in the
14 community is a relevant, even a significant factor.
15 In fact, if memory serves, there is a lengthy footnote
16 I believe in the Madison decision which talks about
17 the proposition that if the income distribution of a
18 municipality is similar to that of the region, then it
19 would be considered prima facie fair or words to that
20 effect. So it's certainly a fact. If you had two
21 communities, say hypothetical communities where from
22 a physical standpoint in terms of vacant land, topo-
23 graphy and environmental constraints and whatever else,
24 they are identical, but one of them had a population
25 that was significantly less affluent than the other,

1 level of the municipalities?

2 A Yes, it does.

3 Q Do you know to what extent and in what
4 manner it does?

A It does to, what
5 I would consider as a limited extent. In essence, I
6 can't give you the exact method without having to
7 reread the thing because it's somewhat fuzzy in my
8 mind at the moment, but in essence it operates on the
9 basis of an adjustment for median income. They use
10 the aggregate income factor. The sum total of all the
11 income earned of the people in the community as the
12 adjustment factor. So it tends to effect the fair
13 share moderately, not drastically.

14 Q Do you know actually how the DCA does
15 use the median income? Would you happen to have an
16 example at hand?

A It's really rather
17 complicated, but basically what DCA does in a nutshell
18 is they -- let me back up. They first have two
19 separate housing need factors. One is present need
20 which is not adjusted by the income factor because it's
21 based on existing housing needs. The second is
22 prospective need which is first a total prospective
23 need for the region defined which is based on the
24 household increase in the low and moderate income range
25 and then what they do is for each municipality they

1 calculate four weighing factors, vacant land, employ-
2 ment growth, nonresidential ratable growth and what
3 they call here income wealth. Then they find the
4 municipality's fair share of prospective needs separately
5 for each of these factors, add up the four figures,
6 divide by four and that becomes a prospective need of
7 fair share. Now, the income wealth factor is one of
8 four factors.

9 Q If you are referring to the DCA, please
10 give me the page. A The explanation is

11 on page 16 of the DCA statewide housing allocation
12 report and it's per capita income. The factor that
13 is used is per capita income relative to the regional
14 per capita income. Frankly, this description is not
15 especially articulate in terms of explaining exactly
16 how the arithmetic they went through worked, but I
17 don't know that that matters.

18 Q You say that it is a factor, but I think
19 you said it was limited or moderate.

20 A In terms of the DCA, that's correct.

21 Q Could you explain that or is that too
22 complicated to show me why it isn't weighted as much
23 as the other three? A Well, this is

24 conjectural because I haven't really worked through the
25 math, but it's my impression that because they use

1 median income relative to regional median as distinct
2 from a factor, for example that would focus specifically
3 on percentage of low and moderate income families, the
4 variation among municipalities on this factor is not
5 really as great as it would be if you chose a different
6 way of measuring the same basic idea.

7 Q Let me try to measure this another way.

8 Let me stay with this thought. That was the
9 DCA report and I think you say there were other analyses
10 that do take the income factor into consideration. Are
11 there any others that you might give me offhand that
12 you are aware of? A Well, not with
13 regard to Morris County. I've done some work of my
14 own elsewhere and it might be pointed out Judge
15 Furman in his Urban League Decision used an approach
16 where he identified the actual difference between the
17 number of low and moderate income families in the
18 community and the number that would live in the
19 community if it's percentage were the same as the
20 median for the region and then took that raw number
21 and either added or subtracted that number from the
22 fair share. So in other words, if the municipality had
23 a larger than proportionate percentage, the actual
24 number was just knocked off the fair share, and if it
25 had a smaller than proportionate, it was added. So

1 that's a much more emphatic, if you will, way of
2 approaching the same issue.

3 Q In taking the approach in the Urban
4 League Case and going back to my hypothetical, if you
5 had a community in which, let's say 75 percent of the
6 community was made up of housing which would be
7 classified as least cost housing, but yet not housing
8 that was, if this is possible, not affordable by the
9 poor, I guess it is not compatible in that respect,
10 how would you approach this as a planner? As a
11 planner, what good would the remaining 25 percent of
12 the residential properties, since there were no poor
13 as such, allocate that for housing for the poor or
14 would you perhaps for the affluent in which there are
15 none in that community?

16 A Probably some
17 of both. I would undoubtedly advise such a community
18 that it should explore the possibility of using
19 different government subsidy programs to provide more
20 direct housing opportunities for low income people.

21 Q And you would agree the plan is good
22 as to how that 25 percent is used?

23 A I'm sure they would.

24 Q I think it's fair to say, isn't it, that
25 your position that some or I don't know whatever the
percentage may be of the remaining 25 percent, your

1 position that that should be used for poor, is it fair
2 to say tempered by your own philosophy in regards to
3 providing housing for the poor and less affluent, those
4 who have less opportunity? A Yes. I
5 believe I give a higher priority than some of my
6 colleagues.

7 Q You mentioned Judge Furman on this ques-
8 tion of allocation of moderate and fair share having
9 some relationship or a relationship to median income
10 in the Urban League Case. You were about to say you
11 may have done some studies yourself, and if so, have
12 you used that? A I've done a couple of
13 studies and I have tried to apply the same approach
14 that Judge Furman used. I think it's a logical one
15 and it's very straight forward. It does not involve
16 archaic mathematics, it's right there.

17 Q I wouldn't have to ask you for the
18 studies if I read the Urban League Case. It should
19 be in there for me? A That particular
20 point, yes. I believe he refers to it in the case as
21 an allocation to reduce imbalance.

22 Q Using another approach to maybe what is
23 essentially the same question, but talking in terms
24 of housing, you were talking again about this hypo-
25 thetical community and let's say in this hypothetical

1 community that 75 percent, I think we will follow that
2 75 percent of its people were either housed in houses
3 say of maybe 900, 750 square feet total on parcels that
4 were under say 6,000 square feet and the remaining 75
5 percent of the population was housed in rent control
6 garden apartments, as a planner I take it that
7 addressing yourself to the remaining 25 percent you
8 would therefore feel that certainly some of that,
9 whatever the percentage might be, should be zoned or
10 should encourage housing for the more affluent?

11 A It could.

12 Q I take it that would follow if the people
13 are there, we would have to house them and this is
14 consistent with what you said before?

15 A Yes.

16 Q In your opinion is the DCA report at all
17 a little top heavy, the DCA allocation a little top
18 heavy on the factor of remaining vacant land or the
19 concept of developing community?

20 A No, I don't think so.

21 Q I think there is, as I recall reading
22 some place, an overall factor notwithstanding whatever
23 you have, that you would multiply whatever you have by
24 four. A What I think they call the

25 development limit.

1 Q Okay. So in that sense, no matter
2 whether you have a cross section or whether you don't
3 have a cross section in the community, am I wrong in
4 saying that so long as you have remaining land that
5 you will then be allocating a certain number based upon
6 four times the remaining land or development limit?

7 A No more than that. It could be less. In most
8 cases it is less.

9 Q Would this idea of having, for want of a
10 better word or phrase, the more affluent within the
11 community is inevitably something we read about today
12 in which cities show an interest in getting the so-called
13 middle class back and redeveloping communities. Is
14 that a different sort of idea?

15 A It's related.

16 Q I thought I read your deposition. Forgive
17 me, I haven't gone through them all. You introduce
18 into allocation or the concept allocation another
19 concept of, is it called overzoning?

20 A I don't introduce that. The Supreme Court
21 introduces that.

22 Q And just briefly, what is this idea?

23 A Well, it's a very logical premise I think the
24 court picked up probably from some of the economic and
25 planning literature which is very simply that if one

1 zones a piece of land for X use, whatever that use may
2 be, there is no certainty that the land will indeed be
3 used for that purpose. In the case of if the zoning
4 goal is to achieve inexpensive modest housing of some
5 particular type which in turn will house less affluent
6 people, there are a series of things that could inter-
7 pose themselves between zoning a piece of land and the
8 achievement of the goal. The land may not be on the
9 market. If so, the owner may not be willing to sell
10 for a price that would make inexpensive housing possible.
11 Even if the owner is a developer who may choose to
12 build something that is other than the modest housing
13 that's allowed and finally even if modest housing is
14 built, the occupants of that housing may be affluent
15 households seeking to economize rather than less
16 affluent households, so for all of those reasons the
17 court concluded very logically that if you are going
18 to achieve X amount of housing for less affluent
19 housing at the end, you have to zone an amount of land
20 for that housing that is significantly in excess of the
21 acreage that could theoretically accommodate X number
22 of units that you were seeking to build.

23 Q Did you yourself do any allocations? Do
24 you have any allocation figures for the particular
25 region which is the subject matter of this suit and

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the municipalities as the DCA did?

A No.

Q Neither are you responsible for taking the DCA allocation and multiplying it by an overzoning factor, you haven't taken that approach?

A That's correct.

Q You have not? A I have not.

Q You will not testify in your opinion as an expert what the allocation should be, number one, for the region or any municipality?

A That's correct.

Q I noticed that in depositions taken of you on April 16, 1979, by Mr. Bernstein at page 35 through page 39 that you disclaim any responsibilities for any idea that in this area of fair share that we are talking in terms of the reasonableness or unreasonableness of a zoning ordinance, but we are talking in terms of allocating housing needs for people. You probably don't recall the quote.

A No.

Q On page 35 Mr. Bernstein says I'm talking about Morris County developing communities. I'm not talking about Georgetown, Philadelphia and New York City. A Typical Bernstein isms.

Q I'll pass the answer to the question.

1 I'm asking for your analysis of the zoning ordinance.
2 Would a zoning ordinance be unreasonable if it provided
3 a density of four to six townhouses to the acre?

4 Answer, Well, there is an issue here. Then the
5 answer down at the bottom, to the best of my knowledge
6 there are no "reasonableness standards" that can be
7 rationally grounded in that range and then how about
8 a higher density, six to eight and we go on to page
9 36 continuing with your answer, the point is there are
10 no standards which I am familiar which say so and so,
11 although not least cost is nonetheless reasonable while
12 such and such also not least cost is not.

13 The next page, there are no planning standards
14 of reasonableness in that area that I'm familiar with.
15 What are you talking about?

16 A Well, this goes back to what --

17 Q Don't go too far back.

18 A What Mr. Bernstein was trying to establish in
19 this. He was, and I thought it was essentially kind of
20 a semantic juggle, but in essence I had said and
21 presented in my report that here are certain standards
22 that I thought were consistent with health and safety
23 and were grounded in health and safety requirements,
24 and in essence what his thrust was was that could there
25 not be a second hierachy of standards, as it were, that

1 were nonetheless greater than those that were grounded
2 in health and safety standards, but that nonetheless
3 were based on some kind of -- were, in his terminology,
4 reasonable nonetheless. My point was that this reason-
5 ableness was to me a meaningless term. I mean, that
6 there was no point where you could say this, although
7 greater is reasonable, this, although is not reasonable
8 that there was no planning basis that I knew of whereby
9 he could create this second level of standards.

10 Q I take it the reasonableness, if you can
11 use that word -- A His word.

12 Q His word or as you indicated earlier
13 would depend upon various competing interest within
14 the municipality, not least of one I thought you said
15 would be a cross section of population.

16 A That's correct.

17 Q Okay. The zoning ordinance that made
18 provision for and allowed land to be used for senior
19 citizens projects and let me say those that are funded
20 by the FHA so we can be more specific, would you in a
21 sense give this municipality a credit toward providing
22 income for low or moderate income or least cost housing?

23 A That would be a step, certainly. It would be a
24 positive feature of that ordinance.

25 Q So if there were an allocation of X

1 number, you would think that the number that could be
2 provided by that use would be credited against the --

3 A It would be part of the allocation part of the
4 overall zoning.

5 Q Did you issue any, do an analysis of any
6 of the ordinances of the municipalities who are
7 defendants in this lawsuit? I thought you did.

8 A Yes.

9 Q And that analysis, unless I'm wrong,
10 consisted of exactly that, it was a reading of the
11 ordinance and a determination as to whether or not
12 there were inhibiting factors against least cost
13 housing? A That's essentially it.

14 Q You did not do an analysis of the
15 existing make up of the community?

16 A That's correct.

17 Q Are you personally familiar with the
18 Township of Parsippany-Troy Hills?

19 A Yes.

20 Q And could you tell me in what way? Is
21 it dear to your heart for any reason?

22 A I once dated a girl that lived in Lake Hiawatha,
23 but that was quite some time ago. I have visited
24 Par-Troy or driven through it on many occasions over
25 the last decade or more and as part of the preparation

1 for this lawsuit I did spend some part of a day
2 driving around the Township.

3 Q But your site examinations did not have
4 anything to do with your analysis, or did it?

5 A Well, it did in this sense, that one of the
6 elements of my analysis was where there were zones,
7 multi-family zones, garden apartment zones of a
8 nature that if not least cost were still perhaps not
9 so far as to be readily dismissed out of hand, that I
10 have been investigating the actual areas where that
11 zoning lies to determine first whether there is vacant
12 land available in those zones, and secondly if so,
13 whether the characteristics of those sites are such
14 that they would appear to be a reasonable vehicle for
15 meeting fair share housing goals.

16 Q And that would be the purpose of your
17 site work in Parsippany? A That plus
18 getting a general idea or feel as it were for the
19 characteristics of the community.

20 Q Did you get a feel of the characteristics
21 of the community? A Of Par-Troy?

22 Q Yes. A Generally
23 speaking, yes.

24 Q Could you tell me what they were?

25 A Well, it's a, shall we say a mixed bag. It's

1 a geographically spread -- in any case, the town
2 ranges from some fairly mountainous area over to the
3 far west through too, I guess the Lake Hiawatha area
4 over in the northeast of the town which is made up
5 largely of houses on small lots interspersed with
6 commercial uses, a few garden apartment development
7 complexes. There are highways going through the
8 middle from east to west, Route 46 which is heavily
9 cumbersome and Interstate 80 and in the central areas
10 off the highways there is both a good deal of more
11 substantial subdivision development. I would say
12 typically half to three quarter acre lots. I forget
13 the streets. A good deal of fairly modern office and
14 light industry development. So it's a fairly mixed
15 type of community.

16 There are a number, quite a number of garden
17 apartment developments ranging from very small, one
18 to the few dozen units, up to large ones of a few
19 hundred units scattered and interspersed throughout
20 many parts of the Township.

21 Q As well as Lake Hiawatha, did you have
22 a chance to familiarize yourself with the Lake

23 Parsippany area?

24 A That area I don't
25 know as well. I believe it's/dissimilar, but I really
can't say.

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Q All right. Any of the others, Rainbow Lakes by any chance off 46? That would be just south of 46, but just off of it, a small lake area. Do you have any familiarity with that?

A No.

Q Where is that three quarter acre stuff? Do you have the zoning map?

A I said probably more like half an acre. You have the R-1 area. You have R-1 and R-3 subdivisions sort of through the central part of the town. I guess that's west of the Lake Parsippany area is what I was thinking about principally. Also some areas as you are going toward the Lake Hiawatha area from Route 46 sort of behind the Jersey City Reservoir, east of the Jersey City Reservoir I guess.

Q Most of that should be R-3?

A Yes, I guess that's it.

MR. LATZER: I don't have any other questions, Thank you very much.

* * *

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NO. L-6001-78 P.W.

MORRIS COUNTY FAIR HOUSING COUNCIL, :
et als, :

Plaintiffs, :

-vs-

CERTIFICATE

BOONTON TOWNSHIP, et als, :

Defendants. :

I, VICTOR SELVAGGI, JR., a Notary Public and
Certified Shorthand Reporter of the State of New Jersey
certify that the foregoing is a true and accurate
transcript of the deposition of ALAN MALLACH who was
first duly sworn by me at the place and on the date
hereinbefore set forth.

I further certify that I am neither attorney nor
counsel for, nor related to or employed by, any of the
parties to this action in which this deposition was
taken and further that I am not a relative or employee
in this case, nor am I financially interested in this
action.

Victor Selvaggi, Jr.

A Notary Public of the State of New Jersey

Dated: 6/15/79

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

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