

Y. Boonton Township

Transcript of Deposition of Richard T. Coppola

ML000909S

Pg. 114

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NUMBER L-6001-78 P.W.

MORRIS COUNTY FAIR :
HOUSING COUNCIL, et als, :
: Deposition of
Plaintiffs, : RICHARD T. COPPOLA
vs. :
BOONTON TOWNSHIP, et als, :
: Defendants.

S T E N O G R A P H I C T R A N S C R I P T
taken in the above-captioned matter before SANDRA M.
TROBICH, Notary Public and Certified Shorthand Reporter
of the State of New Jersey, at 16 Ticonderoga Drive,
Bordentown, New Jersey, on Tuesday, November 20, 1979,
beginning at 9:45 A.M.

A P P E A R A N C E S:

STANLEY C. VAN NESS, PUBLIC ADVOCATE,
By: CARL S. BISGAIER,
DEPUTY PUBLIC ADVOCATE,
For the Plaintiffs.

WILEY, MALEHORN & SIROTA, ESQS.,
By: FREDRIC J. SIROTA, ESQ.,
For the Township of Rockaway.

Reported by: Sandra M. Trobich, C. S. R.

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WITNESSES

PAGE

RICHARD T. COPPOLA

Examination by Mr. Bisgaier

3

E X H I B I T S

NUMBER DESCRIPTION

I.D. EVDS.

C-1 Memorandum dated 5/29/79
#1-79.

3

C-2 Memorandum dated 5/29/79
#2-79.

3

C-3 Memorandum dated 9/28/79
#1-79.

3

C-4 Memorandum dated 9/28/79
#2-79.

3

1 (It is hereby stipulated and agreed by and between
2 counsel for the respective parties that the reading
3 and signing of the within deposition are waived.

4 It is also hereby stipulated and agreed by and
5 between counsel that all objections, except as to
6 from, will be reserved until the time of trial.)

7 (C-1, C-2, C-3 and C-4 marked for
8 identification.)

9 R I C H A R D T. C O P P O L A, SWORN, testified
10 as follows:

11 MR. BISGAIER: Just to clarify the
12 record, who are you representing?

13 MR. SIROTA: Township of Rockaway.

14 MR. BISGAIER: So, what is your role
15 here vis a vis the Common Defense Committee,
16 none?

17 MR. SIROTA: Well, there is a Common
18 Defense Group, it's a loose group. I'm here,
19 this is recognized by the Group that I would
20 be here, but I can't say that I'm
21 representing all the municipalities or the
22 Group.

23 MR. BISGAIER: Okay.

24 EXAMINATION BY MR. BISGAIER:

25 Q Richard, you have testified before, haven't

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1 you?

2 A Yes, a number of times.

3 Q So, you're familiar with the process of a
4 deposition, and sworn testimony and all of that?

5 A I am.

6 Q And you're comfortable with it?

7 A Yes.

8 Q Fine.

9 I would like to initially ascertain
10 what the scope of your understanding of the scope of
11 your employment by the Defendants--first maybe you
12 could articulate for me who you have been employed
13 by to the best of your knowledge?

14 A Okay. Concerning this particular deposition,
15 regarding the Public Advocate's suit, I've been
16 employed by the loosely structured Common Defense
17 Group on behalf of the 27 defendants in the action.

18 Q You personally wouldn't be able to articulate
19 which municipalities are employing you and which aren't,
20 other than--

21 MR. SIROTA: Objection, that he has
22 no information with respect to this matter.
23 He wouldn't have any way of knowing.

24 MR. BISGAIER: Okay.

25 BY MR. BISGAIER:

1 Q And what has been indicated--well, to whom
2 have you been reporting, who hired you specifically,
3 and--

4 A Initially, there was a subcommittee formed, as
5 I understand it, of the various attorneys who represent
6 the subject municipalities, and this committee discussed
7 with me at the time I was employed with Gershen &
8 Coppola Associates, the possibility of doing some
9 analytic work and eventually testifying on behalf of
10 the group in what was dubbed a maxi-level trial as
11 opposed to the mini-level municipal level proceedings.

12 Q And with regard to the maxi-level that you
13 refer to, what is your understanding of the scope
14 of your testimony?

15 A The scope of my testimony will be concerned with
16 the fair share of housing that might be expected to
17 be needed within the loosely speaking, the Morris
18 County--the Morris County area. What region the
19 27 subject municipalities might reasonably be portrayed
20 to fall within, region being used in this case a la
21 Mount Laurel, and further, from a planning viewpoint,
22 the appropriateness of intensified development in
23 this particular portion of the State.

24 Q Now, pursuant to that scope of employment,
25 have you prepared reports which essentially cover the

1 entirety of that scope?

2 A Actually, three of the reports, two under cover
3 of Gerhsen & Coppola Associates, and one under cover
4 of a memorandum from this office but with
5 attachments that have been prepared by Gerhsen &
6 Coppola Associates, were previously prepared. I say
7 previously, prior to my going on my own. And for the
8 memorandum, which is dubbed 2-79 and dated September
9 28, 1979, was prepared by me. Those four documents
10 essentially will form the basis for any testimony
11 that I will give, although I am currently working on
12 finalizing a report.

13 Q You anticipate now that there will be a
14 final, fifth document?

15 A Yes. Either that or there will be a consolidation
16 of all four into one publication.

17 Q Now, we've previously had marked four
18 documents which I'd like you to identify using the
19 identification letter and number that the stenographer
20 has given, and very briefly, identify the document
21 for purposes of the record, and then let me know if
22 these represent your work product to date on this case.

23 MR. SIROTA: Excuse me. When were
24 these marked?

25 MR. BISGAIER: Just this morning before

1 you arrived, to save some time.

2 A The first is marked C-1 for identification.
3 It's memorandum 1-79, dated May 29, 1979 from Gershen
4 & Coppola Associates. And it discusses the--it
5 really contains simply a set of charts indicating
6 densities, evaluations, and certain structural
7 comparisons of municipalities in a nine-county region,
8 that nine-county region being the one used by Mr.
9 Mallach in his past testimonies.

10 Q You're referring to Allen Mallach, who is
11 a planner employed now by the Public Advocates Office
12 on a consulting basis.

13 MR. SIRCTA: Is Mr. Mallach a planner?

14 I object to his characterization as a
15 planner.

16 A (Continuing) The next is marked C-2 for
17 identification, it's memorandum 2-79, again dated
18 May 29, 1979 and from Gershen & Coppola Associates.
19 This was a comparison of anticipated population and
20 housing that would follow from the statistics that
21 are contained in two documents issued by the State
22 Department of Community Affairs; namely the State
23 Development Guide Plan and the Revised Statewide
24 Housing Allocation Report for New Jersey.

25 The third is marked C-3 for identification.

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memorandum 1-79 dated September 28, 1979 from Richard Thomas Coppola, P.P., and this contains some charts which had been prepared by Gershen & Coppola Associates, and that I had in my possession from another litigation, essentially indicating some of the costs for housing construction which ordinarily are not considered, but which are born with certain types of development patterns.

Finally, C-4 for identification, memorandum 2-79, again dated September 28, 1979 from Richard Thomas Coppola, P.P., was prepared by myself, and indicates a region, a la Mount Laurel, for the 27 subject municipalities.

Q Now, you received a request by the Plaintiffs to produce files and records, etc., and supporting documentation--

MR. SIROTA: Just one moment, please.

Finish your question.

Q (Continuing) --for the reports that you have done and the work you have done; is that correct?

MR. SIROTA: Excuse me. I wish to pose an objection. This is the document you have before you. It's entitled subpoena. However, it's not in the form as required by the courts, and we would make our

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1 objection that he has not been served with a
2 subpoena which requires compliance.

3 May we go off the record a second?

4 (Whereupon, an off-the-record
5 discussion was held.)

6 MR. SIROTA: Mr. Coppola has been
7 served with a subpoena which we object to
8 as to form. However, I understand that
9 certain documents are requested by the
10 Plaintiff, and that they will serve upon us
11 a request for production of documents ~~or a~~
12 proper subpoena, if they wish, and ~~the~~
13 will respond to that as required by the
14 rules of court.

15 Thank you, sir.

16 MR. BISGAIER: You want us to reserve
17 you with another document or is that
18 necessary? I mean--

19 MR. SIROTA: Well, perhaps let me
20 discuss that with you afterwards.

21 MR. BISGAIER: Okay.

22 BY MR. BISGAIER:

23 Q Now, referring to the document which has
24 been marked C-4 for identification, Rich, you have
25 described that as an attempt to define a housing

1 region a la Mount Laurel, I believe?

2 A Yes.

3 Q What specifically do you mean by that?

4 Could you just amplify on that as to what you were
5 trying to do in ascertaining the particular region?

6 A Trying to portray, if I can take C-4, a geographic
7 area wherein there is a specified relationship between
8 places of employment and places of residence. And
9 therefore, I think responsive to Mount Laurel, in
10 terms of where people would reside, absent
11 exclusionary zoning. It represents a social
12 interrelationship of, as I said, places of residence
13 and places of employment.

14 Q From a planning perspective, how do you
15 understand or--and if you've already answered that to
16 your satisfaction, you just reiterate that you have--
17 how do you understand the concept of region in a
18 Mount Laurel context?

19 In other words, what is the--what does
20 region mean in that context?

21 MR. SIROTA: Objection to the extent
22 that it requires a legal conclusion.
23 However, I'll allow him to answer the
24 question.

25 Q I'm specifically not asking for a legal

1 conclusion. I don't want a legal analysis of what
2 you believe Mount Laurel means; that's for the court
3 to decide. I really would like to know how you, as
4 a planner, perceive region in the Mount Laurel context?

5 In other words, what are the components
6 of a region? What does that mean in the Mount
7 Laurel context?

8 A Well, I think the components are, first of all,
9 some sort of an urban center or a series of
10 subcenters. I think a wide enough area in terms of
11 land that there is the possibility for increased
12 growth, both housing and nonresidential uses,
13 supportive of that housing or serving that housing.
14 And I think generally that's the key. There has to
15 be a relationship, an interrelationship, in terms of
16 the people and the various uses of the lands within
17 the region, some sort of a relationship above and
18 beyond projections, but some sort of a social
19 relationship, as well.

20 Q You, I believe, used a concept to the
21 effect that the region is an area which, absent
22 exclusionary zoning controls, people would move into
23 and would include the area, I presume, from where
24 they would move; is that not correct?

25 A Not necessarily.

1 I think if that's the case, you know,
2 you might as well just include midwestern states and
3 California and everything else. It's a rather mobile
4 society. I think we have to be a little more specific,
5 otherwise you can include clearly--all of the state
6 is related to either New York or Philadelphia to some
7 extent, because there are nothing like--there is
8 nothing like those cities in between, so there are
9 offerings of those two cities, which we all identify
10 with, I think, to a greater or lesser extent. To
11 say that that's part of our region for a Mount Laurel-
12 type housing analysis, I think is incorrect.

13 Q Stepping back for one second, maybe you
14 can rearticulate what the concept was that you were
15 using about the absent exclusionary zoning controls,
16 people would move in--

17 A I don't think--

18 MR. SIROTA: Objection. Hasn't he
19 already answered that question?

20 A (Continuing) I don't think I can really add
21 anything more at this point. I think I responded as
22 I felt region should be defined.

23 Q Why did you use the concept at all of
24 considering this notion of absent exclusionary zoning
25 controls, the area from which people would move in,

1 where is that derived from?

2 A That's derived from I think it's the Oakwood or
3 Madison or the Mount Laurel, one of the two Supreme
4 Court cases.

5 Q And that concept is intelligible to you as
6 a planner?

7 A Not exactly intelligible. I think it deserves
8 some translation, and I have so translated it into
9 what I think is a manageable level for planning and
10 making planning decisions which result in the physical
11 development of land.

12 Q Why would you not include, say Manhattan or
13 the City of New York in a regional analysis of
14 Morris County municipalities, from the perspective
15 of that area from which population might be drawn
16 absent exclusionary zoning?

17 A Well, because I think you have to draw the line
18 someplace, and I think the line should be drawn in,
19 number one, a way that is most identifiable, and I
20 think when you start adding Manhattan, and then we
21 might as well add Long Island and Brooklyn and Queens,
22 and maybe go up the coast to Massachusetts and down
23 to Philadelphia, clearly we're all interrelated in
24 some fashion or another, but when we're talking about
25 a housing region, I think we have to bring it down

1 to a more manageable level.

2 Also, I don't think the approach should
3 be one that is going to, if we can make certain
4 assumptions, result in homogenous environment of
5 similar densities and similar types of uses, scattered
6 across the landscape. I don't think that is in the
7 interest of planning. I think it's very, very cost
8 inefficient, and I don't think it achieves the
9 objectives of the decision in terms of least cost
10 housing.

11 Q What is the methodology you used in
12 ascertaining an appropriate region in the Mount Laurel
13 sense?

14 A I have performed what I consider to be a rather
15 simple but, I think, significant analysis. Maybe it's
16 significant because of its simplicity, and that is
17 I identified where the employed residents of the 27
18 subject municipalities are working, and where the
19 people who are employed within the 27 subject
20 municipalities reside. And on the basis of that
21 information, determined a region. I think that that
22 index or those two indexes together represent a good
23 indication of how the social system, how people spend
24 most of their time within that region, where they
25 would look for housing, and where they reside--where

1 they work, excuse me. I think these are very, very
2 key inputs. I think they represent the nut of the
3 ~~Mount Laurel~~ case.

4 Q Is it essentially a methodology which is
5 established--which establishes or uses the relationship
6 between residence and employment?

7 A Places of resident and places of employment, yes.

8 Q How does that differentiate or does it
9 differentiate at all from the notion of defining a
10 region from the perspective of that area absent
11 exclusionary zoning where people would move into?

12 A I don't think it runs against that at all. I
13 think if people move into this region, they would be
14 part of the region of the new region, it wouldn't
15 change the region. The fact is that there are--there
16 appears to be very, very little--I should say there
17 is a very, very positive, and I think dramatic
18 relationship of what's occurring within the housing
19 region that I've defined, and when you go beyond the
20 lines, the relationship drops down substantially.
21 Now, regions can change over the years possibly.

22 Q How does that happen?

23 A I think it happens to some extent on an entire,
24 maybe the demise of a city, if that's allowed to
25 occur, maybe the notion of development on the part of

1 state funds in certain areas of the State versus
2 others. Maybe if we don't pay attention to Tri-States
3 Report and the state development guide plan, and we
4 attempt to promote homogenous environment, then we're
5 going to be saddled with it. If we make mistakes
6 initially, we're going to have to live with those
7 mistakes in the future, and oftentimes that means
8 just building upon mistakes.

9 Q But using a regional definition or regional
10 concept of relationship between place of employment
11 and place of residence, what would--what is the
12 variable that would change which would then alter the
13 actual geographic scope of the region over time?

14 MR. SIROTA: I don't understand the
15 question.

16 MR. BISGAIER: Do you, Rich?

17 THE WITNESS: I'm trying to understand
18 it.

19 Q What I'm essentially asking is whether,
20 given the concept of region of defining it by relating
21 place of employment to place of residence, is that
22 essentially--does that essentially result in a static
23 conception of the geographic area which a region
24 would compose, and if not, what variable would change
25 over a period of time which might alter as well the

1 geographic borders of that region?

2 A Okay. I think it could change over time, but I
3 think it would be, in this instance, a great period
4 of time, and it would--the only basis for the change
5 would be an overattempt to change it.

6 Q Essentially, it's fixed by whatever the
7 computation patterns are?

8 A I think it's more than computation patterns. I
9 think it's also desires. I think people have a
10 tendency to seek out different types of areas for
11 residence and different types of places for employment.
12 I mean, clearly the job opportunity in the Morris
13 County area, although there has been a significant
14 growth in job opportunities, mostly white collar, is
15 mostly offices, mostly relatively high paying jobs.
16 It's not menial labor, and it's not warehousing,
17 manufacturing types. So, really it's a different
18 type of an area, different from the area that we're
19 sitting in now in Bordentown.

20 Q Would the type of job or the types of jobs
21 that move into an area affect the geographic contours
22 of the region as you've structured it?

23 A Well, Carl, what you're asking, I think, is
24 whether or not if you inputted a lot of low paying
25 jobs, is that what you're saying?

1 Q No. Really, I'm saying any--

2 A I'm not sure. I really don't know. I don't
3 know.

4 Q Where did you derive this methodology of--
5 from where do you derive this methodology of defining
6 region in a Mount Laurel context?

7 A I really can't identify any particular publication
8 or precipitative force that led me to this particular
9 approach. It's something that I think represents
10 quite simply consolidation of the considerations of
11 the Mount Laurel case.

12 Q Just basically your own work product?

13 A Yes.

14 Q Are you familiar with any other Fair Share
15 Plan which ascertains or attempts to define region,
16 which has defined it similarly to how you have?

17 A I think Mr. Zimmermann has defined it similarly
18 to how I've defined it, although I'm not exactly sure.
19 And I know of no others at this point specific to these
20 27 municipalities.

21 Q Well, I wasn't limiting my question to that.
22 I was just--any fair share analysis that you've
23 studied or read about nationally, which uses the
24 relationship between place of residence and place of
25 employment as the sole criterion--

1 A Yes.

2 Q --for ascertaining the geographic boundaries
3 of the region?

4 A Yes.

5 Q Could you see forth what, to your best
6 recollection, those plans are which use that--

7 A Yes, it was--the one that comes to mind first
8 and foremost was used in the Taberna litigation
9 against Montgomery Township, which was the first
10 litigation under the mandates of the Mount Laurel
11 case to be tried, and subsequently, Montgomery
12 associates versus Montgomery Township, and in both
13 instances that region, which in that case, included
14 Mercer and Somerset County, was derived from where
15 the people in Montgomery Township worked.

16 Q And who produced that analysis of the
17 appropriate region?

18 A Carl Lindbloom, L-i-n-d-b-l-o-o-m.

19 Q And do you recognize him, Mr. Lindbloom,
20 as an authority on Fair Share analyses, and appropriate
21 definitions or delineations of regions in the
22 Mount Laurel context?

23 A All I can say is that his work was received well
24 by Judge Meredith.

25 Q Well--

1 A I think he did a good job there.

2 Q What is your opinion of him in terms of
3 whether or not he is an authority?

4 A I think he's a very good planner.

5 Q And do you think his work on Fair Share and
6 his conception of how region should be defined is
7 authoritative, in your mind?

8 A I think it's--I think anybody's thoughts in terms
9 of region and fair share is about authoritative as
10 anybody else's. The point is we're talking about a
11 definition of region as part of a planning process
12 or--and it's not going to take the place of a planning
13 process. It's an input into it. So, I think it has
14 to be approached that way, and when approached that
15 way, I would say that Carl's rudimentary approach
16 some years ago was appropriate to the context of the
17 issues at hand, and I think the one that I prepared
18 here is appropriate.

19 Q Do you know of any Fair Share Plan other than
20 ~~the~~ one produced by you here in C-4 and the ones you've
21 referred to that were produced by Carl Lindbloom, which
22 use place of--relationship between place of residence
23 and place of employment as the sole criterion for
24 demarcating the geographic boundaries of region?

25 MR. SIROTA: Objection to the extent

1 to which you classify what Mr. Coppola has
2 produced as a Fair Share Plan.

3 MR. BISGAIER: Okay.

4 MR. SIROTA: He's discussed region.

5 MR. BISGAIER: Fine. I accept that
6 characterization.

7 A Not off-hand, Carl. I believe there are others
8 that I have read in the literature, but I can't
9 specify them to you now.

10 Q If by any chance you should recall, you
11 know, what they were, or you know, I guess this would
12 go for almost anything I'm asking you, to the extent
13 that you remember something that you don't remember
14 here, and you can up-date your answers or change them,
15 just kindly, I guess through Rick, let me know, you
16 know, what they are, okay?

17 A I will.

18 Q This area of establishing regions and
19 establishing Fair Share Plans, I believe you testified
20 a second ago, is--

21 MR. SIROTA: Objection again to the
22 Fair Share Plan characterization.

23 Q You stated something previously, but I'm
24 not quite sure what you meant when you talked about
25 that every planner may be authoritative, could you

1 explain that more, you were referring to Mr. Lindbloom,
2 you said he was authoritative, and I believe you said
3 something to the effect that in this area--

4 A I think any planner that stands up and says, this
5 is the region, is a little too sure of himself. I
6 think the question is what is reasonable, is really
7 the question. And what results do the assumptions
8 bring about from a planning viewpoint.

9 Q Now, have you had an opportunity--I know
10 in discussing this with Mr. Zimmermann that you and he
11 have had some opportunity of talking to discuss--

12 A To a limited extent, yes.

13 Q Have you, other than with Mr. Zimmermann,
14 have you discussed your analysis of region with anyone
15 else?

16 MR. SIROTA: Objection to the extent
17 that it relates to discussions with attorneys
18 subject to attorney/client privilege.

19 A Other than to attorneys, no one.

20 Q Did you and Mr. Zimmermann--well, you and
21 Mr. Zimmermann did discuss, I take it, the
22 appropriateness of regional delineations; is that not
23 correct?

24 A It really isn't. We only discussed the fact
25 that we probably were going to go about things a little

1 differently, and I wasn't knowledgeable of what Mr.
2 Bismarck would specifically do until I had a chance
3 to review his report.

4 Q And have you reviewed his report?

5 A Not in any detail, no.

6 Q Are you familiar with his use of a four-
7 county area as the appropriate region for the
8 defendant municipalities?

9 A Only in most general terms, Carl, I really only
10 went through the report very, very briefly.

11 Q Let me state it hypothetically then, if in
12 fact someone was to proffer as the appropriate region
13 for Fair Share Planning purposes, for the defendant
14 municipalities, a four-county region, essentially
15 encompassing the SMSA of Morris County, would your
16 opinion be that that reflects a difference of opinion
17 between two planners attempting to do a reasonable job
18 or would your opinion be that the use of the four-
19 county region was unreasonable?

20 MR. SIROTA: Differences of opinion
21 between whom?

22 Q Between yourself and a planner who would
23 use a four-county region.

24 What I'm saying, does that reflect
25 what you would consider to be a reasonable difference

1 of opinion or does it reflect what you would consider
2 to be a reasonable perspective which is yours, and
3 then unreasonable perspective which would be the other
4 person's?

5 A Well, I can only judge from my efforts in this
6 particular instance, but I think that a region, a
7 housing region for Morris County, that is a specific
8 27 municipalities that we're talking about, which goes
9 much beyond the confines of Morris County, and which
10 does not have--Dover in Morris County somewhat as the
11 central focal point, may not be reflective really of
12 what's occurring within that area, and what is indeed
13 the housing region or is now and I think should be.

14 Q So then, you would consider that to be
15 unreasonable?

16 A Well, I'm not saying it's unreasonable. I'm
17 just saying based upon my work, I would think that
18 the further you go away from the boundaries of Morris
19 County, the more I would be questioning the
20 determinations.

21 Q At this point, then, you can't--you can not
22 state that it is your opinion or that you haven't--
23 that you are not of the opinion that it is unreasonable
24 to use the four-county region that I've described, you
25 would only say that it's somewhat questionable to

1 you as to its reasonableness?

2 A What I'm saying specifically is that I think if
3 you go away from the focal point of the two cities,
4 the urban areas within Morris County, and you go
5 really far from the bounds of the County line, from
6 my analysis, I would feel that there may be some
7 difficulties with that, and it may not be reflective
8 really of what's occurring.

9 I'm completed.

10 Q How far away from the County bounds would
11 you go before you would say that it was unreasonable
12 to include a specific area as part of the Morris
13 County region?

14 A From the data that I collected, it appears that
15 the bordering municipalities to Morris County, within
16 Warren County, Sussex, Passaic, Union, Essex, Somerset,
17 and Hunterdon, that added ring of--I don't know how
18 many municipalities it is, it's in the report someplace--
19 reflects really a--the bounds of the interrelationship
20 of residence and places of employment, and then when
21 you go beyond that ring, there is a tremendous drop-off.
22 If you take the next ring, there is a tremendous
23 drop-off in that relationship. And that's even more
24 among more municipalities, some of which are more
25 densely populated. And even with that, there is a

1 drop-off of the relationship.

2 Q In evaluating the reasonableness of including
3 any specific municipality within the region as you've
4 defined it, what do you look at?

5 A Well, I looked at my particular analysis, I
6 looked at the relationship of places of residence and
7 places of employment.

8 Q And what standard would you use in
9 determining whether any particular municipality should
10 be included in the region?

11 A Well, you begin to look for a place where the
12 line can be drawn, and where there is, in my opinion,
13 a substantial relationship, and where that relationship
14 starts to fragment. It's somewhat subjective.

15 Q What would be a substantial relationship
16 between place of work and place of residence that in
17 your mind would merit including a particular
18 municipality within the region?

19 A I would say if in both counts you had something
20 in the neighborhood of 55, 60% relationship, you would
21 have a very strong relationship.

22 Q 55 or 60% of relating what to what?

23 A Relating places of work versus places of
24 residence, looking both ways.

25 Q So if a particular municipality, if 50% of

1 their residents worked--

2 A Within a rather confined area and the rest were
3 scattered about the landscape throughout the State,
4 in neighboring States, I would say that that would be
5 a--could very well be a viable indices. If, however,
6 the other 50% were in the next municipality or in
7 the next ring of municipalities, then, of course,
8 you would have to bring them into the region. It
9 would be just a more expanded region. That's where
10 the judgments come in, and in this case, the figures
11 were 75% and 84%, which is, I think, dramatic.

12 Q Let me--I want to play this out a little
13 more to understand how you used your methodology.

14 How would you determine whether to
15 include Minster Township within the same region as
16 Kinnelon Boro, using this methodology?

17 A Okay. Clearly we're talking about contiguous
18 land areas. We're not leap frogging. We're not taking
19 Los Angeles, California and throwing it into the
20 region, even though there might be a number of people
21 commuting to Los Angeles every day. So, it's a
22 contiguous land area.

23 Q You'd look to establish a contiguous land
24 mass that included Kinnelon and Minster?

25 A No, I wouldn't look to do that. I wouldn't, first

1 of all, make the assumption that Kinnelon or Minnetonka
2 are going to be involved. In this particular instance
3 I started with the 27 municipalities, portmanteau the
4 data on paper, and then went to look at what would
5 occur as we proceeded to broaden the horizon.

6 Q Before we broaden the horizon, your initial
7 look at the 27 municipalities indicated what to you,
8 that there was an appropriate relationship among them
9 to merit including them within the same region?

10 A It--clearly, and there was--

11 Q What was that relationship?

12 A The relationship was that most of the people
13 who were living within Morris County, within those
14 27 municipalities, were working within Morris County,
15 and particularly there was an orientation toward the
16 urban centers in Morris County. That was the first,
17 I think, outcome.

18 Then the question became, well, if we
19 continued to take land area and expand it with the
20 core point being Dover and Morris County, what would
21 occur? I mean, will this just simply strengthen and
22 strengthen as we move out or will it start to fall
23 apart, and it strengthened quite a bit by adding a
24 number of municipalities surrounding Morris County.

25 Q How did you determine which municipalities

1 surrounding Morris County should be included within
2 the--this expanding region that you perceived when
3 you looked at the initial 27?

4 A By seeing whether or not the statistics were
5 strengthened or weakened.

6 Q Now, how did you determine, then, whether or
7 not to include a--any specific one of those
8 municipalities within that region? Maybe you can
9 give me a specific one that you chose to include,
10 and you can give me an idea what data you relied upon
11 in determining that it should be included. Is that
12 a reasonable way to go about it or--?

13 A Well, I don't have--the maps are being drafted
14 now, indicating this information.

15 Q Well, let's take as an example the
16 municipality of Wayne, which I believe is one of the
17 contiguous municipalities, which is in Bergen County--

18 MR. SIROTA: Passaic County.

19 Q --Passaic County. I'm sorry.

20 How would you have evaluated or what
21 data would justify in your mind including that
22 municipality in the region that you ascertained
23 initially for the 27 municipalities?

24 A It's possible that I'm not making myself clear,
25 but it wasn't a specific analysis, it wasn't taking

1 Wayne or taking West Milford or taking Newark or
2 taking Trenton or any one particular municipality,
3 and saying, should that be included or not? It was
4 a question really of looking at a contiguous land
5 area surrounding the Dover and Morris County centers,
6 and saying collectively, if we take--expand this area,
7 let's say one municipality in terms of circumference,
8 maybe two municipalities in terms of circumference,
9 what relationship emerges collectively? Because this
10 is obviously an attempt to portray a region that has
11 a capacity to grow, as well.

12 Q I take it it would grow if what proved to
13 be the case?

14 In other words, if I showed you what
15 data would you then come to the conclusion that the
16 region should--has grown in a greater--

17 A I didn't mean grown in terms of geographic size.
18 I'm simply talking about growth in terms of possible
19 increased employment opportunity and increased
20 residential opportunity.

21 Q Well, let me ask you specifically, then,
22 I picked Wayne as an example, apparently, is a bad
23 one because according to the data you have, there was
24 some confusion in the statistics regarding Wayne.

25 A Yes, one of the measurements, they grouped, I

1 think, Wayne and Haledon was it, I don't know who it
2 was, Wayne and somebody else.

3 Q Wanaque?

4 A Oh, Wanaque, yes.

5 Q To what extent did--do you rely, looking at
6 Wayne Township, in including it in this particular
7 region on the fact that your data reflects a certain
8 relationship of place of residence and place of
9 employment regarding that municipality?

10 A Simply because, as I've tried to say, if you
11 start out with Dover and Morristown as the established
12 center, and you expand out from that center, you would
13 take in--and you expand out from the Morris County
14 boundary line because actually Morris County and
15 Dover are actually in the center of Morris County
16 as it happens to be, if you're going to take some of
17 the bordering municipalities, you're going to take
18 them all. I mean, that was the approach I took.

19 Q Well, does the fact that Wayne has a
20 substantial number of residents who work in the
21 region within the 27 municipalities--I believe it's--
22 well, it seems to 700 going both ways, is the number
23 significant of how many--the number is significant,
24 but not unto itself. Collectively, with the others,
25 it emerges, you come up with a regional pattern,

1 and that's what I was trying to portray, a regional
2 pattern. So, whether it was Wayne that had more or
3 less added to the pot in terms of the statistics is
4 somewhat irrelevant, because collectively, the pattern
5 emerged rather dramatically, as I said, 85 and 74%,
6 depending upon which particular indices we're talking
7 at, which is rather a powerful relationship.

8 Q Well, as a matter of fact, Wayne seems to
9 have the most--

10 A It may very well be, but that wasn't the reason
11 it was picked. It was picked because Wayne together
12 with the other municipalities added a significant
13 percentage to the relationship of places of work and
14 places of employment.

15 Q Residence.

16 A Places of residence. Thank you.

17 Q So, in evaluating whether to expand this
18 region out, you know, you stopped at that first ring
19 of municipalities--

20 A I went to the second ring, and there was a
21 dramatic downfall in the relationship.

22 Q But in making that determination as to
23 whether to expand it out from that first ring, you
24 looked to what factor as to whether to add any
25 particular municipality or not?

1 A What would be added in terms of the solidification
2 of the pattern. In other words, if we added more
3 municipalities, we were substantially increasing the
4 statistical relationship.

5 Q Can you give me the source of the specific--
6 specific source of the data that you have in C-4?

7 A I think it's footnoted, Tri-State Regional
8 Planning Commission and New Jersey Department of
9 Transportation. It was material that was gathered
10 from the State DOT.

11 Q I understand that. But do you--

12 A Their print-out sheets. I don't know exactly
13 what the--

14 Q Do you have copies of them?

15 A I don't, but they can be easily duplicated.

16 Q How would I be able to get a copy of them?
17 What would I ask for?

18 A You'd have to go over to the library in the
19 State DOT, and you'd be sent up a little stairway to
20 another room, and you'd have to make advanced
21 arrangements. I can get that, I probably will have
22 to get material--

23 Q Is it a specific report?

24 A They are data sheets that I--I don't even know
25 whether it was published as a report or whether they

1 are just read-out sheets, you know, base data that
2 was generated by Tri-State.

3 Q In any event, you do know it has a 19--the
4 date of the data was 1970?

5 A 1970, yes.

6 Q On page six of table one of C-4, you have
7 a grand total number of 62,833; what is that a grand
8 total of?

9 A That's a grand total of the number of covered
10 jobs within the 27 municipalities, indicated from the
11 statistics.

12 Q The conclusion that can be drawn from that,
13 then, is that 100% of the people who work in Morris
14 County reside in New Jersey, is that--

15 A That would be a conclusion to be reached from
16 the data that was generated, yes.

17 Q To your knowledge, can that possibly be
18 accurate?

19 A That the people who work within the 27 municipalitie
20 all reside in New Jersey?

21 Q Right.

22 A Could be.

23 Q Okay.

24 Referring to the page six of table two
25 of C-4, there is a grand total reflected there of

1 99,333; what is that a grand total of?

2 A That's a grand total of the--of where--of the--
3 of where the people--of where the employed residents
4 of the 27 municipalities in 1970 worked.

5 Q So, that would reflect the total number of
6 workers or covered--workers who are in covered
7 employment would equal--who reside in Morris County--

8 A Yes.

9 Q --would equal the 99,000 some odd figure
10 that is on page six?

11 A No. Actually, there are others who work outside
12 of the State.

13 Q So, at least as far as that is concerned,
14 we know that is not reflective of all of those
15 residents of Morris County who are in covered
16 employment. It's reflective of all of those who are
17 in covered employment who work in New Jersey.

18 A Correct.

19 MR. BISGAIER: Take a little break.

20 (Whereupon, a short recess was taken.)

21 BY MR. BISGAIER:

22 Q Just have one or two more questions on this
23 line, Rich.

24 What would be a significant enough
25 statistical relationship in your mind to warrant adding

1 one municipality or a whole ring of municipalities or
2 several municipalities as a group or however you would
3 conceptualize it to the region as you delineated it?

4 A I think it's a relative situation more than an
5 absolute one, but--

6 Q Because I guess I'm asking what you would
7 look to--

8 A I would look really to the significance of the
9 increase, collectively, considering the number of
10 municipalities that are being added, and the aggregate
11 strengthening of statistical relationship. I can't
12 give you a number at this point. I'm not sure I
13 could. And I unfortunately don't have the maps here
14 to indicate, you know, what relationships were
15 actually found in this instance. It would be possible
16 to break it out, obviously, anybody could do it,
17 just take another ring.

18 Q But you do not have like that minimal
19 statistical relationship--

20 A No.

21 Q --under which you would not go or that
22 maximum under which you develop would include the--

23 A No, I don't.

24 Q The only thing I'm really looking for here,
25 is there some standard which you can convey to us,

1 which objectively someone else could then look at,
2 which would--they would then understand how you did it?

3 A I think it--I think it's all there. It would
4 help to have a map indicating it. I think if any
5 planner were to review it, the relationship emerges,
6 comes right up at you. It's not fabricated, it's
7 not the type of analysis that makes a couple of
8 assumptions that have a tendency to, you know, like
9 a snowball picks up more snow as it rolls along. It
10 just happens to be the situation as it exists from
11 the statistics, and I think it displays a rather
12 reasonable region.

13 Q I don't know why I'm having some conceptual
14 trouble, but I'll try one more shot, and if that
15 doesn't work out, go somewhere else.

16 If a particular municipality,
17 hypothetically, given the job/residence relationship
18 would increase the totality of the percentage or
19 the number by, say, five percent, or whatever that
20 translates to in a number, 1200, 1300, 1500, either
21 employees or residents who are relating between the
22 27 municipalities and that single municipality, that
23 wouldn't justify including it within the region?

24 A Not necessarily.

25 Q What more--why wouldn't it and what else

1 would you want to look to?

2 A Well, it might not, first of all, be contiguous
3 to the land area, it might be miles away, hopping over
4 what would be another region. The Los Angeles example.
5 It might be something that a municipality that is just
6 sticking out of what is otherwise a rather contained
7 region with a relationship to the urban core.

8 Q Why would that bother you if it was just,
9 say, one sticking, why is the context--why is the
10 concept of a ring, per se, significant to you, as--

11 A I think we're trying to keep equal distance from
12 the urban centers as much as possible, a la Mount
13 Laurel.

14 Q I may have interrupted your answer; is there
15 anything else you would add to that?

16 A No. It was going to be my answer when I was
17 going to interrupt you.

18 Q So, I guess just to paraphrase it, and if
19 I'm wrong, show me where I'm wrong, if a municipality
20 had that kind of a significant or that kind of a
21 relationship, not to put the adjective "significant"
22 on, if it had that kind of a relationship of, say,
23 a five percent going back and forth, and it were
24 contiguous, and the ring it was in was such that the
25 other municipalities in that ring also had some sort

1 of a similarly significant relationship, then would
2 you add it?

3 A Correct.

4 Q But if it was either not contiguous or if
5 the ring it was in, the other municipalities in that
6 ring did not also have that kind of a relationship,
7 then you would not include it basically?

8 A Correct.

9 Q Would you say that it's a fair statement
10 that one of the purposes--not the major purpose--for
11 articulating what the geographic contours of a region
12 would be is that it is that geographic area which will
13 then be used to ascertain a housing need, which in
14 turn will then be allocated to component municipalities
15 within that region?

16 A Yes.

17 Q And that all municipalities within that
18 region, then, would be then treated similarly with
19 regard to how that allocation would then be done?

20 MR. SIROTA: I have an objection.

21 Q (Continuing) In that sense that whatever
22 the criteria for the allocation, each municipality
23 would be treated similarly, and how the criteria
24 would be applied to it and the housing need that's
25 been ascertained and allocated to those component

1 municipalities; is that a fair characterization in
2 your mind?

3 MR. SIROTA: I have an objection in
4 that allocation is a legal concept, not as
5 far as I understand it, a planning concept.

6 In any event, there has been no
7 groundwork with respect to allocation as a
8 planning concept.

9 Q (Continuing) Well, all I'm asking, do you
10 understand, as a planner, do you have an understanding
11 of what it is that I just said?

12 A Yes.

13 Q Can you just, as a planner now, can you--

14 A My answer would be yes.

15 Q Now, how then would we deal with or do we
16 have to deal with at all a problem of overlapping
17 regions? That is, what problems would you perceive
18 to exist in allocating housing need where a particular
19 municipality would be in more than one region or
20 should a particular municipality be in more than one
21 region?

22 A I'm not sure.

23 Q Let me start with that, let's initiate, do
24 you think it is appropriate in attempting to develop
25 a reasonable housing allocation plan, that a particular

1 municipality might appear in two regions?

2 A I don't think it's inappropriate.

3 Q Is it possible, then, that if you have two
4 ~~different~~ regional analyses, that a particular
5 municipality, using the same methodology that you were
6 using, would have different allocations depending on
7 which region it's in?

8 A I would suspect it's possible, but I would also
9 suspect there would be marginal differences if the
10 same analysis was made in both cases, same assumptions
11 were made in terms of the allocation.

12 Q If every municipality in this suit or in
13 the State of New Jersey, for that matter, whatever,
14 did their own regional analysis based on your
15 methodology, would they all come up with different
16 regions that they are in?

17 A I don't know. I haven't done it for every
18 municipality in the State.

19 Q If hypothetically, using the same methodology,
20 ~~just let's~~ take the 27 municipalities who are
21 ~~defendants~~ in this suit, if hypothetically the same
22 methodology was used and they all came up with different
23 regions, do you see any potential conflict existing
24 between what the housing allocations might be?

25 A No, not really, because the housing allocations

1 are only an input into the planning process anyway.

2 It's not an absolute end to that process.

3 Q Well, how then, as a planner, would you deal
4 with the fact that if each one did a separate housing
5 allocation plan, and you were the planner for one of
6 the towns, you might have 27 different housing
7 allocation numbers attributed to your particular
8 municipality, let's say Mindham Township--

9 MR. SIRCTA: Objection. As I
10 understand it, this witness is not dealing
11 with housing allocation and is not testifying
12 or issued a report with respect to this
13 purpose.

14 You can answer the question. Go ahead.

15 A Repeat that, Carl, please?

16 Q Sure.

17 If each of the 27 municipalities did
18 their regional analysis using your methodology or any
19 consistent methodology, since in a sense they use
20 the same one, and the result of using the same
21 methodology, but using a different municipal base for
22 your analysis was that you would come up with 27
23 different housing allocations--

24 A For whom?

25 Q For each municipality.

1 You're saying that if each municipality did it
2 for the other municipalities?

3 Q Right.

4 A Why would they do that?

5 Q Let's--

6 A I--

7 Q If you think you know what I'm getting at--

8 A I don't know what you're getting at because if--
9 the way you posed it, if each individual municipality
10 did it, they would do it for themselves.

11 Q But their region would encompass the other
12 27.

13 A Most probably.

14 Q And once having encompassed the other 27
15 in the region, they would then have an allocation
16 plan which would allocate to each municipality an
17 allocation number; is that not correct?

18 MR. SIROTA: I again raise the objection
19 that your hypothesis--that this witness
20 isn't testifying as to allocation, and that
21 as I understand it, you're making a
22 hypothetical that each municipality, when
23 they prepared such a plan, would necessarily
24 create an allocation; is that correct?
25 I understand you?

1 Q (Continuing) The hypothetical I'm suggesting
2 is, one, assume that each municipality, using a
3 consistent methodology, using the same methodology
4 does their own Fair Share Analysis which involves them
5 in initially articulating a region which includes all
6 the other municipalities but which in its totality is
7 different for each municipality, then they would then
8 allocate the housing need generated by the particular
9 region, in this case there would be 27 different
10 regions, all of which individually would include the
11 27 municipalities, the result would be or what if the
12 result would be that if for anyone municipality, each
13 plan would come up with a different housing allocation
14 number; as a planner, how would you relate to that
15 as an input?

16 A Well, the first thing I would do is try to look
17 at the methodology, you said the methodology is the
18 same, the assumptions, therefore, would be the same,
19 but the inputted data might be different.

20 Q In other words, the data on vacant,
21 developable land in each municipality might be somewhat
22 different.

23 A Let's assume it was the same, let's assume
24 everything was the same except what the regional
25 delineation is.

1 A Then I would look at it and compare it to an
 2 approach which would include all the municipalities,
 3 and just see what the story was. But it wouldn't
 4 bother me that there might be differences, because
 5 clearly when you move to the fringe of any defined
 6 housing region, I think there is a tendency to have
 7 some overlap. The State has to define a region which
 8 draws hard fast lines, but it becomes suspect when you
 9 move out to the fringe of those regions, particularly
 10 the region that Morris County is in and Passaic
 11 County.

12 Q Well, how do you--would you suggest dealing
 13 with these different inputs, as a planner or as a
 14 municipality, you would attempt to provide a housing
 15 opportunity that your goal would be, let's say, to
 16 comply with your own sense of what is right under the
 17 Constitution, to provide an adequate housing
 18 opportunity for a fair share of present and perspective
 19 needs, and what you'd be presented a range of numbers
 20 for what the housing allocation is appropriate for
 21 your municipality, how would you react to that?

22 A I would take that range, I would just take that
 23 range.

24 Q What would you shoot for in terms of
 25 actually trying to provide a housing opportunity?

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1 A Well, I think in some instances, it's not a
2 question of what you shoot for, because that question
3 is feeling that you'd always go for the less amount.
4 That's not always the case. It depends upon the
5 municipality. Some municipalities might be more
6 appropriately capable of absorbing greater
7 population increases, multiple families, so it becomes
8 a case-by-case basis. It wouldn't bother me because
9 I'm not sure there would be hard fast number because
10 I'm not sure there is such an animal.

11 Q Well, would you go to the low range--

12 A I might take the lower and the middle and the
13 upper in terms of what the Township could do, what
14 would be appropriate from an overall planning
15 viewpoint in the spectrum of time, and then make
16 a consideration of--well, it apparently is meeting
17 the low and medium fair share by a factor of two,
18 but it's just meeting the high by a factor of one on
19 one.

20 Q I'm not sure I understand the factor.

21 A Well, I'm saying it might be overzoning two-fold
22 for the low and medium, but when it comes to the
23 upper one it's just meeting it exactly.

24 Q So, one way--

25 A I don't think it's a precise--I don't think it

1 over will be, and I'm not sure it should be a precise
2 sign because if we get to a statistical exercise,
3 pure and simply, then we're going to end up in
4 reducing it to a computer.

5 Q Well, one way, you're suggesting, that you
6 deal with the range in evaluating what your
7 municipality should do would be to look to what your
8 sense of the municipality capacity is to absorb
9 units?

10 A Clearly.

11 Q Another would be to look at your overzoning.
12 In other words, here you would find that--well, let's
13 take 100, 115, 200 as the range, and let's say you've
14 overzoned--you've zoned for 200 and say you've got a
15 two to one ratio for the low end, and a one to one
16 for the low end, then you'd be satisfied?

17 A I don't know if I would, it depends upon the
18 circumstances, Carl, but I might be satisfied. I
19 would also actually input the regional plans for the
20 area, including Tri-State and State Development
21 Guide Plan.

22 MR. BISGAIER: Off the record.

23 (Whereupon, an off-the-record
24 discussion was held.)

25 BY MR. BISGAIER:

1 Q Sometime prior to this in the deposition
2 you referred to New Jersey as regionally, in some way
3 being impacted upon by New York and Philadelphia;
4 could you explore that a little bit in terms of what
5 you meant?

6 A Everybody south of Trenton roots for the
7 Philadelphia Phillies, and everybody north of Trenton
8 roots for the New York Yankees. That's the best way
9 of saying it. I think there is an identification for
10 the specialty cultural and entertainment and shopping
11 facilities to those two major urban enclaves, and I
12 think the closer you go down to the Camden area, the
13 orientation is Philly, and when you get into Essex
14 County, the orientation is New York.

15 Q To the extent you can, I know it's going to
16 be difficult to be too thorough in this, what are
17 the reasons or can you specify the kind of reasons
18 that somebody in Morris County would relate to New
19 York City where somebody in Burlington County would
20 relate to Philadelphia?

21 A I think it's primarily one of proximity.

22 Q Proximity to what that's being offered or
23 generated by the--

24 A Just proximity to the city itself.

25 Q The metropolitan areas--

1 A Proximity to the city. If I could see a play in
2 New York and I lived in Fort Lee, I'd be much more
3 apt to go to New York than to go down to Philadelphia
4 to see the same play.

5 Q But the geographic proximity, it's kind of
6 interesting, I had my own experience with this in
7 Denver. Boulder, Colorado and Denver tend to be
8 closer in proximity in terms of driving time than
9 certain areas of the New York metropolitan area are,
10 and yet there is almost no sense at all, when I was
11 there, of somebody in Boulder feeling they were related
12 to Denver at all. I'm kind of curious as to what
13 makes New York city or--in the north or Philadelphia
14 in the south perceived as part of the same
15 metropolitan area.

16 A I think it's communications to a great degree.
17 We were talking off the record before about television.
18 In northern New Jersey, you are hooked into the
19 New York stations. In southern New Jersey, you're
20 hooked into Philadelphia stations. Where we are
21 sitting now in central New Jersey, there is a band
22 of area where you can pull in both stations, and
23 there is, I've experienced here from that viewpoint,
24 a shared affinity.

25 Newspaper circulation, I think, has

1 something to do with it, although it's difficult to
2 specify because there are overlaps, obviously.

3
4 Advertising campaigns. I think there
5 is a host of similar type--telephone exchanges, costs
6 of communicating; they're difficult to pinpoint. I
7 think, frankly, the work/residence relation probably
8 synthesizes a good portion of this, although I'd
9 prefer to do it the other way.

10 MR. SIROTA: Off the record.

11 (Whereupon, an off-the-record
12 discussion was held.)

13 BY MR. BISGAIER:

14 Q Have you as part of your work product
15 this litigation been asked to review, or regardless
16 of whether you were asked to, in fact reviewed the
17 Department of Community Affairs allocation plan?

18 A Yes.

19 Q Was that as part of your product of this
20 case or something ongoing ever since the Department
21 of Community Affairs began this process?

22 A The letter. It's obviously an important document.

23 Q Have you ever written anything evaluating,
24 critiquing or stating an opinion regarding the
25 Department of Community Affairs's Housing
Allocation Plan or any component of it?

1 A Specific to the methodology and a specific
2 critique of the document per se, the answer is no.
3 I mean, I have written some articles which have been
4 published in terms of the Mount Laurel decision and
5 its relationship to planning, and I guess that
6 particular document has been mentioned in those
7 articles.

8 Q That leads me to ask: do you have in your
9 possession here a--that sort of document--documents
10 which you have prepared which contain your thoughts
11 on the subject of Mount Laurel from a planning
12 perspective?

13 A Yes, I do.

14 Q Not now, but the next time we meet--

15 A I can do it now.

16 Q You can give them to me now? Is it something
17 you wouldn't mind if I took with me and then gave you
18 back?

19 A I have no problem with that.

20 Q Are you familiar, then, with the region
21 that the Department of Community Affairs delineated
22 for purposes of its Housing Allocation Plan?

23 A Yes.

24 Q And that would be the eight-county region?

25 A Region number 11, I believe.

1 Q Right.

2 Are you familiar with how they
3 determined to include the eight counties as part of
4 one region?

5 A Generally speaking, yes.

6 Q What have you read or who have you spoken
7 to from which you've been able to glean that analysis?

8 A Well, I've read the analysis. I read the
9 preliminary reports as they were issued from November,
10 '76 through the update of May in '78. I've spoken
11 to Dick Ginman and Richard Binetsky over the years.
12 Just previously I have listened to testimony regarding
13 it, and some various court cases that I've
14 participated in. And I think I have a general
15 understanding of the methodology used, although I
16 don't think it's terribly precise.

17 Q Is it your opinion, generally speaking,
18 that it would be unreasonable for an agency or
19 governmental entity or planner to utilize the eight-
20 county region for housing allocation purposes for
21 Morris County municipalities?

22 A I think it's very inappropriate.

23 Q Is that the--did you mean that to essentially
24 be the same as being unreasonable or you don't want
25 to go so far as saying it's unreasonable?

1 A Well, I think it's inappropriate. I don't think
2 it's reasonable in the context of Morris County, if
3 we're looking at Morris County.

4 Q What makes it inappropriate in your mind?

5 A Well, I think we're really talking about--first
6 of all, we're taking a State study which was very
7 broad in scope,,and I think should be commended for
8 that. On the other hand, I don't believe that I
9 agree with all its findings, and there are probably
10 authors who participated in the preparation of the
11 document that don't agree, either taking the eight-
12 county area and saying, this is the housing area
13 and then we're going to cross the line into Sussex
14 or Hunterdon and we're going to be in different
15 regions, I think is missing the point, and I think
16 the closer you get to the fringe of that eight-county
17 area, the more you have to be suspect of its
18 identification as an autonomous housing region.
19 Morris County is in the central part of the Northern
20 portion of the State. It is at the fringe of this
21 eight-county region. It's unique in that it has
22 at its core, centers of urban activity, which is not
23 the case for many other counties in the northern part
24 of New Jersey. And--

25 Q Can you name another county which would not

1 have--

2 A Sure, Passaic County. Passaic County is
3 irregularly shaped. It's almost an hourglass shape.
4 You have Passaic, and you have Patterson, but you
5 have total difficulties, in my mind, of relating
6 those municipalities to the north and west of those
7 cities, to the south and east of those cities, which
8 are sandwiched in the south and east between Bergen
9 and Hudson. Morris County is somewhat regularly
10 shaped, with those urban centers at a core, and it
11 has to be recognized as that, and maybe exploited
12 for that. We have a difficulty in data base, which
13 is part of the State's difficult as well as any
14 planner's difficulty in analytic review of it or I
15 should say statistical methodology approach, but if
16 we're going--I don't think--you can't say, for
17 instance, West Milford, in my mind, it's taking a
18 specific example, is totally inappropriate to say
19 West Milford is part of that eight-county area, and
20 Vernon and Hardyston isn't, because a relationship
21 that West Milford has to Vernon and Hardyston is much
22 more real than it is to areas of Middlesex County,
23 let's say.

24 Q What do we look to to be able to reach that
25 conclusion?

1 A In West Milford case--

2 Q Any particular municipality's relationship
3 to another is more real than its relationship to--

4 A I can give you a specific in West Milford case,
5 I looked at the world residence relationship, but I had
6 an added input there, and that was the watershed
7 holdings, and that transcended municipal and county
8 lines, and then an analysis of those municipalities
9 indicated a rather unique similarity among themselves
10 in terms of densities, in terms of historic patterns
11 of growth, which were not experienced by municipalities
12 outside of the watershed area, and given the fact that
13 there is no public sewage up there, and that if the
14 regional sewage even participated by a private
15 developer were to come in, you'd have to really deal
16 with the watershed holdings, because that would be
17 your--the area where you'd have your public system,
18 there emerged what I considered to be an appropriate
19 region to consider West Milford. It included some of
20 the municipalities in region eleven, as proposed by
21 the State D.C.A., but it also included some communities
22 in Sussex County, and was much smaller.

23 Q Have you ever worked with non-governmental
24 entities? I understand you were employed by a
25 planning firm, but the work that you specifically did,

1 have you ever done work for non-governmental entitled
2 clients?

3 A Oh, sure.

4 Q And what are examples of that?

5 A Site plans, subdivision preparation, board of
6 adjustment testimony, court testimony, really runs the
7 gamut. I can go on--

8 Q Who would be the clients in those instances?
9 This would be builders or developers?

10 A In some instances. Property owners seeking
11 variance requests, wanting to develop land. I mean,
12 the list, Carl, would be rather extensive. I never
13 testified in a Mount Laurel-type litigation on behalf
14 of a developer. The six that I've testified in have
15 all been on behalf of municipalities.

16 Q Where this issue, the Fair Share region
17 developing or development was relevant?

18 A That's right.

19 Q Have you ever been involved in doing market
20 studies, say, for residential development?

21 A No, I haven't, personally. The firm of Alvin E.
22 Gershen did some, but I didn't.

23 Q You didn't participate in them?

24 A I oversaw them to some extent, as I did all the
25 planning work over the years, but really that was a

1 small part, and it wasn't a principal study, let's say,
2 in any particular client/firm relationship.

3 Q I didn't understand that, Rich.

4 A What I'm saying, if there was a market facet to
5 the scope of work that we were asked to perform, it
6 was generally a small part of the overall scope of
7 work. It was a frill as opposed to being a particular
8 commission to do a market analysis. That's not really
9 my area of expertise.

10 Q Do you perceive it as part of your scope of
11 employment in this case to do a Fair Share p
12 Is that--

13 A I am in the process of the beginnings of taking
14 the defined region and putting numbers to it. But I
15 really haven't gotten far enough to really discuss it
16 now, and I intend to have it completed. There is a
17 question as to whether or not that work product is
18 something that I'm going to be testifying to, and I'll
19 have to check back with the attorneys to find out
20 exactly how they are planning the testimony, since
21 there are a number of witnesses involved and a number
22 of attorneys involved.

23 Q So, you don't know at this point?

24 A I really don't know, and if I, of course, were to
25 generate anything, I understand that it's subject to

1 sending it, you know, to the attorneys and then to you,
2 I guess.

3 Q In your review of the Department of
4 Community Affairs Housing Allocation Plan--I'm really
5 addressing now what we have now is a final product,
6 the last product that they came out with--

7 A May, '78.

8 Q --the May, '78 product--do you have an
9 opinion as to the methodology used by the Department
10 other than how they ascertain region that would lead
11 you to believe that any other aspect of their
12 methodology was unreasonable, or is it something that
13 maybe planners would disagree on, but their methodology
14 might be as good as anybody else's?

15 A I would say that I'm not unilaterally opposed to
16 anything that they've done. I think it's a commendable
17 effort. I don't think it's unreasonable, but again,
18 there may be others or more reasonable approaches
19 depending upon a particular situation.

20 Q But you're comfortable now with saying that
21 in your view, the way they delineated this eleven-county
22 region is inappropriate?

23 A I don't think the delineation of regions are
24 appropriate. I'm talking about another four indices
25 for allocation. I do have some question about their

1 reallocation, the reapportionment, and that is something
2 that I think can easily be monkeyed around with, it's
3 somewhat arbitrary, in my mind.

4 Q When you're talking about the low allocation--

5 A The existing need--inability to satisfy the
6 existing need, I think they paid too little attention
7 to the--to reconstruction. I think if we're going to
8 promote least cost housing, there are existing
9 structures that have been discounted by the Department
10 of Community Affairs as an approach to be really
11 abandoned and destroyed, and I think that there is
12 probably a greater measure to be gained. I happen to
13 be an advocate, in my mind, of the resurgence of the
14 cities, and I'm uncomfortable with what's occurring,
15 the mixed policies that we have at the governmental
16 level, and I think this is somewhat reflected--

17 Q You're focusing now on their use of
18 delapidated housing as part of the presently--

19 A Yes, they had to rely on the census information
20 as well as anybody else, and I think that is always
21 an area of the census information that has always been
22 most suspect because you're talking about whether or
23 not it has sanitary toilet operating or whatever, and,
24 you know, it's spot-checks, it's rather inprecise, but
25 as a result of that, there is a geometric, essentially,

1 movement of numbers out of the urban areas into the
2 exurban areas, across the suburban areas, and the
3 end result of that, of course, is--I think an end
4 result will be a demise of the cities, and I think
5 possibly the creation of a homogenous environment
6 across the landscape, to which I am opposed. So, it's
7 not a criticism but more than that, it's an observation
8 of the use of the data, as we all must do, but their
9 idea of taking, you know, the developable land, their
10 addressment of the agricultural and the slopes, their
11 wealth in employment indices, I think are reasonable.
12 When we come to the employment, the only observation
13 I make is that again, they're reliant upon established
14 figures, they didn't generate them themselves, and
15 the difference in the assessment or tabulation on
16 the part of the Department of Labor and Industry of
17 covered employment is reflected in their figures and
18 is not compensated. As an example, I think there are
19 many areas in the State--I think West Milford, as a
20 matter of fact, from my knowledge, if one clearly that
21 is shown to have had a tremendous increase in employment
22 growth. The truth of the matter is that that
23 statistical increase is not a result of increased
24 employment in West Milford as much as it is the result
25 of counting differently since 1970. In other words,

1 counting more people in that tabulation, increasing the
2 scope of the employment categories that are counted
3 as opposed to actually more people actually being
4 employed in West Milford. But you take that indices
5 and factor it into the Department of Community Affairs's
6 model or my model, and it's going to result in
7 suddenly, hey, look, it's a boom town. Therefore, we
8 have much greater--I think with any statistics, you
9 have to be a little careful and take it a little bit
10 with a grain of salt, particularly when you get into
11 a very, very detailed model.

12 Q You would be even more comfortable with
13 statistics which in fact realistically reflected the
14 actual increase in employment in the given
15 municipalities?

16 A Sure. I mean, if you're going--I mean, you have
17 to redo the whole study as far as the Department of
18 Community Affairs's model goes, but no matter what
19 statistics you use, nobody is going to have to be able
20 to regenerate all the statistical work, nobody is
21 going to go out and count, I doubt. All I'm saying
22 is that as commendable as the study is and as
23 important as the study is, and I think it should be
24 used as an input into the process of planning, but
25 there are difficulties with it, and I think we have to

1 recognize the difficulties when we use it.

2 Q Getting back to C-4, I have, I think, one
3 more question about it: in some of the county, the
4 information reflects, you know, fifteen of the 16
5 municipalities or 18 of the 22 is your assumption,
6 is that because one or two or three municipalities
7 in that county did not generate any residents who were
8 employed?

9 A I would say so. I don't know exactly what the
10 washout was, I know that there are a couple there that
11 have three or four, you know, people, so I would
12 assume that there were none or at least not the covered
13 entities.

14 Q Let me look at C-2 for the moment; this
15 is, I believe, a comparison that you've made between
16 the State Development Guide versus the Statewide
17 Housing Allocation Report?

18 A This was actually prepared by Gershen & Coppola
19 Associates when I was a member of the firm, that's
20 correct.

21 Q But this is your work product or this is
22 your--

23 A Well, I'm familiar with it because I did prepare
24 it while there, and I'll be testifying to it.

25 Q Now, what is the basic thrust of the

1 analysis that is contained in C-2?

2 A Well, the basic thrust is that on the one hand,
3 we have a planning document in the State Development
4 Guide Plan and we have a statistical exercise in the--
5 a revised Statewide Housing Allocation Report, and you
6 can not take one, that is particularly the statistical
7 report, and draw planning conclusions from the--you
8 can't plan from that document alone, is what I'm saying.
9 And it's interesting that they both come out of the
10 same department. But the conclusions in terms of
11 ultimate population is applying the exact same
12 assumption to either of them, end up to be a tremendous
13 magnitude of difference; one, the State--the Housing
14 Allocation Report comes up with a figure for low and
15 moderate income housing. If we transform that figure
16 into the number of households and ultimately the
17 number of people, and then start with the people
18 projections in the State Development Guide Plan, and
19 worked backward to the number of low and moderate
20 income housing units, we end up with a substantial
21 difference between the two. And the import is that
22 one is a planning document, and the other is just a
23 statistical exercise. Maybe neither are 100% what
24 will be, but we should be aware, again, of the purposes
25 of the documents and what the results might be if one

1 was taken at the expense of the other.

2 Q Do you feel that one is more reflective of
3 reality than the other?

4 A I'm not sure either are reflective of reality.

5 Q Well, in terms of what you think would be
6 more valid in applying it to Morris County, is it your
7 opinion--are you simply comparing them here--

8 A Well, my base from a planning viewpoint is to
9 take the planning document--

10 Q As the State Development Guide?

11 A Yes. Because I think there there is a program
12 for a systematic growth pattern of the State. It's
13 in concert with the Tri State Regional Planning
14 Commission's plan for that portion of the State.

15 Q So that population projections in your
16 analysis of housing need is something you feel is--
17 you're relatively comfortable with in terms of its
18 appropriateness for Morris County?

19 A I'm not saying that at all, Carl. All I'm saying
20 is that the State Development Guide Plan tries to
21 earmark certain areas for growth and other areas for
22 limited growth, some areas for preservation, and the
23 like. Intrinsic in that analysis and in the guide
24 plan is the idea that monies will be poured into certain
25 areas for structural improvements at the expense of

1 others. Efficiencies of scale, therefore, can be
2 engendered, which would not be the case if we just
3 had a sprawled pattern of development; so, I'm partial
4 to that approach. My point in comparing the two from
5 a population viewpoint, is just to indicate the
6 present differences that can emerge depending upon
7 the purpose of a particular study. I think the
8 population projections in the State Development
9 Guide Plan are more reasonable. They were the Stage
10 two projections of the Department of Labor and
11 Industry, and they've been refined further now
12 subsequent to the publication of that document, and
13 have been refined downward, as a matter of fact,
14 because of what's been occurring. So, if we take the
15 housing allocation figures of the statistical report,
16 take those as God-sent words, without tempering them,
17 proportionally maybe to what is occurring, first of
18 all, reality in terms of population growth, and
19 secondly, in terms of where various forms of development
20 should be directed to, in terms of the overall State
21 pattern, I think we're not really doing the full job.
22 We're taking something out of context for its dramatic
23 effect, maybe to get another point across. I'd like
24 to consider them all together.

25 Q What population projection do you believe

1 is the most reliable today if we're--for planning
2 purposes in terms of estimating future growth in
3 Morris County?

4 A There has been a recent series of projections
5 issued by the State Department of Labor and Industry.
6 And there is a yellow covered booklet, I don't know
7 the name, I may have it in my files someplace. I
8 don't see it on the shelf here.

9 Q When was that published?

10 A I think it was in April or May of this year.

11 Q Of 1978?

12 A Yes, I believe so.

13 Q And you--

14 A Now, that only has county-level figures, it
15 doesn't have a breakdown at municipal levels,
16 unfortunately.

17 Q Does it have a population range or a single
18 population projection for each county?

19 A It gives a series of them, but then it comes to
20 a proposal, in my memory. It's really a key-off of
21 the Stage Two, one, two, three, and four projections,
22 and it's refinement of the Stage Two.

23 Q Do you feel that the range that is
24 reflected in that report is reasonable from planning
25 purposes?

1 In other words, it would be reasonable
2 for a planner to use that range in evaluating the
3 population, expected population growth in the County,
4 or do you think it would be only appropriate for
5 the planner to use the one recommended by Labor and
6 Industry?

7 A I really don't have a feeling that one or
8 another is necessarily the best. I've always been
9 troubled with population projections because for so
10 long we had two different ones for grants and aid,
11 and another for housing allocations. The grants and
12 aid would be higher, and the one for housing
13 population would be lower; I guess the political
14 needs of the situation. The truth of the matter is
15 that probably neither are accurate. What occurs is
16 going to be the results of collective decisions made
17 by a whole host of governmental entities and people
18 at the local level.

19 Q So, you'd be more comfortable working with
20 a range than any specific targeted number?

21 A I am always. I, as a matter of fact, do not put
22 population projections into my master planning process
23 as an input. Rather, I work to the process, and work
24 the impacts of that process and double check the
25 realistic conclusions of that, let's say first run

1 through, and if it requires a change in population
2 projection on the part of some other governmental
3 level, so be it.

4 Q Do you know of any reason to think that the
5 range of population projections reflected in the
6 report that you're referring to, that the ultimate
7 population of Morris County within that timeframe
8 would not be within that range--let me do that
9 question again. I ran off a little bit.

10 Is there any reason to believe that the
11 population for Morris County which will actually
12 exist in 1980, 1990, the year 2000 would be outside
13 of the range reflected in that report, or are you
14 fairly comfortable in assuming that it's likely to
15 fall within that range somewhere?

16 A First of all, I can't recall the specific numbers.
17 I'm not even sure there is such a range in that
18 particular report. As I said, I think it's more of
19 a refinement of the Stage Two projections. But I
20 think that the trend is definitely on the decline,
21 not only in Morris County, just across the State,
22 and I would suspect that you're going to see a further
23 refinement of figures downward over the next years,
24 and I think particularly as a result of the '80
25 census, we're going to have a new batch of data

1 somewhere around mid '81, and that data, I think, is
2 going to change the picture of your perceptions of
3 what has occurred and what will occur. Then, of
4 course, you add on the recession, which I think is
5 very much here in terms of the housing growth pattern.
6 I don't really--you know, I think they're useable
7 tools. I don't look at them and say, this is going
8 to occur.

9 Q There is no reason today in your mind to
10 doubt or not to use those figures, let me put it that
11 way. Are you comfortable today using that range?

12 A For an analytic approach as an input into a
13 process?

14 Q Yes.

15 A Sure.

16 Q Do you know of any reason why that
17 population growth could not occur within the County?
18 Essentially, could the County absorb that population
19 growth should it occur, should the pressure for that
20 growth occur?

21 MR. SIROTA: Objection. I don't
22 understand that question.

23 Q Do you--

24 MR. SIROTA: I want to understand
25 the question before I have--

1 MR. BISGAIER: Maybe Rich can paraphrase
2 it.

3 MR. SIROTA: I would like you to
4 explain it to me before he answers it.

5 MR. BISGAIER: Well, basically I'm
6 asking, is there any reason why that
7 population growth which is reflected in
8 the report, in his mind, could not occur
9 within the County?

10 MR. SIROTA: You mean water, sewer,
11 swamps, and environment--

12 MR. BISGAIER: Other limitations which
13 would cancel, from a planning point of view,
14 that the growth would not occur or should
15 not occur.

16 MR. SIROTA: I make specific objection
17 that he's not an expert in these areas.

18 MR. BISGAIER: I'm speaking really
19 given the limitations of his expertise in
20 planning.

21 THE WITNESS: I think there are a lot
22 of environmental restraints or structural
23 constraints in that area that should not
24 occur. There may be a pressure for them
25 to occur, but they probably shouldn't occur.

1 But specifically, I can't answer your
2 question because I'm not really familiar,
3 I haven't done any analysis except in one
4 municipality of the environmental and
5 structural opportunities and constraints.

6 BY MR. BISGAIER:

7 Q In page three of C-2 you refer to a
8 population growth in the designated growth areas of
9 Morris County of 114,535 additional people, by the
10 year 2000; does that reflect the total growth
11 projected in the State Development Guide for Morris
12 County or just the growth projected within the growth
13 areas?

14 A Within the growth areas.

15 Q The growth areas used there as a term of
16 art as opposed to the limited growth areas?

17 A Right. Limited growth areas are open space
18 areas or agricultural areas.

19 Q So, it's possible that there might be
20 additional growth in the County outside of those
21 growth areas that is not taken into account in the
22 figure reflected on 1A of C-2?

23 A It's possible, yes.

24 Q Now, in one before C-2, you use--you assume
25 household sizes of 2.5 or 3.0 persons per dwelling

1 unit; why do you use those figures?

2 A Well, right now in Morris County I think it's
3 closer to a 3.4 or 3.5 person to dwelling unit, but
4 the tendency is to go to smaller household size.
5 I think some people project, and I sort of subscribe
6 to that we're going down to a 2.8, 2.6 size as we
7 approach the end of the century. And this is just
8 to provide a range--

9 Q It's a range that you were comfortable with?

10 A I think probably most people would be comfortable
11 with that range.

12 Q Now, in 1C, you assume that one-quarter or
13 one-third of total projected dwelling units will
14 house low and moderate income households; where do
15 you derive those fractions from?

16 A Actually, the 25.6% came out of a study of the
17 State Department of Community Affairs. And I can't
18 remember which study it was.

19 Q Well--

20 A It was a rule of thumb that a quarter of all
21 the dwelling units constructed should be designated
22 for low and moderate income households. I think it's
23 a generally accepted rule of thumb. That's where it
24 came from. Now, I've uped it to one-third, simply
25 because of the costs of housing that have increased

1 so much.

2 Q Essentially, the low and moderate income
3 class is expanding--

4 A I wouldn't say that. I think that's a little
5 incorrect. I would rather say that you're never
6 going--I don't think we're going to provide low and
7 moderate income housing without subsidy, pure and
8 simple.

9 Q So, that a class of people who you are using
10 in your conception of who low and moderate income is,
11 the class of people who are defined as--by the
12 subsidy programs as the class who can benefit from
13 those programs?

14 A Well--

15 Q I'll rephrase that.

16 Are you comfortable with using as the
17 class of people defined as low or moderate income,
18 those people who may benefit from Section 8 New
19 Construction Housing Program?

20 A No, I'm not. I mean, that's a--I think Mr.
21 Mallach tried to use that approach, so we have the
22 entire world subject to low and moderate income
23 housing needs. Well, he has done that in the past.
24 The reason for doing this was simply a comparison
25 again between the two documents. The terms low and

1 moderate are used because they're used in the Housing
2 Allocation Report.

3 Q Well, they're used in the Mount Laurel
4 opinion.

5 A They're used in the Mount Laurel opinion. I'm
6 not even sure whether any two people agree with what
7 it means anymore. All I'm saying is that for the
8 lower spectrum of the economic range, in order to
9 provide new housing with reasonable amenities, I
10 mean something that people have a right to live in,
11 with no frills, but reasonable amenities, you're
12 really not going to be able to deliver those units,
13 not withstanding the cost of land, without subsidy.
14 And of course, then we get to the length of the chain,
15 and that art of least cost. But again, I'm just
16 projecting here by comparison.

17 Q Do you know what percentage of the
18 population requires subsidy in order to be housed?

19 MR. SIROTA: Which population?

20 MR. BISGAIER: Take nationally.

21 MR. SIROTA: He answered the question.

22 THE WITNESS: No.

23 BY MR. BISGAIER:

24 Q Given any region, let's say whatever it is
25 agreed upon or anybody uses as the region for Morris

1 County, shouldn't the proportion of people who could
2 only benefit or who could only be housed with subsidies,
3 wouldn't that as a minimum reflect those persons who
4 are in the low or moderate income class?

5 MR. SIROTA: Objection. It calls for
6 a legal conclusion. They are--those people
7 are what they are. Those are people that
8 require subsidy.

9 BY MR. BISGAIER:

10 Q Well, again, let's go back then to your use
11 of the one-quarter or one-third.

12 Are you personally comfortable that
13 this percentage adequately reflects those persons
14 in need of housing opportunity who--for whom Housing
15 Allocation Plan should be directed?

16 A No. I don't think--that's not the purpose of
17 those numbers, and if I make that inference, I think
18 the end result of the analysis or any analysis might
19 be fraught with difficulties. I think now when we
20 talk about providing least cost housing, we're not
21 directing it towards--let me put it to you this way:
22 if there comes a point where 80% of the population
23 can not afford conventionally constructed housing,
24 it does not mean they are low and moderate income
25 people. It might reflect something wrong with the

1 economy and the housing authority, as opposed to a
2 question of designating them as low and moderate
3 income people. I think a lot of people are in hard
4 straits in terms of housing opportunity, and the
5 truth of the matter is that the housing that is
6 constructed even without frills is not going to be
7 accessible to more than the--certainly around the
8 middle level, at the very least, of the economic
9 spectrum, unless, of course, you go into reconstruction
10 of existing housing units, which I think is the best
11 opportunity right now, or of course, you could always
12 put tents up in a field.

13 Q Not under the BOCA Code.

14 A Well, let's hope that the BOCA Code is not
15 changed to allow it.

16 Q What is the purpose, then, for using the
17 one-quarter or one-third, what does that reflect?

18 A It simply reflects a multiplier, Carl, 25% was
19 used at the time of one of the earlier studies of
20 the Department of Community Affairs. The 25% figure
21 was used, and just for comparison, you can add a
22 six here, you can add a--you can change--as long as
23 they're consistent in both pages of comparison, it
24 really makes no difference. I use the quarter to
25 a third because it's a third of the population. If

1 we're going to take an analysis and direct it towards
2 sectionalized population, and say one-third is in
3 need of least cost housing, all right, I think it's
4 a pretty good wide proportion. Somebody might argue
5 a half is, and as the economy goes down, we may go up
6 to 2/3. I don't have to lock myself into that,
7 because it's irrelevant to this analysis, and I won't
8 lock myself into it because I really don't know what
9 anybody is talking about. Everybody is using the
10 term "least cost" differently. Low and moderate
11 has lost its meaning to me, except on maybe an HFA
12 form.

13 Q What's that? How does it have meaning in
14 an HFA form?

15 A Well, they set income limits, you know, the
16 governmental statistics use it for subsidy.

17 Q What's your opinion of the ceilings they
18 use in terms of whether they reflect a population
19 in need of--

20 A Well, I think given their programs, all they're
21 doing, it's a graduated scale, anyway. I think the
22 subsidized programs do serve to provide housing
23 affordable by a wider spectrum than the conventional
24 market can deliver. So, I think it's greater. But
25 it's not going to be answered by simply providing

1 greater densities and more housing starts. From my
2 experience, towns that have rezoned with no cost
3 exactions whatever, applicants have come in and
4 developed to the fullest extent that the market can
5 bear in terms of their return on their investment.

6 Q The one purpose of a housing allocation
7 plan is to ascertain a low moderate income housing
8 need.

9 A Yes.

10 Q Then, to allocate that need.

11 A Yes.

12 Q As a planner, what standard would you use
13 or who would you be concerned about as a class of
14 people in terms of ascertaining the housing need,
15 who is the lower and moderate income class that you
16 would be concerned about, and why would you be
17 concerned about that class?

18 A Generally, it's around 14,000 for the low, for
19 a family, I think in today's monies.

20 Q 1979 dollars?

21 A Yes.

22 And upwards of, I would say, probably
23 17,000, even 18,000 for the moderate, if we're going
24 to put numbers to it.

25 Q But you can go up to \$24,000 and may have

1 difficulty in reaching the conventional market.

2 Q This is basically a class of people who--

3 A I don't think it's a class of people. I think
4 that's incorrect. It is not a class of people. It
5 is no longer a class of people.

6 Q What is it?

7 A It's simply a reflection of the ability of
8 dollars to buy housing.

9 Q And this is the, just to use a term, this
10 is the class of people who would have difficulty
11 in today's market of finding conventional housing;
12 is that not correct?

13 A I really have to take issue with the use of
14 "class". It really is misleading. It's not a class.
15 We're not talking about any particular type of worker,
16 we're not separating blue--we're not talking about
17 blue collar versus white collar, we're not talking
18 about college educated people or non. We're talking
19 about the ability of dollars to provide housing on
20 the conventional housing market.

21 Q And you're at least comfortable with the
22 fact that persons earning under \$18,000 a year are
23 persons who are having difficulty buying housing on
24 the conventional housing--

25 A Yes.

1 MR. SIROTA: Objection. He testified
2 to that previously, and he gave a more
3 three dimensional description.

4 MR. BISGAIER: Well, why don't you
5 react to that question and give as much of
6 a description--

7 MR.SIROTA: Objection. You can read
8 the answer back that he gave before.

9 MR. BISGAIER: Would you read his
10 answer?

11 (Whereupon, the requested information
12 was read back by the Court Reporter.)

13 BY MR. BISGAIER:

14 Q What does--did the numbers reflect that
15 you previously--14,000 for the low and the 17,000,
16 18,000 for the moderate?

17 A Generally speaking for new construction, those
18 households would have a difficult time or no chance
19 at all to acquire new housing on the open market.

20 Q And is it your opinion that it's appropriate
21 for a Fair Share Plan to evaluate the housing needs
22 of those people and to allocate them?

23 A Yes, I think it's appropriate to do that, but
24 I'm not sure of the--I'm not--I question in my mind
25 whether it's becoming an academic exercise,

1 unfortunately.

2 Q Would it be appropriate to use as--I guess
3 it follows logically, that whatever percentage of the
4 total population in the given region, that this
5 represents the group at 14,000 or the group at 17,000
6 to 18,000, that would be an appropriate fraction to
7 use in determining the projected dwelling units which
8 would be low and moderate?

9 A That would be one method.

10 Q But you did not use that method in 1C?

11 A You have to understand what 1C is. Again, I'll
12 just remind you, this is not a projection, this is
13 just a comparison of data that was issued by the
14 State Department of Community Affairs in two separate
15 documents. That's all it is. This is not a housing
16 allocation projection on my part or on the part of
17 Gershen & Coppola Associates.

18 Q But it is your opinion that it is comparable
19 to--that 1C is comparable to 2B; is that not correct,
20 using a comparable methodology, is what I'm saying?

21 A Yes. It just was working from the data given,
22 to a common denominator, in two reports.

23 Q What is the source of it in 2A, of C2, the
24 36,069 figure?

25 A Page A29 of the A Revised Statewide Housing

1 Allocation Report for New Jersey.

2 Q That is on page A29 the adjusted housing
3 allocation--essentially the total housing allocation
4 for the County, less what's considered the indigenous
5 share in the County; is it your opinion that the--
6 that that reflects the new housing units for low and
7 moderate income people that the Department of
8 Community Affairs housing allocation plan is projecting
9 for Morris County?

10 A Yes.

11 Q Is it also your opinion that it is an
12 assumption of this plan that those units would be one-
13 quarter to one-third of the total units constructed
14 in Morris County or the total increase in the number
15 of units constructed in Morris County between 1970
16 and 1990?

17 A I don't know, but for purposes of the comparison
18 between the two reports, I tried to lend some sort
19 of a set list of assumptions in order to compare
20 the figures.

21 Q It's an assumption you use, whether or not--

22 A That's correct. I have no idea whether or not
23 they did.

24 Q In 1D, you refer to the State Development
25 Guide Plan and its designation of 54,800 developable

1 acres in Morris County; what is your understanding
2 of that designation?

3 A Referring to the State--

4 Q Development Guide Plan.

5 Essentially, what do they mean by--

6 A They're talking about they have removed
7 agricultural lands or a portion of them; I've
8 forgotten the percentage.

9 Q Well, to shorten your answer, that you have
10 removed the items classified on page 1 of C2,
11 designated one through ten--

12 A Certain of them, yes.

13 Q And they have also--that's essentially it.

14 So, in using the 54,846 figure for
15 developable acres, it was your assumption that, that
16 is the designated land area in Morris County under
17 the State Development Guide, that what?

18 A Could be developed.

19 Q And that any other land area could not be
20 developed, should not be developed, or would not be
21 developed?

22 A I think could and should not.

23 Q Could and should not be developed, but in
24 fact, might be developed.

25 A Depending upon whether there are pressures put

1 on to develop, and we can work across purposes, yes.

2 Q To your knowledge, is any of the land in
3 Morris County that is not designated within this
4 54,846 developable acres zoned for residential use?

5 A I don't know. I would imagine there is all kinds
6 of zoning affecting those acreage, but I don't know
7 for certain.

8 Q And if it were zoned for residential use,
9 and at least it would reflect a municipal decision
10 that a residence would be a permitted use on that
11 land, regardless of the State Development Guide?

12 A That's correct.

13 Q In what ways was the concept of developable
14 acres, as used in the State Development Guide,
15 different from the concept of developable acres used
16 in the Housing Allocation Plan?

17 A The Housing Allocation Plan merely removed slopes
18 of 12% or greater, and I think it's 70% of the
19 agricultural land. The environmental input in terms
20 of the developability of the acres in the State
21 Development Guide Plan was a lot more extensive, and
22 consisted of a series of soil, slope, hydrology
23 analyses, much more tuned to a normal planning process.
24 There were judgments made.

25 Q Judgments as to what?

1 A As to what land might be developed--designated
2 developable versus land that should not be developable.
3 The Housing Allocation Report was more of simply a
4 numerical exercise, again.

5 Q Well, it also contained judgments, just the
6 judgments were different.

7 A It was much--yes, the judgments were different,
8 but it--they were unilaterally applied, the whole--
9 the report proceeded at one point, it says--well,
10 of course, certain areas they're going to have deferred
11 allocations, one page takes out a handful of
12 municipalities, and said, well, we're not going to
13 really want that now. I think that should have come
14 as an input into the planning document, judgments
15 should be made, should development occur, there is
16 no question of should in the Revised Statewise
17 Housing Allocation Report.

18 Q Well, there is some--there is a judgment
19 that it should not occur where there are twelve
20 percent or greater slopes, should not occur on 70%
21 of the agricultural, should not occur on wet lands;
22 isn't that correct?

23 A I'm not sure--okay, Carl, I'll accept that. It
24 seems to me was more a question of could not, but--

25 Q Okay.

1 A The thrust of the analyses were different. One
2 is trying to direct growth to its collectively good
3 end for the common benefit of the New Jersey
4 residents. The other is saying, here is what we can--
5 here is what we should do in terms of housing; they're
6 not necessarily, you know, in agreement with one
7 another. That's the whole point.

8 Q You're saying the difference, then, between
9 the State Development Guide concept of developable
10 acres and the Housing Allocation Plan's concept of
11 developable acres is a judgment input in the
12 Development Guide as to certain other lands where
13 there should not be development, as a matter of policy?

14 A Yes, that is significantly part of it.

15 Q Do you have any knowledge of how the--what
16 the practical implications have been of the State
17 Development Guide in terms of municipal planning?

18 A Yes.

19 Q What have they been?

20 A I have used it as a--an input into all my
21 planning decisions.

22 Q Do you have any knowledge of any attempt
23 by a--the State or by a municipality to thwart the
24 location of an industrial or commercial tract on
25 the basis of its lack of compatibility with the

1 State Development Guide Plan?

2 A Would you repeat that question, please?

3 (Whereupon, the question was read back
4 by the Court Reporter.)

5 A Yes, I do.

6 Q Can you state what those examples are?

7 A One of them is in Oldmans Township in Salem
8 County, a Master Plan prepared by Gershen & Coppola
9 Associates when I was with the firm, and I served as
10 planner in charge. We in the update modified the
11 location of the industrial areas to coincide with the
12 corridor of growth designated by the State
13 Development Guide Plan and removed it from other areas.

14 Q What type of area did you remove it from
15 and what type of area did you put it into? Given the--

16 A I don't understand what you mean.

17 Q Well, the State Development Guide, I believe,
18 indicates three types of areas; is that not correct?

19 A Well, this was within the growth area.

20 Q Was the entire municipality within the
21 growth area?

22 A No.

23 Q So, what you did was you changed the
24 location from a limited growth area--

25 A Well, from an agricultural area, as a matter of

1 fact, to a growth area.

2 Q That resulted in net increase or decrease?

3 A Decrease.

4 Q How much of a decrease?

5 A I don't know off-hand, but it was relatively
6 substantial, they were very much overzoned, in my
7 opinion, for industrial growth.

8 Q Do you know of any other examples--well,
9 let me ask you this: in that example, was any
10 specific proposal for industrial or commercial location
11 thwarted by that change?

12 A Yes.

13 Q Which was that?

14 A I don't know the property owners. You can check
15 the public hearing record. People were upset
16 because their lands were taken out of the industrial
17 classifications.

18 Q Those persons with a specific proposal for
19 development?

20 A Yes, yes, they did. I don't know whether it was
21 a real proposal, but it was specific. They offered
22 it as a specific plan for an industrial park.

23 Q What other examples?

24 A Chester Township is one.

25 Q What occurred there?

1 A What occurred there was the location of higher
2 density housing surrounding the Boro, which was in
3 concert with both the Tri State and State Development
4 Guide Plan, and--

5 Q Was that an area designated for growth?

6 A Yes, it was a node of growth on the County plan
7 and the Tri State Plan, and the State Development
8 Guide Plan, I think, refer to that as a node--as
9 what do they call it? The satellite areas.

10 Q Do you know if that was in a growth area,
11 limited growth area?

12 A I can't recall right now. I could find out
13 easily enough, but I don't recall right now.

14 Q Would you always be of the opinion that it's
15 undesirable to locate an industrial or commercial
16 property in a no-growth area?

17 A No. I think you have to look at the specifics
18 of the municipality, clearly. Again, the State
19 Development Guide Plan is not cast in stone or it was
20 an ambiguous undertaking. My opinion is probably
21 more ambiguous in many ways than the Fair Share
22 Housing Allocation Report because it tried to make
23 some policies, which is difficult to do for 567
24 municipalities. So, it's not intended to be hard and
25 fast lines, but I think it does give a pattern.

1 Q What would you consider to be a major
2 breach of the State Development Guide Plan in terms
3 of the location of industrial commercial ratables?

4 A A specific example?

5 Q Yes.

6 Do you know of any examples?

7 A Yes, I guess I do. Johnson & Johnson in
8 Montgomery Township in Somerset County. Of course,
9 it came in before the Guide Plan was issued, but it's
10 certainly within an area that would not be considered
11 inappropriate for industrial-type development, if
12 you can call it that, you know, it's rather
13 nonintense, but nevertheless, it's there. I really
14 don't know of any specific breaches of that, you know,
15 for new growth.

16 Q Basically, any major industrial commercial
17 facility in a no growth or limited growth area would
18 be on its face a breach, or there may be some
19 specific justification of it, but facially there would
20 be a breach of that, would there not?

21 A Facially, I guess it would be. The only thing
22 that was different between the industrial type
23 growth versus the residential growth similar--
24 relating intensity to density for nonresidential and
25 residential is the fact that you always need public

1 sewage and water facilities with the residential, if
2 you're going to go to moderate or high density.

3 Whereas, you don't always need it with the
4 nonresidential growth, dependent upon the type of
5 offices you would, ordinarily. But if you're dealing
6 with a warehouse operation, for instance, along the
7 highway, where other factors might dictate its
8 appropriate location because you don't want truck
9 traffic coming through the center of your town, you
10 can do that with on-site facilities more reasonably
11 than building, let's say apartments or townhouses,
12 and that would be maybe a difference in the
13 justification. But if you're talking about a planned
14 you know, a major area for growth, I would say, no,
15 it should be in your growth areas and should probably
16 be commensurate with residential activity.

17 Q What considerations would counsel in favor
18 of or be supportive of a breach of the State
19 Development Guide Plan designations for the
20 construction of an industrial or commercial ratable?

21 A Existing development, traffic access versus
22 other areas in the community, existing facilities,
23 proximity to fire and police services may be
24 necessary, particularly in some exservice areas,
25 there is not that much services of that sort,

1 environmental constraints or the lack thereof in the
2 absence of public sewage facilities. I might say
3 that some of these are also reasons for deviation in
4 terms of the residential construction insofar as
5 they make it more feasible for its development. But
6 I don't think we can--I think you still have to use
7 the State Development Guide Plan as a viable goal,
8 or let me even temper that further by saying as a
9 viable benchmark in terms of locational decisions,
10 as you would the Housing Allocation Report as a
11 viable benchmark in terms of the housing allocations
12 per se.

13 Q Do you believe that there should be a
14 relationship between the location of industrial and
15 commercial facilities, essentially jobs and
16 residential location and development?

17 A Yes, there should be some intention to the
18 relationship, sure.

19 Q What should that relationship be?

20 A Well, I think that depends upon, too, the
21 particular circumstance of the situation. Obviously,
22 the intent of my definition of region is to relate it
23 to, and at various levels of analysis, the
24 relationship should continue, possibly down to a
25 planned development scheme of continuous acreage.

1 It's not always appropriate and it depends upon the
2 fabric of the community as it exists now, the
3 particular road network. How you can build upon it,
4 what feasibility there is for public sewage facilities,
5 particularly, and the like, but where possible, I
6 think it's maybe an ideal to be sought of having
7 proximity. I would throw in schools. You know, I'd
8 rather have nodes of development as opposed to
9 homogenous sprawl.

10 Q Would you favor the policy which would
11 encourage the location of residential growth in areas
12 where this has already been experienced and this is
13 forecast to continue and increase in commercial and
14 industrial facilities?

15 A Not necessarily.

16 Q What would counsel for and against that?

17 A First of all, whether or not the original
18 location is appropriate. I don't necessarily like
19 the idea of building upon past mistakes. Secondly,
20 I would look into the type of commercial growth
21 which exists and that which is anticipated. It may
22 be that the housing is really going to be unrelated
23 to the type of employment opportunities which exist.

24 Q You would want it to be related?

25 A If it's going to be built, it should be. I mean,

1 yes, if there is a relationship, there is a
2 relationship. If there is not, then look for other
3 reasons for location. I don't think things should
4 occur just because--well, I'll--

5 Q But within a given region, especially given
6 the way you've defined region, which is to relate
7 place of residence with place of employment, I take
8 it you would be supportive of the fact that the
9 region itself should generate residential opportunities,
10 at least commensurate with the employment opportunities
11 that the region is generating?

12 A If I could add to that, the type of employment
13 opportunities, as well, yes, I would agree.

14 Q An ideal model, I guess, would be that the
15 region itself would present residential opportunities
16 for the employees of the region?

17 A That's correct.

18 Q Specific location of the residential
19 opportunity and the commercial and industrial, the
20 job opportunities might depend on other factors, but
21 the regional context you would like to see the
22 relationship exist?

23 A Yes.

24 Q Do you believe that there should be afforded
25 an opportunity in terms of the residential capacity

1 that is generated by a region for residential growth
2 that is not commensurate with the commercial and
3 industrial job opportunities?

4 MR. SIROTA: I have an objection. What
5 do you mean by "opportunity"?

6 MR. BISGAIER: I'll rephrase that.

7 BY MR. BISGAIER:

8 Q Do you believe that the capacity for
9 growth that's reflected in the region should be
10 limited to the type of employment--type of employees
11 who are presently or projected to be employed in
12 that region?

13 A By and large, yes. I think if we monkey around
14 with that relationship, we're just going to probably
15 encourage, as I said, a homogenous sprawl, and we're
16 going to have similar identities of land use character
17 throughout the State, and I think we're also going
18 to call for demise of the urban areas.

19 Q So, you would be opposed to, say, overzoning,
20 if the case may be, for middle or upper income groups
21 as much as you'd be opposed to other zoning for low
22 and moderate income groups, vis a vis what the
23 employment opportunities are?

24 A No. I didn't say that at all, because obviously
25 it's going to--if you zone on the basis of physical

1 constraints in the absence of public water and
2 sewage facilities, you could always--it always will
3 be argued that you're zoning for the rich. That may
4 not be an overt decision on the part of a
5 municipality; it may be the only choice. You're
6 obviously not going to zone areas for less than the
7 environment can absorb. So, I think that's a
8 misnomer. I think you'll always have exurban areas
9 and in rural areas you'll always have more large-lot
10 zoning. Now, that may be modified as the years
11 progress, but it's going to be modified on the basis
12 of decisions other than an overt decision to overzone
13 for--I don't think the term "overzone" is appropriately
14 applied to all situations.

15 Just a correction to that last answer.
16 I made reference to you're not going to zone for less
17 than the environment can absorb, and I meant to say
18 you're not going to zone for more density than the
19 environment can absorb in the absence of public
20 facilities.

21 Q The analysis that you've done so far seems,
22 at least internally, consistent, but I have two
23 concerns about two classes of people.

24 One would be the elderly, and the other
25 would be the unemployed; I guess the elderly would

1 be considered part of the unemployed. And I guess
2 to the extent that I'm concerned about it, your
3 analysis would provide a relationship between those
4 who are employed and job location; what about housing
5 opportunities for those who are unemployed, will they
6 be retired persons on Public Assistance, persons who
7 are employable but who are unemployed, and of course,
8 although it's not specifically covered in your
9 report, persons who are employed but are not employed
10 in covered employment, I take it the very least,
11 persons who are employed, even though their employment
12 is not covered by Social Security, would be persons
13 who you would see this relationship between the
14 housing opportunity and the employment opportunity,
15 is that correct, you're not distinguishing it in terms
16 of relating a housing opportunity with an employment
17 opportunity simply on the basis that someone may be
18 under covered employment and someone may not?

19 A No, I'm not.

20 Q You're saying for all employees, you're
21 in favor of that relationship?

22 A Yes.

23 Q How do you feel, then, with the fostering
24 or housing opportunities and what number to foster
25 for those who are unemployed, whether they be the

1 retired elderly, the unemployable, whether they're
2 disabled, or persons on financial assistance, or
3 persons who are employable but who are presently
4 unemployed?

5 A First, with the elderly, I think there should be
6 attention to subsidized housing for the elderly. I
7 think there are unique needs of the elderly
8 population which can best be served in a complex type
9 of development--

10 Q Let me--I'm sorry.

11 A --where facilities can be constructed to be
12 shared by the residents.

13 Q Do you think we can ascertain--is there a
14 way to ascertain how many such opportunities should
15 be provided in a particular region, can we assume,
16 for example, that there is a certain percentage of
17 the regional population that would be in the elderly
18 retired category for which we should be providing
19 housing opportunities?

20 A In a particular region? I guess it would be
21 possible.

22 Q Well, how would you go about ascertaining--

23 A Could I finish the answer to the other question
24 just for a minute? The other point I wanted to make
25 is when we talk about the unemployed, and we talk

1 about those that are maybe in and out of jobs, I
2 would never suggest that there should be complexes
3 built so we can get all these people together in an
4 apartment building. I think that the answer to that--
5 those needs--

6 Q I'm sorry for interrupting. I may have
7 thrown you off by the way I asked the question. I'm
8 not speaking now of specific development for any
9 of the classes of people mentioned.

10 A Right.

11 Q I'm talking about from a regional perspective,
12 determining how much of a housing opportunity should
13 be provided for certain groups of people; one group
14 of people that you have ascertained is those who are
15 employed within the region, a residential opportunity
16 should be available to them. Now, I'm saying, how
17 do we ascertain how much of a residential opportunity
18 in a given region should be provided for those
19 persons who are not employed? How many of the
20 retired elderly should be--an opportunity should be
21 made for, how many of the unemployed but employable
22 should be considered in--

23 A Well, all you're really doing is you're making a
24 subcategory, a series of subcategories out of a broad
25 category which is already addressed in any Fair Share

1 analysis. Now, you're getting into the specialized
2 housing needs, I would take it. And if you're not
3 going to go into specialized housing needs, then my
4 question would be "what's the difference"? Maybe
5 I'm missing the point, Carl.

6 Q I don't think I'm being clear.

7 Let's say that you're evaluating on a
8 regional basis how much housing opportunities the
9 region should generate.

10 A Okay.

11 Q One thing you would consider is how many
12 people are going to be employed within the region;
13 let's say that's 40 people.

14 A Okay.

15 Q 40 households, and, therefore, you
16 would make the judgment that we should at least
17 provide an opportunity for 40 households, whether we
18 overzone or not, I'm not asking--raising here, just
19 at least the opportunity should be provided for those
20 40 households. Now, what I'm asking is: within that
21 region, how many more households should we be
22 providing an opportunity for in order to insure that
23 a sufficient opportunity has been provided for those
24 who we have not taken care of by evaluating those
25 who are employed?

1 A Well, I wouldn't necessarily go about it your
2 way, but I really don't have an answer to that at
3 this point. I don't know whether you can come up with
4 an ironclad number in that regard because it's going
5 to fluctuate with the economy.

6 Q At the very least, by providing housing
7 opportunities for those who are employed, whatever
8 that number is, we have not yet or we should add to
9 the housing opportunities for those who are unemployed?

10 A You're making an assumption that the unemployed
11 are going to be moving some place. Or is the
12 unemployment--is the unemployment group in your mind
13 a mobile group that is going to be moving into buying
14 new homes and all? It seems like a rather poor
15 approach to life if you're unemployed to be investing
16 in new housing.

17 Q Well, not necessarily investing in new
18 housing. I'm really just saying that this is a
19 category of people who would be in need of housing
20 needs.

21 A Well, I would assume they have housing
22 opportunities. I assume they're living some place.
23 Now, if they can't afford where they're living, the
24 question becomes how far down do you have to trade,
25 and if they have to trade down to a point, they're

1 going to need subsidized housing. But I don't know
2 if that's a question of housing. I think it's more
3 of a question of the economy.

4 Q When we project population growth?

5 A Right.

6 Q It's not your assumption, is it, that all
7 of the population growth will exist in households
8 which are employed, have an employed person, that the
9 growth in population will also involve a growth in
10 various--

11 A You're assuming there is going to be greater
12 people unemployed as time goes on. Why do you make
13 that assumption?

14 Q I'm not. I'm not necessarily making that
15 assumption.

16 MR. SIROTA: So that I understand,
17 are you saying that is it your assumption
18 that the gross number of unemployed people
19 will increase?

20 MR. BISGAIER: I'm not making that
21 assumption. I am really asking Richard what
22 assumption he's making.

23 MR. SIROTA: He's answered the question.
24 He says that, as I understand it, I believe
25 he testified that he can't judge that

1 because the number of unemployed people
2 both increases and decreases given various
3 points of time.

4 THE WITNESS: Are you talking about
5 various percentages and gross numbers?

6 MR. SIROTA: Both.

7 MR. BISGAIER: Well--

8 MR. SIROTA: Both.

9 BY MR. BISGAIER:

10 Q Well, for example, if today we find that
11 15% of the population in Morris County are retired
12 elderly people, and then we perceive a population
13 growth of 100,000 persons for Morris County, is it
14 improper to assume that perhaps 15% of that growth--

15 A Yes, it's improper.

16 Q Let me give--what your assumption is with
17 regard to the population growth within the County.
18 Who will those people be with regard to whether they're
19 employed in households of people who are employed or
20 in households of people who are unemployed?

21 A Maybe the difficulty is using the term "population
22 Growth" to reflect a change in population, as opposed
23 to a growth in population or as well as a growth
24 in population. There are going to be people moving
25 within the County. There are going to be people

1 moving to the County. There are also going--there is
2 also going to be a shift in the population
3 characteristics of the internal population, both in
4 terms of the productivity, in terms of fertility--
5 or I shouldn't say fertility rate--well, fertility
6 rate as well, reflected upon also sizes of households
7 in terms of preference and age. The way to ascertain
8 the elderly is to look at the pyramid structure, now
9 of the population in the region and to work out
10 projection as to how many people will be to survival
11 and figure out--

12 Q And you'd make a projection based on that
13 of how many additional households of the elderly
14 would exist in the County, given a certain timeframe?

15 A That's right, okay, or in that region.

16 Q Or in the region, right.

17 A Right.

18 Q And that would then be a group of people
19 technically in need of housing opportunity, or for
20 whom, you know, considerations--

21 A It would indicate a pattern, yes. They may very
22 well just choose to live in their houses now which
23 they may have already paid off. That's another
24 question. But yes, there might be specialized housing
25 needs.

1 Q Is it your assumption that the regional
2 number of persons who are unemployed will remain the
3 same regardless of the projected increase in
4 population, number, not percentage, the regional
5 number of households which are helped by an unemployed
6 person will remain the same?

7 A Generally speaking, no. I think it probably
8 will increase, absolutely.

9 Q Would it increase by the same--isn't it
10 likely to increase by the same ratio that presently
11 exists?

12 A Not necessarily there.

13 Q Why not?

14 A Because there has been a fluctuation in the
15 unemployment. The horizon may be that initially it
16 will have--projections probably now will indicate
17 you're going to have a greater unemployment in a
18 few years, but if you're going to start by factors
19 that--in the housing need process, you're going to
20 have to. I think it's a separate--what I'm saying
21 to you is that these are not--you don't take the
22 40 that you projected and then build upon that 40
23 by some factor. The housing that you're talking
24 about or the need that you're talking about in terms
25 of unemployment--unemployed heads of households,

1 forget about the unemployed heads of households, just
2 take household income, we have mostly two breadwinners
3 in most households now, even though one may be
4 designated the head. And the elderly, you're talking
5 about specialized situations, which I think have to
6 be taken out of the equation and then added to it
7 later, but not be part of the equation per se.

8 MR. SIROTA: Can I interrupt for a
9 second?

10 THE WITNESS: The unemployed and the
11 elderly are not going to fit into your
12 general housing situation. If they are
13 unemployed, and they're going to continue
14 to be unemployed for any length of time,
15 and they have no income, nothing short of a
16 subsidy-type situation is going to benefit
17 them. If you have individuals, on the other
18 hand, who are elderly on a fixed income,
19 I would subscribe that if you're going to
20 build housing for them, it should be
21 subsidized housing built for the elderly
22 with the pertinent amenities. That's not
23 the same as adding that onto an overzoning
24 for conventional housing, and say it's going
25 to filter down because the needs are different

1 BY MR. BISGAIER:

2 Q When you--you can estimate how many housing
3 units should be provided in a region by looking at
4 the jobs that are going to be provided in the region.

5 A That's one way of doing it. You might also just
6 project the population and work backwards to--

7 Q This way, we're working forward instead of
8 backwards. You project the population, you evaluate
9 how many households, that would be by using a
10 modifier for household size, and come up with a
11 potential projected household growth.

12 A Yes. The difficulty in just projecting employment
13 is that the question then becomes, well, what type of
14 housing?

15 Q Right. When you project--when you work
16 forward--

17 A It may very well be that 90% of the people will
18 want to live in single family homes on two or three
19 acre lots. That may be misleading, too.

20 Q I'm not asking you to evaluate the type of
21 housing. But I'm asking is if we work forward, using
22 jobs as a criterion of residences that we should be
23 providing, we come up with a certain number, whatever,
24 that--

25 A Yes, if you took that as an index and you were

1 going to--you could extrapolate from that, yes.

2 Q That number will only account for the
3 increase in housing attributed to the increases in
4 employment or adjusting for existing employment. It
5 does not account for, does it, what may be additionally
6 needed housing for persons who are unemployed?

7 A Let me ask you this: if you had--

8 MR. SIROTA: I have an objection.

9 We're getting into cross conversation rather
10 than answering, because I think he's
11 answered the question to the best of his
12 ability. Respectfully--

13 BY MR. BISGAIER:

14 Q He apparently doesn't understand what I'm
15 getting at, and I'd like to hear what his question is.
16 It might be helpful.

17 A Well, I'm asking sort of a rhetorical question
18 as an answer.

19 Q Go ahead.

20 A If there are people existing in households
21 within a given region, and a number of housing units
22 equal to the number of units of new people is built
23 and the existing houses are in reasonably good shape,
24 as the people become unemployed they may shift in
25 housing, they may go to some of that new housing that

1 is being built, or they may need specialized housing,
2 which is a different equation. Likewise with the
3 elderly, because as long as those units are not
4 disappearing, it may be that there is just an internal
5 shift.

6 Q The existing housing stock reflects housing
7 for persons who are both employed and unemployed.

8 A Not necessarily--yes, okay, unemployed and
9 employed. Excuse me.

10 Q That's the logical geography we're talking
11 about, right?

12 A Okay. Everybody in the household in the region,
13 in any region, is either in a household which is
14 employed as a bread winner and a household which
15 doesn't, and there, when you project future growth,
16 don't you also project that in the future population
17 that you're providing for, a certain number of them--

18 Q Certain growth should be provided for households
19 which are employed and households which are unemployed?

20 A No. I would subscribe to you that you, first of
21 all, consider the number of new households. And then
22 you're going to have to look at your existing housing
23 stock possibly and ascertain what shifts might be
24 within that housing stock as people grow older,
25 depending upon what the dimensions of the population

1 are in terms of age and family size, and also in
2 terms of unemployment.

3 Q Do you anticipate that there will be an
4 increase by 1990 or the year 2000 in the absolute
5 number of people within the region who are retired
6 and unemployed?

7 A Yes, I anticipate there probably will be.

8 Q Do you anticipate that there will be an
9 increase in the absolute number of people who would
10 be employable but unemployed?

11 A Yes, I anticipate there will be an increase.

12 Q And do you anticipate that there would be
13 an absolute increase in the number of people who
14 would be unemployable?

15 A You'll have to define "unemployable" to me.

16 Q Either through handicapp or because of
17 they're part of that class of people who are on
18 Public Assistance, and because of whatever the family
19 arrangement is, they have been traditionally accepted
20 by those who govern the Public Assistance Program as
21 people who do not have to go--who do not have to
22 be employed in order to maintain Public Assistance.

23 A Isn't that the same as unemployed? Is that
24 unemployable in your mind? It's not in my mind.

25 Q Okay. You would consider that in the

1 category of people who are unemployed. Fine.

2 A Yes. My experience in Vista was that I think
3 people would take umbrage with a classification of
4 being unemployable.

5 Q Fine. I didn't mean to characterize it
6 wrongly. I'm asking you whether it's your assumption
7 that the absolute number of people or households
8 that would be so characterized would increase over
9 the--between, you say, through 1990, the year 2000?

10 A Well, I would never want to promote that increase.
11 I would never want to accept that, no, because I think
12 it's a stupid assumption, frankly.

13 Q Why?

14 A Because I don't believe that people are
15 unemployable. And I don't believe that a lot of
16 people who currently don't have jobs are unemployable.

17 Q Well, they're unemployed. I'm asking you,
18 given that characterization--

19 A I already told you, I think there will be a
20 modest increase in the number of unemployed. I don't
21 know what the percentage is for each job. I just--
22 I don't know. I can't foresee exactly what will
23 occur on this economy.

24 MR. SIROTA: Carl, could you finish
25 this line of questioning and either break or--

1 MR. BISGAIER: One more question.

2 BY MR. BISGAIER:

3 Q If we only then provided additional housing
4 opportunities for those who we would categorize as
5 employed, wouldn't we be undershooting what the
6 actual housing need would be?

7 A For what type of housing? For total housing?

8 Q Total housing for the perspective total
9 housing population.

10 A Yes, total housing we probably would.

11 Q Is there any way to know by how much, for
12 example, how much of the perspective housing need
13 would be generated by that increase associated with
14 people who are unemployed or retired elderly?

15 A I think you can make a number of assumptions.

16 Q What would they be?

17 A Well, it might be unemployment percentage versus
18 job as it exists at any point in time. It might also,
19 as I said, be a covert survivor approach in terms of
20 the elderly. It might also be a vacancy rate
21 situation. Of course, it might also be a consideration
22 of--I'm sorry, I lost my train of thought there. But
23 there could be any number of competing and off-setting,
24 for that matter, in many cases assumptions. We're
25 looking into a crystal ball at that point, very much

1 of a crystal ball, and the question is where do those
2 numbers end up? Do they end up in a--in the lower
3 moderate income household, do they end up in a
4 specialized category which would be without the
5 conventional construction, but instead require
6 subsidies, or can they be absorbed and more
7 appropriately in existing structures, just with
8 internal shift of population? I don't know whether
9 you can--I think it's a lot easier to make that
10 judgment in an urban city where you can--where you can
11 essentially count the number of--let's put it this
12 way: where there is less flexibility in terms of
13 the use of existing structures.

14 Q Is there any reason to assume that the
15 regional percentage of low moderate income households
16 will remain the same?

17 A No, I don't think there is.

18 Q How would one--what kind of assumptions
19 could one make?

20 A Depends upon the definition. I mean, we're
21 constantly changing the definitions based upon the
22 ability of the housing market to provide housing.
23 That's one of the major rationales for changing the
24 definition of low and moderate income.

25 MR. BISGAIER: Okay. We're going to

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stop now.

(Whereupon, the matter was concluded
at 1:05 P.M.)

C E R T I F I C A T E

I, SANDRA M. TROBICH, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that prior to the commencement of the examination

RICHARD T. COPPOLA

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.

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.

Sandra M. Trobich

Notary Public of the State of New Jersey

My commission expires June 1980

Dated Dec 18 1979

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

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