

ML - Morris County Fair Housing Council

May 21, 1979

v. Bounton

- Lincoln Park

Transcript of Depositions of ~~Mr.~~ Alan Mallach - Direct

Examination by Mr. Scangarella

pg. 27

ML000937S

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

ML000937G

Plaintiffs,

-vs-

DEPOSITION OF:

ALAN MALLACH

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

Defendants.

B E F O R E:

GERARD J. RICHARDS, a Notary Public of the
State of New Jersey, at the Morris Township Municipal

KNARR - RICHARDS, ASSOCIATES

CERTIFIED SHORTHAND REPORTERS
OFFICES IN MORRISTOWN & NEWTON

10 PARK SQUARE
MORRISTOWN, N.J. 07960
539-7150

Box 241, R.D. 5
NEWTON, N.J. 07860
383-2866

Building, Morris Township, New Jersey, on Monday,
May 21, 1979, commencing at approximately twelve
o'clock noon.

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

THE PUBLIC ADVOCATE
BY: VERICE M. MASON, ESQ.,
Attorneys for the Plaintiffs

MESSRS. SCANGARELLA & FEENEY
BY: FRANK SCANGARELLA, ESQ.,
Attorneys for the Borough of Lincoln Park

ERAS
COTTON C

GERARD J. RICHARDS
Certified Shorthand Reporter

KNARR - RICHARDS, ASSOCIATES

CERTIFIED SHORTHAND REPORTERS

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I N D E X

Witness

Direct

ALAN MALLACH

By: Mr. Scangarella

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A L A N M A L L A C H, having been previously sworn is recalled and testified as follows:

HEMIL
ERIAS

MS. MASON: Initially I would like to ask that Mr. Scangarella will agree that Lincoln Park will pay the cost of Mr. Mallach's deposition here today and the pro rata share of his travel expenses.

MR. SCANGARELLA: It's my understanding that Mr. Mallach's fee for depositions is \$40 an hour and I agree to pay Lincoln Park's share of that fee together with the pro rata travel time.

DIRECT EXAMINATION BY MR. SCANGARELLA:

Q Mr. Mallach, who was it that engaged your services in connection with this action?

A It was the Department of the Public Advocate.

Q And when was it that you were so engaged?

A I don't recall exactly when the formal engagement would be. It would be sometime during the latter part of 1978.

Q And is there any formal agreement between you and the Department of the Public Advocate?

A I believe there is an exchange of correspondence.

Q Does that exchange of correspondence spell out the scope of the services you are to provide?

1 A Certainly not in detail. Perhaps in a very
2 general way but not in detail.

3 Q In a general way what are the services
4 you are to provide the Public Advocate?

5 A Well, as I understand them the principal
6 service, of course, is to testify on behalf of the
7 Public Advocate at the trial and to do so in two
8 regards.

9 One is in the so-called maxi-trial to testify
10 on the issues of least cost housing and overzoning
11 and the second is in the individual or mini-trials
12 to testify on the zoning ordinance and related features
13 of the zoning of each of the Defendant municipalities.

14 Q Now have you undertaken any studies to
15 prepare you in connection with the scope of your
16 services?

17 A Well, I have done a number
18 of studies. The most substantial would be the analysis
19 of each of the different zoning ordinances.

20 The second would be a continuing series of
21 field visits to different parts of Morris County.

22 A third would be an analysis of different
23 site development requirements and standards for the
24 purpose of preparing my least cost housing report.

25 Q Does the scope of your services involve
the question of the definition of the region?

1 A No, sir.

2 Q Does the scope of your services involve
3 the question of whether or not a given municipality
4 is a developing municipality?

5 A No.

6 Q In the three studies that you have
7 undertaken, to what extent, if at all, did you rely
8 upon or determine the question of environmental
9 constraints in connection with development in a
10 community?

11 A I have not analyzed that
12 in a general way at all. What I have done in terms
13 of environmental constraints is in the process of
14 the field reviews and specific site analyses I have
15 referred to certain standard sources, principally
16 the Morris County Soil Survey for site specific
17 analyses.

18 Q May I assume, however, that it was your
19 assumption that the property, that there was develop-
20 able land in the community --

21 **ER/** Generally.

22 **COTT** Q Generally speaking?

23 A Yes.

24 Q I take it that to a certain extent you
25 by
were bound/or you were aware of the developable acres
to the statewide regional allocation plan set forth

1 that each municipality would have available?

2 A That's correct.

3 Q And are you familiar with the number in
4 Lincoln Park? I believe it's 395 or thereabouts.

5 A I really don't remember. That may well be.

6 Q But you would assume that that represented
7 the developable land within that municipality?

8 A That's correct.

9 Q Do you become involved in the number of
10 units that the municipality should provide for
11 pursuant to an allocation plan?

12 A I have not up to this point. I do not really
13 expect to.

14 Q You are dealing with least cost housing
15 standards then? A That's correct.

16 Q What was the purpose of the field visits?

17 A The purpose of the field visits was to
18 determine, the principal purpose was to determine
19 whether if a municipality had a zone in which not
20 ~~least~~ cost but at least perhaps moderately cost,
21 moderately expensive housing or multi-family generally
22 at whatever standards was available to determine
23 whether the land that met that zoning category was
24 first, available, even theoretically, for development.

25 Q You mean vacant?

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1 A Vacant. And second, if vacant, whether it
2 represented at least a plausible opportunity for
3 development, that it was not obviously constrained
4 in some fashion, environmentally or otherwise.

5 Q Did you make such field visits in the
6 Borough of Lincoln Park?

7 A Yes.

8 Q On how many occasions did you make those
9 visits? A One.

10 Q And for what period of time were you
11 involved in that study or visit?

12 A It's hard to tell with any specificity. I
13 would guess about an hour.

14 Q What part of the community did you
15 inspect? A Perhaps I would refer to
16 the map?

17 Q Please. A This is
18 the official Morris County road map. The areas of
19 Lincoln Park that we looked at were basically along
20 Brook Road, Main Street, Boonton Turnpike and
21 the center of town generally. I did not do any
22 looking in the northern part of the town which is
23 marked as the bog and Vly meadows on the map.

24 Q Was your inspection site specific?

25 A To a degree, yes.

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Q What sites were you looking at?

A Well, there were four specific sites that I wanted to at least get an idea of. Those are the areas that were designated in the ordinance and on the zoning map as TR or townhouse, GAR or garden apartment, PRD or planned residential development and LMSC for low-moderate income senior citizens development.

Q So that your inspection of the community was geared to property that had been zoned for specific multiple family uses?

A That was the principal purpose, yes.

Q In connection with the inspection of the TR site, what was your conclusion?

A The TR site was the most difficult one for us to inspect because it's not, the characteristics are not readily visible from the road and unfortunately, it was raining rather heavily at the time so discretion discouraged an effort to actually walk the site.

It appears to be on an irregular site with mostly wooded sandwiched between the railroad tracks and Boonton Turnpike. But probably developable at least in part. I would estimate there are about twenty acres there.

Q What do you recall in connection with the PRD site? A The PRD site is a site

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1 located more or less in a strip along the Montville
2 town line, if memory serves, with narrow frontage onto
3 Pine Brook Road. It appears to be part of a golf
4 course and it struck me as being low lying, part of
5 it may be developable and part of it may have water
6 or drainage problems.

7 Again, the other question is whether the access
8 along Pine Brook Road is adequate for intensive
9 development in its present state of maintenance and
10 repair. I believe there is roughly 50 acres in that
11 zone.

12 Q And LMSC zone?

13 A The LMSC zone is an open area that is presently
14 being farmed, some kind of a nursery operation, I
15 believe, along Boonton Turnpike. It's about, I believe
16 I estimated thirteen acres.

17 Q Did you form any general conclusions in
18 terms of the developability of all of these sites?

19 A The most readily developable, assuming the
20 owner is willing to sell, because it is in use, is the
21 LMSC site.

22 Q All sites were serviced by roads, by
23 roadways?

24 A Well, that site has the
25 most straight forward servicing situation. There are
some complications potentially with the other two sites.

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There appears to be, there appeared to be existing buildings along parts of the frontage of the TR site which might make for difficulties in getting access or acquisition of the site. And so the zone has frontage but the developable part of the zone may have, may not have frontage.

Again, I was not able to determine that with precision.

Q I take it that you have not examined tax maps on the property.

A That's correct.

Q This was a general impression?

A Exactly.

Q Okay. A So the LMSC site clearly has a good quality frontage. As I say, the PRD site has frontage but the adequacy of that road for the kind of development that's proposed is questionable.

Q You mean the width and structural capacity?

A Width, structural capacity and condition, yes.

Q I understood your answer when you indicated that you conducted an analysis of each zoning ordinance, your analysis of site development standards, is that an analysis of the zoning ordinance and

1 development standards that were applicable to each
2 specific zone? A No, over and above
3 that. There was an analysis of the specific standards
4 in each zone. In addition, in order to prepare the
5 general standards for least cost housing that appear
6 in the general part of my report I did an analysis of
7 a generalized nature for that based on other standards
8 in the literature such as the HUD standards and an
9 analysis of what might be called user requirements
10 for site development.

11 Q The other standards in the literature,
12 besides HUD standards, what other standards did you
13 rely upon? A Well, there are a variety
14 of standards. The principal source that I used was
15 the Urban Planning and Design Criteria by DeChiara and
16 Koppelman, and I also --

17 Q Can we go back to the Urban Planning
18 and Design Criteria, is that a text?

19 A It's a reference book, it's a compilation.

20 Q What's the date of that reference?

21 A Well, it has been updated regularly. I think
22 my edition is '76.

23 Q Is that a standard and acknowledged
24 text in the field? A Yes.

25 Q A Bible as it were, of development

1 standards? A I don't know if it's a
2 Bible. I'd say the closest thing to a Bible in this
3 field is the document known as the Minimum Property
4 Standards.

5 Q The MPS? A Yes.

6 Q That's the HUD MPS?

7 A That's right, when dealing with specific
8 properties. The Planning and Design Criteria is a
9 much more broad gauge kind of thing. In other words,
10 it has sections that deal with site development, it
11 also has sections that deal with population projection
12 methods and broad mapping techniques.

13 It's a much more general kind of thing.

14 Q Beside the Planning and Design Criteria
15 and the HUD MPS, what other standards did you consult
16 or rely upon? A I also consulted

17 the volume put out by the New Jersey Department of
18 Community Affairs entitled, Residential Design Review
19 or something to that effect.

20 Q Is that study or text in connection with
21 any specific housing program that the Department of
22 Community Affairs administers?

23 A No. It's a guide book, I guess you would call
24 it, put out as an advisory service to local planning
25 and zoning boards.

1 Q Were there any additional ones?

2 A Yes, there is another one which is entitled,
3 The Planning and Design Workbook, which is a product
4 of the Princeton University Center for Urban and
5 Environmental Planning which is part of the school
6 of architecture.

7 Q I take it that was likewise a more of
8 a general text. A No, that's more

9 specific to housing development. It operates at
10 three levels. One part deals with neighborhood
11 planning, neighborhood scale; the second part deals
12 with site layout; and the third part deals with
13 interior layout of developing units.

14 Q Is that it?

15 A I believe so.

16 Q Among all four studies was there any one
17 that you relied upon more particularly in development
18 of the analysis of the site development standards for
19 each municipality? A Well, the site

20 development standards are generalized. I think as I
21 believe I mentioned in the report the HUD standards
22 were relied upon principally for the floor area require-
23 ments. The density standards that were developed in
24 this report are not based on these reports but were
25 derived by working forward from a series of functional

1 requirements for the different housing types. They
2 were then verified or confirmed against standards that
3 appeared in these reports.

4 Q All right. Beside floor area standards
5 and density standards what other critical standards
6 did you deal with? A There are lot width
7 or frontage requirements. There are parking require-
8 ments, there are open space requirements.

9 Q On the open space requirements what
10 studies did you rely upon, if you know?

11 A I didn't rely on any additional studies beyond
12 the ones I referred to.

13 Q I take it from your answer that the open
14 space standards were derived from all of the studies?

15 A Yes. They are not meant to be open space
16 standards in the sense that you say the open total
17 space for a community or region are such, this deals
18 more specifically with site specific --

19 Q More or less function.

20 A Functional, yes, within the context of a
21 specific development and based, as I believe I
22 previously testified, in earlier depositions, on the
23 existence of other open space in the community as well.

24 Q The HUD MPS standard is one of several
25 standards for floor areas promulgated or defined or

1 established by HUD?

2 A No. Those are the standards for floor area
3 promulgated by HUD.

4 Q HUD promulgates no other standards for
5 floor area? A That's correct.

6 Q That's a funding standard I take it.

7 A Well, funding and insuring in that they apply
8 to those developments that HUD is actually providing
9 direct subsidies for as well as that housing coming
10 under the conventional FHA programs where HUD's role
11 is to insure a conventional mortgage.

12 Q One of your analysis of the TR zone,
13 and I don't know that it was the general analysis that
14 you did or whether it was applicable solely to Lincoln
15 Park, you discussed the practicality of establishing
16 a zone with a density of ten units to the acre.

17 And in that analysis you determined that twenty
18 percent of the property or twenty percent of that given
19 acre could be set aside for recreation purposes.

20 Do you recall that?

21 ER/tes.

22 COTT Q Is it your feeling that 8,000 to 9,000
23 square feet, which represents twenty percent of an
24 acre, would be adequate for ten families for recreation
25 and open space purposes?

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1 A Well, it's not that it would necessarily be
2 adequate for all of their possible recreation and open
3 space purposes, but it would be adequate for that
4 part of the total recreation and open space function
5 which common open space in a small to medium size
6 development would be expected to serve.

7 In other words, the development, the open space
8 in the development does not exist in a vacuum. It
9 exists in the context of two other forms of open
10 space. One is the fact that the individual families
11 in the townhouses each have a private yard which
12 performs certain functions. And the second is that
13 the townhouse in turn is located within a municipality,
14 county, the like, which provide other larger scale
15 open space facilities for the use of the residents.

16 So in that context it is adequate.

17 Q I didn't have any specific recollection
18 that you factored in the amount of area for private
19 yards, maybe you can help me on that.

20 A Under my analysis of the hypothetical townhouse,
21 this appears on page 5 of the least cost housing study,
22 the typical lot here would be 18 by 100. The
23 individual house would probably take up 34 feet of
24 that 100 foot lot depth. So assuming, let's say, a
25 25 foot frontage, you would have a rear yard for each

1 townhouse that would be approximately 40 by 18.

2 Q That would be the privacy yard?

3 That's correct.

4 Q I didn't understand that.

5 I can assume that in your study that sets forth
6 examples of land use provisions in the Lincoln Park
7 ordinance that are considered exclusionary, the
8 discussion in connection with residential building lots
9 was an analysis of that which is provided under the
10 current ordinance and not that which has already been
11 built upon or improved?

12 A That's correct. This deals with the ordinance
13 provisions, so if, for example, there are areas that
14 have been built under smaller or larger lots than
15 those provided by the ordinance that would not be --

16 Q Part of your analysis.

17 A That's correct.

18 Q It would be, I assume, a planning
19 consideration, however, that if hypothetically a large
20 and substantial number of lots that were at the smaller
21 end of lot sizes --

22 A Developed lots.

23 Q -- developed lots that in terms of a
24 balanced zone scheme that there would have to be some
25 weight given to the number of additional small lots

1 that would be constructed under any ordinance?

2 A Well, it's hard to say. There is nothing social
3 or economic or dynamic about small lots. So if, for
4 example, a municipality had an additional area that
5 was suitable for a small lot development, and in any
6 event has a reasonably arrived at least cost housing
7 fair share goal, part of which should be met by small
8 lot housing, then the existence of small lot development
9 would not necessarily have a significant bearing.

10 Q I think what I'm asking you is in
11 considering the least cost housing responsibilities
12 or goals of any municipality, the statutory obligation
13 to have a balanced zone scheme and plan is a concurrent
14 obligation with the obligation to provide a municipality's
15 fair share of least cost housing.

16 A Yes.

17 Q And to the extent that a balanced zone
18 scheme and plan is a factor, that which has already
19 been developed is something that would be considered
20 by any planner in addressing the question of balance?

21 ERV Oh, it would be considered, certainly. All of
22 existing land uses, residential, commercial and so
23 forth.

24 Q And you have not, of course, considered
25 that in part of your study?

1 A I have not attempted to do a new master plan
2 for the Borough.

3 Q You have not addressed that question?

4 A That's correct.

5 Q You don't know how many lots in Lincoln
6 Park, for example, are under 5,000 square feet or
7 under 10,000 square feet?

8 A That's correct.

9 Q Likewise I would assume that in
10 addressing the question of balance the, is the more
11 demographic the economic status of people in that
12 community, the demographics of the community would be
13 a pertinent consideration?

14 A In theory, yes. But in practice that's a
15 difficult thing to deal with in certain regards. I
16 think certainly to the degree that housing type and
17 demographics are very closely linked.

18 Q One relates to the other?

19 A Yes, in that people of certain household houses,
20 in the life cycle and so on, tend to occupy
21 certain types of housing rather than others, that is
22 certainly a fact. And I think most planning authorities
23 will agree that a municipality should provide for a
24 balance of housing types as one means of dealing,
25 approaching the demographic balance.

1 Q So that I would assume that a municipa-
2 lity that was, as it were, demographically a low-
3 moderate income blue collar community, whether or not
4 that community had developable land, that the demo-
5 graphics of that community would have to affect upon
6 that community's fair share allocation?

7 A It might. And certainly as I have testified
8 before that one factor that does go into many fair
9 share plans, and I believe legitimately so, is a
10 factor that deals with the relative level of wealth
11 in the community.

12 Q If a municipality had an imbalance of
13 middle and upper income housing types, would that be a
14 consideration in the fair share allocation plan?

15 A I wouldn't characterize the housing types and
16 income. I think you would have to look at separate
17 factors, housing, one of single family versus two
18 family versus townhouse versus garden apartments is
19 one type of analysis. The analysis of income would be
20 done appropriately on the basis of the actual income
21 distribution of the households in the community and
22 certainly the latter would be, is the kind of
23 indicator of wealth that I referred to and would be
24 a factor.

25 Q I take it that a planner would have to

1 consider the capacity of the municipality to handle
2 an additional financial burden in terms of school
3 children that might result from the construction of
4 a substantial number of low-moderate income household
5 units?

6 A I think that fiscal
7 capacity can be a factor in a fair share analysis,
8 although it has been my experience from a practical
9 standpoint it's a great deal more difficult to come
10 up with a fair and agreed upon measure of fiscal
11 capacity than some people might believe.

12 In principle, it's logical, in practice it's
13 very difficult. Of course, in the final analysis
14 these municipalities will be receiving additional tax
15 ratables from additional housing so that the capacity
16 to provide additional services will be there.

17 Q However, if the cost benefit ratio
18 between the tax ratable and the cost of providing
19 services, including educational services, is a minus
20 quantity I take it that consideration would have to
21 be taken in by a planner.

22 A That's a very difficult issue. I think certainly
23 a municipality should not be backing off a legitimate
24 fair share goal on fiscal grounds. How a municipality
25 should relate its fair share objectives on the other
hand it becomes difficult because just the statement

1 it shouldn't use it as a backing off its fair share,
2 it has to plan for the future.

3 Q If one were to analyze the fiscal
4 capacity of the municipality, I take it the level of
5 income, it would be a factor that would be considered?

6 A The personal income?

7 Q Personal income.

8 A That would be a factor.

9 Q Would the tax ratable, the tax rate
10 be a factor? A You would have to look

11 at the tax rate in context. You can't take your tax
12 rate out of context just by itself because it can
13 mean different things in different communities. You
14 have to look at the tax rate and the per capita
15 expenditures and the trends in those.

16 Q The per capita expenditures for taxes?

17 A No, for different governmental services that
18 are supported by taxes. You have to look at such
19 things in the school district as both the per pupil
20 expenditure and the current expense to see what kind
21 of trends are taking place. You have to look at the
22 trend in the ratable base in the community.

23 Q Would you look at capital debt in the
24 community? A You would look at capital

25 debt, certainly.

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1 Q Would you be persuaded or would you
2 consider, for example, that a community would be faced
3 with doubling of its tax rate as a significant factor
4 in fiscal capacity to pay off some capital improvements
5 that were constructed in the municipality such as a
6 sanitary sewer system?

7 A Again, these things come into play at different
8 levels of specificity.

9 Q We are not dealing with absolutes, I
10 understand that.

11 A For example, I think sort of a general idea
12 when you are talking about fair share goals, and zoning
13 ordinances and so on, these things are objectively not
14 really relevant, although some fiscal measure could
15 conceivably be built about the fair share plan, I'm not
16 saying that's out of the question.

17 Once one gets down to the level of detail, the
18 municipality is saying this is a fair share and now
19 we have to figure out how to plan in the best way to
20 achieve our obligations in the best way possible, then
21 I believe fiscal planning should be a part of that
22 planning.

23 Now in terms of something like a sanitary sewer,
24 you have to look again, the reason why it's so
25 difficult to factor in fiscal planning is because you

1 can never take one thing, pull one thing out of the
2 sort of witches' brew of fiscal circumstances and
3 look at it out of context. The question with the
4 sanitary sewer, if a municipality is going to undergo
5 a substantial outlay for sewers the question is what
6 is this likely to mean in terms of future development,
7 does this create additional opportunities, for example,
8 for development of commercial and industrial office
9 ratables that might offset the costs, what is the
10 long range fiscal effect on this.

11 Q You would be projecting the anticipated
12 ratables?

13 A Well, you have to as
14 part of a fiscal plan, you do the best job you can.
15 But you have to make some kind of projections.

16 Q When a community goes into a substantial
17 capital investment such as a central sanitary sewer
18 system and sells bonds we have to assume, do we not,
19 that the capacity of that community to meet the bonded
20 indebtedness is something that's been studied by
21 financial experts and it would be part of the
22 prospectus and the sale of those bonds?

23 A Right, one would hope so.

24 Q One would hope so. And that if that
25 analysis did not factor in an additional burden, tax
burden, to meet the service requirements of 500 to

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1,000 additional household units, that would have some significant impact upon that community's ability to retire its debt service, would it not?

A It might. It's very speculative.

Q Finally, I think you would be persuaded, I take it also, Mr. Mallach, by our hypothetical blue collar community with a high tax rate and anticipated increase in its capital debt if that municipality were perhaps the highest or next to the highest community in terms of tax rate and actual tax payments per household unit, would you not?

A That again would be a factor as all would be factors.

MR. SCANGARELLA: That's all I have.

Thank you very much for the discussion.

THE WITNESS: Thank you.

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

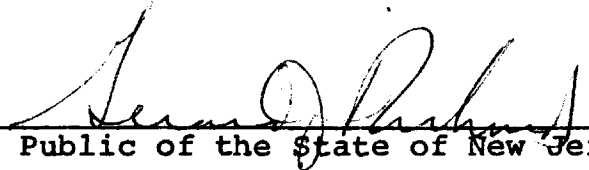
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----- :
MORRIS COUNTY FAIR HOUSING :
COUNCIL, et al, :
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Plaintiffs, :
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-vs- :
 :
BOONTON TOWNSHIP, CHATHAM :
TOWNSHIP, CHESTER TOWNSHIP, :
et al, :
 :
Defendants. :

CERTIFICATE

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

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



A Notary Public of the State of New Jersey

Dated: 6/9/79

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