

RULS - AD - 1976 - 100

7/28/1976

- DEPOSITION OF CARL LINDBLOOM

PGS - 98

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SOMERSET COUNTY
DOCKET NO. L-25645-P.W.

S-1290 ✓

THE ALLAN-DEANE
CORPORATION, et al,

Plaintiffs,

-vs-

THE TOWNSHIP OF BERNARDS,
et al,

Defendants.

CIVIL ACTION

DEPOSITION OF:
CARL LINDBLOOM

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SOMERSET COUNTY
DOCKET NO. L-6237-74-P.W.

S-11203

THEODORE Z. LORENC,
et al,

Plaintiffs,

-vs-

THE TOWNSHIP OF BERNARDS,
et al,

Defendants.

RULS - AD - 1976 - 100

Aug 18 1976
SOMERSET COUNTY

T R A N S C R I P T of stenographic notes

of the proceedings in the above entitled matter,
as taken before DENISE KURDYLA, a Notary Public
and Certified Shorthand Reporter of New Jersey, at
the offices of WILLIAM W. LANIGAN, ESQ., 59 South
Finley Avenue, Basking Ridge, New Jersey, on
Wednesday, July 28, 1976, commencing at 10:30 A.M.

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

MASON, GRIFFIN & PIERSON, ESQS.
BY: HENRY A. HILL, JR., ESQ.
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C A R L L I N D B L O O M, being first
duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. ENGLISH:

Q Mr. Lindbloom, where do you live?

A 156 Laurel Road in Princeton.

Q What is your occupation?

A I'm a planning consultant.

Q Would you tell us, please, what your education
has been?

A I have an undergraduate degree in Architecture and
graduate degree in City Design from Miami University in
Oxford, Ohio.

Q Both degrees from the same institution?

A Yes.

MR. HILL: Mr. English, I might point out
that as Exhibit 3 to our Answers to Interrogatories
there is a three-page resume of Mr. Lindblcom.

Q Are you a licensed planner in New Jersey?

A Yes.

Q How would you define or describe the functions
of a planner such as yourself?

A As a planning consultant I see my role as working
with municipalities and private clients in providing them

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1 with advice on land development, planning and planning
2 management problems that come up in the communities that
3 employ me.

4 Q What do you mean by "planning management problems"?

5 A Well, the development of master plans for future
6 development and the development of implementation ordinances
7 or develop control ordinances to implement those plans,
8 and management is the day-to-day review of proposals
9 for developing that come in either under the controls that
10 are developed or that are proposals that don't meet the
11 standards within those controls.

12 Q What are the criteria or the controlling principles
13 by which you evaluate plans, including those which you
14 prepare for your clients?

15 A In developing a master plan for a client community
16 I generally take the traditional three-phase approach
17 which is first to gather all the data that is necessary
18 to understand the needs of the community both in terms of
19 the constraints and opportunities for the community.

20 The first phase also includes an analysis of that
21 information including the implications for planning based
22 on that information that you've gathered and this goes for
23 new plan as well as a revised plan or outdated plan.

24 The second phase is then to develop alternative
25 sketch concepts or plans, together with a development of

1 goals and objectives for the community based again on the
2 first phase information. That second phase includes
3 several working discussions with the community, Planning
4 Board Advisory Committee, whatever, and in finalizing those
5 goals and developing a single alternative of the plans
6 developed.

7 The third and final phase is then putting the
8 selected alternative into its complete form with the
9 proposals for implementing it to control ordinances.

10 Q Perhaps you did not understand my question, although
11 I'm interested in the answer you gave.

12 In going through the process you have just
13 described what value system, what are the purposes, how
14 do you arrive at the goals and purposes of your work?

15 A Well, if you mean the goals of the community, that's
16 something that comes out from your analysis of the needs of
17 the community. If you are talking more broadly of the
18 goals of good planning, sound planning in general --

19 Q Yes, I am. A -- they are a

20 bit broader.

21 Q Tell us about those, please.

22 A Well, it varies, of course, with the kind of community
23 you are working with but there is the concern about the
24 relationship of various land uses to one another, the
25 development of compatible land uses.

1 That all depends on the category of land use.
2 Within a structure of land use you have, say, a commercial
3 category, some land uses, commercial land uses may be
4 more appropriate to other categories of the same land use
5 and also appropriate to be compatible with others.

6 I'm not explaining that very well. The compatibility
7 of land use is one consideration.

8 Q You use the word "compatible" and the word
9 "appropriate" and what do you mean by those terms?
10 What are your criteria for determining what is compatible
11 or what is appropriate?

12 A Well, I use the compatible and appropriate
13 changeably.

14 Q Right. A But there is visual
15 compatibility which unfortunately many planners put, I think,
16 too low on the spectrum but I know Charlie doesn't, Charlie
17 and I are more design orientated, some planners are social
18 orientated and some are design. I think visual
19 compatibility is important and this comes into play in
20 terms of height of building.

21 A The circulation, is a sound circulation system
22 appropriate circulation structure for a development area
23 let's say is an important factor in city planning. The
24 distribution of the appropriate community facilities as to
25 location, size and type is a third important consideration.

1 Q Community facilities being illustrated by what?

2 A Well, there is municipal facilities, school, recreation
3 facilities, open space, social needs in terms of churches,
4 other needs in terms of police and fire protection,
5 all of these come under the broad umbrella of community
6 facilities. Concern for the environment, of course, is an
7 overriding concern in city planning. The provision of
8 appropriate and municipal utilities in terms of water
9 supply and sewer, electric, gas, the whole gamut of
10 utility supply.

11 I may have left something out but I think that
12 it. That covers most of those categories, that covers
13 most of the concerns.

14 Q Well, in working on the matters you have
15 referred to are you as a planner concerned with the
16 element of profitability to the owners of land within the
17 municipality?

18 A When you develop a master plan you really are not
19 concerned about who owns the land other than whether it's
20 privately owned. If the land that's owned by a
21 municipality is a consideration in your master plan
22 development, obviously that is a factor in some indication
23 of the location of some of your facilities, but as to
24 who, what individuals own private land is not a consideration.

25 Q I don't care about what, but are you concerned

1 whether private landowners, whoever they may be and without
2 regard to who they may be, are in a position as the result
3 of your work to make a profit from the use or development
4 of their land?

5 A Well, you might say indirectly that's true in that
6 you don't propose through your planning or through your
7 control techniques uses that are not economically sound
8 or that would deny any use of that land.

9 Q When you are developing a plan, are you
10 influenced one way or the other by the fact that the use
11 which you propose may not be as profitable to whoever the
12 owner may be as some alternative use?

13 MR. HILL: I want to object to that question.

14 I don't see where all of these very broad questions
15 are leading and I object to broad philosophizing.

16 We are in litigation and I think you should
17 confine yourself to the issues in litigation,
18 Mr. English.

19 MR. ENGLISH: I'm trying to do that.

20 Q All you answer the question, please?

21 A No, I don't think profitability where one man can make
22 more of his land than another has any role in planning.

23 Q In one of your earlier answers where I think
24 you were explaining the data or referring to the data gathering
25 process before embarking on a planning project, you referred

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1 to the constraints and opportunities. Could you enlarge
2 a little bit about what you mean by constraints and
3 opportunities in the context in which you used them?

4 A Yes. A constraint in the development might be a
5 quarry. There are limited uses that can be made of a
6 quarry after the quarry operation is completed and a
7 quarry operation is a long-term operation and it's going
8 to be there for 50 or 100 or more years. That's a constraint
9 if you are thinking in terms of explanation of a community
10 center and there is a quarry in the way.

11 Other constraints might be a railroad, a
12 highway, a body of water, these are constraints to expansion,
13 let's say, of a circulation system because they form a
14 barrier, they are expensive to cross.

15 Another constraint may be environmental constraints.

16 Q Such as? A Such as a severe soil
17 problem, a swamp or a very poor soil condition for
18 development is a constraint.

19 Q Excuse me, would you regard a flood plain?

20 MR. HILL: I object to your interrupting
21 the witness when he hasn't finished answering
22 his question.

23 Q Go ahead and finish your answer and I will
24 withdraw that question.

25 A A flood plain is a constraint to development. When I

1 say a constraint, obviously there are some uses of a flood
2 plain just as there are uses to -- when we talk about
3 constraints there are uses that can be made of land, farming,
4 recreation, in the flood plain very often parking, uses
5 that won't impede the flow of flood waters.

6 In terms of opportunities again an opportunity
7 might be in some of the more positive conditions for, let's
8 say, expansion of the community if that's a goal. This could
9 be in terms of the topography, in terms of the road
10 existing, a proposed road system. In terms of other
11 transportation facilities there are other opportunities and
12 constraints but that's an example of the two.

13 Q Do you regard the promotion of the general welfare
14 as a criterion to be considered as you develop a plan for
15 either a private client or a municipal client?

16 MR. HILL: I object to that question and
17 direct the witness not to answer it and tell you
18 to define "the promotion of the general welfare."

19 Q Have you ever heard of the phrase "general

20 welfare

21 A Yes, I have.

22 Q Are you familiar with the Mount Laurel decision
23 of the New Jersey Supreme Court?

24 A Yes, I am.

25 Q Do you recall the term "general welfare" is used

1 in that opinion?

2 A Yes, it is.

3 Q Is your understanding of the general welfare
4 generally consistent with that what was discussed in the
5 New Jersey Supreme Court opinion in the Mount Laurel case?

6 MR. HILL: I object to that opinion and
7 direct the witness not to answer it, it asks
8 for legal conclusion.

9 MR. ENGLISH: I asked him for his understanding,
10 not for a legal opinion.

11 MR. HILL: Mr. English, I have made a ruling.
12 I have directed the witness not to answer it.

13 MR. ENGLISH: I understand but I'm putting
14 my point on the record for future reference.

15 Is it your position, Mr. Hill, that this
16 witness is not to consider the general welfare
17 in his planning?

18 MR. HILL: It's my position that you are
19 not asking, you are trying to get this witness
20 ramble and generally philosophize and I don't
21 think that's useful.

22 I'm going to object on technical grounds
23 to those kinds of questions.

24 MR. ENGLISH: My purpose is to try to get
25 a background as to the professional viewpoint

1 which ultimately goes to the professional
2 qualifications of the witness and I think the
3 inquiries are, therefore, proper for that
4 purpose.

5 MR. HILL: Well, if you will ask questions
6 to which clear, concise answers can be given, I'm
7 willing to give you considerable latitude, but
8 what I particularly object to is his getting
9 into a train of thought and then you are saying
10 "Talk more about this and talk more about that."
11 I don't think that's proper use of depositions.

12 Q Mr. Lindbloom, in your work as a planning
13 consultant, do you believe it is important that the plans
14 that you prepare and recommend promote the general welfare
15 to the extents that you understand that term?

16 A Yes, I do.

17 Q What is your understanding of the term "general
18 welfare"?

19 A I might answer that question by saying that when a
20 client, whether it's a community or a private individual,
21 seeks to employ me to assist them in the
22 matter or to help them develop a plan, whether it's a
23 plan for private development or as advice or for providing
24 a plan and planning advice to a community, if I feel that
25 I would not be compatible with what I envision as that

1 client's concept of planning and what their needs are,

2 I will not take the job.

3 In the plans that I do prepare and the advice

4 that I give my clients I feel that I as a professional

5 I am obligated to provide that advice, not to what I think

6 is in the best interests of the client entirely, but what is

7 also in the best interests of the larger community and

8 planning in general.

9 Q Now, Mr. Lindbloom, you have prepared, I believe,

10 a document entitled "Bernards Township Fair Share Housing

11 Allocation Analysis" which was prepared for Johns-Manville

12 Properties Corporation with a date of December 1975. Is

13 that correct?

14 A Yes, it is.

15 MR. ENGLISH: Can we agree, Mr. Hill, that the

16 document that the witness just referred to is

17 marked as Exhibit D-77 for identification on

18 depositions taken by the defendants in the

19 Allan-Deane case on May 24, 1976?

20 MR. HILL: Yes. We also agree that the

21 document was not prepared by Mr. Lindbloom, alone,

22 but by Mr. Lindbloom and Mr. Reading.

23 MR. ENGLISH: Well, I would like to inquire a

24 little more about that.

25 Q Do I understand, Mr. Lindbloom, that this report

1 Exhibit D-77 for identification, is a joint work product
2 by you and by Richard Reading & Associates?

3 A That's correct. Mr. Reading is not a planner; he is
4 an economist.

5 Q Yes.

6 Now, were you hired or contracted with by
7 plaintiff, Allan-Deane Corporation, to make a fair share
8 housing allocation analysis which culminated in this report,
9 Exhibit D-77 for identification?

10 A Well, in part, yes. Actually, we were both, Mr. Reading
11 and myself, were engaged by Allan-Deane Corporation.

12 They were separate contracts. I did not subcontract a por-
13 tion of the work to Mr. Reading. He was hired independently.

14 Q At the same time that you were engaged?

15 A Yes. It was a joint proposal.

16 That is right, Henry, as I recall?

17 MR. HILL: That is right.

18 Q What were you engaged by Allan-Deane Corporation
19 to do in this connection?

20 A I don't know that I have my contract with me, but we
21 were engaged to do a study of the housing needs of Bernards
22 Township and that included a determination of the region,
23 the development of employment projections for the region
24 in the Township, development of a housing need for the
25 region, allocating the housing to the municipality and

1 developing of that need a multi-family mix and an income
2 distribution mix.

3 Q Is what you have just described or does what you
4 have just described come from the proposal initiated by
5 Allan-Deane Corporation or was that your proposal as to the
6 scope of your work?

7 A It was a joint proposal for Mr. Reading and myself.

8 Q But were those definitions of what you were to
9 do come from you or was this what Allan-Deane asked you
10 to do?

11 A Oh, no, it was what we said was necessary to
12 to develop the housing need for Bernards Township.

13 Q Well, do I understand from your answers that all
14 Allan-Deane did was to ask you, Mr. Reading, to come up
15 with a report on the housing need of Bernards Township?

16 A Well, they asked us to submit a proposal which we did
17 and they agreed upon, yes.

18 Q Was their initial inquiry of you any more
19 precise than what was implied by the last question I asked

20 you?
21 A Well, there had been before we submitted our proposal,
22 there were discussions of what we would do, what would be
23 involved and then Mr. Reading and I sat down and developed
24 the proposal, yes, there were discussions prior to the
25 submittal of the proposal of what an appropriate housing need

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1 study should include.

2 Q When did Allan-Deane Corporation first approach
3 you or first approach you in connection with this work?

4 Can you fix the time or approximate time?

5 A With this particular study?

6 Q Yes. A Well, it was, I imagine
7 it was late summer of '75. I can research that but through
8 my -- I keep time records and I could research that and
9 provide an accurate time.

10 MR. HILL: It was some time in the summer or
11 fall of 1975, if I recollect.

12 MR. ENGLISH: I think that's good enough
13 for the moment.

14 Q Now, we know from other pretrial discovery that
15 the firm of Rahenkamp, Sachs & Wells has prepared a plan
16 for the development of the Allan-Deane property in
17 Bernards and Bedminster Townships and my question to you,
18 Mr. Lindbloom, is did you have any communication with the
19 Rahenkamp firm or its people during the course of the
20 preparation of your report which is Exhibit D-77 for
21 identification?

22 A Yes, I do.

23 Q Can you tell me, generally, what was the nature
24 and scope of the communication you had with the Rahenkamp
25 people?

1 A Well, at the time of the preparation of our housing
2 report Rahenkamp, Sachs & Wells were preparing the overall
3 land use plan for the Allan-Deane property and I attended
4 some of the meetings in Rahenkamp's office in Philadelphia
5 with representatives of Allan-Deane to review the progress
6 of the Rahenkamp work.

7 Q Can you give me your best present recollection of
8 the times or approximate times of those meetings?

9 A Well, I think I was down there three times and that
10 was in from early fall to plan completion which was, I think,
11 at the end of the year -- no, it might have gone into early
12 this year.

13 Q Early 1976? A Yes. It may have
14 started later than early fall -- I know it was quite cold
15 one day.

16 Q Were you giving the Rahenkamp people data and
17 information as to housing needs which you understood they
18 were to use or at least consider in preparing their plans?

19 A At one of the meetings I provided them with preliminary
20 findings of our study to provide input to their work. This
21 was not my main role in attending those meetings, though.
22 It was to observe and to critique along with the others
23 their work.

24 Q Well, as far as this critique aspect is concerned,
25 you were a planner trying to make helpful suggestions to

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1 improve the total plan?

2 A Yes.

3 Q Were you trying to make sure that the plan in-
4 cluded the housing factors that your studies led you to
5 believe were appropriate?

6 A No, but this was -- it was a purpose to provide
7 them with this information that I came up with to use as
8 an input to their plan.

9 Q Was this report, which is D-77 for identification,
10 submitted by you to the Rahenkamp people while their plan
11 was still in the process of being prepared?

12 A We had, as I said, we had drafts of our findings and
13 I believe the report was completed prior to the completion
14 of their plan but -- yes, it was, and they did -- I did
15 provide them with copies of the report but bear in mind
16 that this report was for the needs of the entire Township
17 and not designed to say what the needs of the Allan-Deane
18 property in terms of residential development should be.

19 MR. HILL: Mr. English, could I suggest
20 that since these are two lawsuits connected
21 together that we are willing to give you all the
22 time that you want, but could we concentrate
23 on the first part of the deposition with the
24 matters that concern both Mr. O'Connell and
25 us so that we won't have problems in the future

1 in scheduling additional depositions?

2 MR. ENGLISH: Sure.

3 Now, let me just ask one or two more questions
4 to wrap this up.

2 5 Q Can you give me your best recollection,
6 Mr. Lindbloom, of the time or approximate time when your
7 preliminary draft of your report, D-77 for identification,
8 was submitted to the Rahenkamp people?

9 A Well, it wasn't actually submitted; it was discussed
10 at one of our meetings, and I could only say it was probably
11 it was prior to December of 1975, of course, and probably
12 about a month prior to that, so I would assume some time in
13 November, but again I can pin that down for you.

14 MR. ENGLISH: Well, would it be agreeable,
15 Mr. Hill, if you wrote us a letter with the dates
16 of the meetings that Mr. Lindbloom had with the
17 Rahenkamp people as a supplement to this
18 deposition?

19 MR. HILL: If he has that information, I
20 would rather not spend a lot of my time chasing
21 down little items that weren't covered on
22 depositions.

23 Q Let me leave it this way. I have an unhappy
24 feeling we will have to continue this deposition at a later
25 date and would you be good enough to try to look that up so

1 that we could explore that next time?

2 A Certainly.

3 Q Thank you.

4 Now, referring to Report D-77 for identification,
5 can you identify for us, at least in general terms, the parts
6 of this report that you are responsible for and the parts
7 of it that Richard Reading & Associates are responsible
8 for?

9 A Certainly. The portion of the report from Page 11,
10 or actually the Appendix which starts at Page 7 which
11 contains a number of tables on covered employment, these
12 are people covered by employment compensation, State
13 Employment Compensation, wages and pay rolls, employment
14 projections, income information and a listing of the
15 municipalities in the Bernards Township Housing region.
16 This was all done by Mr. Reading. ^{did} I/work with him in
17 on it but that was primarily his responsibility.

18 Q May I interrupt you with in order to clear
19 my understanding at the rear of your report, D-77
20 identification, there are a series of tables,
21 Table I through Appendix Table 13, inclus^t
22 stand that those tables were prepared

23 A Primarily, yes.

24 Q Did you give him some in
25 you wanted included in those tables?

start stat

1 A Yes, for example Appendix Table 6.

2 Q Which is entitled? A "Total County
3 Employment Projections."

4 Q Yes. A I suggested that this table
5 be included and provided from my files some of the
6 information in that table.

7 Q Specifically what information in Table 6 did you
8 supply from your files?

9 A Well, I can't say specifically because he had some
10 of the information but I had had -- for example, the
11 projections of the Regional Plan Association, I might point
12 out that this table consists of projections by other agencies
13 as well as by Richard Reading & Associates and I provided
14 some of the information from my files from sources that I
15 had. For example, the Regional Plan Association, I believe
16 the Port Authority projections were from my files and
17 Modeling State Growth.

18 Q Now, what about the County Planning Board
19 projections?

20 A Mr. Reading had some and I may have provided some from
21 my files. I think I provided the Union County projections.

22 Q All right.

23 The sources of these projections, were those
24 listed? Can you tell us what else in the appendix tables,
25 Number 1 through 13, inclusive, represents your input --

1 by input I mean not necessarily just a statistical data
2 or the source of it, but the directions, guidelines,
3 a statement of what you wanted, statistics on and so forth?

4 A Well, the Appendix Table 6 was the one that I had
5 most to do with. The other tables were discussed with me.
6 This, as I say, this report was a joint production and before
7 I could start my work it was necessary for Mr. Reading to
8 develop some of his employment projections and he went off
9 and did this independently and came back with his findings
10 and then there was discussion as to the form and matters
11 of presentation, more than substance.

12 Q Who decided, for example, that Table 6 should
13 include a column or should include four columns for the
14 years 1975, 1980, 1985 and 1990, respectively?

15 A Oh, I think that was probably mostly myself. It was
16 a product by discussion but I think it resulted more from
17 the fact that these regional agencies had, as you can see
18 where the blanks are, there was no projection, some agencies
19 only had a projection to 1985, others had projections
20 for five years and the table worked out on the basis
21 of what projections were to be presented in five-year
22 intervals.

23 Q Can you tell me what document or documents of
24 the Regional Plan Association or the source or sources
25 of the figures described in Table 6?

1 A This table is lacking in that it should have a more
2 specific source identification than sources indicated.
3 We should have identified the specific report.

4 Q That's just what I'm asking you to do now.

5 A I will provide that at the next time for the Regional Plan
6 Association. I can't recall the precise title report but
7 I have it in my office.

8 "Modeling State Growth" was the Record Study
9 which I think you are familiar with. The Port Authority
10 source I believe is entitled "Jobs and Income" or something
11 to that effect.

12 I also have that in my office and can provide
13 that.

14 Q Would you please provide that at the next time?

15 A The County reports were the latest figures that we
16 had from the Counties identified.

17 Q Well, my understanding is that some of the County
18 Boards periodically revise their various projections.

19 A That's true.

20 Q So that the dates of the reports used in Table 6
21 would be of interest. Could you find out specifically the
22 dates of the reports of the County Planning Boards that you
23 use and bring them next time, please?

24 A Yes.

25 Q Thank you.

1 Now, except it has been suggested for Table 6,
2 is the rest of the table in the tables of the Appendix Number
3 1 to 13, inclusive, Mr. Reading's work?

4 A Yes.

5 Q I guess we are working backwards through your
6 report, Exhibit D-77 for identification, but the tables
7 we have referred to appear at the rear of the appendix, the
8 appendix comprising Pages 7 to 23, inclusive, and can you
9 tell me if any of the appendix represents your work?

10 A That would be difficult because we did work
11 on the Pages 7, 8, 9, 10, 11, 12, 13 and up to the
12 Page 14. Pages 14, 15, 16, 17 and 18 were largely
13 Mr. Reading's. Pages 19, 20, 21, 22 and 23 are the
14 product of discussions similar to Pages 7 through 14.

15 Q Mr. Lindbloom, do you endorse and subscribe to
16 work which Mr. Reading did as reflected in this report,
17 D-77 for identification?

18 A Well, it was my suggestion that Mr. Reading join with
19 me in preparing this study. It was not the suggestion of
20 anyone or anyone else and I did that because I had had
21 known him before. I felt there was a need to have
22 someone with his particular expertise involved in this
23 study and I have great faith in his abilities and we
24 discussed the approach prior to submitting our proposal and
25 I have great confidence in his work. That's all I can say

1 because I'm not an economist, but I feel that what he has
2 done, the work that he has done, is excellent.

3 Q Well, the total report from what you say represents
4 the joint efforts of yourself and Mr. Reading and do you
5 stand by the report as a whole?

6 A Oh, absolutely, yes.

7 Q Working still further backwards, we now have the
8 first part of the report, Pages 1 to 6, inclusive, which
9 precedes the appendix beginning on Page 6, and can you tell us
10 what your involvement has been in the preparation of those
11 six pages?

12 A Well, the pages were largely my work. The determination
13 of the region was a joint effort. The rest of the pages were
14 predominantly my involvement.

15 Q Well, would it be fair to say, Mr. Lindbloom --

16 A It was my responsibility.

17 Q You assume responsibility for the first six
18 pages?

19 A Yes, I do.

20 Q You, of course, utilized and relied upon the work
21 that Mr. Reading did?

22 A That's correct.

23 Q In fact, you assume responsibility, I take it,
24 for the entire report?

25 A Yes, I do.

1 Q Would you be good enough to look at your report,
2 which is Exhibit D-77 for identification, and let me point
3 out on Page 4 of the report at the top a statement which I
4 am interpreting to mean that you project a need of 1,022
5 housing units for moderate income families during a period
6 of time between '75 to 1990.

7 Let me interrupt myself there. Do I correctly
8 interpret that material at the top of Page 4?

9 A Let me make sure. That's correct.

10 Q Now, might I direct your attention to Page 20 of
11 the report and at the bottom is a tabulation of residential
12 median income distribution and the second line of that report
13 is labeled between 50 and 80 per cent and do I understand
14 that description to refer to what you call moderate income
15 families?

16 A That's correct.

17 Q In the right-hand column of that table at the
18 bottom of Page 20 is a column which is labeled "Increment
19 1975 to 1990", we have the figure of 879 for families between
20 50 and 80 per cent of the median which you have just told
21 us represented moderate income families?

22 A That's correct.

23 Q My question is how do you reconcile the statement
24 on Page 4 that the housing needs for 1975 and 1990 for
25 moderate income families are 1,022 units and apparently

1 on Page 20 you make the same projection at a figure of
2 879?

3 A Well, the figure on Page 4 --

4 Q Of ten hundred twenty-two.

5 A -- As the basis for that projection was job growth,
6 which is the proposal in the report. What you are quoting
7 from, the projection where moderate income for 879 units
8 is based on an alternative method which begins on Page 19,
9 and it's based on population growth rather than job growth.

10 This is an alternative means to determine the
11 region's housing needs and it's not the method that
12 the body of the report.

13 Q Which is the basis of your --

14 A The basis of our report is that of job growth.

15 Q Maybe we had better --

16 A This alternative method I would just point out was
17 done to show that there are other methods of determining
18 housing need and that using a population means is not all
19 that different than using the job related basis which is
20 the recommended technique because of the relationship of
21 job to housing formulated in the Mount Laurel decision.

22 Q Well, would you agree there may be more than
23 one valid method of determining in municipalities fair
24 share of regional housing needs?

25 A Yes.

1 Q May I direct your attention, please, to Table 4
2 in the appendix, which I believe is entitled "Covered
3 Employment Projections." Is that right?

4 A Yes, sir.

5 Q Are you in a position to answer questions about
6 this table or is that something that only Mr. Reading could
7 talk about?

8 A Mr. Reading prepared this table but I will attempt
9 to answer any questions to the best of my knowledge.

10 Q Let me say for the record that this table
11 has six vertical columns, one each for the years 1970, 1974,
12 1975, 1980, 1985 and 1990, respectively, and it has
13 horizontal lines labeled respectively "Bernards Township,
14 Bernards Region, Essex Portion, Hunterdon Portion, Middlesex
15 Portion, Morris Portion, Somerset Portion, Union Portion",
16 and under each of those horizontal lines or units there are
17 two lines under each labeled respectively "Units" and
18 "Jobs."

19 Have I correctly described this table, Mr. Lindbloom?
20 Yes, very well.

21 Q Well, you tell us what you mean by "Bernards
22 Region", the second group of horizontal lines.

23 A The "Bernards Region" refers to the Bernards Township
24 housing region which we have defined, I think, on Page 1 of
25 the report which consists of 109, or is it 106 -- 109

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1 municipalities in all or parts of six counties. And the
2 ~~six counties~~ that are listed below the Bernards Region are
3 ~~these counties~~ that all make up the Bernards Township Housing
4 Region. The Somerset County is entirely, all of it is
5 part of the Bernards Region, the other five counties only
6 parts are within the Township Region.

7 Q Thank you.

8 Now, looking at the data pertaining to Bernards
9 Township I note that the projected employment, covered
10 employment, for 1975 is given as 3,339 and that for 1980
11 is given as 7,366. Can you tell me, please, the source of
12 that latter figure, namely, 7,366?

13 A I will as far as I know and Mr. Reading can give you
14 more precise information, but the 1975 figure of 3,339 was
15 the base figure and added to that was the A.T. & T.
16 employment which I'm not sure was either used as 3400 or
17 3500. We found some discrepancy whether the actual
18 projection from our sources was either 3400 or 3500.

19 Mr. Reading projected the growth of jobs exclusive
20 of the A.T. & T. projection in the same manner that he
21 projected the growth of jobs for the entire region which was
22 using a straight line projection from 1970 through 1974.

23 Q When you speak of the straight line projection
24 from 1970 through 1974, let's look at the figures under
25 the heading "Bernards Region" on Table 4 and if I read

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30

1 this correctly, the Bernards Region in 1970 had 414,215
2 covered jobs and in 1974 had 464,876 covered jobs. Did I
3 read that correctly?

4 A Yes.

5 Q What did you do, take the difference between
6 those figures which is approximately 50,000 and divide by
7 some number for an annual rate of increment?

8 A I think it might be best to ask Mr. Reading how he
9 made his projection, but as I understand it he took the trends
10 in growth from the known years, '70 to '74, and since there
11 was a period in those years when we had both good and
12 poor growth in terms of jobs it was felt that this provided
13 a balance in using those years as a trend projection and he
14 made his projections.

15 The mathematics I was not involved with but the
16 concept is as I described it.

17 Q In any event, you support the concept of a straight
18 line projection based on the annual percentage of growth
19 from 1970 to 1974?

20 MR. HILL: I object to that question. I
21 think that Mr. Lindbloom has not said that.

22 Mr. Lindbloom has not characterized himself as
23 an economist. There is a great deal of contro-
24 versy as to whether the years 1970 to 1974 are
25 typical years or whether they represent a depression

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and I don't think that Mr. Lindbloom is qualified to answer as to whether the economic trends between 1970 and 1974 are typical.

Will you answer the question?

Do you want it read back?

A No, it's quite all right.

Mr. Reading and I had a number of discussions at this point and naturally I deferred to him, being the economist, but from a planning standpoint and in terms of using information and projecting information, which I do, I felt that housing needs study such as this should be done by all communities and used as a document as part of their master plan as a study element in the preparation of a master plan.

Some of the basic data that you do as in preparation for a master plan should include a housing needs study and just as your information on circulation community facility, open space land use should be updated every five or six years or more often if conditions change, so should your housing study and the basis for that study be updated

For that reason, I'm not concerned that the figures when we reach 1990 may not be precisely what was projected in 1975, just as I'm not concerned that the employment projections, or rather the population projections may not

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1 which
 2 be precisely that was developed in years earlier. Planners
 3 do not assume that their plans are going to be carried out
 4 precisely as proposed, but to the best of our knowledge
 5 it is the most reliable data that we have and until conditions
 6 have changed to change our thinking on the reliability of
 7 the data, that's what we go with.

8 Q Well, I'm interested, Mr. Lindbloom, in what you
 9 said but I don't think you answered my question, which was
 10 whether you endorse and subscribe to a projection of
 11 covered employment to the year 1990 based upon a straight
 12 line projection reflecting the annual rate of increase from
 13 1970 to 1974.

14 A Well, I thought the long answer, I did answer it in a
 15 long way, but a short way would be to say under these
 16 particular circumstances, yes, I do.

17 Q Now, referring to your next to last answer, am
 18 I to infer that your projected fair share allocation in
 19 Table 2 on the bottom of Page 6 of your report, Exhibit D-77
 20 for identification, of 5,247 total units by the year 1990
 21 is to be interpreted as an exact figure?

22 A That's an exact figure as of this date.

23 Q But this might be subject to revision in the
 24 light of subsequent developments?

25 A Absolutely.

 Q Well, if you were advising Bernards Township on

1 the basis of your report, Exhibit D-77 for identification,
2 would you advise them to plan now for 5,247 units by the
3 year 1990?

4 A. Additional units, yes, I would.

5 Q But you might advise them during the course of the
6 next 15 years to revise these projections?

7 A Yes, it might have to be increased.

8 Q Might it have to be decreased?

9 A Very possibly.

10 MR. ENGLISH: Off the record.

11 (A brief recess is taken.)

12 Q Mr. Lindbloom, will you please look at Page 13
13 in the appendix to your report which I believe contains
14 a table of data from the 1970 Census indicating the place
15 of work of residents of Bernards Township.

16 Do I correctly read that table to indicate that
17 8.70 per cent of the Bernards Township residents work in
18 Essex County?

19 A Yes.

20 MR. HILL: Caveat here just to be helpful.

21 I think the trip to work part of the census
22 is a sampling, I'm not sure that the question is
23 contained on every census application. My
24 recollection is it is a 15 per cent sampling of
25 the population and it is a projection based on

1 that example, Mr. English.

2 Q Well, in your report have you accepted the
3 data from the 1970 Census which indicates that 8.70 per
4 cent of the Bernards Township residents work in Essex County?

5 A This table should be a reflection precisely of the
6 1970 Census for information, place of work of Township
7 residents, I think it is employed residents.

8 Q Yes.

9 Now, will you please look again at Table 4 in
10 the appendix of your report. In the heading "Essex Portion"
11 it indicates for the year 1970 73,021 jobs and do
12 stand that means that in 1970 there were 73,021 covered
13 employees working in the portion of Essex County which you
14 included in the Bernards Region?

15 A Yes. The municipalities making up the Essex Portion
16 are listed on the last page of Table 13.

17 Q I know.

18 Am I correct that up above that is listed in
19 1970 jobs for the Bernards Region of 414,215?

20 70, that's correct.

21 Okay.

22 Now, am I correct in stating that 73,021 is about
23 17.6 per cent of 414,215?

24 If you want to do the math, we would be glad to
25 give you a piece of paper.

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1 A It seems to be about right, yes.

2 Q All right.

3 [REDACTED] Table 4 indicates that in the Bernards Region the
4 Essex portion represented 17.6 per cent of all the jobs?

5 A In 1970, that's correct.

6 Q Whereas, on Page 13 of your report you indicate
7 that only 8.70 per cent of the Bernards Township residents
8 worked in Essex County?

9 A In all of Essex County, that's correct.

10 Q All right.

11 If you took only the portion of Essex
12 in the region your 8.70 per cent on Page 13 would be
13 presumably smaller?

14 A Possibly, possibly not. I would say possibly be smaller,
15 yes.

16 Q Well, it would be smaller unless none of the
17 395 Bernards residents who worked in Essex County worked
18 outside the portion which you include in the Bernards Region?

19 A That's correct.

20 [REDACTED], it would be a smaller than 8.70 per cent
21 of the 395 worked in Newark, for example?

22 A That's correct.

23 Q Will you perceive any inconsistency between
24 a percentage of certainly not more than 8.70 in 1970 and
25 the percentage of 17.6 in the same year?

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A No.

Can you explain that, the difference in the two percentages, for me?

A Well, you are comparing things that aren't really comparable. Table 4, in the column under 1970, is a listing of the jobs, covered employment, existing in the various portions of the Bernards Township Region. The table on Page 13 is a listing of where the Bernards Township residents worked in 1970. The fact that 8.70 per cent of the residents of the Township in 1970 worked in all of Essex County has little or nothing to do with the fact that 17.6 per cent of the jobs in a portion, a smaller portion of Essex County, make up the total jobs in the total Township housing region.

I don't see the point in comparing where Township residents worked in 1970 with where the jobs are in 1970.

Q The Bernards Township people fill only about half of the Bernards Region's share of the jobs that the portion of Essex County included in that Bernards Region.

A You are asking me?

that isn't a reasonable inference.

If I understand the question, what you stated was correct, that in 1970 half of the Township residents worked in a portion of -- worked in Essex County where -- strike that.

I find it difficult to make a comparison, I'm

1 sorry.

2 Q Let's look at Table 4 for a moment, Column 1970,
3 and I think we have already agreed that the Bernards Region
4 in 1970 included 414,215 covered jobs?

5 A Right.

6 Q And that the portion of Essex County included
7 in the Bernards Region included 73,021 jobs?

8 A That's correct.

9 Q And that the Essex Portion of the Bernards Region
10 in 1970 had 17.6 per cent of all the jobs in the Bernards
11 Region?

12 A That's correct.

13 Q Now, if one is to draw conclusions as from Table 4,
14 should not one expect that 17.6 per cent of the Bernards
15 Township residents would work in Essex County?

16 MR. HILL: I object to the question. I
17 don't see that at all. The purpose of the fair
18 share study was to find what the fair share would
19 be absent exclusionary zoning and exclusionary
20 zoning plays a large part in the discretion
21 of these numbers and I don't understand the
22 question and I think it should be rephrased so
23 that it makes sense.

24 Q Do you understand the question, Mr. Lindbloom?

3 25 A As I understand it, you are saying that why shouldn't

1 17.6 per cent or even a higher percentage of Township residents
2 work in Essex County if 17.6 per cent of the jobs in
3 Essex County make up the 73,000 jobs is 17.6 per cent of the
4 total regional jobs?

5 Q How would you answer the question as you just
6 phrased it?

7 A The question is why is there a discrepancy? The answer
8 is I don't know and I'm not sure that it matters.

9 Q I can -- well, if you are trying to determine
10 Bernards fair share of housing would it not matter whether
11 you were looking at a 17.6 percentage figure as distinguished
12 from an 8.70 percentage figure?

13 A I might suggest that possibly some of the reasons
14 why there is a difference in the two figures if it matters
15 at all is that there may be commutation problems in one portion
16 of a region more so than there are in another portion of
17 a region.

18 In other words, some jobs may be more accessible
19 in one portion of a region than another region. Some there
20 are a higher proportion of jobs in an adjacent area than
21 there are in a further area and so a higher percentage of
22 the regional residents are working in the closer or more
23 accessible area. It doesn't change much the fact that those
24 jobs are still within the housing region and are still
25 available from commutation situation to Township residents.

1 The determination of the region was based, as you know from
2 the report, on a half hour commuting time and that's how we
3 drew the boundaries of the region, including the 109
4 municipalities. The jobs within that region are then available
5 to Township residents within a half hour's time. That's what's
6 important, not the fact that the Essex Portion of the jobs
7 in 1970 made up 17.6 per cent of the total and that in 1970
8 8.6 per cent of Township residents actually worked in all
9 of Essex County. That is not important.

10 Q Well, is accessibility of jobs a factor
11 in your judgment should enter into the determination of
12 Bernards Township's fair share of housing?

13 A In preparing a housing needs study, the first step is
14 to determine the region and the method that we selected to
15 determine the region was the half hour driving time.

16 Q Now, obviously just as we agreed earlier that there
17 are other techniques in preparing housing needs studies, some
18 of those techniques might include a different need of coming
19 up with the regional determination.

20 question is whether accessibility of jobs is
21 a factor which should enter into determination of Bernards
22 Township's fair share?

23 A If you mean accessibility of jobs by, as we have
24 determined it, the accessibility from the municipality that
25 you are doing the study for to outwardly to all areas of the

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1 region, I would say yes.

2 Q Well, do you regard a job five minutes away as
3 the same degree of accessibility as 130 minutes away?

4 A Yes. For regional determination purposes, yes.

5 Q Well, what did you mean in your answer in
6 commenting on the difference of 8.70 per cent and 17.6 per
7 cent that commuting problems might have some bearing upon
8 that difference?

9 A Well, an employee may choose to, if he can, work
10 closer to his residence. If an employee had his choice, he
11 might select to work as close to his home as possible. Not
12 all employees have that option. But obviously I think it's
13 desirable to work as close to your home as you can.

14 Q Well, if that be so, would not a fair share
15 reasonably take into account the distance factor so that
16 jobs closer to a place of residence would be given more
17 significance in determining fair share than jobs on the
18 periphery of the commuting zone?

19 A Well, I think that would be a very difficult means
20 of determining fair share. We have tried to keep our
21 determination as simple as possible so that each municipality
22 can as part of their master plan work do their own fair
23 share analysis without having a very complicated procedure
24 requiring computers or black box techniques to come up with
25 fair share.

1 Q Well, doesn't your system amount to the same
2 thing by identifying the number of jobs within commuting
3 range of Bernards Township and then saying to Bernards
4 Township, "You have to provide your share of all these
5 jobs"?

6 A Your fair share just as each municipality has to
7 provide their share and their share apportioned its related
8 to the number of jobs, their percentage of the jobs they
9 provide in their municipalities.

10 Q Well, if for example Bedminster Township had not
11 permitted any major employment within its boundaries, I
12 would understand from your reasoning, if I do understand it,
13 that Bedminster would be relieved of any significant portion
14 of the housing need generated by industry in Bridgewater
15 or in Bernards Township?

16 A To a large extent, yes, that's correct. It would still
17 if it had some -- it would still have some job growth even
18 if it didn't have any industrial zones. It would still have
19 job growth from its commercial area, from its school
20 centers, municipal employees, but, yes, you are correct
21 if Bernardsville does not --

22 Q Bedminster. A Did you say
23 Bedminster?

24 Q Yes. A If Bedminster does not provide
25 for large employment generators under our formula it's going

1 to have a very small requirement for housing need and I
2 think that's the situation we have in the State today,
3 that's very equitable.

4 Q Well, philosophically then a strong, if not
5 dominant, factor in your approach is that each Township ought
6 to take care of its own?

7 A Very largely, yes, that's our philosophy. We do
8 use the way they provide for their own should reflect the
9 regional requirements that's in terms of unit type costs.
10 In other words, if the requirement for a municipality is
11 let's say 1,000 units those thousand units should reflect
12 the regional needs in terms of income.

13 Q But at the moment I'm talking about the total
14 numbers and for total numbers of housing units without regard
15 to the cost breakdown within that number do I understand
16 you to say each Township ought to take care of its own?

17 A Yes.

18 Q Well, by that do you mean it ought to make
19 provision for all of the, for instance, persons employed
20 within its boundaries to live within its boundaries?

21 A No.

22 Q Well, how do you reconcile what strikes me ^{as}/_{an}
23 inconsistency?

24 A Mount Laurel didn't say, as I'm sure you are aware
25 of, didn't say each Town has to build the housing to meet

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1 its job needs. It has to make it possible for the housing
 2 ~~to be built.~~ It has to provide in its planning and zoning
 3 that this, for the housing and that's what I'm saying, is
 4 that the municipality if it's going to invite X number
 5 of jobs we project over the next number of years are going
 6 to come into the municipality requiring certain number of
 7 housing units and based on the regional income levels that
 8 distribution should be such and so then that community
 9 should make possible in its planning and zoning that those
 10 housing needs can be met.

11 Q Well -- A Now, it may be that
 12 those for other reasons, those housing units may be
 13 built elsewhere but at least that community has met its
 14 obligation by making it possible for those units to be
 15 built in the community.

16 Q Well, for example, let's assume that 3500 people
 17 are going to be employed by A.T. & T. in Bernards Township.
 18 Without regard to breakdown of housing types or income
 19 levels, is it your position that Bernards Township's zoning
 20 ~~ordinance~~ should provide for 3500 dwelling units which
 21 ~~would~~ be allocable to A.T. & T. employees?

22 A No.

23 First of all we don't say there should be one
 24 housing unit for every job. In the report there is less than
 25 one housing unit for every job generated because in some

1 households more than one person works.

2 Secondly, the jobs that are provided are not
3 specifically for the jobs that are coming into the
4 municipality, but they are your share of the regional needs.

5 Those 3500 jobs that are A.T. & T. are part of the total
6 jobs that are coming into the Bernards region in the years
7 1975 through 1990.

8 Now, you have to make provision in your zoning
9 ordinance, as we mentioned, the possibility for the housing
10 needs for those 3500 jobs to be met in the Township but not
11 for those 3500 specific jobs but 3500 jobs.

12 Q All right.

13 But the number is the same without the regard?

14 A That's correct.

15 So, if I could explain it further, you can still
16 have commuting patterns as we have within the region but
17 there is a choice of residence and employment within the
18 region. In other words, if you want to work at A.T. & T.
19 or if you want to work in a factory in Bridgewater, there
20 is a reasonable housing units available in Bernards Township for
21 either employee.

22 MR. HILL: Could I suggest we break for
23 either five minutes or either forty-five minutes.

24 MR. ENGLISH: Well, then, why don't we knock
25 off for lunch. Could you try to be back in an hour?

1 MR. HILL: Yes.

2 (The luncheon recess is taken.)

3
4 A F T E R N O O N S E S S I O N

5 C A R L L I N D B L O O M, previously
6 sworn.

7
8 DIRECT EXAMINATION CONTINUED

9 BY MR. ENGLISH:

10 Q Mr. Lindbloom, I don't know if you can answer
11 this question or not but would you look at Appendix Table II,
12 please. Column 7 in that table is headed with a title
13 "Undisclosed Jobs." Do you happen to know the source of the
14 data which appears in that column?

15 A To the best of my knowledge Mr. Reading went down
16 to the Department of Labor and Industry to get the
17 information on covered employment. They publish a list of
18 the covered jobs but if you go down to the Department you
19 can get the listing of the jobs that are not disclosed and
20 they have a published listing if you are going to include those
21 jobs in the total where they won't be reported.

22 Now, that's the best way I can describe it.

23 Q Okay.

24 But essentially that was --

25 A It's all from the -- as far as I understand from the

1 Department of Labor and Industry.

2 Q But Mr. Reading is the individual who actually
3 dug up ~~the~~ data in Column 7?

4 A Yes, that's correct.

5 Q Looking back again to Appendix Table 6, which
6 we talked about earlier, I observed that there is no
7 reference in that table to any employment projections by
8 the Tri-State Regional Planning Commission. Have you any
9 explanation for that omission?

10 A No, I do not. I would say they weren't available or
11 they hadn't made any. I don't know. There is no reason
12 why they couldn't be included because this table was --
13 the only purpose of this table, I should have pointed out
14 this morning, was to show the comparison to projections made
15 by others to those made by Richard Reading & Associates.

16 Q Do you know whether or not the Tri-State Regional
17 Planning Commission does publish figures on employment
18 projections?

19 A I assume they do. I have some of their reports on
20 ~~studies~~ they have made and I assume that they have made
21 some employment projections.

22 This table wasn't meant to be all-inclusive, it
23 was just to demonstrate Mr. Reading's projections in many
24 cases were conservative in terms of employment projections
25 in comparison with regional agencies and others.

1 Q All right.

2 Now, Mr. Lindbloom, do you recall an article
3 written by you defining fair share of regional need
4 appeared in the New Jersey Law Journal of July 24, 1975?

5 A Yes, I do.

6 Q In the course of that article you stated as
7 one of the criteria used, "Four short-term (five to ten years)
8 projections are most appropriate for zoning use." Is that
9 what you said in your article?

10 A Yes, it is.

11 Q Now, in your report for Allan-Deane Corporation,
12 which is Exhibit D-77 for identification, you make projections
13 for a 15-year period to 1990?

14 A We made projections for five years, ten years and
15 fifteen years.

16 Q Right, but your projections include 15 years to
17 1990?

18 A That's correct.

19 Q What is your justification for 15-year projection
20 to 1990? You are on record as stating that a term of five
21 to ten years for projections is most appropriate?

22 A In the Montgomery article I said that the five to ten-
23 year projections are most appropriate for zoning purposes
24 and I still feel that is correct. For planning purposes
25 a longer period of projection time is most appropriate in

1 developing master plans for communities. We go anywhere from
2 15 to 30 years. I have seen regional plans for the year
3 2020.

4 What we did here was to project only to the year
5 1990. In this report I wasn't saying how Bernards Township
6 should provide for a needed 5,000 housing units to the year
7 1990, I was saying that that was their need. Now, it might
8 be appropriate for the Township to agree with this study
9 to zone immediately for only the first five years of need,
10 but they should be planning for the year 1990 and perhaps
11 further.

12 Q Well, is it your view as a planner that Bernards
13 Township should plan now for 1990 and beyond as distinguished
14 from planning for a shorter period of time and then revise
15 within its plans as time goes on?

16 A They should plan for at least until 1990. 1990 would
17 take the Township to more or less full development as
18 has been projected in terms of population growth for the
19 Township, so they should plan at least for 1990 and I would
20 recommend that they zone for at least the next five years
21 need.

22 Q What figure do you arrive at as the need for
23 subsidized housing for the next five years?

24 A This report does not specify, I don't think, as I
25 recall, a figure for housing need for the next five years, but

1 it does indicate a projected employment growth and using
2 the information that's provided in this study they could
3 extrapolate the figures to determine what they should be
4 providing for the next five years.

5 Q Are you referring to Table 1 on Page 3 of your
6 report?

7 A I am.

8 MR. HILL: Excuse me, is that a future need
9 table?

10 THE WITNESS: No, it's covered employment
11 growth, it's not housing need. It's covered
12 employment growth.

13 MR. HILL: Does it include present need?

14 THE WITNESS: It doesn't cover need, Henry,
15 it's employment growth.

16 I think the important thing is that the
17 community plan now for its future housing needs
18 and then zoning will then follow the overall
19 plan. I mean, you shouldn't start out with zoning
20 for the next five years without having some idea
21 of what your long-term needs are, not only in
22 total units but in income range.

23 Q Are you familiar with the Bernards Township master
24 plan which was adopted in December 1975?

25 A I have reviewed it, yes.

1 Q In your opinion does that reflect planning for
2 housing needs to the year 1990?

3 A Not as I see it, no.

4 Q In what respect does it fail to do so?

5 A It doesn't provide for the distribution of housing
6 type and costs in accordance with a study of regional fair
7 share allocation.

8 Q Is it your opinion that that subject ought to be
9 dealt with in detail in the master plan as distinguished
10 from zoning ordinance?

11 A Yes, it is. The function of a zoning ordinance is to
12 implement the plan. If you don't have a plan, your
13 zoning ordinance has no guidelines.

14 Q Now, you were referring to Table 1 on Page 3 of
15 your report. Would you look at that again, please.

16 First of all, could you tell me the derivation
17 of that figure 2.61 which appears in the vertical column
18 entitled "Per Cent of Total" in a line that is labeled
19 "1975-1990 Increase"?

20 A I believe that the 2.61 per cent is the relationship
21 between employment growth in Bernards Township over the
22 15-year period, which is 5,254 to the covered employment
23 growth in the Bernards Township housing region which is
24 given for that period 201,582.

25 Q In arriving at the projection shown in Table 1

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1 for the growth in covered employment in Bernards Township
2 down to 1990 was any consideration given to the possibility
3 of zoning changes in Bernards Township with regard to either
4 increasing or decreasing the areas zoned for employment
5 purposes?

6 A No.

7 Q Well, then, if Bernards Township were to
8 significantly reduce the areas zoned for employment purposes,
9 would that eject some degree of inaccuracy or invalidity in
10 the projections shown on Table 1 on Page 3?

11 A That depends on a number of factors. It depends on
12 how much employment generating areas they might eliminate.
13 In my opinion you wouldn't be able to eliminate enough
14 to change Table 1 at all. You would have to, for example,
15 in some of your areas now zoned for employment to sort of
16 spot zone in a way to lots that are now zoned for employment
17 that are surrounded by existing commercial uses would
18 have to be rezoned for noncommercial use and I don't think
19 that is likely to happen or also there is employment
20 growth in the Township that is independent of zoning.

21 This is employment in the municipality, employment
22 in the schools, professional employment, employment growth
23 in the existing uses through expansion.

24 So, the answer is no, I don't think zoning changes
25 will have any effect as far as Bernards Township is concerned

1 on Table 1.

2 Q Well, I'm directing your attention specifically
3 to the column reflecting projected covered employment growth
4 for Bernards Township alone and your answer applies to
5 that column?

6 A Yes.

7 Q Are you aware, Mr. Lindbloom, that there is
8 presently pending before the Bernards Township Committee
9 an amendment to the zoning ordinance which if passed would
10 transfer back into low density residential use the frontage
11 on the south side of Interstate 78 from Martinsville Road
12 to Somerville Road and about half of the western half of
13 the area on the north side of the area on Interstate 78
14 running east of the Somerville Road towards Martinsville
15 Road and bounded on the left by Mountain Road?

16 A Yes, I am.

17 Q Is it your testimony that that change would make
18 no difference in the prospective growth of covered employment
19 in Bernards Township?

20 A Yes, that is correct.

21 Q Does that judgment rest on the assumption that
22 employment facilities would never have been constructed
23 in the area which I just described?

24 A There is more than enough land without that particular
25 area that you just described, plus the other factors for

Lindbloom - direct

1 employment growth in the Township without having that land
2 so zoned.

3 Q Would you please answer my question.

4 Did your answer assume that there would never
5 be any employment facilities constructed in this area along
6 Interstate 78 which is being changed?

7 A No, it did not. If there were employment growth in
8 that area, perhaps the covered employment growth for
9 Bernards Township would have to be higher which would mean
10 there would be a larger fair share than what we have indicated.

11 Q Now, again looking at Table 1 on Page 3 of your
12 report, you project a covered employment growth in Bernards
13 Township from 3,339 in 1975 to 8,593 in 1990?

14 A Yes.

15 Q Which is an increase over that period of time
16 of 5,254?

17 A Yes.

18 Q Roughly what percentage of increase do you set
19 forth in that column of Table 1?

20 A The increase from 3,000 odd to 5,000 odd?
21 No, from 3,339 to 8,593.

22 A Well, I haven't computed the percentage but it's
23 more than. . .

24 Q I would be glad to give you a piece of paper and
25 let you do it.

4

1 A Well, I would say it's about 150 per cent, it's about
2 one and a half times.

3 Q The increase is one and a half times 1975 employment?

4 A Yes.

5 Q So, the total would be about 250 per cent of the
6 present employment?

7 A Say that again, I'm sorry.

8 Q The total for 1990 would be about 250 per cent
9 of the employment for 1975. Is that correct?

10 A Perhaps my math isn't as good as yours, but wouldn't
11 that be 150 per cent, it would be a little over --
12 doubling of the 100 per cent increase. You are talking about
13 the increase, right?

14 Q The doubling would be about 6678.

15 A Yes. So a little over doubling.

16 Q Doubling would be 200 per cent at present, wouldn't
17 it?

18 A Doubling is 100 per cent of increase. You are talking
19 about the increase now?

20 Q Yes, doubling is 200 per cent of present.

21 A I thought you were talking about increase.

22 Q The increase you told me is 150 per cent?

23 A Yes.

24 Q Now, my question is if the total projected covered
25 employment would be 250 per cent by 1990 of what it is in

Lindbloom - direct

1 1975. You agree to that?

2 A Yes.

3 Q Now, what are your population projections for
4 Bernards Township by 1990?

5 A On Appendix Table 10 I see that first horizontal
6 line is Bernards Township which the year ending 1990 has
7 a projection of 19,880.

8 Q As against a 1975 population of what?

9 A Thirteen thousand, eight hundred twenty.

10 Q What percentage of increase does the 1990 figure
11 of 19,880 represent over the 1975 figure of 13,820?

12 A That's about a 50 per cent increase.

13 Q So the 1990 population according to Table 10
14 is about 150 per cent of 1975 population. Is that correct?

15 A Yes.

16 Q How do you explain the growth in covered employment
17 at a rate of 150 in Bernards Township at a rate of 150
18 per cent over the next 15 years, whereas you project a
19 growth of population of only 50 per cent over the same

20 period.

21 In the first place the population projection on
22 Appendix 10 was not my projection, it's a projection of
23 others.

24 In the second place, the only basis I can see
25 is that perhaps Bernards Township is exclusionary in its

1 zoning practices and is not permitting the growth that is
2 needed to meet the obvious demand that we have pointed out
3 in employment growth. If perhaps, if you will, Bernards
4 Township is not discriminatory in its zoning practices,
5 the population projection for 1990 would be the 250 per cent
6 that is indicated in the employment growth.

7 Q Only you are assuming then that Bernards Township
8 zoning policies will for the next 15 years be what you have
9 chosen to characterize as exclusionary?

10 A That's what it appears, yes, unless there is a change
11 as is indicated is necessary by this report.

12 Q What is your basis for asserting as a factual
13 projection a conclusion based on the assumption that Bernards
14 Township zoning for the next 15 years is going to be
15 exclusionary?

16 A Well, you asked me in my opinion for the reason for the
17 differences. Now, that's the only conclusion I can draw.
18 I didn't -- this report doesn't say that Bernards Township
19 is exclusionary or discriminatory in its zoning. That's the
20 conclusion I might draw looking at these figures.

21 Q Well, if Bernards Township were not exclusionary,
22 do you think the figures would be different for the --

23 MR. HILL: I object to that question.

24 Bernards Township is so exclusionary that the
25 hypothetical is absurd.

1 MR. ENGLISH: Mr. Hill, if you want, I will
2 exercise my privilege of calling you to the
3 stand and putting you under oath.

4 MR. HILL: Some hypotheticals, like purple
5 cows in Bernards Township, go beyond the range
6 of credibility and reasonability and I don't think
7 expert witnesses should be required to make such
8 grand leaps of imagination.

9 Q Well, Mr. Lindbloom, if I understood your
10 recent answers, you project a Bernards Township population
11 by 1990 of 19,880 on the assumption that Bernards Township
12 zoning is going to be exclusionary for the next 15 years
13 and at the same time you tell us that you are driven to the
14 conclusion that Bernards Township zoning is going to be
15 exclusionary for the next 15 years because of this ultimate
16 population figure which you have projected for 1990 as
17 it being 19,880.

18 MR. HILL: I object to that question on
19 two grounds: The first ground is that the
20 source for this figure, as it clearly appears,
21 is the U.S. Department of Commerce, the Bureau
22 of the Census and the second ground is that
23 Mr. Lindbloom has clearly stated that these
24 figures were prepared by Mr. Reading and I think
25 that it's clear from the report that it's the

1 U.S. Department of Commerce, Bureau of the
2 Census, that has concluded that Bernards will
3 remain exclusionary for the period at issue.

4 Q Will you answer my question?

5 A Would you read the question back.

6 (The pending question is read by the
7 reporter.)

8 A As I explained earlier, the projection is not mine,
9 but I would point out that the County agencies have made
10 other similar projections of around 19,000 or 20,000.
11 Most projections by County agencies or others are passed
12 on based on past trends and existing zoning. If Bernards
13 Township were to maintain its existing zoning and its
14 existing inclusionary practices for the next 15 years,
15 then, indeed, that 19,000 population would result and the
16 housing needs that are generated by employment growth as
17 we have projected them would not be met.

18 Q In your opinion is Bernards Township zoning
19 at the present time exclusionary?

20 A Based on what this report sees as their housing needs.

21 Q How do you define exclusionary zoning as applied
22 to Bernards Township?

23 A This report points out that Bernards Township needs
24 a certain number of housing units, so many of them should
25 be designed for low income families, so many for moderate

1 income families, certain percentage should be multi-family
2 type. The existing zoning and planning controls for the
3 Township would not permit that number of units in that
4 form.

5 Q Are you familiar with the Ordinance Number 347,
6 which is an amendment to the zoning ordinance of Bernards
7 Township which provides for residential planned zoning
8 in certain parts of the Township?

9 A Yes.

10 Q Are you aware if that zone were fully developed
11 for planned residential neighborhoods, it could accommodate
12 1700 units?

13 A It's around that figure of about 1700, yes.

14 Q Are you familiar with Bernards Township Ordinance
15 Number 385, which was an amendment to the zoning ordinance
16 adopted on May 18, 1976, which provides for balanced
17 residential complexes two-thirds of units of which must be
18 for low and moderate income usage?

19 A Yes.

20 Q Do you remember how many units in balanced
21 residential complexes may be constructed pursuant to Ordinance

22 365?

23 A I believe the number for low and moderate income was
24 354 and if you add those units to the -- strike that.

25 If you assume that no subsidized units could be

1 built until P.R.N. zoning, then the only provision for sub-
2 sidized housing is in the more recent ordinance.

3 Q Ordinance 385? A Ordinance 385,
4 which would not meet the needs of the Township for housing
5 as I see it.

6 Q For what period of time?

7 A Pardon?

8 Q Would not meet the needs of the Township for
9 subsidized housing over what period of time?

10 A For the period 1975 to 1990 our report indicates a
11 low and moderate income need of 1,809. Now, we haven't
12 allocated it on, as I said, a five-year incremental basis,
13 but if you just took a third of that 1809, that would be
14 602 units of subsidized units that would be needed to
15 1980 and Ordinance 385 only makes provision for something
16 like 385. A little more than half of the need.

17 Q But you told us earlier today that zoning
18 ordinance does not have to provide right now for everything
19 that is planned for a 15-year period in the future. Isn't

20 [REDACTED]
21 [REDACTED] master plan provides for the full amount,
22 when your zoning increments that incrementally. Your zoning
23 is not based on a master plan which provides for the full
24 need.

25 If you had a master plan which provided for 1809
subsidized units to the year 1990, then I would say that your

Lindbloom - direct

1 Ordinance 385 if it were developed to be a first stage in
 2 implementing the total need of 1809 subsidized units to
 3 1990, that fine. Then you are on a program of meeting your
 4 need. Perhaps in the first three years under that Ordinance
 5 385 you might fill up those -- the areas for development of
 6 subsidized units under 385 might be filled up in the first
 7 three years, then you would amend your zoning to fill up
 8 the additional land, but you haven't done that.

9 Q Is there anything to provide Bernards Township
 10 under its master plan from making additional provision for
 11 subsidized housing units three or four or five years hence?

12 A Is there anything to prohibit them from doing it, you
 13 say?

14 Q Yes, anything in the master plan to prevent them
 15 from doing it or prohibit them from doing it.

16 A No, and I would recommend that they do it and I
 17 would recommend that they use our housing needs study to
 18 determine the allocation of units.

19 Q Do I understand you to be testifying, Mr. Lindbloom,
 20 that the adequacy of Ordinance 385 or its inadequacy depends
 21 upon the kind of omission in the Township master plan?

22 A In part, yes.

23 Q Does the defect in the master plan, in your view,
 24 rest on the fact that it does not put in a specific number
 25 of subsidized housing units by a certain period of time?

1 A The defect as I see it is that it doesn't provide
2 for the housing need as I have determined it in my report.

3 Q In what respect does the master plan fail to
4 provide for the housing need as you have determined it in
5 your report?

6 A I have on Page 6 of my report said that there is a
7 need for 2,666 multi-family units, of which 1,809 should
8 be eligible for subsidy for low and moderate income families.

9 Q What's that got to do with the inadequacies in
10 your judgment of the Bernards Township master plan?

11 A The master plan doesn't meet the needs of the community
12 for housing.

13 Q Because it doesn't include figures like the ones
14 in your Table 2 on Page 6 of your report?

15 A That's one way of saying it doesn't meet the needs,
16 yes. I mean, it couldn't be more specific, I don't think.

17 Q In your judgment in order to be a valid master
18 plan must it state a specific number of multi-family and
19 subsidized housing units to be provided by a stated date?

20 MR. HILL: Object to Counsel's legal
21 conclusion and I direct you not to answer.

22 Q In the master plans which you have prepared, have
23 you invariably stated an arithmetical number of subsidized
24 housing units which the municipality must provide by a
25 year such as 1990?

1 A To the best of my knowledge, at least in recent master
2 plans, I have projected a specific number of housing units
3 that would be needed by a specific date.

4 Q Does that include a specific number of subsidized
5 units?

6 A Yes. When you say "subsidized", I'm using that in
7 the broad term meaning low and moderate income families
8 that would need some assistance, that reason now and in the
9 future able to meet the market costs of housing.

10 Q Was that the same sense as you used the word
11 "subsidized" in Table 2 on Page 6 of your report?

12 A Yes. As we have determined it in the report, low
13 income is up to 50 per cent of the median income for our
14 region and moderate income is between 50 and 80 per cent
15 of the median income for this specific region.

16 Q Will you tell me, please, what master plans
17 you have prepared which have included a specific figure for
18 subsidized housing units?

19 A I have assisted in the preparation of the Bridgewater
20 master plan which has a specific figure of low and
21 moderate income needs by a specific date.

22 Q Any other municipal master plans that contain
23 this specific figure?

24 A That's the only one I've done since the Mount Laurel
25 decision. I am working on another one, Raritan Township in

1 Hunterdon County which will follow the same procedure.

2 Q Without regard to the concept of legal validity
3 from your point of view as a planner, is a master plan
4 professionally invalid if it does not contain a specific
5 figure for subsidized housing units by a given date?

6 MR. HILL: I object. I don't understand
7 the term "professionally invalid." If I don't
8 understand it, I don't see how the witness can.

9 I think you should explain that term.

10 MR. ENGLISH: I'm not prepared to ~~comment~~
11 Mr. Lindbloom can't understand some things that
12 some other people can't.

13 MR. HILL: Well, Mr. Lindbloom, I direct
14 you not to answer it because I can't understand
15 the question and I would hate to have a dialogue
16 that I don't understand.

17 MR. ENGLISH: I submit it is up to the
18 witness and not Counsel as to whether or not
19 the witness can answer the question.

20 Q Mr. Lindbloom, would you consider it unprofessional
21 for a planner to prepare a master plan for a municipality
22 without including a specific number of subsidized housing
23 units to be provided for by a specified date?

24 A Well, Mr. English, when you are talking generally
25 about planning, planning is such a broad subject and, too,

1 in preparing plans for municipalities you develop the plans
2 in accordance with that municipality's needs. In some
3 communities perhaps a specific number of subsidized units
4 by a specific date may not be necessary or appropriate or
5 in other cases it may be very necessary and very appropriate.

6 My professional opinion is that in preparing
7 a master plan for developing a municipality in terms as
8 defined by the Mount Laurel decision and in view of the
9 dictates of the Mount Laurel decision from a planning
10 standpoint it is important that a master plan be specific
11 as possible in terms of its housing needs by specific dates,
12 bearing in mind that, as I think I said this morning, that
13 the planner might be very surprised if when you got to that
14 specific date, you had that specific number of subsidized
15 units.

16 I think you know a master plan is a guide for
17 long-range developments, a guide for the zoning ordinances
18 that implement that plan.

19 Q Are you familiar with the provisions of the

20 [REDACTED] and --

21 [REDACTED] MR. HILL: I already object to that question,
22 Mr. English. I think you are asking for a legal
23 conclusion and I think you will have to look at
24 your own statutes.

25 MR. ENGLISH: Mr. Hill, this man is a planner.

1 I assume he operates within the law. He has
2 talked about the Mount Laurel case as having
3 given him guidelines.

4 I think I'm entitled to know whether he is
5 familiar with the statute which sets the frame-
6 work for his professional work and I'm not asking
7 him for a legal opinion.

8 I would suggest that you reserve your objections
9 until the question has been asked.

10 Q Mr. Lindbloom, are you familiar with the provisions
11 of the Municipal Land Use Act which takes effect August 1,
12 1976?

13 A I am.

14 Q Do you regard that as one of the factors on the
15 basis of which you have to operate as a planner?

16 A I do.

17 Q Are you familiar with a provision in that statute
18 which calls for the revision of municipal master plans every
19 six years?

20 A I am.

21 Q In view of the necessity of revising a master
22 plan every six years, can you tell me why it is necessary
23 to plan ahead for 15 years span?

24 A Well, in the first place, it's not required that you
25 revise the plan every six years. But what you said prior to

1 that is correct, it's necessary that you review the plan
2 every six years to see if it needs revision.

3 Q All right.

4 A In some cases it may not need any revision at
5 all, in which case the municipality and the Planning Board
6 would simply state they have reviewed the plan and it meets
7 the present projected needs and no changes are necessary.

8 Your other question was why go for 15 or 20
9 years when you have to review it every five or six?

10 Q Every six years. A If a six-year
11 span was adequate for planning, then we wouldn't have to
12 review it every six years. The planning span depends on
13 the municipality. If it's for a large region or for a
14 small community that's growing slowly or very incrementally,
15 very long term, maybe more than 15 years may be appropriate.
16 We can look further into the future.

17 For a community where rapid changes are taking
18 place perhaps we should look at shorter periods. But,
19 certainly most planners, I think, would agree that approxi-
20 mately 15 to 20 years as a minimum is appropriate for a
21 planning span for master planning purposes because we are
22 not developing specific requirements as zoning is, but these
23 are guidelines. In terms of housing, as I indicated, we
24 are saying that the guideline is 1809 subsidized units
25 in the period 1975 to 1990.

Lindbloom - direct

1 Q Would you agree that a revision of that guideline,
2 that six years hence, might well lead to a revision of that
3 figure either upward or downward?

4 A That's correct. I think we agreed upon that this
5 morning. I just thought of another reason why you might
6 want to go beyond five or six years for a review, particularly
7 in terms of subsidized housing.

8 If the subsidy is going to come from a Governmental
9 agency, the time from project inception to construction
10 could take six years.

11 Q Well, are your projections of the need for sub-
12 sidized housing units of 1809 in Bernards Township
13 1990 based to any extent on the availability of subsidies?

14 A No.

15 Q If funds for subsidies are not available, what
16 do you think the Township should do?

17 A The availability of subsidies, you are talking about
18 external subsidies from a Governmental agency, I assume
19 wouldn't have any effect for the need of subsidy. If there
20 isn't the external subsidy available, the Township has an
21 obligation to somehow make it possible that those units
22 can be built.

23 Now, perhaps this could be from an internal sub-
24 sidy by the developer, it could be a subsidy from the
25 Township, but it doesn't change the Township's obligation just

1 by saying Big Brother is not going to provide for the
2 subsidy, so we don't have to meet our general welfare
3 obligation.

4 Q Have you advised Bridgewater Township that it
5 must, if all other sources of funding fail, come up with
6 the financial subsidy to meet the subsidized housing figures
7 that you were projecting in your master plan?

8 A We are working just on that very question right now.
9 The master plan has been developed, that is we have a proposal
10 that is going before the public very shortly and they are
11 working on the means to implement that plan right now and
12 this will include, I assume, internal subsidies as well as
13 external subsidies, but I can't say exactly whether
14 be at this moment.

15 Q Well, are you advising or will you advise
16 Bridgewater Township that it must somehow come up with the
17 necessary funds for subsidy if all other sources are not
18 available, whether subsidy from developers or from State or
19 Federal funds?

20 A I will advise Bridgewater Township that they have
21 an obligation to implement the plan in terms of the
22 subsidized housing need, whether by internal subsidy or
23 external subsidy.

24 Q Will you specifically advise Bridgewater Township
25 if all fails it must come up with the funds to provide

1 that subsidy in order to implement its obligation?

2 A That's what I mean by an internal subsidy.

3 Q Have you advised Bridgewater of that effect in
4 writing?

5 A No, I have not. We are just starting on the
6 implementation program now.

7 Q But in your view, implementation requires that
8 if necessary the municipality will come up with the funds
9 to provide the subsidized housing. How about the taxpayers?

10 A I think I said that the Township has an obligation
11 to meet the need as specified in the master plan, whether
12 that's internal subsidy or external subsidy.

13 Q By internal subsidy, do you include the possibility,
14 if no other sources are available, of funds raised by local
15 taxation?

16 A Yes. It can also -- internal subsidy also includes
17 the provision of subsidy by the developer, himself.

18 Q I know, but if the developer for one reason or
19 another does not provide such internal subsidy, do I under-
20 stand that you are telling or will tell Bridgewater that
21 it must come up with the subsidy funds out of tax revenues?

22 A What do you mean when you say the developer won't
23 provide the internal subsidy?

24 Q Well, you said the developer might provide an
25 internal subsidy.

1 A It might be required that he provide the internal
2 subsidy.

3 Q Well, maybe the developer will refuse to con-
4 struct any housing on that basis.

5 MR. HILL: There is no question pending
6 and I instruct you not to get into a dialogue
7 with Mr. Lindbloom when there is no question
8 pending.

9 Q Mr. Lindbloom, if you assume that as a practical
10 matter no developer in Bridgewater is going to provide
11 internal subsidy and further that no State or Federal funds
12 to subsidize low income housing are available --

13 MR. HILL: I direct you not to answer any
14 more questions about Bridgewater.

15 MR. ENGLISH: May I finish my question,
16 Mr. Hill, without being interrupted?

17 You know the rules of procedure. It shows
18 you are not willing to allow this witness to
19 testify because you haven't even heard the
20 question.

21 MR. HILL: I have heard enough questions
22 about Bridgewater, Mr. English. Whatever the
23 question is --

24 MR. ENGLISH: I have the right to interrogate
25 this witness whether you like it or not, and I

1 intend to assert my rights on discovery.
2 Q Mr. Lindbloom, if it should appear in the case
3 of Bridgewater Township that there are no funds for subsidizing
4 lower moderate income housing available from State or Federal
5 sources or let's assume County sources as well, and that
6 no private developer will, in fact, build low cost housing
7 with an internal subsidy, is it your position and will you
8 so advise Bridgewater that it must provide a subsidy for
9 such low cost housing out of tax revenues?

10 MR. HILL: I direct Mr. Lindbloom not to
11 answer on the grounds that it calls for a
12 legal judgment, first; secondly, it involves
13 Bridgewater Township which is not a party to this
14 litigation and it is irrelevant. And, thirdly,
15 it calls for multiple hypothetical questions.

16 MR. ENGLISH: May I state on the record
17 it does not call for legal conclusion. I'm
18 exploring the credibility and professional
19 integrity of this witness which I have a right
20 to do and I am asking him simply to define more
21 clearly his position with respect to the
22 obligation of a municipality to provide a financial
23 subsidy for low cost housing.

24 I think this is a proper question under the
25 previous answers which the witness has given.

Lindbloom - direct

1 MR. HILL: I gave you instructions,
2 Mr. Lindbloom.

3 Q Mr. Lindbloom, in trying to figure out the
4 fair share of housing for Bernards Township does it make
5 any difference in your view whether jobs are or any
6 particular job is located within two miles of Bernards
7 Township as distinguished from, say, 20 miles?

8 A Is this all within the --

9 Q Yes, all within your region as you have defined
10 it.

11 A Does it make any difference to the Township's housing
12 need?

13 Q Yes, it's fair share.

14 A Yes, it makes a difference.

15 Q What is the difference?

16 A If it's a job located within the Township, let's say,
17 the housing need is based upon job projection and the jobs
18 and the Township's share of regional job projection, we
19 take the job projections for the Township and we take the
20 job projections for the region and the percentage relationship
21 of the two, which in this case was 2.61 per cent, determines
22 the local fair share of regional need.

23 So, if the job that is 20 miles away is still
24 within the region, well, then, it counts for helping to
25 add to the total regional job growth and if that first job

1 is within the Township, it adds to the Township's job
2 growth and so they are both factors in the analysis.

3 Q Well, let's think for a moment about --

4 A But I think what you are trying to say is does the
5 distance between make any difference and it doesn't, because
6 they are both included in the job projection equally.

7 I mean, we don't give any additional weight to the
8 job that's close in to the center of population of a
9 particular community than we do to a job that's further
10 out, I would say, on the border of the region.

11 Q This would be true even if the job is outside
12 of the municipality?

13 A Yes, that's correct.

14 Q Do you consider the methodology which you have
15 followed as expressed in your report, D-77 for identification
16 as equally applicable to any other developing municipality
17 in New Jersey?

18 A Well, I feel that this method is applicable to the
19 developing municipalities in New Jersey.

20 Q In other words, the methodology has universal
21 application to developing municipalities in New Jersey?

22 A Yes.

5 23 Q Would your final arithmetical figure of fair
24 share be influenced to any extent by the existence of
25 environmental factors in a municipality?

Lindbloom - direct

1 A Well, this study does not consider environmental factors.
2 It doesn't consider what the present zoning is in the
3 municipality. It doesn't consider what the circulation
4 system is in the community. It doesn't consider the
5 topography of the community. It only deals with based on
6 a job projection what the housing need is.

7 This is input to the community's master plan
8 for their planning function. A community takes this
9 information and says this is the need we have to the
10 year 1990. How are we going to meet that need?

11 Q Well, would you agree that a municipality might
12 be excused from meeting that need if there were environmental
13 factors of such a nature and degree as made it impossible
14 to meet that need?

15 A In terms of developing municipalities which this
16 report is geared towards, as you said earlier I don't
17 think there is any developing municipality in this State
18 that has such overwhelming environmental factors that it can't
19 in one way or another meet its share as determined by this
20 ~~report~~, at least make provision for meeting that share
21 ~~report~~ say.

22 Q I'm not sure I understand your last phrase
23 By that do you mean that perhaps there
24 be extenuating circumstances of one kind or another
25 might excuse a municipality from meeting its

1 A No, what I was trying to differentiate between being
2 required to provide that number of units and making provision
3 that those units can be built.

4 This report doesn't say that a community should
5 build housing in the flood plain, for example, but it
6 doesn't say that housing shouldn't be built in the flood
7 plain. It may be that there is a way to provide for housing
8 in a flood plain without environmentally damaging that
9 flood plain.

10 Q Suppose that sewerage treatment capacity is
11 unavailable and is unavailable as a result of decision by
12 the Department of Environmental Protection of New
13 and/or the Environmental Protection Agency of the
14 States, would that circumstance in your judgment justify
15 any deviation from the fair share figure as you would have
16 considered it under the methodology you followed in Exhibit
17 D-77?

18 A Speaking generally, it seems to me if a community
19 has the ability to make provision for the effluent from its
20 office or industrial workers and has ability to make
21 available for effluent for the residents who work for those
22 jobs.

23 Q Suppose the capacity to handle the effluent
24 from existing construction, however unbalanced it may be,
25 is exhausted so that the powers that will not permit an

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1 increase in the sewerage treatment plant for any purpose,
2 would that be an extenuating circumstance sufficient in
3 your opinion to justify a deviation from the fair share
4 of housing calculated pursuant to the methodology you
5 would follow in Exhibit D-77 for identification?

6 A It seems to me if the community has overextended
7 itself in making provision for sewer, for jobs which take
8 up most of its sewer capacity, without making adequate
9 protection for sewerage the residences, their need based
10 on that job generation, they have made an error and they
11 should still provide for those residences.

12 They may have to put off in terms of timing
13 which residences will^{be} built, but I don't think it diminishes
14 their responsibility to provide for that number of units
15 some time in the future when the sewer capacity is available
16 and that they should make every effort to provide for that
17 sewer capacity while observing the land for that required
18 use. Then when the time comes that that sewer capacity is
19 available and that housing then can be built, the people
20 that live there may not work in the industries from the
21 first instant, but they may work in adjoining industries
22 in nearby municipalities. That way the community is providing
23 for its fair share of regional housing need.

24 Q Suppose the position of D.E.P. and D.P.A. is
25 that based upon presently available technology, there is

1 no presently foreseeable possibility of expanding the
2 sewerage treatment capacity. Is it your judgment that the
3 municipality would be excused from making provision for the
4 number of subsidized units that your methodology would
5 call for?

6 A I don't think that situation exists or will exist.

7 Q But you make the assumption anyway?

8 A In any developing municipality the definition of
9 developing municipality is such that these communities are
10 large enough as a rule to absorb the housing needs.
11 They are large enough to make provision, not only for the
12 jobs but for the housing to meet those jobs within the
13 environmental constraints that exist or do exist.

14 Q Suppose past mistakes have been made where
15 development exceeded sewer capacity?

16 A What kind of development?

17 If you are talking about job development, I have
18 explained that answer. You would still make provision
19 for needed housing.

20 Q Even though it can't be built because there is
21 no sewer capacity?

22 A You would provide the sewer capacity, make plans to
23 develop the sewer.

24 Q Suppose the sewer capacity cannot be developed
25 consistent with the water quality standards imposed

1 by and enforced by the Department of Environmental Protection?

2 MR. HILL: Mr. English, I object to the
3 hypothetical standards. The Department of
4 Environmental Protection is not God. Their
5 ways can be changed. They can be sued.
6 Nothing is immutable that comes from bureaucrats,
7 including their conclusion that they don't want
8 any more sewers wherever it might be and you're
9 phrasing it to this witness, a planner, as
10 if the Department of Environmental Protection
11 says, "No, no, that's it." It's like God
12 speaking.

13 MR. ENGLISH: I do not associate myself
14 with the characterization of my remarks which
15 have been made by Mr. Hill.

16 Q Is it your position as a planner, Mr. Lindbloom,
17 that sewerage capacity can always be expanded?

18 A There are other -- no, it can't always be expanded.
19 I mean, I'm not setting down definites, but there are
20 always alternatives.

21 You can go so far as converting half of A.T. & T.
22 from office to apartments.

23 Q Is it your judgment as a planner that that
24 would be a sound policy for Bernards Township to pursue?

25 A At one time Bernards Township had that area planned and

1 zoned for residences.

2 Q A.T. & T. has been built, right, you know that?

3 A Yes.

4 Q Are you suggesting that Bernards Township in
5 some fashion should require A.T. & T. to reduce its
6 employment in order to convert part of its building for
7 residential purposes?

8 A I'm hypothesizing just as you are.

9 Q Is that what you are suggesting?

10 A I'm hypothesizing. I'm saying it's one of the
11 alternatives. I'm not closing alternatives to meet their
12 fair share of housing need.

13 Q But you think it's more important for Bernards
14 Township to somehow require conversion of part of A.T. & T.'s
15 office building to residential use than for Bernards to
16 fail to meet the fair share of housing as you have
17 determined it. Is that what you are saying?

18 A Going back to providing the input of a fair share housing
19 study to a master plan which I think is the correct
20 approach. We are hypothesizing. If a community develops
21 a fair share and says this is a fair share and provides an
22 input to its master plan and in its master plan it says
23 we are going to meet this fair share, it then has an obligation
24 to provide through one way or another, through its zoning
25 or conversion of other land uses, to meet that fair share.

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1 Q You have described your fair share study as
2 input to the master planning process. Am I correct on that?
3 I'm not trying to distort your testimony.

4 A Yes.

5 Q Is it your position that that input must be
6 accepted without any change in the master plan?

7 A No.

8 Q What are the circumstances that might justify
9 changing the figure of housing needs as you would make in
10 your input before you get to a final municipal master plan?

11 A Well, when the input for a master plan in terms of
12 housing, open space needs, all the other input, they
13 all developed independently and then brought into the whole
14 and used to play off one another, if you will, to form the
15 master plan proposals.

16 For example, if the community determines that
17 if it's going to welcome a certain amount of growth, it has
18 certain needs to provide for that growth. If it's going
19 to reduce its welcome or if it has the alternative to provide
20 for less jobs, then it doesn't have to meet, it doesn't
21 have to provide for as much housing.

22 So, this fair share study says the projection is
23 that it's going to have that many jobs and that it should pro-
24 vide for that housing to meet that need. If it's going to
25 plan for say half a town in office and industry and assuming

1 that, you know, there is some reasonableness to that plan,
2 that it has an obligation to meet the housing needs for that
3 office and industrial zone.

4 My example of converting office space to
5 residential use is not far-fetched. There are examples
6 in this State of multi-story industrial uses being rehabilitated,
7 converted to residential use.

8 The K & E factory in Hoboken was a good example.

9 Q But that was after the industry moved out of the
10 building. Is that correct?

11 A Yes. But the example is still valid.

12 I'm saying that kind of use if the building is
13 sound office space can be converted to residential use.

14 Q Well, do you know of any way in which --

15 A I'm not saying you can convert a steel mill to office
16 to residential use.

17 Q Do you know of any way Bernards Township could
18 legally convert part of the A.T. & T. facility in Bernards
19 Township to residential use without the consent of A.T. & T.?

20 MR. HILL: Object to that. It asks for
21 a legal conclusion.

22 You should depose me, Mr. English.

23 MR. ENGLISH: I don't dare.

24 Q Mr. Lindbloom, do you propose that the Bernards
25 Township housing stock should accommodate a mathematically

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1 precise economic cross-section of Bernards Township housing
2 region?

3 A I'm proposing nothing; I'm just stating in my study
4 that the future housing to be built in Bernards, and
5 according to my estimate that's 5,242 units in the next
6 15 years, should reflect the regional income distribution.

7 Q Is it your view that every other municipality
8 in the Bernards Township region as you have defined it should
9 do the same thing?

10 A No.

11 Q Why not? A Just the developing
12 municipalities.

13 Q But every other developing municipality should
14 do the same thing within the region?

15 A Well, from a planning standpoint. I only address myself
16 to Bernards, but from a planning standpoint I think that's
17 the correct approach, yes, sir.

18 would
I/so advise every other developing municipality
19 in the region were I asked.

20 Q Mr. Lindbloom, would you be good enough to look
21 at Page 4 of your report here, which is Exhibit D-77 for
22 identification.

23 In the first paragraph on that page, which seems
24 to be entitled "Theory", you say, "Provisions for new housing
25 should allow housing types which would accommodate an

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1 economic mix proportional to the economical mix of the
2 region."

3 A Yes.

4 Q What do you mean by that?

5 A Well, what I said just a moment ago, that the new
6 housing that's to be built in the Township should provide
7 for housing type and housing cost and by housing cost I
8 mean a range of units to meet the needs of all income
9 groups which is proportional or reflects that mix of the
10 region.

11 Q Now, directing your attention to the next
12 paragraph on Page 1, which is entitled "Problem." Part
13 of that paragraph reads, "How many of these units should
14 be put in multi-family units and how much should be low and
15 moderate income units?"

16 Do I understand this to mean that you equate
17 multi-family units with low and moderate income?

18 A This is all a difficult area to discuss because low
19 and moderate income units don't have to be in multi-family
20 family units, depending on the means of subsidy, they could
21 be in single-family units on small lots. But by and large

22 subsidized housing, and if by subsidy you mean low and
23 moderate income units, are in the multi-family form.

24 By multi-family we mean anything other than single-
25 family detached, that's another confusing area. Multi-family

1 is anything from a two-family unit.

2 Q You mean two houses bound together with a common
3 wall?

4 A A duplex.

5 Q Yes. A To a multi-story, multi-family
6 high rise.

7 Q Is it possible that existing housing stock,
8 including existing single-family residences, might be
9 available for low and moderate income people?

10 A Some of the single-family stock in our central cities
11 are on very small lots, 25 feet wide, and are housing low
12 and moderate income families.

13 As I said earlier, the low and moderate income
14 units don't necessarily have to be in multi-family units,
15 just in terms of new housing they usually are. That is why
16 I have included a discussion on multi-family units in this
17 report.

18 Q Will you look, please, at Page 2 of your report
19 in the middle of the page.

20 In the middle of the page I see a sentence which
21 I will read. "In 1975 to 1990 (15 years) new covered
22 job projection for the Bernards Township housing region is
23 201,582. (See Table 1.)"

24 That figure of 201,582 appears, of course, on
25 Table 1 at the top of Page 3. Can you tell me where the

1 figures shown on Table 1 come from? I assume from somewhere
2 in the appendix and may I suggest to save time that it
3 looks to me, as if it comes from Table 4, lines covering the
4 Bernards region where I see for 1975 the number of jobs given
5 is 482,674 and the 1990 projection is 684,256, right?

6 A Right. Table 1 indicates the covered employment by
7 Township and its region for the years '75, '80, '85 and '90.
8 We then take the figures for '75 and subtract them from the
9 figures of 1990 and we get the increase for the 15-year
10 period.

11 I want to apologize for the report in that it
12 isn't properly indexed in terms of sources and cross
13 references and it should have included a discussion of the
14 technique in the beginning and I think it might have made
15 things clearer, because I do feel it is a very straight-
16 forward and, if I must say so, excellent approach to fair
17 share and I'm sorry that we didn't include a discussion
18 of the technique in the beginning.

19 We thought that it was just self-evident, but
20 that's been.

21 Q Well, am I correct that the figure of 201,582
22 shown on Table 1 on Page 3 is derived by subtracting the
23 figures I read for Bernards region jobs in 1975 from 1990?

24 A That's correct.

25 Q Can you tell me what that 15-year growth of

1 201,582 jobs represents in terms of an annual growth rate?

2 A No, I couldn't.

3 Q Well, I would suggest to you that it is 2.78
4 per cent annual growth rate and would you be good enough
5 to do whatever arithmetic you may require to agree or disagree
6 with my suggestion?

7 A Okay.

8 Well, I have to take your word for it. My math
9 isn't all that good, but I think there are --

10 MR. O'CONNELL: It might be simplest if you
11 tell us how you got that figure. Maybe we
12 agree what was the procedure rather than
13 through trial and error.

14 MR. ENGLISH: I'm basing my information on
15 Mr. Agle's calculations.

16 Off the record.

17 (Discussion off the record.)

18 A I will accept that technique to come up with that
19 figure.

20 Q On the record you accept the figure of 2.78 as
21 the annual growth, annual rate of growth of the Bernards
22 region jobs as shown on Table 4 from 1975 to 1990?

23 A Table 1 we are talking about, right.

24 MR. AGLE: Table 1 and Table 4 are the
25 same.

1 Q Mr. Lindbloom, I suggest to you, and I think this
2 is correct, that the figure of 201,582 shown on Table 1 as
3 representing the increase in covered employment from 1975
4 to 1990 for the Bernards region is derived by subtracting --

5 A It comes from Table 4.

6 Q -- figures on Table 4. But Table 4 includes
7 portion of other parts of the region.

8 Oh, yes.

9 A But we are talking about the Township and the region
10 itself.

11 Q But putting it this way, if you please, the
12 figure of 201,582 represents an annual growth of 2
13 covered employment in the Bernards region and that's what
14 we agreed on?

15 A Yes.

16 Q Now, may I direct your attention to Table 6,
17 which contains employment projections for six counties, being
18 the counties some or all ^{of} which make up the Bernards region
19 as you have defined it, correct?

20
21 Now, first would you be good enough to add up the
22 figures shown for the year 1975 of the employment projections
23 made by Richard Reading & Associates for each of the six
24 counties listed.

25 MR. ENGLISH: Off the record.

1 (Discussion off the record.)

2 Q Would you be good enough to add up the employment
3 projections for each of the six counties made by Richard
4 Reading & Associates shown for the year 1975?

5 A Mr. English, if the objective of your question is
6 to compare employment projections for total counties with
7 those portions of counties that make up part of the Bernards
8 Township housing region, we can't do it because we can't
9 compare apples and oranges. We can't compare total employment
10 for total county area with employment for portions of county.

11 Q Thank you for your comment.

12 Will you please make the addition?

13 MR. HILL: Mr. English, this is not high
14 school arithmetic. I think you are imposing
15 on my witness when you ask him to make additions
16 on large columns and he doesn't have a calculator.

17 I'm going to instruct him you can do your
18 own arithmetic.

19 MR. ENGLISH: I have done my arithmetic but
20 I don't want to trick or mislead the witness.
21 I want him to agree with the figures. I will
22 be glad to state if it helps Mr. Lindbloom that
23 my arithmetic adds up to those figures to
24 1,251,512.

25 THE WITNESS: This is for 1975?

1 MR. ENGLISH: That's right. These are the
2 Richard Reading & Associates figures.

3 MR. HILL: Mr. English, why can't we assume
4 your additions are right and you can ask your
5 questions based on your addition and if we at
6 our leisure with a calculator decide they are
7 not right -- they are just a long list of numbers
8 that are already in evidence and I think it is
9 a waste of our time for the witness to go through
10 those calculations if you have got the answers,
11 so why can't you ask the question based on your
12 calculations being correct?

13 MR. ENGLISH: Well, if that's agreeable
14 to you, Mr. Hill.

15 MR. HILL: That's agreeable to me.

16 And with the caveat if they are not correct

17 MR. ENGLISH: We can cover that at a later
18 time.

19 MR. O'CONNELL: Yes, and we have already
20 accepted Mr. Agle's percentages as it relates
21 to Table 1 as to the growth from 1975 to 1990.

22 Subject, I would hope, to the same caveat if we
23 found out that those figures were wrong.

24 Q Well, following Mr. Hill's suggestion, Mr. Lindbloom,
25 may I suggest to you that the sum total of Richard Reading &

1 Associates figures for total county employment projections
2 for 1990 as shown on Appendix Table 6 come to 1,544,782?

3 A For what year, I'm sorry?

4 Q 1990. A Say it again, please.

5 Q 1,544,782. A Okay.

6 Q And that over the 15-year span from 1975 to
7 1990 the growth of employment from the figure of 1,251,512
8 to 1,544,782 reflects an annual growth rate of 1.56 per
9 cent?

10 A Yes.

11 Q Now, my question is how do you explain [REDACTED]
12 job production growth for the portions of the six [REDACTED]
13 making up the housing region of 2.78 per cent annual growth
14 as against an annual growth rate of 1.56 per cent for the
15 same 15-year period from 1975 to 1990?

16 A It would appear it's very obvious that the Bernards
17 Township housing region is a very dynamic high-growth region
18 and it's growing at a much faster rate than the areas around
19 it and I'm sure Mr. Reading can explain that at some length
20 because he has done the research on it, but it seems very
21 obvious to me, I'm not an economist, and I think most people
22 are aware that this region is a very dynamic one and it is
23 growing at a very rapid rate in terms of jobs.

24 Q Again directing your attention to Page 2 of your
25 report, Exhibit D-77 for identification, there is a statement

1 or calculation about the middle of the page which indicates
2 that you figure on .81345 households per job. Can you tell
3 me, please, where you derived that figure of .81345?

4 A: I prefer that you ask Mr. Reading that because he
5 developed that and I can only tell you that it comes from
6 the concept that there is more than one person per house-
7 hold employed in any given area or region and that we
8 can't just say that for every new job there should be a
9 new household, it's something less than a new household,
10 and this factor of .81345 is a factor for the Bernards
11 Township housing region, it's not a factor for the State
12 which I used in the Montgomery case, it's a factor that
13 was developed specifically for the Bernards Township housing
14 region and it's a relationship weighted average, I think,
15 is explained with an asterisk, it is a conversion factor
16 for the period 1975 to 1990.

17 The reason it's a weighted average is that, and
18 again you are going to have to ask Mr. Reading to explain
19 this in greater detail, but it's a weighted average to covered

20 [REDACTED]
21 [REDACTED] Now, the amount of jobs that are covered by
22 State Unemployment Compensation is changing. They are
23 covering more jobs as time goes on and perhaps one day
24 they will reach 100 per cent. It has changed over the
25 past years and it's projected to change somewhat in the

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1 future and this average is weighted for the 15-year period
2 based on Mr. Reading's calculations as to what that change
3 is going to be.

4 Q Your reference to a figure that you used in
5 the Montgomery case I assume to be 0.7 as the ratio of
6 households per job?

7 A Yes, something like that.

8 MR. ENGLISH: That was based on New Jersey
9 Census 1970, I believe. I totaled total jobs
10 to total households rather than covered jobs.
11 It was a bit more simplistic than this and covered
12 the entire State.

13 MR. O'CONNELL: Yesterday Mr. Richardson's
14 office called and said he wasn't going to be
15 here yesterday. We received no notice again
16 today. He is not here and we don't know why.

17 MR. HILL: Who noticed him?

18 MR. ENGLISH: I did.

19 It has been agreed by Counsel and the witness
20 that the deposition will be resumed at 10 A.M.
21 on Thursday, August 5th, in the office of
22 Lanigan and O'Connell in Basking Ridge.

23 (Whereupon, the hearing is adjourned.)

24 _____

25

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SOMERSET COUNTY
DOCKET NO. L-25645-P.W.

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THE ALLAN-DEANE CORPORATION,
et al,

Plaintiff,

-vs-

THE TOWNSHIP OF BERNARDS,
et al,

Defendants. :

C E R T I F I C A T E

I, DENISE KURDYLA, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me, and that said deposition is a true and correct record of the testimony given by said witness; that I am neither attorney nor counsel for nor related to or employed by any of the parties to the action in which the deposition is taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

Denise Kurdyla, C.S.R.
CERTIFIED SHORTHAND REPORTER & NOTARY PUBLIC