



222 West State Street, Trenton, New Jersey 08608  
PHONE (609) 695-3481 • FAX (609) 695-0151  
EMAIL league@njslom.com • www.njslom.com

William G. Dressel, Jr., EXECUTIVE DIRECTOR

Michael J. Darcy, CAE, ASSISTANT EXECUTIVE DIRECTOR

February 4, 2009

Lucy Vandenberg, Executive Director  
Council on Affordable Housing  
101 S. Broad St., PO Box 813  
Trenton, NJ 08625

Re: "Measuring Developed Land Pilot Study"

Dear Ms. Vandenberg:

The League is now in possession of a study entitled, "Using Parcel Based Data to Improve the Accuracy of Measuring Developed Land at the County Level." ("Pilot Study.") It is our understanding that this study was conducted by the National Center for Neighborhood and Brownfields Redevelopment at Rutgers University and provided to the Council on Affordable Housing (COAH) on July 9, 2008. The report, using Somerset County as a control, indicates that the vacant land analysis utilized by COAH includes a significant percentage error.

On October 22, 2008 the League submitted an OPRA request to COAH, a copy of which is provided. This "Pilot Study" was not provided to us as part of this request. It is clear and undebatable that this study should have been provided to us in response to this request. Further we note that we requested that if the agency believed that any of the information requested was privileged and/or confidential, that the agency provide an appropriate privilege log. We were not provided with such a log.

Since the "Pilot Study" was provided to COAH staff before the Council took action on the amended regulations on September 22 it appears that the Council members were unaware of this study when they voted to adopt the revised regulations.

Since this study discredits COAH's vacant land analysis and methodology, we must ask the following:

- 1) Why was the League not provided a copy of this report in response to our October 22 OPRA request? Further, why was this report not made available to the public?;
- 2) Was this study ever made available to the COAH Council members? If so, when was it made available?;
- 3) Is COAH in possession or aware of any additional reports, studies, analysis or other type of documentation that were designed to test the accuracy of the various consultants reports that were used to create the COAH regulations?

We consider this a very serious matter. The League filed its brief on January 5, 2009. We cannot help but wonder if this study was not provided to us so we could not use it in our legal challenge of the regulations. Further, we are dismayed that local governments and taxpayers have funded the preparation of plans, incorporating a land analysis that the agency knew as long ago as July contained significant error.

We would appreciate a timely response to this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bill", written over the words "Very truly yours,".

William G. Dressel, Jr.  
Executive Director

cc: The Hon. Joseph Doria, Commissioner, DCA

The following Request for Information has been forwarded to the  
**Council on Affordable Housing** in the **Department of Community Affairs**.

Your confirmation number is **W39202**. Please write this number down or print this page as a reference.

**Requestor Information**

<b>First Name</b>	<b>MI</b>	<b>Last Name</b>	
Michael	F	Cerra	
<b>Company</b>			
NJ League of Municipalities			
<b>Mailing Address</b>			
222 West State Street			
<b>City</b>	<b>State</b>	<b>ZIP</b>	
Trenton	New Jersey	08608 -	
<b>Email</b>			
mcerra@njslom.com			
<b>Day Time Telephone:</b>	<b>Area Code</b>	<b>Number</b>	<b>Extension</b>
	609	695 - 3481	120
<b>Preferred Delivery:</b> Pick Up			
Under penalty of N.J.S.A. 2C:28-3, I certify that I <b>Have Not</b> been convicted of any indictable offense under the laws of New Jersey, or any other state, or in United States.			
<b>Record Request Information:</b>			
We request copies of any and all studies designed to test the accuracy of the various consultants' reports that were used to create the COAH regulations, including, but not limited to vacant land, build out, projected growth, allocation of growth to municipalities, and jobs per 1,000 square feet based on use groups. If you contend that any part of any public record implicated by this request is privileged, please provide it in a redacted format. If you contend that all or any page of a document or a document in its entirety is privileged, please prepare a privilege log with a description of the document and your claim of privilege.			

**Payment Information**

<b>Maximum Authorized Cost:</b>
\$ 100
<b>Payment Method:</b>
Cash
<b>Fees:</b>
Pages 1-10 @ \$0.75
Pages 11-20 @ \$0.50
Pages 21 - @ \$0.25
<b>Delivery:</b> Delivery / postage fees additional depending upon delivery type.
<b>Extras:</b> Extraordinary service fees dependent upon request.

[privacy notice](#) | [legal statement](#)



## State of New Jersey

COUNCIL ON AFFORDABLE HOUSING

101 SOUTH BROAD STREET

PO Box 813

TRENTON NJ 08625-0813

(609) 292-3000

FAX: (609) 633-6056

coahmail@dca.state.nj.us

JON S. CORZINE  
*Governor*

JOSEPH V. DORIA, JR.  
*Commissioner*

LUCY I. VANDENBERG  
*Executive Director*

November 12, 2008

Michael F. Cerra  
New Jersey League of Municipalities  
222 West State Street  
Trenton, NJ 08608

**RE: GOVERNMENT RECORDS REQUEST – W39202**

Dear Mr. Cerra:

The Council on Affordable Housing (COAH) is in receipt of your request for the following:

1. Copies of any and all studies designed to test the accuracy of the various consultants' reports that were used to create the COAH regulations, including, but not limited to vacant land, build out, projected growth, allocation of growth to municipalities, and jobs per 1,000 square feet based on use groups.

All of the reports relied upon by the consultants' are cited in their respective reports, which appear in the New Jersey Register at 40 N.J.R. 2690(a) and 5965(a). In addition, enclosed please find a CD of all original data related to Econsult's survey of New Jersey businesses re: jobs/1000SF.

If you have any questions, please contact me at (609) 292-4323.

Your Government Records request is filled and closed.

Sincerely,

Renee Reiss  
Records Custodian

c: Melissa Orsen, Esq., COAH Legal Counsel

