



**State of New Jersey**  
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 February 6, 2009

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LUCY I. VANDENBERG  
 Executive Director

William G. Dressel, Jr.  
 Executive Director  
 New Jersey State League  
 of Municipalities  
 222 West State Street  
 Trenton, New Jersey 08608

Re: October 22, 2008 OPRA Request from  
the League of Municipalities to COAH

*Bill*

Dear Mr. Dressel:

Please accept this letter on behalf of the New Jersey Council on Affordable Housing (COAH) in response to your correspondence dated February 4, 2009 regarding the above-captioned matter. In your letter, you state that the document entitled "Using Parcel Based Data to Improve the Accuracy of Measuring Developed Land at the County Level," ("Pilot Study"), dated July 9, 2008 should have been provided to the League of Municipalities ("League") in response to its October 22, 2008 Open Public Records Act (OPRA) request. More specifically you assert that "it is clear and undebatable that this study should have been provided to us in response to this [OPRA] request."

On behalf of COAH, I must respectfully disagree. Your OPRA request sought documents that were "designed to test the accuracy of the various consultants' reports that were used to create the COAH regulations." That was not the purpose of this Pilot Study. Rather, the Pilot Study was conducted to look at the potential future use of parcel based data if and when it should become available on a statewide level and be determined to be sufficiently accurate for use. By the time the Pilot Study was issued, COAH had already adopted its revised third round rules and had proposed amendments to those rules on May 6, 2008. This study was not used by COAH in adopting the revised third round rules and it was not a study to test the accuracy of any of the consultants' reports that were used to adopt those rules.

In addition, we would disagree with you as to the conclusion that can be drawn from the Pilot Study. The Pilot Study served as an exploration of potential models that could be developed in the future to more precisely determine available vacant land, using the latest available data in Somerset County, one of the most technologically advanced counties in the State. Moreover, as noted in the Study,



the Center and COAH do not currently have access to a state-wide parcel based spatial database that has been prepared on a consistent based [sic] under strict quality control—quality assurance processes, and much of the related MOD IV property data that is available is faulty.

[Pilot Study at page 11].

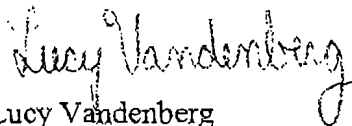
Based upon the purpose and contents of the Pilot Study, COAH did not consider it when providing its response to the League's October 22, 2008 OPRA request. Moreover, given the unparalleled transparency of the COAH process in developing the revised third round regulations, we find offensive your suggestion that COAH did not provide the study in response to the OPRA request "so the [League] could not use it in [its] legal challenge of the regulations."

COAH does not believe this study is relevant to the legal challenge given that municipalities with this type of data may bring discrepancies to the attention of COAH and have available land calculations adjusted, where appropriate. Moreover, because it was not considered by COAH in its adoption of the regulations, we do not believe it is properly part of the record on appeal. Your letter suggests, however, that you would like to be able to rely on it in these appeals. COAH would not object to a supplementation of the record that would include this report thereby allowing you to use it in your Reply Brief.

Finally, COAH is not 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 COAH's regulations. As the League is aware, the Highlands Council is in the process of continuing its work regarding proper designation of vacant land within the Highlands Region. COAH cannot represent what, if any, reports, studies or analysis the Highlands Council may or may not have conducted.

If you have any additional questions, please do not hesitate to contact me.

Sincerely yours,



Lucy Vandenberg  
Executive Director

cc: Service List  
George Cohen, DAG