

U.L. v. Carteret, North Brunswick 2/5 1986

- - Home news article re. defeated No. Brunswick Housing Plan. w/ Lawyer's Notes

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# Housing plan defeat in No. Bruns. called 'Russian Roulette'

By JOHN MC KEZGAN  
Home-News staff writer

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**NORTH BRUNSWICK** — Township officials see the defeat of North Brunswick's affordable housing ordinance as a dangerous step backward in the settlement of the township's Mount Laurel housing conflict.

The ordinance was defeated Monday night when it failed to get the approval of two-thirds of the council. The ordinance would have created a township affordable housing agency to govern the 986 low- and moderate-income homes to be built as part of the township's Mount Laurel agreement.

Mayor Paul Maticera called the council's actions "a crap shoot" and a "Don Quixote-style crusade against reality." The action, he said, "places in jeopardy many of the advantages to the township we had suc-

Eric Neisser, attorney for the Civic League of Greater New Brunswick, said yesterday the group was "disappointed and surprised" by the council's action.

"We think that it now requires resolution by the judge," Neisser said.

The township and the litigants had hoped to negotiate the ordinance to avoid a court confrontation.

The negotiated ordinance was to be presented to Superior Court Judge Eugene Serpentelli for final approval of the township's Mount Laurel agreement. The agreement allows developers to build a total of 4,580 homes over 20 years and 4 million square feet of commercial/industrial development in exchange for the lower-income housing.

Last month, Serpentelli granted the township's request to postpone a compliance hearing until differences were resolved, despite the protests of Neisser and attorneys for developers Kevork Hovnanian, Michael Kaplan and Ralph Rieder.

Councilman Frank Paul, who with Councilman Sal Paladino cast the votes defeating the ordinance, said Monday the township should explore other alternatives that don't impose the so-called builder's remedy, such as the township's U.A.W.-financed senior citizens building.

"Any alternative of this nature allows us to meet our legal and moral obligation regarding low- and moderate-housing, while minimizing the reductions to our industrial properties," Paul said. The Mount Laurel areas were originally zoned for industrial development.

At the meeting, Paul asked for a

*"We think that it now requires resolution by the judge!"*  
— Eric Neisser —

stay of the ordinance and that the township's Mount Laurel case be transferred to the state Affordable Housing Council.

Debate among the council members over Paul's proposed stay amendment was heated.

"We have an ordinance before us that deals with the mechanics of the consent order we approved over a year ago," said Council president Joe Nita at the meeting. The consent order dealt with the specific breakdown of housing between the developers. "I don't like to play Russian roulette with facts," Nita said.

Councilman Sal Liguori emphasized that the amendment could be viewed as a delaying tactic by the court.

"We have a negotiated settlement that is a lot different from the original numbers held out as North Brunswick's responsibility for low- and moderate-income housing," Liguori said.

Paul said the original settlement had been "rammed down our throats" and that conditions had changed enough so that the township might be able to find other alternatives. Paladino agreed.

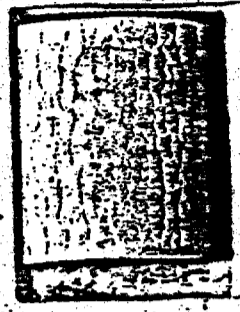
The ordinance's defeat does not affect the settlement negotiated and accepted in 1984.

Serpentelli can either ask the township to try again or impose an ordinance on the township, Maticera said yesterday.

The township could lose start-up fees for the agency, which were to be paid by the developers and the preferential treatment granted to township citizens and employees for 40 percent of the lower-income homes.

Both were negotiated with the litigants in the past week and were expected to be the final components of the ordinance needed for Serpentelli's approval of the Mount Laurel plan.

Neisser said that he would now challenge negotiated passages of the ordinance including those Maticera mentioned.



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