

Plansboro

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# Mahwah loses Mt. Laurel appeal

By Paul Davidson

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An appeals court has turned down Mahwah's request to nullify a court order to provide for 694 affordable-housing units, even though the state has recommended that the township need allow for only 296.

In a decision filed Sept. 2, Judge David D. Furman of the Appellate Division of Superior Court upheld a February 1988 order requiring the township to rezone property to accommodate the dwellings, Champion said.

Township officials expressed little surprise at the decision, saying they knew it was unlikely the appeals court would

overturn a Superior Court order and a settlement with developers. As a result, officials said they probably will not appeal to the state Supreme Court.

'We didn't have much hope'

"We didn't have much hope for the appeal we already made," said the township council president, William Raquet, at a meeting Thursday.

Brian Champion, a township attorney, said the council will make a final decision next week. Its options include appealing the ruling and trying to renegotiate the settlement, said Champion.

Under the Mount Laurel II

ruling, the township had been ordered by a Superior Court judge to rezone property to make way for 692 low- and moderate-income units. Although the township appealed, it reached an out-of-court settlement with several developers to permit construction of five developments with about 2,400 units, 20 percent of them to be for low- and moderate-income residents.

In May, however, the township asked the appeals court to set aside the court order affirming the settlement after the state Affordable Housing Council said that Mahwah had to provide for only 296 units.