

North Oaks housing decision delayed

Planning - 9 75
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NORTH BRUNSWICK A \$16 million planned unit development proposed by North Oaks Development Corp. is undergoing a second review by the planning board — a review mandated by the courts.

A taking a second look at the testimony from 13 board hearings, the board put off a decision on whether the application conformed to the master plan.

That master plan was revised by the board at its last meeting to reflect zoning changes that created a 67-acre planned unit

development zone on the North Oaks land.

It was one of two planned unit development zones established along with a major apartment zone.

The board last night voted to decide on the North Oaks planned unit development at its

Nov. 10 meeting.

Superior Court Judge Morton S. Greenberg ordered the review after ruling the corporation's plans complied with the township planned unit development ordinance.

Attorney John Hoffman, who represented the corporation, briefly outlined the township land use plan, county planning board review and a housing study done by the township planning department. He quoted from all three to indicate the planned unit development complied with the township master plan.

Objecting to Hoffman's presentation was attorney Phillip Paley, who represented Brown Boveri Corp., a Livingston Avenue firm with lands abutting the proposed development.

Paley said that Greenberg had referred to a section of the township zoning ordinance which called for "substantial evidence to be presented by the applicant" in remanding the matter back to the planners for a ruling on compliance with the master plan.

Paley's reference to the zoning ordinance did not appear in the communication from the court.

Prior to rezoning to accommodate planned unit development, the tract had been designated for industry. Brown Boveri had opposed the North Oaks plan and in a lengthy memo to the planning board

during temporary site plan hearings, had suggested the board retain outside counsel to consider its objections.

The corporation suggested that "in order that such counsel may consider such questions with complete objectivity, uninfluenced by personal relations with members of the town government or by the possibility of future legal work for the town, it should not be a firm from the North Brunswick or New Brunswick area."

Brown Boveri offered to reimburse the town for 50 per cent of the cost of retaining an outside counsel up to a maximum of \$500.

Last night Paley told the planners he had been unable to enter the Superior Court case which brought about the second review of the North Oaks proposal.

That suit, which named the corporation, the township committee, planning board and Building Inspector Neil Cooke, was filed by residents of Patton Street, Bell Avenue and Newton Street and sought to void the tentative approvals granted by the planning board.

Despite Paley's objections board chairman Frank Zorn, acting on the advice of board attorney Leslie S. Lefkowitz, ruled that Hoffman's brief presentation had met the court requirements for arguing that the application was in conformity with the township master plan.