

Windy Acres Deal Might Still Happen

By Curtis Leeds

CLINTON TWP. — Although the Township Council voted 3-2 early Friday to reject a proposed settlement with Pulte Homes, condemnation or resuming negotiations — either to buy or arrange other terms — remain a possibility.

"It's over," said Mayor Tom Borkowski, who pressed for the settlement, after the 3-2 council vote at 1:15 a.m. Friday. The mayor, who along with Council President Tom Kacedon favored approving the agreement, said he thinks Pulte will go forward with lawsuits it's filed against the township and others in the case. Mr. Borkowski held no hope for any other solution this year.

"There may be further negotiations," he said. "But it will be up to the next council members to come up with a better settlement. That's their job."

However, Nick Corcodilos, who'll likely be seated as mayor in January, said "any legal tool is an option for the township" and he said condemnation of the property is "absolutely" a possibility.

Mr. Corcodilos allowed "we have a lot of work to do" and added he wasn't sure what the best option will be.

Pulte is working with partner Irving Hilsenroth to develop the property.

The meeting that ended Friday included extensive public comment. Some residents spoke in favor of the settlement. Others,

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such as Franklyn Isaacson, criticized elements of the settlement without taking a side.

Joe Hauck, a 30-year Lebanon resident who is chairman of the borough Environmental Commission, pleaded that Windy Acres, which is near Lebanon's Main Street, should be in an environmentally protected planning area under the State Plan, rather than one targeted for growth.

Planning Board Chairman

James Imbriaco railed against complaints that his group had become a "rogue" board by endorsing the proposed settlement, which would have allowed up to 515 of the original 911 units Pulte sought. The proposal would have included 144 multi-family units, 221 single-family homes, 90 "affordable" units and land deeded to the township land for another 60 future "affordable" units." Advocates of the plan hoped it would end the string of suits that followed the board's denial of Pulte's application in 2001.

"We were not intimidated then" when the plan was first rejected, he said. "We are not intimidated now." He said his board has protected the township "from the light in the sky to the ground on which we stand."

Freeholder Nancy Palladino told council that the state Council on Affordable Housing can't dictate the tract's State Plan designation, as township officials have claimed. "COAH is exceeding its boundaries," she said. "COAH is exceeding its authority... You need to go back to the drawing board and work out specific problems, such as sewer and water."

Mr. Kacedon complained that the freeholder "is getting involved because everyone's involved. It smacks of politics." He said that between COAH and the state Department of Environmental Protection "We have two different groups. They won't work with each other. So how can we work with them?"

Mayor Borkowski said that Pulte's suit for damages resulting from the township's failure to apply for a sewerage permit should not be ignored. "We have exposure," he said. "This lawsuit is for millions of dollars in lost profits. There's only one person who will pay that" penalty, he said. "That's the Clinton Township taxpayer... There's no other solution to resolve this lawsuit except this settlement."

But Councilman Kevin Cimei called his claim "scare tactics."

James Mullen, an attorney for Pulte, said the council vote means, "They've closed the door" to negotiations and if they want any discussion to resume "they'll have to come to us."