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Mt. Laurel Defects Finally Aired At Wayne Township Council Meeting 4/7/21

The rapidly accelerating Mt. Laurel development juggernaut in Wayne Twp. has finally been publicly unmasked as a giveaway by rabidly pro-development local officials – led by Mayor Christopher Vergano – under the false narrative of the Township's being 'forced to surrender' by state affordable-housing requirements.

At last night's Wayne Twp Council meeting, Councilmember Fran Ritter specifically invoked environmental and procedural objections to the process, in this case related to the WayneBridge development -- on Hamburg Tpk. at Geoffrey Way -- raised by environmental activist Richard Brummel, citing Brummel by name in her questioning.

Ms. Ritter led the questioning of the WayneBridge project, and pressed for responses from the Twp. lawyers and staff before she and Councilman Al Sadowski voted against the project. It was passed by the rest of the Council but will still have to be approved by the Planning Board, Brummel said he believed.

Brummel had filed extensive written criticisms of Wayne's “blanket exemptions” from Wayne Township's main environmental protection laws for new development during the most recent Superior Court “fairness hearing” held March 23, 2021. At the time, the Hon. Thomas F. Brogan off-handedly dismissed the objections, stating simply His Honor 'presumed' the Twp. complied with all relevant “state and federal” laws.

In response to Councilmember Ritter's questions Wednesday night, Twp. attorneys acknowledged on the record the factual accuracy of Brummel's revelation that the Twp was exempting WayneBridge and other Mt. Laurel projects from the Township's central environmental laws protecting trees and open space, Wayne Twp. Ordinances sections 134-85.3(b) “Tree Preservation” and Section 134-91.4 “Tree Removal”.

The attorneys then argued they had been justified in 'negotiating' away all the environmental protections, in what to Brummel's knowledge was the first time the issue was openly raised before the Council.

The attorneys arguments -- which included personal attacks to which Brummel was unable to respond -- failed to address the central thrust of Brummel's argument, which

was that in establishing the Mt. Laurel process the state Supreme Court specifically stated that its rulings should not be interpreted to negate legitimate environmental protections.

As Mr. Brummel told the Council and the Superior Court, the Supreme Court held in 1983: "...Mount Laurel is not designed to sweep away all land use restrictions or leave our open spaces and natural resources prey to speculators," "*So. Burlington Cty. NAACP v. Mount Laurel Tp.*, 92 N.J. 158 (1983), p. 219.

The Supreme Court also stated in its ruling: "[A] builder's remedy will be granted...provided further that it is located and designed in accordance with sound zoning and planning concepts, including its environmental impact," (*id.*, p. 218).

The Twp. lawyers instead argued -- possibly unaware of the rulings, or more likely dismissive of Wayne's own environmental laws -- that the "constitutional" demands of fair-housing 'trumped' local law.

But the attorneys' response, Brummel pointed out, simply ignored the issue of the robust shield the Supreme Court holdings potentially offered the Township against the proposed sprawling, environmentally-devastating proposed developments the Township was approving, including WayneBridge on Wednesday night.

The Twp. attorneys thus essentially admitted that in supposed 'negotiations' with developers they basically surrendered all the Twp. open-space protections on the premise that Wayne's environmental statutes were nothing but deliberate pretexts for exclusionary zoning.

In other words, they acted – or pretended to act – like the laws were indefensible interference in the free market, without any merit as legitimate public policy.

Brummel called that "an extremely weak version of legal advocacy" and said that more likely the attorneys were doing the bidding of Wayne's rabidly pro-development, blindly 'free-market' current leadership.

(This is a point Brummel argued in his ongoing lawsuit to protect the 'Church forest' on Preakness Ave. (*Brummel v. Twp. of Wayne et al.*, (Superior Ct. Docket No. PAS-L-1001-20, Appellate Docket No. A-003892-19T): Wayne officials publicly espouse the free-market over open space and environmental protection despite Wayne laws decreeing the contrary (Wayne Twp. Ordinance section 134-90.1 etc.)).

Connecting the dots and following the money, Brummel noted that just before the hearings on WayneBridge and the Preakness Mt. Laurel-development, Wayne officials highlighted the prosperous Wayne Township budget, which Brummel alleged is flush with revenue because Wayne is turning into one big strip mall punctuated by proliferating

mini-mansions – a process damaging to the environment, opposed by many residents, and opposed in local law.

Brummel commented afterward: “To 'surrender' like that – more like to willingly 'give away the store' -- without resorting to the courts to defend lawful and reasonable local environmental laws, is not what attorneys and officials are expected to do. Wayne citizens and the environment we all share, as inhabitants of the planet, deserve better.”

Ms. Ritter and Council member Sadowski both opposed the WayneBridge ordinance, which passed otherwise. The next step is likely to be a Planning Board meeting.

Attached: Brummel legal statement to Court, also filed with Council for 4/7/21 hearing.

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