

# Mahwah Under Attack on Zoning Rules

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MAHWAH—Zoning ordinances are under attack throughout New Jersey, but nowhere is the assault more concerted and more aggressive than in this north Bergen community. It seeks to attract industry while enacting restrictive housing regulations that keep out the plants' workers.

Typical is Mahwah's anomalous attitude toward the Ford Motor Company. Ford's sprawling assembly plant was welcomed, but only a handful of its 5,000 production workers can afford to live within the 26 square miles of Mahwah Township. The reason is that undeveloped land has been zoned for one-family houses on at least an acre.

The average pay of Ford plant workers is \$4.50 an hour for a 40-hour week. It is hard to find a one-family home in Mahwah for less than \$50,000; certainly not a new one. As a result, some Ford workers drive as much as 80 miles to their jobs.

The fact that 2,000 of Ford's workers are black or of Hispanic origin lends credibility to the charge that the zoning is discriminatory, a view taken by the Suburban Action Institute of White Plains, N. Y., and its building affiliate, Garden Cities, Inc.

The institute, which is supported by the Marshall Field, Ottinger, Taconic and Stern Funds, has gone into Superior Court with a suit charging Mahwah Township and three neighboring communities with discriminatory housing practices. And on Dec. 11, the institute will apply to Mahwah's Planning Board for approval of a complex of economically and racially integrated housing at prices factory workers can pay.

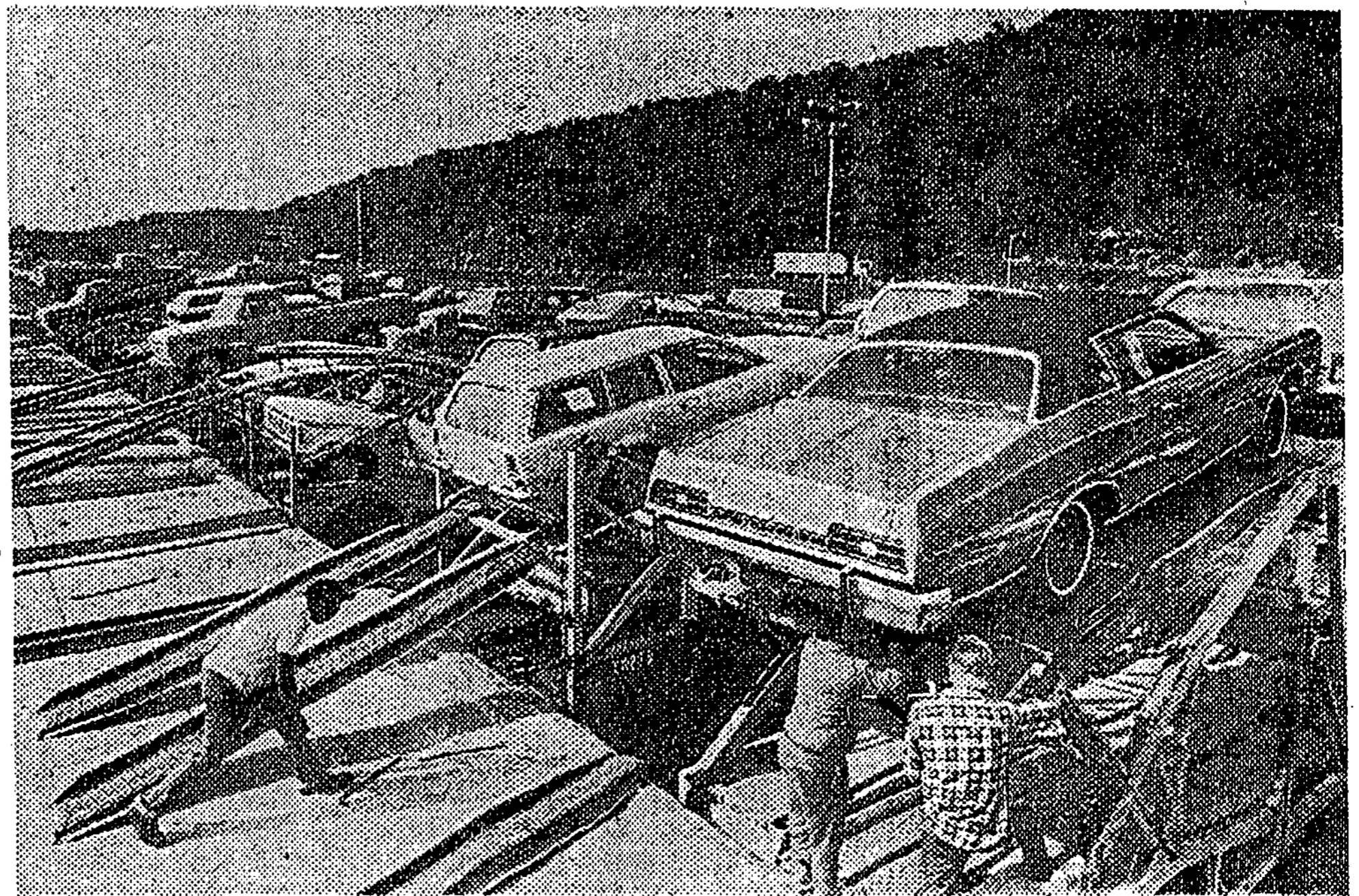
## First Official Public Hearing

This will be the first official public hearing afforded the project. It previously had been presented at a forum at Ramapo College, across Route 202 from the proposed development. After the presentation, some faculty members and students said they were sufficiently impressed to sign up for the relatively low-cost homes or apartments.

Through Garden Cities, Inc., the institute proposes to build 6,000 housing units as both garden apartments and individually owned town houses. Of the total, 2,400 units would be for workers making under \$10,000 a year and 3,600 for those earning between \$10,000 and \$20,000.

Two-bedroom town houses would sell for \$21,500, with three-bedroom houses at \$24,500 and four bedroom houses at \$28,500. Rentals are estimated at \$160 for one-bedroom apartments to \$270 for four-bedroom units.

As for how these goals can be achieved at today's high construction costs, the sponsors say they are depending on Federal rent subsidies and mortgages guaranteed by Federal or state governments at



New cars being loaded at Ford's assembly plant in Mahwah. Plant employes 5,000. The New York Times/Edward Hausner

relatively low interest rates.

Garden Cities, they point out, is a nonprofit organization that would assign much of the construction to builders content with large volume and low profit.

There is, of course, opposition to the project. For instance, Lou Rizzo, an unsuccessful candidate for Mayor in last month's election in Mahwah, called Suburban Action's directors Neil Gold and Paul Davidoff "two guys with a mimeograph machine." Mr. Rizzo's theme was: "We want to stay suburban."

Officeholders and other public figures have been more circumspect, but equally non-supportive. Mahwah's Mayor Lawrence Nyland, has come out for a "controlled growth concept" in which any large housing development would be required to include provision for new schools and service facilities, such as police and fire substations, and ample provision for additional vehicular traffic.

Mayor Nyland was part of a 3-2 majority by which the Township Committee approved the \$100-million Lethridge complex, which plans to convert 385 acres of wilderness into clustered, but high-income, homes, office buildings and a park. Lethridge sweetened the pot by donating land for a school.

## The Tax Question

Mr. Gold of the Suburban Action Institute says the Lethridge approval is a door-opener for his project. He also says that Mahwah's desire for open space and adequate recreational areas would be accommodated by his plans because they would utilize less than 30 per cent of the acreage for buildings of all types. That would leave parking space for 9,300 cars, open areas for parks and playgrounds and a 12-acre lake.

Told that his development would triple Mahwah's population of 10,000 without a commensurate increase in tax rates, Mr. Gold figured Mahwah's tax rates would go

up about 10 or 12 per cent. "And they should go up," he added. The township's 1972 tax rate is \$3.76 per \$100 of assessed valuation, compared with almost \$10 in Newark.

Joined with Mahwah in defense against the institute's suit charging discrimination are Saddle River, Upper Saddle River and Ramsey. Each has officials who are on record in support of present zoning requirements. They argue that one-acre, single-family housing is essential to providing adequate water supply and sewerage. None of the communities has a common water source, each depending on wells and septic tanks.

## Suit Gains Support

Supporting the institute in its suit are officials of Local 906 of the United Auto Workers and the National Committee Against Discrimination in Housing. The two organizations began attacking restrictive housing regulations two years ago, when they sought to have the state's Division on Civil Rights accorded jurisdiction over Mahwah's housing ordinances.

A United Auto Workers suit to this effect contended that the power to zone "is potentially discriminating" and that "misuse of that power can and does result in civil-rights violations." Specifically, the union charged that Mahwah, by allocating all undeveloped property for single-family homes on one or two acres, discriminates against the poor and the lower middle class, particularly Ford workers.

With the support of the 160,000-member state League of Women Voters, the suit was carried all the way to the Supreme Court of New Jersey. But all along the way, the state's argument—that the Division on Civil Rights lacked jurisdiction under its enacting statute—prevailed. The enacting law now has come under attack by urban community legislators; they would amend it specifically to include zoning as within the division's authority.

The discriminatory effects

of zoning also have been recognized by Governor Cahill. In a special message to the Legislature last March, he urged the annual construction of 100,000 units of low-income housing. But he refrained from a direct attack on the restrictive zoning.

Instead, the Governor urged the cooperation of counties and municipalities to meet the shortage of housing for workers, combining the threat of state action along with promises of state funds in lieu of local property taxes. Here is how his plan would operate:

A state agency would determine where and to what extent housing shortages existed, and the state would provide funds for clearing the projected sites. Municipalities would be encouraged to ease construction standards and space requirements, and they would also agree to unified, statewide requirements for building permits.

Every two years, the state would evaluate the number of housing units needed; it would allocate these units by county, and the counties, in turn, would designate which municipalities were expected to produce the low-cost units.

But what if the municipalities refused to act? Then the state would, but as for how, the Governor says only:

"No municipality would be mandated or forced to comply. It is, however, an orderly approach and a reasonable alternative to probable judicial action.

"It must be apparent to this Legislature, and to all thinking public officials, that the courts already have acted decisively in this area. Unless we act together to keep open the way for needed housing, the courts will do it for us and will continue to move strongly in the direction of bypassing home rule by judicial process."

Actually, home rule is only a concept based on common practice; it appears nowhere in the State Constitution, nor in any state statute.