

Piscataway Families, Community Leaders Sue Township Council, Planning Board *Plan to Build Warehouses Next to Elementary School Faces Second Legal Challenge*

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Piscataway, NJ – Parents, neighbors and community leaders in the state’s seventh most diverse community have [filed a second lawsuit](#) to stop a politically-connected developer from building two warehouses next to an elementary school. In the lawsuit, plaintiffs charge that the Council and Planning Board ignored the Township’s Master Plan and failed to acknowledge the inconsistencies that the new zoning area creates in relation to the Master Plan. Further, the lawsuit alleges that defendants engaged in spot-zoning and zoning for fiscal purposes, neither of which are allowed under New Jersey land use law.

“Essentially, this is a case where over many years the Township and its land use Boards have repeatedly accommodated a prominent developer at the public’s expense: first by failing to defend the decision to deny a variance; then by entering into a settlement agreement for a similar project; then by approving a large-scale warehouse project under a use variance; and now by jettisoning its own Master Plan to rezone the Property for the benefit of the developer without meeting statutory requirements. The Township has repeatedly capitulated to the developer and has ignored the public,” the lawsuit states.

The lawsuit was filed on Friday, January 28 by plaintiffs Sazha Alexandra Ramos, Pratik Patel, Daniel and Sarah Jackson, Matthew Knoblauch, Shantell Cherry, Ralph Johnson, Zoe Scotto, Kamuela Tillman and Staci Berger, and the Piscataway Progressive Democratic Organization, Piscataway Families for Clean Air, and the Piscataway Progressive Youth Organization. Although Ms. Cherry, Mr. Johnson and Ms. Scotto are members of the Piscataway Board of Education, they acted in their capacity as individuals and do not speak for the School Board, nor are they authorized to do so.

The lawsuit notes the long history of the property at 1690 South Washington. Located across from the Halper Farm, taken by the Township by eminent domain in the late 1990s and which has been the subject of controversy, the property is under contract for sale to M&M Realty Partners, a development firm owned by Democratic Party donor Jack Morris. The Township has plans to create an Ecological Park at the Halper Farm site. The 2005 Master Plan and its recent 2020 re-examination explicitly identify 1690 South Washington to be preserved as open space.

However, M&M Realty has tried to develop the property under a variety of proposals, including a mixed retail and housing development it ultimately abandoned due to costs. The property is adjacent to Randolphville Elementary School, which serves kindergarten through third grade students. Warehouses have increased in the area, and the proposed development would completely encircle the school with truck bays.

Despite the developer’s own assertion that it could not build homes on the property due to sewer costs, members of the Council claimed they had no choice but to rezone the property for warehouses in order to prevent high density housing developments from being built. Fifty members of the public testified against the proposal to rezone the area at the Council hearing on December 14, 2022. Not a single member of the public spoke in favor.

“It is not true that the Council members had no choice,” noted plaintiffs Ramos and Jackson, who both live near the proposed development. In a [recent opinion editorial](#), they wrote that the Council and Mayor “conveniently ignored multiple testimonies given to the Zoning Board, under

oath, by M&M Realty's own planner and experts, that mixed-use development is prohibitively expensive due to local sewer capacity.”

Piscataway, like many New Jersey communities, has seen an unprecedented increase in tractor trailer traffic as a result of warehouse development. Residents are concerned about the impact of diesel fumes on vulnerable children and seniors with respiratory illnesses. Piscataway has an “F” rating for air quality from the American Lung Association. It is considered an environmental justice community under New Jersey’s groundbreaking law, as nearly 75% of the residents are people of color. [Recent research](#) has shown that particulates, including that from diesel trucks, disproportionately harm the health of Black and Brown residents.

“Our whole community deserves air we can breathe. Our kids and families do not want more warehouses and trucks that can increase asthma and make people more vulnerable to COVID-19,” said certified pediatric nurse and parent Nancy Salgado-Cowan, a co-chair of Piscataway Families for Clean Air (PFCA).

PFCA co-chair, Rachel Sy, agreed. “Like every parent, I want my young children to be able to play outside without fear that they will be exposed to harmful fumes. We can do better for our neighborhoods.”

Many of the plaintiffs have pending litigation against the Piscataway Zoning Board for improperly providing variances on the same property for the same developer.

“It is not clear why the Council and Planning Board took this action while litigation against the Zoning Board is active,” said land-use attorney Cynthia Hadjiyannis, who is joined by co-counsel prominent public interest attorney and NJ Appleseed executive director Renee Steinhagen. “It could be that the Council is trying to make an end-run around the other lawsuit, but their action here is contrary to NJ law. We look forward to having these issues heard in a fair and timely manner.”

"By rezoning this property in this fashion, local officials on the Planning Board and the Township Council are undermining the essential input of experts and residents who have contributed to the Master Plan. Deciding whether and how to develop land in a community is one of the most important parts of our land use law. The Council and Planning Board members not only failed to address the recommendations made by the public and other stakeholders in 2005 and upheld in the 2020 re-examination of the Master Plan, they utterly ignored them. Appleseed is committed to ensuring residents are part of the decisions that affect their lives and neighborhoods, and we are proud to litigate this case," said Steinhagen.

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