

To the Editor:

## Set the Record Straight

Dear Editor:

This letter is written in response to the editorial that appeared in last week's edition of the paper, entitled "Need to Fight."

It is important for me and my family to set the record straight. I was born and raised in Livingston in the little brick house built by my father, Rudy, over 60 years ago that adjoins the property that was the subject matter of your editorial. Over many years, we accumulated 20 acres at that site and had presented a number of potential uses for that location.

Of the most relevance to you and your readers is the fact that we, as Squiretown Properties L.L.C., applied to develop the property for 22 single family homes in 2002. We attempted to rezone the property to a lot size that was more in conformance with the neighborhood and would allow for several more lots.

During the process, in 2005, township officials came to us, through our attorney, to see if we would agree to abandon our plans for single family homes and instead help the town fulfill its constitutional obligation to provide affordable housing and to construct an entirely different project to accommodate that desire.

We did agree to their request. Time and money was spend on our part as we had numerous meetings with the township over the years, trying to negotiate a resolution with the town as to the size and scope of the project.

Livingston never adopted the ordinance required by COAH which would have prevented a "Builder's Remedy" lawsuit until after our lawsuit was commenced to protect our rights. Kushner Academy and TMB filed suit first against the township. We were hoping to continue our talk with the township, but once the Kushner/TMB lawsuit was filed, we had no choice but to join in.

Even after our lawsuit was filed, it was our desire to settle it instead of having a protracted litigation that would cost all parties. However, it became apparent that Livingston's intention was now to use our property for a Public Works garage and bus depot. This after we had negotiated in good faith, abandoned our conforming plans, and left the property fallow and unproductive from the commencement of our original application for single family homes, in 2002 and forward. At every victory in court along the way, we sought to continue settlement discussion, but we could not come to an agreement despite what we thought was a reasonable offer. Therefore, it is unfair and inaccurate to say Squiretown refused to settle. We were left with no choice! Our plan has been approved by the Special Master appointed by the Court to protect all of the parties.

These are the true facts. It is we who have spent thousands of dollars unnecessarily to defend ourselves. We have been stymied at every turn, all in the interest of being good citizens and in our attempt to cooperate with the town. Does this sound like the actions of a "Greedy Developer?"

John Cicchino

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