

May 13, 2005

Suit Accuses L.I. Land Plan of Supporting Segregation

By **BRUCE LAMBERT**

GARDEN CITY, N.Y., May 12 - Civil rights groups filed a federal lawsuit on Thursday accusing Nassau County and Garden City of perpetuating segregation through new zoning restrictions on 25 acres of prime real estate here scheduled for upscale development.

The case invokes two fundamental housing issues facing Long Island: its history as one of the nation's most racially divided suburbs, and its severe shortage of moderately priced homes and rental apartments.

Nassau and Garden City, a predominantly wealthy white village, are "perpetuating racial and ethnic housing segregation," according to the lawsuit, which was filed by the Association of Community Organizations for Reform Now, an advocacy group known as Acorn.

The land in dispute is occupied by Nassau's Social Services Department, but the county is moving that agency and negotiating to sell the property for demolition and redevelopment. Officials say the tentative price is close to \$50 million.

"We are demanding that affordable, integrated housing be built on this site," Edwina Greene, chairwoman of the Roosevelt chapter of Acorn, said at a news conference at the property, 101 County Seat Drive.

The debate started after a planning consultant hired by Garden City, Buckhurst Fish & Jacquemart, recommended 311 multiple-unit dwellings for the site. Under that proposal, the homes would have been more affordable to minority applicants, the suit argues.

But after heated public hearings, the village board rejected the recommendation and adopted a new plan with tougher restrictions. That plan allows 36 multiple dwellings on three acres, and only then with special permission. The rest of the land was zoned for a maximum of 155 attached homes or 90 single-family homes. That plan would result in luxury-priced homes "likely to attract and to be inhabited by predominantly white residents," the suit said.

The suit contends that county and village officials, by embracing the restrictions, violated the United States Constitution's equal-protection clause as well as federal housing and civil rights laws. The suit seeks to block the plan, restore the initial proposal and require "affordable and integrated housing."

Garden City's village administrator, Robert L. Schoelle Jr., said he had not seen the suit and thus could not comment. It was filed in Federal District Court in Brooklyn and assigned to the Central Islip courthouse.

The suit portrays Garden City as a wealthy white enclave. Its population is 94 percent white, with a median household income of \$104,176, according to census figures. Next door is the Village of Hempstead, which is more than 80 percent black and Hispanic with a median income of \$45,234.

County Executive Thomas R. Suozzi's administration issued this comment in response to the lawsuit:

"Unfortunately, the sale of 101 County Seat Drive has always been a question of dollars. Because of our ongoing fiscal crisis, the county needs to maximize the revenue from the sale of one of our most valuable properties."

Mr. Suozzi, a Democrat running for re-election this year, often speaks out for the need for more housing that the elderly, young people and service workers can afford. But he has also been solicitous of Garden City, a Republican stronghold. In hearings about the site last year, he said, "We would be willing to put deed restrictions" on the property with "no ifs ands or buts, that it can't be anything but upscale housing."

He added: "This will not be affordable housing projects. That's number one."

Several advocacy groups - including the national Lawyers' Committee for Civil Rights Under Law, the Fair Housing Justice Center in Manhattan and the N.A.A.C.P. - support the suit, though they are not plaintiffs. Filing the suit were Frederick K. Brewington, a Long Island civil rights lawyer, and Hogan & Hartson, an international firm based in Washington.

Joining Acorn in the suit are three black plaintiffs, Vernon Ghullkie of Hempstead, Natalie Guerrido of Roosevelt and Daphne Andrews of Westbury, and Vic DeVita, a white resident of Garden City.

Mr. DeVita, 71, a clinical psychologist, professed his love for Garden City. But he added: "The community would be even greater if it allowed itself to have diversity. Some of my best friends live in Garden City, but unfortunately they're all white."