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BY DENISA R. SUPERVILLE
 STAFF WRITER, HERALD NEWS

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PATERSON — An attorney is arguing that a City Council member violated the state government ethics law when he voted on a developer's plans, because he lives close to the project.

Attorney Jay Lazerowitz, who is representing developer Mincha LLC., says Councilman-at-large Rigo Rodriguez should have recused himself on June 23 when the City Council considered Mincha's application to turn a former synagogue into a performing arts center, because he lives within 200 feet of the building — and thus had a personal interest in the decision.

When an application goes before the planning and zoning boards, residents within 200 feet receive notices so that they may file formal objections.

Voting on the application and not disclosing publicly that he lives nearby were violations of the state's local government ethics law, Lazerowitz said in a brief filed in November in support of a Superior Court lawsuit filed by the developer against the City Council.

Rodriguez defended his actions and said he didn't violate state law.

"My decision was based on the facts that were presented to us," Rodriguez said Monday.

Lazerowitz's charges are the latest in an ongoing battle between Mincha, which wants to stage operas and jazz concerts at the former Temple Emanuel on Broadway and East 33rd Street and residents who say the plans would bring too much traffic and disrupt their quality of life.

The dispute started in March, when the Board of Adjustment approved Mincha's plans to put a performing arts center, adult day care center, catering hall and museum in the building. Hattie Kersey, a resident who disagreed with the approval, filed an appeal with the City Council.

In June, the council voted 7-1 to send the application back to the Board of Adjustment for further review, particularly to address residents' concerns about parking and security.

In August, Mincha sued the City Council, Kersey and the city's building code official. According to the complaint, the developer asked the court to nullify the council's June decision and to force the building official to issue permits so construction could begin.

Lazerowitz is asking state Superior Court Judge Joseph Riva to reverse the council's decision on the grounds that Rodriguez violated the state's local ethics law by voting and not disclosing to the other council members and the developer that he lives near the synagogue.

Lazerowitz said that Rodriguez should not have participated in the proceedings at all.

Rodriguez said he lives about five houses away from the building.

According to the Local Government Ethics Law, "no local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment."

In a response to Lazerowitz's charges, the city argued in a brief filed Nov. 26 that the vote was not tainted and should stand.

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Dawn Blakely, an assistant corporation counsel for the city, is representing the City Council. She said that she would not comment.

"The city of Paterson does not discuss impending litigation," Blakely said Monday.

Council President Bill McKoy referred questions to Blakely.

Rodriguez said that before he voted, he asked an assistant corporation counsel whether he could vote and was told that unless the project affected him directly, he could participate.

"I am not against the project," he said. "I am for addressing the concerns of residents."

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