

Albanian Muslims seek OK for site in Wayne

A federal judge is weighing whether Wayne's attempt to take property owned by an Albanian Muslim group fits the legal description of religious discrimination. .

But first U.S. District Judge Peter G. Sheridan must determine whether the law -- which protects religious institutions from discrimination through land use regulations -- applies in a lawsuit the Albanian Associated Fund has brought against the township. The Fund's complaint is being supported by U.S. Justice Department officials who contend that the township conducted an irregular review of a Fund application to build a mosque and community center on the property.

Reflecting the township's legal position, Wayne Mayor Scott Rumana has said the Colfax Road property is unsuitable for development because of steep slopes and rock outcroppings, prompting its targeting for open space preservation.

Township attorneys sought a ruling on Wednesday in U.S. District Court in Newark that the federal law does not apply. Anthony Seijas, special counsel representing the township, argued that the law applies to zoning regulations, but does not apply to "takings."

Attorneys for the Paterson-based Albanian group, however, argued the federal law applied because the town wanted to take the property to enforce its land-use policies to preserve open space. The attorneys for the Albanian group also are asking Sheridan to find that preserving open space is not a compelling government interest that trumps the freedom of religious exercise.

Sheridan delayed issuing a decision, but scheduled a settlement conference for Sept. 6.

The court battle stems from an application the Albanian Fund filed in 2002 to build a mosque and community center on Colfax Road. While Wayne Planning Board hearings on the application were ongoing, the township moved to take the property for open space. A judge blocked the township pending the outcome of litigation in federal court.

Members of the Albanian Associated Fund have worshiped at a mosque on River Street in Paterson for 22 years. But religious leaders say the membership has outgrown the location and many have moved out of the city to the suburbs.

The Planning Board denied the application earlier this year.

A Justice Department official appeared in court Wednesday to back the Albanian groups' discrimination claims. Ryan Lee, a Justice Department attorney, argued that there was "circumstantial evidence of discriminatory intent" in the township's actions.

The Justice Department is charged with enforcing the federal law -- known as the Religious Land Use and Institutionalized Persons Act of 2000.

Lee told the court "municipalities are capable of discrimination in subtle ways." He also noted there were "evidence of procedural departures" during Planning Board hearings that delayed the process.

After the hearing, Albanian Associated Fund President Atmi Kurtishi accused the township of delaying the application and targeting the property "because they are against us building a mosque."

Rumana said the claims of discrimination are "equivocally wrong."

"The real crux of the issue is they build a dirt cheap piece of property," Rumana said. "It's not buildable."

But Roman Storzer, an attorney for the Albanian Fund,, said the township has been "treating the mosque worse" than other properties in town.