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Suffern Shabbos House dispute may need a trial to get answers

BY JAMES WALSH • JAWALSH@LOHUD.COM • JULY 3, 2009

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SUFFERN - A trial appears likely in the four-year dispute between the village and the operators of a house used by observant Jews visiting patients at Good Samaritan Hospital.

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Bikur Cholim of Rockland County's Shabbos House has continued to operate at 5 Hillcrest Road over the village's objections, going back to 2005, that it violated zoning.

A federal judge has denied requests from both sides of the dispute to rule on the issue without the necessity of a trial.

That has left the opponents pointing to various parts of District Judge Warren Eginton's decision to find support for their cases.

Paul Savad, a Nanuet attorney on Bikur Cholim's legal team, foresees victory.

"We believe we will prevail at trial because the court found that (the house) is not a transient hotel," he said. "It's being used as a religious exercise."

To Village Attorney Terry Rice, Eginton's June 24 decision showed only that there were factual issues that could not be decided now.

In part, Eginton found that "this case is not about visiting family members at the hospital. It is about whether the enforcement of a zoning code against a communal home, operated to accommodate certain individuals' religious practices, constitutes a substantial burden on religious exercise."

It seemed to the court that it was being asked to analyze "a house maintained to allow individuals to exercise their religion conveniently."

Savad and Roman Storzter, a Manhattan attorney also representing Bikur Cholim, cited the federal Religious Land Use and Institutionalized Persons Act of 2000, or RLUIPA, as their protection against discrimination.

Storzter also represents five other individuals suing Suffern. Malka Stern, Michael Lippman, Sara Halperin, Abraham Langsam and Jacob Levita joined Bikur's lawsuit, and cited RLUIPA in opposing the village.

They claimed their practice of religion was burdened by having to choose between observing the sabbath and holidays or visiting the sick at the

hospital.

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GWBush wrote:
 We have obtained millions of dollars of compensation for victims of discrimination. The Division continues its vigorous enforcement of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). The land-use provisions of RLUIPA bar zoning practices that discriminate against or impose undue burdens on houses of worship and religious schools. Since 2001, the Division has reviewed 172 RLUIPA matters and has opened forty full investigations. Eighteen of these full investigations have been resolved favorably prior to the filing of a lawsuit. The Division also has filed six RLUIPA lawsuits, three of which have been resolved by consent decree, and three of which are pending. United States v. Village of Suffern (S.D.N.Y.), which is a case challenging the Village of Suffern, New York's denial of a permit to an Orthodox Jewish group to operate a "Shabbos House" near a hospital where Sabbath-observant Jews may stay while visiting patients on the Sabbath.
 7/3/2009 3:55:58 PM

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GWBush wrote:
 This will cost the residents of Suffern a bundle of money for a stupid issue that could

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have been easily resolved .Fight when it's really important and you have a good chance to win .Look what happened in Airmont ,it cost them millions and they lost .Get ready to pay up Suffern !!

7/3/2009 12:01:02 PM

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ElwoodB wrote:

Keep voting for St. Lawrence, Suffern.

Your village and Hillburn are on deck for becoming America's newest suburban ghettos.

Maybe you should also consider having an election where one candidate actually runs against an opponent.

7/3/2009 10:35:45 AM

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pops1313 wrote:

THEY DO WHAT THEY WANT AND GET AWAY WITH IT . MONSEY 3 YEARS SUFFERN 4 YEARS. THEY OWN THE POLITICIANS AND THE JUDGES TOO. PAY NO TAX OR UTILITIES AND WE WOULD BE SHUT DOWN , NOT THEM.

7/3/2009 8:53:20 AM

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SuffernRep wrote:

This is not a religious issue. This house was sold as a single family unit, as the certificate of occupancy stated. If Bikur Cholim wanted a variance it should have applied for it when the house was considered for this non conforming use. Instead they just disregarded the local zoning code until they were caught breaking the law. Villages have an obligation to enforce the law, and the residents of a single family neighborhood have rights too. The misuse of RULIPA to disregard local law is an injustice to the LIFE, LIBERTY and the PURSUIT of HAPPINESS of an entire neighborhood.

7/3/2009 8:39:26 AM

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