

Mosque neighbors feel ignored by city

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NORWALK -- After attending several public hearings this spring and summer about a proposed mosque in his neighborhood that was eventually denied by the Zoning Commission on June 6, Israel Herskowitz feels let down by city officials as recent decisions regarding the place of worship have been made behind closed doors.

Herskowitz, president of the Stonegate Condominium Association, was among the neighbors who opposed the Al-Madany Islamic Center from the beginning, and hired attorney Marc J. Grenier to represent them.

"We feel very disappointed and discouraged that the City of Norwalk officials would do things behind closed doors," Herskowitz said, referring to a special Zoning Commission meeting Nov. 29.

The commission voted 6-1 to reverse its decision and approve the mosque, "subject to an agreement depending on terms of the final settlement agreement."

The action is an effort to settle a lawsuit Al-Madany filed June 29 against the city and the Zoning Commission, challenging its denial of the center's special-use permit.

"Making these kinds of decisions -- backroom politics -- there's no place for this and we feel that the neighborhood of Fillow Street and North Taylor Avenue, the property owners, are totally being ignored by city officials," Herskowitz said. "We don't know what's in this proposed settlement.

"It's frustrating. If you remember during the hearings, commissioner Joe Santo said (to representatives of the center), 'Have you considered cutting this building in half?' and they said no. So I don't know what could possibly be negotiated because they never seemed to want to budge on anything."

Herskowitz said Grenier has filed a Freedom of Information request with the city to find out what is in the settlement.

Roman P. Storzer, of New York-based Storzer & Greene, the attorney for Al-Madany, said Monday he cannot discuss specifics of any settlement discussions, but noted, "I know that the center was flexible in the earlier proceedings with the Zoning Commission and they still look forward to be able to achieve an amicable result with the city here. We aren't closing off any avenues of resolution."

Herskowitz denies the neighbors' lack of support for a mosque has anything to do with discrimination.

"And that's the whole crux of that lawsuit," Herskowitz said. "The reason why it was rejected is it's too big a development for too small a property. That's the way it is. That would be the same if it was a church or it was a synagogue."

Storzer said the complaint describes the center's need for a place of worship and the lack of an existing mosque in Norwalk. It alleges the commission's action was based on "misapplication of

state and local laws," "ad hoc factors specifically and specially designed to prevent the construction of a mosque within Norwalk," and "unequal treatment as compared to similarly situated places of worship in the same area and zoning district."

The complaint states a place of worship is an allowed use with a special permit in the residential zoning district where the property is located and alleges the center complied with all standards for such a use.

Herskowitz said last week the Stonegate Condominium Association asked the United States District Court for permission to intervene as a defendant in the lawsuit and it is waiting for a response.

"To my understanding from our attorney, they cannot approve anything without more public hearings and without starting the whole process over again," Herskowitz said. "As abutting property owners, my attorney says we have the right by Connecticut law to come to the table and participate in negotiations."

Another point of frustration for Herskowitz is that commissioner Harry Rilling, Norwalk's former police chief, voted Nov. 29, but he was appointed after the June 6 decision.

"He doesn't know anything about this case," Herskowitz said. "He didn't participate in any of the public hearings."

"There are a lot of problems. A lot of neighbors are disappointed in Norwalk city government that they let the citizens and taxpayers down."

Storzer said that since the law was passed in 2000, there have been a great number of cases filed especially by minority religious faiths.

"There have been a number of successful cases, whether they win through a court victory or they successfully settle on terms," said Storzer, who has been involved in many cases throughout the country. "The successful ones tend to be the ones that go through the zoning process, try to work with the city, deal with legitimate land use issues and then ultimately get denied anyway, especially when you have other organizations that are granted similar permits or exist in similar ways in the community."