

Hasidic Jews Claim Village Code Bars Rabbinical College

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WHITE PLAINS, N.Y. (AP) — Several Hasidic rabbis have gone to federal court for the right to build a rabbinical college that would violate zoning laws in a suburban village.

In a lawsuit filed late Monday, the rabbis and the Rabbinical College of Tartikov Inc. claim that zoning regulations in Pomona, 30 miles from New York City, have been used to exclude the planned college and are “the direct result of fierce anti-Hasidic opposition in the local community.”

The plaintiffs have not even tried for variances because village leaders “have made it clear they would never approve construction of this college,” said plaintiffs’ attorney Paul Savad.

The village, which has about 3,200 residents, recently refused to allow the sponsors to submit plans without going through the zoning system.

Village attorney Doris Ulman said the complaint “is full of innuendo, undocumented statements, misstatements and lies,” including some about her. She said the plaintiffs have no standing to sue because they cannot show they’ve been harmed.

Ulman said it was difficult to comment on the planned rabbinical college because village leaders have yet to see any official plans or applications. She said the complaint filed Monday, which mentions plans for “places of worship, religious educational facilities, religious courts, libraries of Jewish texts and accessory student housing,” is the most detailed document they have.

The plaintiffs are seeking housing for 250 students and their families.

The 130-acre site is currently zoned for single-family homes, although a religious camp is using the property legally, Ulman said. The rabbinical group should go through normal channels before deciding whether to sue, she said.

Ulman said village officials have never “discussed or said or done anything to indicate that they are against any religion or any religious use.” She said ordinances have recently been liberalized to accommodate yeshivas and dormitories.

Savad, the plaintiffs’ attorney, said, however, that while village ordinances allow for zoning variances for accredited educational institutions, the rabbinical college would not be accredited because there is no accrediting body for such schools.

So the plaintiffs are invoking a federal law that has been used successfully in the region before.

Known as the Religious Land Use Act, it says a religious organization that would otherwise be denied can win a variance if there is no compelling reason for a denial.

Another member of the plaintiffs’ legal team, Roman Storzer, said most of the rabbinical students would be from the Hasidic Orthodox sects, though the college would be open to all Orthodox students. He said the Hasidic community needs the college because the rabbis who go through its 15-year training program would address a “dire” shortage of judges for religious courts that resolve issues including marriage, divorce, burial and conversion.

The teachers, the students and the people who use the judges would be engaging in religious activity, he said.

“We need to stop the Village of Pomona, and municipalities across the country, from using their zoning power as a tool to control unpopular religious groups,” Storzer said.

Another plaintiffs' attorney, John Stepanovich, said his clients are seeking to exercise their religious rights.

"They want to be good neighbors, but they're not too concerned that their neighbors won't like them or don't like them," he said.

The Religious Land Use Act has been used in at least three other lawsuits in the region, supporting a Jewish school's new building in Mamaroneck, a Hasidic boarding school in Airmont and a residence in Suffern that would allow Orthodox Jews to visit a hospital on the Sabbath without breaking their law against driving. Decisions favoring the two schools are being appealed, and the Suffern case has not gone to court.