

A yeshiva? Not in our village

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Feb. 2, 2007

A battle over plans to build a yeshiva in a small village in upstate New York has turned ugly, some two months before official plans will be submitted.

The fight in Rockland County's Pomona village pits a group of Orthodox Jews against some of the 3,000 local residents who want to maintain the rural ambiance of winding country roads and large, isolated plots of land.

The Congregational Rabbinical College of Tartikov in Brooklyn, which has 100 students, wants to turn the last 100 acres of undeveloped land in the village into an additional yeshiva where 1,000 rabbis would be trained as religious court judges (*dayanim*). The rabbis and their families would live on campus, more than doubling the population of the village. The new school would cost an estimated \$350 million.

"It's more than a semirural area," said Eloise Litman, whose property borders the site of the proposed college. "We have homes on an acre, and we don't want multifamily housing. We like our trees, deer and animals, and don't want the area to become urbanized."

Developers have bought about 10 houses surrounding the college, but Litman has not agreed to sell her property. "Might as well make this the sixth borough of New York City," said Litman, who moved to Pomona from the big city more than 40 years ago.

Fights regarding land-use are familiar in this part of New York State, which is home to several haredi communities that moved upstate when they outgrew their urban enclaves. Overcrowding and high housing costs have forced communities of ultra-Orthodox Jews to look for new places to live.

The college chose Pomona in part because it is close to Monsey, another haredi outpost, where students and their families will have access to facilities such as kosher supermarkets and yeshivas for their children.

Before the Holocaust, each Orthodox community had its own beit din religious court that handled issues such as marriage, divorce and financial disputes. Since then, the number of courts has dwindled drastically, and so has the number of rabbis qualified to sit on them.

Many Orthodox Jews end up turning to secular courts. Often they obtain authorization from a rabbi to take their case to secular courts, which have greater enforcement powers.

The proposed rabbinical college in Pomona is one attempt to counter this trend. The hope is that an increase in the number of qualified judges will increase the credibility of religious courts, which are currently overburdened with cases.

"The situation is that many people feel there aren't enough judges. They still think that in a secular court things will go faster, easier, even though the law is not the law of the Halacha," said a source affiliated with the Brooklyn institution who wished to remain anonymous. "Once there will be more rabbinical courts and judges, in the community, I'm sure there will be more Jewish people, even not religious, who will start going

to rabbinical courts to be judged according to the Halacha."

A beit din is composed of three Jewish men, at least one of whom must be highly knowledgeable in Halacha. However most people seeking a beit din, especially in high-profile cases, expect all three to be experts, which can be very difficult to find.

For courts that handle complex monetary cases, dayanim are required. A dayan has an additional ordination (*yadin yadin*) that allows him to serve on such courts and adjudicate complicated cases.

The rabbis to be trained at the college would train to become dayanim so that they could serve on such courts. Unlike in the secular legal system, rabbinic courts and judges have no formal accreditation system. Courts and judges establish reputations solely by word of mouth, according to Yosef Rapaport, who works for a rabbinic lawyer.

"The college is a fantastic idea," he said. "It is long, long overdue. Real people are hurting and there is an outcry of delayed justice." Some cases involving large sums of money can take up to two years to be heard, according to Rapaport.

The case loads at rabbinic courts have been steadily growing over the years, according to Rabbi Yona Reiss, the director of Beth Din of America in New York.

"Given the contemporary commercial marketplace, they need to be run with a sense of professionalism and responsibility that gives a comfort level to all parties," said Reiss. "People come with the knowledge they are following halachic obligations and receiving the benefit of services that are responsive to their needs."

But if the village has its way, the new college won't make it past the planning stages.

The college's building site, bought for \$13m., was used for an Orthodox summer camp before being sold to Yeshiva Spring Valley, and now to the college. All three owners have been prevented from developing intended projects, according to Paul Savad, the lawyer who is handling the case for the college.

Each time, village officials made it difficult to develop the property, Savad said.

The latest obstacles involve last week's changes to the village zoning laws, which limit the size of college dormitories to 20 percent of the total area of the college. This means a 2,800 square meter school like the proposed college would only be able to build 17 dormitory rooms, according to Savad.

"Their intent is to try to exclude the Orthodox community from occupying the property," said Savad. "But we have people who will not give up on their right to use the property."

Doris Ulman, the village attorney, denies any such allegations. "Fine tuning is all we did," she said. "We simply clarified the laws and took out the ambiguities."

The changes, Ulman said, "have no bearing" on the proposed project. She also said Savad's dormitory calculations were "totally off," in part because he underestimated the size of the proposed college.

"Our law is very similar to laws that you will see in any other town and village," said Ulman.

The college is gearing up for what it expects will be a heated fight for the right to develop the land. It has hired Roman Storzer, an expert on the federal Religious Land Use and Institutionalized Persons Act (RLUIPA), which states that municipal regulations cannot impose a substantial burden on religious practices. It also hired John Stepanovich, who has worked on similar cases in Airmont, New York.

Since the plans for the college became known, some legislators have been working to have the RLUIPA legislation revisited. Rockland County legislator Patrick Withers, a Democrat, has sought review of the law both by Congress and the State Attorney General's office.

"I am trying to make sure that the law is fair on both sides," he said.

He said RLUIPA had become the most important issue in Rockland county, and that it stripped municipalities of their authority to set zoning regulations. "The federal government needs to pull back the law and look at what it's done."