

Tartikov sues Pomona over plan for rabbinical college

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POMONA - The Congregation Rabbinical College of Tartikov filed a complaint against the village yesterday in U.S. District Court in White Plains, asserting that it discriminated against the Hasidic community.

The 59-page document argues that Pomona's unreasonable land-use regulations and intentional conduct prohibited the congregation from building and operating a rabbinical college on a 130-acre site off routes 202 and 306.

Plaintiffs in the lawsuit include the congregation as well as prospective students and lecturers for the rabbinical college. The village and its officials were named as defendants.

The plaintiffs demand a trial by jury to bring them relief from the village's action and unspecified compensations.

The congregation wants to build a rabbinical college and accessory housing for 250 students and their families.

The college would train Orthodox Jewish judges for religious courts, which Tartikov said is necessary for addressing the severe shortage of rabbinical judges stemming from the Holocaust.

The students in the 15-year program would live on campus. As they are all young rabbis, their ages would range from 20 to 25, and they probably would be married with children.

The court papers allege that the village's attitude toward the congregation and its development plans - which the plaintiffs say included amending local laws to prevent Tartikov's plans and refusing to hold informal meetings with Tartikov representatives -
□violated its civil rights as protected by the U.S. and New York constitutions, the federal Religious Land Use and Institutionalized Persons Act and the federal Fair Housing Act.

Pomona Mayor Nick Sanderson said yesterday that he had not seen the court documents and referred any comment to Village Attorney Doris Ulman.

Ulman said she would not comment on Tartikov's specific allegations because she would need to do research on them. But she said that the majority of the allegations were undocumented and unattributed. She called the lawsuit "frivolous."

"The plaintiffs do not have the standing to bring the lawsuit," she said. "They have not been damaged in any way, which is a requirement in order to bring any lawsuit. They just don't like our laws."

The plaintiffs also allege that Pomona has been discriminatory against other Orthodox Jews, citing the village's dealing with Yeshiva of Spring Valley, a former owner of the property, as another example.

Several years ago, Yeshiva of Spring Valley presented plans to the village to build a religious boys' school for about 850 Orthodox Jewish students, a synagogue and eventually a preschool on that site. But because of the lingering negotiations with village officials and newly added regulations that made the plans impracticable, Yeshiva of Spring Valley abandoned the plans and sold the property to Tartikov, the document said.

"Over the past several years, the village of Pomona and its Board of Trustees have repeatedly used legislative and administrative means to prevent a variety of Jewish-affiliated institutions from developing this property for religious use," said Paul Savad, one of the attorneys representing the plaintiffs. "There is a history of discrimination against the Hasidic community here."

Tartikov claims the village tightened its laws regarding dormitories and wetlands protection in January once the religious group's plans surfaced.

The congregation recently asked Pomona to grant it an exemption from village code so it could submit plans for the school and housing without a zone change or variances.

Sanderson responded to the congregation's request, saying that giving an exemption to a certain organization would be discriminatory and violate the U.S. and state constitutions.

Savad said his client would not seek a zone change or variance because the decision would be discretionary - in other words, the village could deny it with no reason.