

Rabbinical college asks judge to keep suit against Pomona alive

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POMONA - The Congregation Rabbinical College of Tartikov has filed its response to the village's request to dismiss its lawsuit against the village.

The congregation was denied a zoning exemption to build a rabbinical college on a 130-acre site off routes 202 and 306. It sued Pomona in U.S. District Court in White Plains in July, saying the village's land-use regulations and conduct prohibited it from building and operating the college. The congregation also asserted that the village discriminated against the Hasidic community. The village filed a motion to dismiss the suit in December, and the congregation now has asked the judge to deny the motion.

Residents say the plan would change the area's rural character, drastically increasing the tiny village's population and taxing its infrastructure.

The congregation's response, filed last week, says that the village's motion to dismiss is an effort to direct the court's attention away from its complaint, ignoring "the true undercurrent of what is happening in Pomona, where a new administration was elected on a platform of keeping the plaintiffs out of the 'close knit community.'"

Mayor Nick Sanderson and two village trustees, Rita Louie and Brett Yagel, took office in April. The three started studying the Religious Land Use and Institutionalized Persons Act while they were still campaigning, hiring Marci Hamilton, an expert on the act and a law professor for Yeshiva University, as their adviser.

The federal law has been contentious nationwide because of the power it gives for religions organizations to obtain exemptions from local zoning codes.

One of the village's arguments in asking the judge to dismiss the case was that the congregation rushed into court to file the lawsuit without trying to use available avenues under the village's zoning law.

In the opposition filing, the congregation disagreed with the argument, saying the village is telling Tartikov to "apply for administrative relief that doesn't exist."

"This case is about the plaintiff's right to live in a community free from discriminatory, burdensome, and unreasonable regulations, and free to engage in their constitutionally protected religious speech, worship, and education," the document stated.

The village's court papers stated that the congregation's plan would include at least nine, six-story buildings to house the rabbinical college's planned 1,000 full-time students, lecturers and their families, and its total residents would be 4,500.

Representatives of Tartikov have said the congregation would seek the ability to build and operate a rabbinical college and accessory housing for 250 students and their families.

Paul Savad, a Nanuet attorney who represents Tartikov, said the litigation shouldn't have been necessary in the first place.

"All we are asking for is a permit to build for 250 students on 100 acres. We bought 30 acres of homes around the property to protect it," said Savad, adding that the village's ordinance does not allow nonaccredited colleges and educational facilities to build dormitories, so Tartikov, being nonaccredited, needs an exemption to submit its plans. The village did not grant the exemption, saying that had it granted an exemption to one group, it would have to do the same to every group in a similar situation.

The village code defines an educational institution as "any private or religious elementary, junior high or high school, college, graduate or post-graduate school conducting a full-time curriculum of instruction a minimum of five days per week for seven months per year and accredited by the New York State Education Department or similar recognized accrediting agency."

Village Attorney Doris Ulman said the village would not comment. The village's reply to the congregation's filing is due Monday, she said.