

U.S. backs lawsuit against Wayne

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WAYNE

Federal justice officials are backing a lawsuit by an Albanian Muslim group that claims the township discriminated against it by trying to take its property even as it sought to build a mosque in town.

The U.S. Department of Justice said the township's actions against the Paterson-based Albanian Associated Fund bore the "classic trademarks" of discrimination. In court papers, the government said there was reason to conclude the township tried to take the property for open space to stop members of the fund from building a mosque and community center in the township.

Mayor Scott Rumana, however, said the Colfax Road property is environmentally unsuitable for development and that is why the township tried to acquire the land through eminent domain.

A federal court hearing on the case is scheduled for Wednesday.

"It doesn't have to do with religion," Rumana said. "It has to do with land use."

He said the Justice Department, which recently filed a brief in the case on behalf of the mosque, is "clearly not familiar with the property and not familiar with the facts of the case."

The 11-acre property has steep slopes and rock outcroppings that make it a natural for open space preservation rather than development, Rumana said.

"I don't care what you request to build there," Rumana said. "Nothing should be built on the property."

But attorneys representing the Albanian Associated Fund noted that the Justice Department rarely gets involved in local litigation over religious institutions.

"We believe having the prestige and force of the Department of Justice on our side is significant," said Michael Rubin, who represented the fund before the Planning Board.

The Albanian Associated Fund filed an application to build a mosque and community center in 2002, and hearings began the following year. In January 2007, the Planning Board denied the application. But by then, the township already had moved to take the property for open space. A federal judge blocked the township pending the outcome of litigation in federal court.

For 22 years, members of the Albanian Associated Fund have worshiped at a mosque on River Street in Paterson. But the religious leaders say the membership has outgrown the site and many have moved out of the city to the suburbs.

At the heart of the case is a federal law, the Religious Land Use and Institutionalized Persons Act of 2000, which was adopted to protect religious institutions from discrimination through land use regulations. The Justice Department is charged with enforcing the law.

The township argued in court papers that the act does not apply to "takings" and therefore is irrelevant in this case. The Justice Department rebutted the township's claim in its papers and asked the judge to deny the motion for summary judgment and allow for a trial.

The Justice Department argued that there is evidence to support the mosque's claims that the township deliberately prolonged the application process.

"These actions have the classic trademarks of discriminatory purpose," the department wrote in court papers. "They afford circumstantial evidence that 'shed light' on and 'spark suspicion' about the township's motivations."

The fund also plans to appeal Planning Board denial of its application. Attorneys have until the middle of August to appeal.

"The Albanian Fund simply wants to be left alone," said Roman Storzer, the attorney representing the group in federal court. "They bought a property where a church is a permitted use, and the township has been doing everything in their power to prevent them from building a mosque."