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Jewish group files federal suit against Suffern

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THE JOURNAL NEWS

(Original publication: January 4, 2006)

SUFFERN — A Monsey health-service agency is suing the village so it can continue to operate at its current location and shelter Orthodox Jews during the Sabbath and religious holidays.

In a lawsuit filed Friday in federal court in White Plains, Bikur Cholim charged that the village, by citing the nonprofit organization for illegal use of a single-family home, was violating the federal Religious Land Use and Institutionalized Persons Act of 2000, or RLUIPA.

Since the organization purchased the Hillcrest Road home as a Shabbos House last year, it has received numerous citations from the village, Nanuet attorney Paul Savad, who is representing Bikur Cholim, said yesterday.

The group offers a respite to Orthodox Jews visiting family at Good Samaritan Hospital on the Sabbath, when they are forbidden to drive, he said.

"We're not seeking monetary compensation. We're only asking for the right to exist in the village of Suffern and to service the people of the Jewish faith," he said.

The organization's name means "to visit the sick." It has operated in the village for 17 years, for a while based inside the hospital. Bikur Cholim also runs Shabbos houses near Nyack Hospital and Westchester Medical Center in Valhalla, Savad said.

Savad said lawyer Roman Storzer of Washington also would represent Bikur Cholim. Storzer, Savad said, successfully represented the first church that filed a lawsuit under RLUIPA.

"Without the Shabbos House, the plaintiffs and others similarly situated would not be able to fulfill their religious command to visit their sick and injured relatives or newborn children remaining in the hospital, without violating Sabbath proscriptions," the lawsuit claims. "Preventing the plaintiffs from doing so will substantially burden their religious exercise."

Savad said use of the house is limited to the sabbath, which is sundown Friday through sundown Saturday, and on about 10 Jewish holy days. It does not charge for stays.

From 1998 to 2000 the Shabbos House was on the second floor of a Campbell Avenue residential building in the village. It then moved to Good Samaritan's old labor and delivery rooms, and in 2001, it moved to the Sheehan Professional Building.

After the village advised Bikur Cholim that the Shabbos House was not a legal use for the office building, Savad said, it moved into two rooms on the second floor of Good Samaritan.

In 2004, the hospital notified the Shabbos House that the space would be needed for a new cardiac unit.

Fellowship House of Suffern Inc., which was funded and formed by a philanthropic donor, purchased the Hillcrest Road building for \$490,000 and leased it to Bikur Cholim as a Shabbos House for \$10 a month.

The company is named as a plaintiff in the lawsuit along with Bikur Cholim founder Rabbi Simon Lauber and five people who use and have used the service.

Savad said the organization tried to get a use variance from the village but was turned down. He said the home was near a monastery, an office building and a Salvation Army building, which has dormitories.

Village Attorney Terry Rice said the organization was denied a use variance in November because it was based in a single-family zone, and operating such a facility there was illegal.

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Rice said the monastery and office building were in a planned office zone and, under the village's zoning law, special permits are given for dormitories if a school is on the property. The Shabbos House, Rice said, was next to two single-family homes.

"A number of standards have to be satisfied for a use variance," he said. "They did not meet the standards."

Rice said the village would move forward with a preliminary injunction to stop Bikur Cholim from using the building as a Shabbos House.

Good Samaritan spokeswoman Deborah Marshall said that while there was no room in the hospital for a Shabbos House, there might be in the future.

"We would never close the door for that in the future," she said. "We recognize the need for a Shabbos House and are hopeful that Bikur Cholim can find one."

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