

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED - CLERK
U.S. DISTRICT COURT

2006 JUL 17 A 9:29

ALBANIAN ASSOCIATED FUND and :
IMAM ARUN POLOZANI :

Plaintiffs, :

v. :

THE TOWNSHIP OF WAYNE, and THE :
TOWNSHIP OF WAYNE PLANNING :
BOARD, :

Defendants. :

CIVIL ACTION
Case No. 06-3217(PGS)

VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF; FOR DAMAGES; AND
FOR COSTS AND ATTORNEYS'
FEES

RUBIN & CONNELLY, ESQS.

A. Michael Rubin, Esquire
1330 Hamburg Turnpike
Wayne, NJ 07470
Telephone No.: 973-694-4222
Fax No.: 973-694-2935

STORZER & GREENE, P.L.L.C.

Roman P. Storzer, Esquire
Robert L. Greene, Esquire
1025 Connecticut Avenue
Suite One Thousand
Washington, DC 20036
Telephone No.: 202-857-9766
Fax No.: 202-857-9799

**THE BECKET FUND FOR RELIGIOUS
LIBERTY**

Derek Gaubatz, Esquire
1350 Connecticut Avenue, NW, Suite 605
Washington, DC 20036
Telephone No.: 202-955-0095
Fax No.: 202-955-0090

*Attorneys for Plaintiffs, Albanian
Associated Fund and Imam Arun Polozani.*

Plaintiffs, **ALBANIAN ASSOCIATED FUND**, a New Jersey Non-profit corporation (hereinafter “Albanian Mosque” or “Mosque”), and **IMAM ARUN POLOZANI**, by way of Verified Complaint against the Defendants, **TOWNSHIP OF WAYNE** and **TOWNSHIP OF WAYNE PLANNING BOARD**, with offices at 475 Valley Road, Wayne, New Jersey 07470 (hereinafter “Township”), a corporate body politic of the State of New Jersey states:

NATURE OF ACTION

1. The Albanian Mosque seeks injunctive and declaratory relief from this Court in aid of its constitutional and statutory rights to freedom of religious exercise and freedom from discrimination as guaranteed by the United States Constitution, the New Jersey Constitution and civil rights enactments.

2. Specifically, the Mosque alleges that the Defendants are (a) improperly and arbitrarily delaying the Mosque’s Land Development Application to build a mosque on its 11-acre site on Colfax Road in the Township of Wayne (hereinafter “the Property”), which Application was filed with the Township of Wayne on October 17, 2002, and subjecting it to requirements not imposed on other similarly situated applicants, even though a place of worship is a permitted use on the Mosque’s property and the Mosque has always abided, and continues to be willing to abide by any reasonable conditions imposed upon its development; and (b) currently attempting to take the Mosque’s property through eminent domain in violation of the United States and New Jersey Constitutions and the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §2000cc *et seq.* (hereinafter “RLUIPA”). Plaintiffs seek to enjoin such taking.

3. Defendants' actions substantially burden the Albanian Mosque's religious exercise. Plaintiffs are a religious community of Moslems of Albanian ancestry with approximately 200 member families. According to their religious beliefs, they are required to engage in a number of religious activities, and they currently have no adequate facility in which to pray and worship. Defendants' course of conduct violates the Albanian Mosque's right to religious exercise. Moreover, the Defendants have chosen a course of action – refusing to permit construction and seizing the Mosque's property – that unjustifiably places the maximum burden on the Albanian Mosque's religious exercise.

4. In addition, the actions taken against the Albanian Mosque are fueled by community anti-Moslem hostility, thereby violating Plaintiffs' rights under the First and Fourteenth Amendments of the United States States Constitution, the New Jersey Constitution, the New Jersey Law Against Discrimination, and RLUIPA. Furthermore, the Defendants' attempted taking does not further a legitimate public purpose and therefore violates the Fifth Amendment.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(a)3 and (a)4, which confer original jurisdiction on federal district courts to redress the deprivation of rights, privileges and immunities secured by the laws and Constitutions of the State of New Jersey and of the United States, particularly the First and Fourteenth Amendments to the Constitution of the United States, 42 U.S.C. § 2000cc *et seq.* and 42 U.S.C. § 1983. This Court has pendant and

supplemental jurisdiction over all state law claims under 28 U.S.C. § 1367(a). This Court also has jurisdiction over the Albanian Mosque's claim for declaratory relief under 28 U.S.C. §§ 2201 and 2202.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), as the acts and transactions complained of occurred in this district.

PARTIES

7. At all times herein mentioned Plaintiff, **ALBANIAN ASSOCIATED FUND, INC.**, is a New Jersey Non-profit religious corporation with an office at 456 River Street, Paterson, New Jersey 07524.

8. Plaintiff, **IMAM ARUN POLOZANI**, is the Imam of the Albanian Associated Fund.

9. Defendant, **TOWNSHIP OF WAYNE**, is a corporate body politic of the State of New Jersey, and is empowered by the State to act through its governing body, its officials, employees and official bodies. The **TOWNSHIP OF WAYNE** is empowered by the State of New Jersey to regulate and restrict the use of land and structures within the Township's borders and is empowered to take property through eminent domain, pursuant to N.J.S.A. 20:3-1 *et seq.*

10. Defendant, **TOWNSHIP OF WAYNE PLANNING BOARD**, is empowered by the State, pursuant to N.J.S.A. 40:55D-25 and Township of Wayne Code § 134-12, to regulate land use within the jurisdiction of the Township of Wayne.

STATEMENT OF FACTS

THE ALBANIAN MOSQUE'S MISSION.

11. Plaintiff, **ALBANIAN ASSOCIATED FUND**, exists “to establish and maintain a mosque and to provide a place of public worship and prayer in accordance with the traditions of the Islamic religion . . . ; to establish maintain and conduct a school for religious instruction of children and adults; [and] to promote the cultural heritage [of Albanian Muslims].”

12. Albanian Mosque adheres to the Moslem faith, based on the teachings of the prophet Mohammed, the Koran and subsequent religious writings. The members are ethnic Albanians whose native or traditional language is Albanian. The Moslem faith has existed as one of the religions of Albanians since at least the 1400's. Albanian Moslems practice their religion in the Albanian language.

13. Plaintiffs currently meet in a very inadequate facility on River Street in Paterson, New Jersey, which it purchased in 1985. The entire facility is approximately 3,000 square feet, which even Planning Board member Tim Collins described as “clearly too small for [the Mosque's] needs.” It can only accommodate approximately 70-100 individuals.

14. Over recent decades a substantial number of Albanian Moslems have located in the area of Wayne Township and in surrounding communities. There is no Albanian Mosque in the area. This community's need for proper Islamic religious practice is not being met and cannot be met without the construction of an adequate Mosque and ancillary religious facilities.

15. The Albanian Mosque's membership is constituted of approximately 200 families. Approximately 70% of the Mosque's congregation lives in the Township of Wayne.

16. The Koran requires that all devout Moslems should attend prayers and services each Friday afternoon. There is no place where they currently can do so. The Paterson facility is too small to accommodate all the male members on Friday, as the Moslem religion requires.

17. Similarly, the Koran commands that both male and female Moslems should attend the Mosque for prayers and services on various other occasions, including daily during the four weeks of Ramadan. The Plaintiffs' current facility cannot accommodate such religious exercise.

18. There are also specific religious ceremonies that the Plaintiffs are religiously obligated to perform for weddings, funerals and other significant events in their lives. They do not have a facility that can house such ceremonies.

19. The Moslem religion teaches that proper religious education and upbringing of children is an important duty. Plaintiffs are unable to operate various important religious education ministries. The Mosque has no facilities for religious classes for children and young adults.

20. Additionally, the Albanian Moslem communities in Wayne and environs have no Mosque available to the members on a full time basis for counseling, prayers and other religious exercise.

21. The inability to provide the appropriate religious services to the Albanian Moslem community has meant that the participation of Albanian Moslems in their religion has decreased and been seriously impeded.

22. To accommodate their religious beliefs and practices, on October 5, 2001 the Albanian Mosque purchased property known as Block 3517, Lot 40 on the Tax Map of the Township of Wayne, New Jersey, and which abuts Colfax Road and Hamburg Turnpike [hereinafter "the Property"].

23. The Mosque's Property is currently vacant. It abuts two (2) existing County Roads, and is located near a preschool facility, office building and gasoline service station.

24. The Mosque has developed extensive plans that will allow full exercise of their religion on the Property.

25. By building this facility, the Albanian Moslem community will be able to fulfill its religious obligations and practice its faith. Plaintiffs require (1) a Mosque large enough to accommodate its members for regular services, funerals and weddings; (2) adequate and appropriate facilities for religious education; (3) adequate and appropriate facilities to conduct after-school programs for their youth; and (4) a Mosque available for the members' religious needs on a full time basis.

26. The subject Property is uniquely situated to serve the needs of the Plaintiffs.

27. On February 9, 2006, the Township offered the Mosque \$510,000.00 for its Property.

28. The Mosque has rejected this offer for its Property, as it deems the Property necessary for the Mosque to survive.

**THE MOSQUE'S ATTEMPT TO BUILD ITS FACILITY AND ITS
LAND DEVELOPMENT APPLICATION.**

29. On October 17, 2002, the Mosque submitted a Land Development Application with a Site Plan to develop the Property as a religious facility. It intends to build a facility comprised of two buildings for the following purposes:

30. To conduct Moslem prayers every Friday from 11:30 a.m. to 1:30 p.m., with attendance being about 35-50 people;

- To conduct Moslem prayers during the Holy Month of Ramadan from 7 p.m. to 9 p.m., with attendance being about 70-110 people;
- To conduct services for two Moslem holidays per year from 7 a.m. to 9 p.m., with attendance between 120 and 150 people;
- To provide religious education from 10 a.m. to 2 p.m. on Sundays, with attendance between 35 and 50 people;
- To conduct funeral and wedding services; and
- To provide a facility to attract the youth of its community with educational and recreational opportunities.

31. Throughout the application process, the Township has treated the Mosque differently and worse than similarly situated applicants by imposing requirements upon it that it has not imposed on other applicants, by imposing different legal standards upon it that it has not imposed on other applicants, and by imposing delays on the Mosque's application that it has not imposed on other applicants.

32. A place of worship is a permitted conditional use on the Property, which is in the Township's R-A zoning district. All of the conditions for the Mosque's use are met. The Township Planner has explicitly stated that "[a] review of the revised site and architectural plans indicate compliance with conditional use requirements of the code."

33. On September 3, 2003, the State of New Jersey Department of Environmental Protection Land Use Regulation Program determined, pursuant to state and federal regulations, that "freshwater wetlands and waters are not present on the referenced property," which permitted the Mosque's application to go forward.

34. The Passaic County Planning Board has issued certain Standards and Requirements as to the Mosque's application, which are technical conditions that are acceptable to the Mosque.

35. The Township's Planning Board, however, has stymied the Mosque's application – even though the Mosque is permitted *by right* to build on their property – throughout the over three and a half year long application process the Mosque has been subjected to.

36. The Planning Board has repeatedly refused to continue to consider the Mosque's case until various technical issues relating to the application were finalized, when the Board has not previously required such technical issues to be finalized with other similarly situated applicants, thus needlessly delaying the application process. In other applications, the Board had permitted applicants and Township engineers to resolve such issues subsequent to the Planning Board's ruling. Even the Chairperson of the Planning Board admitted that the Mosque was being treated differently than other applicants, stating "we just want to make sure that for once we can plan and look ahead . .

. .” (Emphasis added.) The Mosque has suffered damage as a result of this differential treatment.

37. Upon information and belief, the Mosque’s inequitable treatment by the Township was based on placating community residents that are biased against the Mosque.

38. The Mosque has been prepared to address any and all issues raised by its application, yet the Township continues to stall its application.

39. In order to attempt to address the Township’s stated worries about the application – real or imagined – the Mosque revised its architectural drawings on March 31, 2003, submitted a revised Site Plan on April 17, 2003, submitted a re-revised Site Plan on December 10, 2004, and submitted a re-re-revised Site Plan on April 25, 2006. The Mosque has appeared just before Defendant Planning Board over 20 times: including on February 7, 2003, March 24, 2002, June 9, 2003, October 27, 2003, December 2, 2003, January 12, 2004, February 23, 2004, May 24, 2004, July 26, 2004, October 12, 2004, January 10, 2005, February 3, 2005, March 14, 2005, May 23, 2005, August 22, 2005, September 29, 2005, November 14, 2005, January 9, 2006, March 9, 2006, and May 22, 2006.

40. The following are some examples of (a) the manner in which the Mosque was treated differently and worse than similarly situated applicants, and (b) the length to which the Mosque is willing to accommodate the Township’s concerns.

41. **Traffic.** The Mosque had originally anticipated access from the Paterson-Hamburg Turnpike, but had eliminated such plans and adopted a two-way driveway from Colfax Road. Contrary to the Planning Board’s established practices, its Chairperson

requested that the Mosque submit a “worst case scenario” traffic study, rather than the normal industrial standard study that was submitted. Subsequently, she again reiterated that a “maximum usage, worst case scenario” traffic study be prepared and submitted to the Board. (The number of daily car trips in and out of the site will be only 15 to 20, as testified to by the Mosque’s traffic engineer, and approximately 100 for special events. The Mosque’s effect on traffic flow will not alter the service level of the relevant intersection at Hamburg Turnpike and Colfax Road; the average delay for traffic will be about one second.)

42. The Township has repeatedly focused on unsubstantiated assumptions about the Mosque’s growth, “peak” events during the year and worst-case scenarios in reviewing the Mosque’s application, treating it differently and worse than other similarly situated applicants.

43. **Environmental Protection Ordinance Waiver.** The Mosque was originally required to seek a Waiver from the Township’s Environmental Protection Ordinance based on its plans and the site disturbance; it later modified its plans so no such Waiver is necessary as it meets the requirements of the Environmental Protection Ordinance.

44. **Size of Facility.** During the first meeting with the Planning Board, the Board indicated that, in its opinion, the size of the classroom/recreation building was too large. It requested that the Mosque reduce the size of this building. In response, the Mosque reduced its classroom/recreation building size from approximately 39,500 square feet to 16,000 square feet.

45. **Architectural Features.** In previous submissions, the planned mosque structure was to have a traditional Moslem curved dome; in order to comply with the Township's height requirements, the plans were changed to include a flat dome.

46. **Parking.** Although the Township had always previously calculated parking requirements for religious uses on the sanctuary space and did not include ancillary or accessory buildings or uses, it took all of the Mosque's planned buildings and uses into account for the purposes of examining parking requirements. Furthermore, in reviewing the maximum use of the Mosque's proposed facility, the Planning Board even inappropriately examined the *fire and building codes' occupancy limits* as opposed to limits under the Zoning Ordinance, treating it differently and worse than any other applicant.

47. However, in order to alleviate the Planning Board's concerns about "worst case scenarios", the Mosque revised its plans to increase its parking spaces to 196, most of which would *never be used* by the Mosque.

48. **Structural Engineering.** The Planning Board required the Mosque to provide an additional structural engineering expert to provide additional evidence regarding a retaining wall, even though it had not done so in the past with similarly situated applicants, and even though the Mosque would be required to obtain a permit for its retaining wall that the Township's Engineering Department would review.

49. **Blasting.** The Township required much more extensive testing regarding blasting and soil conditions than it has required of other similarly situated applicants. Nevertheless, the Mosque will comply with all State and Township requirements regarding blasting. The Mosque's site has been determined to require an "average"

amount of blasting, and no evidence had ever been submitted that it would damage neighboring properties.

50. **Storm Water Drainage Issues.** During the course of the Mosque's application, and *after* the Mosque's application was deemed "complete," the Township passed new Storm Water Management regulations, applying them to non-residential properties. On July 26, 2004, the Planning Board – contrary to law and practice – "found" that the Mosque's proposed storm water management system for the site did not meet the requirements of N.J.A.C. 4:8-5 and told the Mosque to resubmit its plan. It unnecessarily delayed hearing the application based on this issue. The Mosque has repeatedly revised its plans to accommodate the Township's concerns. The Mosque has continued to be subjected to unnecessary requirements and examination of this issue, unlike other similarly situated applicants, even though it is required to, and will, abide by all federal and state regulations concerning water drainage, quality and detention issues. In fact, the storm water condition (runoff) affecting the surrounding area will actually be improved by the Mosque's current plans. The Township's expert has admitted that the Mosque "could reach the goal of the new Storm Water management regulations."

51. All legitimate interests concerning any of these issues can be resolved through readily available engineering and other means, yet the Mosque's application continues to drag on for over three and a half years before the Planning Board.

52. The Mosque does not seek to be exempted from the Township's Land Development procedures; it remains willing to abide by any reasonable conditions imposed upon its use by the Township, and seeks merely to continue pursuing its application before the Planning Board in an unbiased manner.

53. The Mosque has spent four years and hundreds of thousands of dollars in an attempt to worship at this site.

54. There are no alternative locations for the Mosque to move to and, given the four years and enormous resources (to the Mosque) devoted to developing its Property – where a place of worship is a permitted use – it would be a severe hardship for the Mosque to begin its efforts to find an alternate, adequate property, even if such property existed.

**THE TOWNSHIP'S ATTEMPTED TAKING OF
THE MOSQUE'S PROPERTY.**

55. On April 5, 2006, the Township of Wayne passed Resolution No. 139, which seeks to condemn the Mosque's Property. The Resolution states:

Authorizing the preparation of a [sic] appraisal report for use in any condemnation proceedings regarding Block 3517, Lot 40 and further authorizing the commencement of negotiations with the property owner regarding a sale of Block 3517, Lot 40.

56. Upon information and belief, the Township passed Resolution No. 139 to prevent the Mosque's development of its property after realizing that it would not be able to do so through the land development process.

57. The Township has retained the appraisal firm of Value Research Group, L.L.C. to appraise the property, and has authorized its Chief Financial Officer to pay up to \$10,000.00 for such appraisal.

58. The Township has authorized its attorney to attempt to negotiate with the Mosque concerning the sale of its Property.

59. This is the first time in Wayne's history has the Township attempted to exercise its power of Eminent Domain to stop a Land Development Application for a religious institution while it was still in progress.

60. The Township has attempted to justify this taking as, in its own words, being in furtherance of its "Master Plan, which has incorporated in it an 'Open Space and Recreation Plan'." The Township stated that the Mosque's Property "was identified as one property for preservation and matches the criteria for those properties the Township wishes to preserve." At no time was the subject property identified by the Township of Wayne for preservation and to be purchased by the Municipality, until Resolution No. 139 was recently adopted.

61. A "Master Plan" is a land use regulation.

62. The taking is ostensibly an implementation of the Master Plan.

63. The Township has admitted that the condemnation "was not previously necessary," prior to the Mosque's application.

64. On March 8, 2006, the Township stated that it "is currently preparing condemnation proceedings against" the Mosque.

65. The Township has informed the Mosque that, because of the imminent Eminent Domain action,

Consequently, at this juncture, it makes little sense for the Planning Board [meeting] scheduled for March 9, 2006 to proceed, in light of the same.

Therefore, upon information and belief, the processing of the Mosque's application will now be delayed even further.

COMMUNITY ANTI-MOSLEM HOSTILITY

66. Throughout the application process, the Mosque has faced opposition from surrounding residents, who have formed a group, together with others in the community, called the "Property Protection Group" to prevent its location in Wayne. The Mosque believes that members of the Property Protection Group are motivated by religious bias.

67. The Property Protection Group has described the Mosque project as a "public nuisance." They have demanded membership lists from the Mosque and copies of their Certificate of Incorporation, unprecedented actions in such an application.

68. Upon information and belief, the members of the Property Protection Group have also opposed the Mosque based on the Moslem practice of saying prayers five times daily.

69. Upon information and belief, members of the Property Protection Group have asserted that the Mosque will employ "loudspeakers" as a means to call for prayer, even though the Mosque does not plan to utilize such means, and no evidence demonstrating that any "loudspeakers" will ever be used exists.

70. Upon information and belief, other objectors have objected to the existence of a minaret in their neighborhood.

71. The Property Protection Group has stated that it possesses a "significant balance" of funds being held for attorneys' fees to oppose the Mosque, and has actively used local newspapers for fund raising appeals to members in the general community who wish to stop the Mosque's location on the subject property. An attorney arguing against the Mosque's application claims to represent 115 objectors.

72. The Township of Wayne's refusal to allow the Albanian Mosque to construct its religious facility severely impedes and prevents the Plaintiffs' exercise of their religion. The Township, through the actions of its Planning Board and its attempted taking of the Property, has rendered the Mosque's religious exercise effectively impracticable.

73. The Albanian Mosque has no plain, speedy and adequate remedy in the ordinary course of law, other than the relief sought in this Complaint, which will prevent Defendants from acting contrary to State and Federal laws.

COUNT I

**Violation of the United States Constitution
Free Exercise of Religion: First and Fourteenth Amendments
(42 U.S.C. § 1983)**

74. Paragraphs 1 through 73 are incorporated by reference as if set forth fully herein.

75. Defendants have deprived and continue to deprive the Albanian Mosque of its right to free exercise of religion, as secured by the First Amendment to the United States Constitution and made applicable to the States by the Fourteenth Amendment, by substantially burdening its ability to freely exercise its religious faith and by discriminating against the Albanian Mosque because of its religious character.

COUNT II

**Violation of the New Jersey Constitution
Free Exercise of Religion: Article 1 ¶3**

76. Paragraphs 1 through 75 are incorporated by reference as if set forth fully have deprived and continue to deprive the Albanian Mosque of its right to the free exercise of religion, as secured by Article 1 ¶3 of the New Jersey Constitution by

substantially burdening its ability to freely exercise its religious faith and by discriminating against the Albanian Mosque because of its religious character.

COUNT III

**Violation of Religious Land Use and Institutionalized
Persons Act of 2000 – “Substantial Burdens”
(42 U.S.C. § 2000cc(a))**

76. Paragraphs 1 through 77 are incorporated by reference as if set forth fully herein.

77. Defendants have deprived and continue to deprive the Albanian Mosque of its right to the free exercise of religion, as secured by the Religious Land Use and Institutionalized Persons Act, by imposing and implementing a land use regulation that places substantial burden on its religious exercise without a compelling governmental interest and without using the least restrictive means of achieving any interest.

COUNT IV

**Violation of Religious Land Use and Institutionalized
Persons Act of 2000 – “Nondiscrimination”
(42 U.S.C. § 2000cc(b)(2))**

78. Paragraphs 1 through 79 are incorporated by reference as if set forth fully herein.

79. Defendants have deprived and continue to deprive the Albanian Mosque of its right to the free exercise of religion, as secured by the Religious Land Use and Institutionalized Persons Act, by imposing and implementing a land use regulation that discriminates against it on the basis of religion.

COUNT V

**United States Constitution
Fourteenth Amendment (Equal Protection)
(42 U.S.C. § 1983)**

80. Paragraphs 1 through 81 are incorporated by reference as if set forth fully herein.

81. Defendants have deprived and continue to deprive the Albanian Mosque of its right to equal protection of the laws, as secured by the Fourteenth Amendment to the United States Constitution, by discriminating against it on the basis of religion.

COUNT VI

**New Jersey Constitution
Article I, Paragraphs 1, 5 & 6 (Equal Protection)**

82. Paragraphs 1 through 83 are incorporated by reference as if set forth fully herein.

83. Defendants have deprived and continue to deprive the Albanian Mosque of its right to equal protection of the laws, as secured by the New Jersey Constitution, by discriminating against it on the basis of religion.

COUNT VII

**Violation United States Constitution
Taking: The Fifth Amendment**

84. Paragraphs 1 through 85 are incorporated by reference as if set forth fully herein.

85. Defendants have deprived and continue to deprive the Albanian Mosque of Fifth Amendment rights by failing to establish the requisite "public use" for the taking of the Property.

COUNT VIII

**New Jersey Law Against Discrimination
N.J.S.A. § 10:5-12.5**

86. Paragraphs 1 through 87 are incorporated by reference as if set forth fully herein.

87. By exercising its power to regulate land use in a manner that discriminates on the basis of creed and national origin, Defendants violated and continue to violate Plaintiffs' rights under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.*

88. Defendants' conduct has caused significant damage to the Albanian Mosque.

89. Defendants are liable for the damage caused to the Albanian Mosque, and should be enjoined from further violating Plaintiffs' rights.

PRAYER FOR RELIEF

WHEREFORE, the Albanian Mosque respectfully requests that this Court grant the following relief:

1. A declaration that Defendants' attempts to take the Mosque Property are void, invalid and unconstitutional as violating the Free Exercise and Equal Protection Clauses of the United States and New Jersey Constitutions, the Fifth Amendment of the United States Constitution, the Religious Land Use and Institutionalized Person Act, and the New Jersey Law Against Discrimination;
2. A declaration that Defendants' attempts to take the Mosque Property are void, invalid and unconstitutional as violating the Fifth Amendment of the United States Constitution for lacking the requisite "public use";
3. A preliminary and permanent order enjoining Defendants from taking any action in furtherance of its eminent domain proceedings against the Mosque Property;

4. An order requiring Defendants to continue processing the Mosque's Land Development Application without further unreasonable delay;
5. An award of compensatory damages against Defendants in favor of the Albanian Mosque as the Court deems just for the loss of the Albanian Mosque's rights to free exercise of religion and equal protection of the laws, and their right to be free from an unconstitutional taking of its property, and expenses incurred by the Albanian Mosque and caused by the Defendants' actions;
6. An award to Plaintiffs for direct and consequential damages from Defendants' unconstitutional and illegal actions, including costs associated with efforts to develop its property;
7. An award to the Albanian Mosque of full costs and attorneys' fees arising out of Defendants' actions and land use decisions and out of this litigation; and
8. Such other and further relief as this Court may deem just and appropriate.

DEMAND FOR JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Albanian Mosque hereby demands a trial by jury in this action of all issues so triable.

Dated: July 10, 2006

RUBIN & CONNELLY



A. Michael Rubin
1330 Hamburg Turnpike
Wayne, NJ 07470
Telephone No.: 973-694-4222
Fax No.: 973-694-2935

VERIFICATION

I, Arun Polozani, am the Imam of the Albanian Associated Fund, Inc., and a Plaintiff in this matter. I have read the allegations as set forth in the Verified Complaint. On the basis of this review, I verify that, on information and belief, the allegations as set forth in the Verified Complaint are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.

Dated:


Imam Arun Polozani