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Mosque Sues Wayne Township (NJ) Over Attempted Land-Grab

Jul 18, 2006

On July 17, 2006, the Albanian Associated Fund (AAF), a Muslim religious organization, filed a [federal lawsuit](#) against the Township of Wayne, charging violations of the United States and New Jersey Constitutions as well as the federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). The lawsuit, filed in the United States District Court for the District of New Jersey, is the Muslim organization's effort to prevent the Township from seizing its property on Colfax Road and Hamburg Turnpike.

The AAF, represented by The Becket Fund for Religious Liberty, Roman P. Storzer and Robert L. Greene of Storzer & Greene, P.L.L.C., and local attorney A. Michael Rubin of Rubin & Connelly, purchased its property in 2001 and subsequently submitted a land development application to build a mosque. The Becket Fund and Mr. Storzer have represented numerous religious institutions in New Jersey, including Living Faith Ministries, a Christian church that last year successfully prevented the Camden County Improvement Authority from confiscating its property for redevelopment.

Though Wayne zoning code permits such land uses by right, the Township has engaged in various tactics to delay approval of the application for three and a half years. A local group of objectors, identified as the "Property Protection Group," has also attempted to prevent the Muslims from locating in Wayne, complaining about minarets, calls to prayer, and describing the Mosque as a "public nuisance."

"Township officials claim a need for 'open space' when in reality all they are trying to do is close this Muslim group out," explains Jared N. Leland, Spokesman and Legal Counsel for The Becket Fund. "Confident the Court will agree, I expect the Township's time and money to soon be consumed by attorneys fees and compensatory damages," Leland continued.

"AAF is not asking for special consideration," said attorney Roman P. Storzer. "Wayne Township's zoning code already allows places of worship on this property. This group is entitled to the same protections of the law as any church or synagogue." The Complaint asserts that the unreasonable delay before beginning eminent domain proceedings cost AAF three and a half years and hundreds of thousands of dollars. "We're simply asking the court to put the proposed seizure on hold while it reviews the AAF's arguments," said Mr. Storzer.

RLUIPA was passed by Congress six years ago to prevent discrimination against religious institutions in land use applications, and also forbids government action that "imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution is in furtherance of a compelling governmental interest, and is the least restrictive means of furthering that compelling interest."

Resources & Documents

▶ [Complaint \(July 17, 2006\)](#) (PDF, 818.17KB)

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