

Agudah Hails Decision Upholding Legality of Home-Based Synagogue in Toms River

Agudath Israel of America applauds the [decision](#) handed down today by U.S. District Court Judge Freda L. Wolfson saying that the Toms River Board of Adjustment violated multiple federal laws and the U.S. Constitution when it banned the operation of a township Chabad center without a zoning variance.

Judge Wolfson ruled that it was illegal for Toms River to require Rabbi Moshe Gourarie to obtain a zoning variance in order to run the Chabad Jewish Center and weekly prayer services for a modest number of people out of his township home. These activities, wrote Judge Wolfson, are protected under the Religious Land Use and Institutionalized Persons Act, the Fair Housing Act and the First and Fourteenth Amendments to the United States Constitution. Judge Wolfson also ordered Toms River to pay \$122,500 to Rabbi Gourarie to cover legal fees and damages.

Rabbi Mordechai Biser, special counsel to Agudath Israel of America, said that the decision could set an important precedent for other communities where synagogues and other religious institutions operate in residential neighborhoods.

“It demonstrates that there are protections in federal law and in the Constitution for such institutions to be able to operate without necessarily receiving a zoning variance,” said Rabbi Biser.

Rabbi Avi Schnall, New Jersey director for Agudath Israel of America, proclaimed the decision a victory for religious rights, noting that the Chabad center had been operating quietly for more than a decade without any objections from

area residents before agitators moved to shut down the facility.

“This development is yet another demonstration that prejudice will not prevail,” said Rabbi Schnall. “We hope this decision by the court will serve as a reminder to all townships that religious liberties in the United States will not be trampled upon.”