



The of **NEW FACE** Anti-Semitism

PART I

This is an investigative report that will appear in two parts. This part focuses on the story behind the efforts of Kiryas Joel to build a water pipeline and Orange County's efforts to stop it. The second article, which will be published after Pesach, will examine disputes other than the case of Kiryas Joel, involving zoning laws and ordinances which impede the building of shuls, the setting up of *eruv*s, and the development of yeshivos, dormitories, and *bikur cholim* apartments.

By Eli Simon



Every now and then you hear about anti-Semitism in America. A swastika painted on a row of cars. A dirty look, a spit on the ground, a vehement curse aimed directly at the Jews. It hurts, but you move on because you attribute it to a loner who seeks attention or a lunatic who has grandiose ideas about becoming a Ku Klux Klan member.

We live in a country in which civil rights are sacrosanct, a country filled with freedom and opportunity, a country that does not tolerate institutionalized anti-Semitism. But at times, isolated bigots have a way of seriously affecting the life of an Orthodox Jew. These bigots know they can't maim or injure you, but they realize that they can gather enough momentum to enact laws and local ordinances that can harass, intimidate, and financially drain you.

Fortunately, segregation and designated ghettos are outlawed today; aside from civil rights laws, minorities in America are expected to assimilate and aspire to live the American dream. For the average white American, that dream is to move to a sprawling house in the suburbs with a swimming pool, a state-of-the-art grill, a two-acre yard, and a three-car garage. However, not everyone living in the idyllic setting of suburbia shares that goal. And when aspirations are different, there is a culture clash that is explosive at best and ugly at worst.

The Growth of Kiryas Joel

Travel seventy miles north of New York City to the Village of Kiryas Joel ("KJ"), built in 1974, by the Satmar Rebbe Grand Rabbi Joel Teitelbaum, zt"l. KJ began with fourteen Satmar families and currently houses approximately 22,000 residents, all living within a 1.1-square mile area.

Abraham Wieder has been KJ's mayor since 1990, and Gedalye Szegedin has been the village administrator and clerk since 1991. Both Mayor Wieder and Gedalye Szegedin are key figures in the village's development. Kiryas Joel is in the Town of Monroe, and both the Town of Monroe and the Village of KJ are under the jurisdiction of Orange County. Most of the villages in Orange County are smaller than KJ in population but larger in area.

While KJ's accelerating growth is a testament to Jewish resilience and entrepreneurship, many of the people of South Orange County, who live in the villages and towns surrounding KJ, resent

its growth and see it as an encroachment that must be stopped.

"The dynamic growth rate has pretty much spooked the surrounding communities," said David Church, the planning commissioner of Orange County. What the typical KJ neighbor is "spooked" about is that before he knows it, chassidim may be living next door to him in a multi-unit complex, causing his property value to fall. There are several layers of fear in that statement: the fear that KJ's growth will destroy the area's rural character; the fear that the neighboring homes will decrease in value; and the fear that the chassidim will be their next-door neighbors.

"I will grant there are substantial and legitimate growth and development issues," said Douglas Cunningham, an editor for the *Times Herald-Record*, in an opinion piece. "But I think there is anti-Semitism at work too. It is apparently easy to dislike those who live in Kiryas Joel. They dress differently. They have little interaction with other communities. They

have large families. Much of their housing is apartments or townhouses, multiple-family housing akin to that of more urban areas. Even worse, they are politically astute and powerful, and are not afraid to use this power. And worst of all, they want their village to grow to accommodate more people. And these are sins?"

In the same vein, Peter Applebome of *The New York Times* writes, "Watching the events unfold here doesn't leave a clear picture of how much of the hysteria has to do with growth and land use and how much has to do with who is growing and using the land."

One can understand the residents' desire to maintain the character and value of the place. But when communities engage in an all-out war that even the *Times Herald-Record*, the county's main regional newspaper, describes as "troops amassing" in a "battle," there must be something other than a fierce attachment to the rural landscape that is at stake. And that is anti-Orthodox sentiment.

The multi-dwelling complexes of Kiryas Joel that Orange County residents oppose.



The Stalling Process

KJ's neighbors know that there is no way they can control its growth, and they also know that they can't control its zoning laws since a village has the ultimate power to decide what type of property can be built within its boundaries. But community leaders such as the late Spencer McLaughlin, an Orange County legislator and a former deputy executive director of the New York City Human Rights Commission, realized that the growth of KJ could be stunted by cutting off its water supply and sewage treatment.

You would think that an inflammatory idea such as depriving a community of water to squash its growth would be kept private. On the contrary, in an opinion piece in the *Times Herald-Record*, Spencer McLaughlin, declared: "The village has become a Goliath in our midst and to continue to grow, the community needs raw land and enough water. Just about built out—even under that village's non-zoned, multi-storied, downtown Brooklyn mentality—it's like a fire that has burned itself out, consuming the combustible fuel of open space and environmentally necessary oxygen. Kiryas Joel's oxygen is water, and there's just no more left for the village to suck out of the ground. The village has suckled its underground

supply to death, as well as its neighbors ... No oxygen, no fuel equals no fire."

Ironically, McLaughlin wrote this letter to the *Times Herald-Record* to explain why he is not an anti-Semite. However, his virulent tirade suggested just the opposite. As a legislator, he was able to influence Orange County voters to the extent that residents who weren't decided one way or another joined in the county's mighty efforts to stop KJ's water supply.

McLaughlin had a history of trying to stifle KJ's growth. In 1995 he was the chairman of the County Sewer Committee and tried to prevent the construction of a desperately needed sewage facility. Without more sewage treatment, new housing couldn't be approved, and as a result, KJ was suffering from a housing crisis. In response, the village innovatively proposed to build its own sewage plant. McLaughlin was "adamantly opposed" to the construction of a plant, calling it a "theocentric sewer plant." Once again, McLaughlin wrote furiously to Roberta Murphy, a county legislator:

"To tell me and my neighbors that I not only have to stand by and watch our communities being eaten up but have to help pay for the building of a theocentric sewer plant which will help the process occur, I do

get emotional. My answer to you [as to the sewer plant] now and forever is no."

Despite many obstacles, KJ was subsequently able to construct its plant and share it with the other towns and villages in the county, but McLaughlin, in 1995, essentially had already conveyed his aversion to a "theocentric" village called Kiryas Joel.

The Pipeline, the Hearings, and the Ruckus

In 1999, Orange County experienced a severe drought when its exclusive source of water, groundwater wells, began to dry up. In New York City people have no concept of what it means to have no water, but communities in upstate New York have to contend with this issue often. It is especially difficult before Yom Tov, when KJ, at times, has had to truck in water.

Environmental studies have shown that one of the main reasons groundwater wells dry up is the accumulation of minerals in the wells' veins. Yet Michael Amo, an Orange County legislator, recalled that "the villages were quick to blame KJ." Of course, it was KJ's highly dense population that was sapping the water out of the wells, leaving the rest of the county with nothing.

Subsequently, the Orange County Water Authority found that it was not KJ's fault. On the contrary, while an individual in KJ uses fifty gallons of water per person per day, a typical resident of Orange County uses eighty gallons a day, a number that reflects the fact that KJ's neighbors need more water

for their pools and large lawns.

Regardless of where the blame lies for

(Right) Map of the proposed pipeline route

(Below) The proposed pipeline.



the water shortage, the Water Authority urged the county to find alternate sources for water because the wells were bound to lose even more capacity over time. The single legislative entity that found a solution to this problem was KJ.

In 2000, KJ proposed building a thirteen-mile linear transmission pipeline between the village and the aqueduct in New Windsor, to tap into New York City's Catskill Aqueduct. KJ and municipalities in Orange County are statutorily permitted to tap into New York City's water supply.

Gedalye Szegegin, an innovative and forward-thinking leader in KJ and the mastermind and architect of the plan, thought the pipeline was a panacea, a resolution that would benefit the entire county. After all, KJ would stop using groundwater wells as its source for water, and more water would be available in the aquifer for KJ's neighbors. It seemed like an ideal plan.

Nonetheless, what seemed to be a good idea turned into a difficult legal battle. During public hearings, participants fiercely opposed the pipeline because that would mean the county was endorsing KJ's growth when Orange County residents were thinking of ways to shrink it. At the first hearing, the atmosphere in the room was charged. Robert Lawrence of the Hudson Valley Realty Group described the hearing "as crammed with people, many holding big signs with the words 'Down with the Pipeline.'"

Moreover, he recalled, "When I tried to defend KJ's pipeline proposal on the podium, a legislator pointed her finger at me and in front of everyone said, 'You cannot be trusted because you do business with the rest of them.' Not only that, but at one of the subsequent hearings, I was literally shoved and knocked down when I defended the Jews

from what I see as economic terrorism."

Had the neighboring municipalities been practical, they would have welcomed the idea of the pipeline, or at the very least realized that once all the procedural matters were cleared, there was really not much they could do to prevent its installation.

Additionally, any lawyer—and there are a quite a few who reside in the county—would know that the effort to block growth by stalling the water project was futile. The Equal Protection Clause of the United States Constitution is often evoked when a government entity treats one group differently from other groups, and in this instance, other towns in

Orange County, such as Newburgh, New Windsor, and the Village of Cornwall-on-Hudson, had already tapped into the aqueduct. The only thing opponents of the pipeline could do was stall the project in the hope that KJ would give up its plan. And stall they did.

McLaughlin and Company

Not everyone opposed the pipeline, but a few hotheaded anti-Semitic legislators were able to ignite the crowd, creating a fiery opposition. Orange County legislators were now faced with angry constituents who were bent on stopping the pipeline. And like many politicians influenced by their constituents' demands, the leaders of the legislative body acquiesced.

Just when KJ thought that Orange County would agree to the proposal, Orange County sued KJ in New York State Court. The county argued that KJ did not comply with SEQRA (the State Environmental Quality

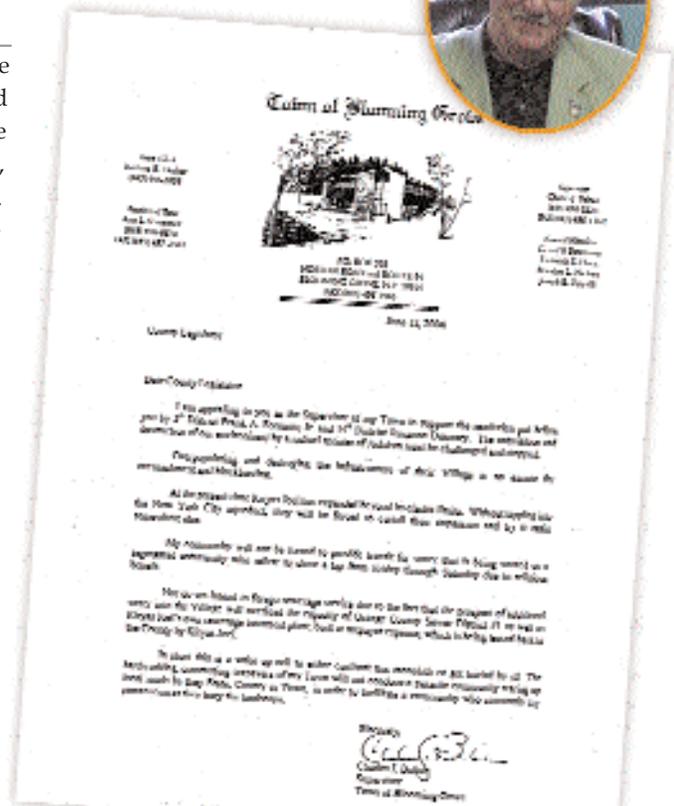
Review Act), a law that required KJ to review the impact the proposed pipeline would have on the environment. KJ did complete an Environmental Impact Statement but the county believed that it was not sufficient because, among other points, it did not address the issue of sewage. According to the county, it could not handle an increase in KJ's water supply because the county did not have adequate sewage facilities to drain the influx of water.

Spencer McLaughlin wasn't the only leader in this flurry of litigation. Meet Charlie Bohan, the Town of Blooming Grove's supervisor, a former New York City firefighter, a father, a grandfather, and a community activist. Bohan is also a man who has no misgivings and makes no effort to hide his views. According to the *Time Herald-Record*, he has called the Orthodox Jewish leadership of KJ "cheats" and "liars," and he sent a letter to Orange County legislators calling KJ a "radical splinter of Judaism."

(Right) Supervisor Charles Bohan
(Below) A letter from Charles Bohan to the County Legislator



A banner protesting the pipeline



In that same letter, Bohan went so far as to claim that KJ residents would use all of the county's water because they "refuse to close the tap from Friday through Saturday," and he warned that he would not "condone a parasite community tearing up local roads, be they state, county, or town, in order to facilitate a community who constantly cry persecution as they bury the landscape."

After the *Times Herald-Record* reprimanded Bohan for his attack on KJ, Bohan accused the village of "threatening to smother the diverse lifestyle of the region."

In January 2010 Charlie Bohan retired from his position as Blooming Grove Supervisor after four consecutive terms. In reaction to Bohan's departure, Michele Murphy, an activist in the area, told the *Times Herald-Record*, "There were two sides to it; some people thought of him as a racist, but others [claimed that] he says exactly what everybody feels but are too afraid to say."

Actually, some aren't so afraid to speak as long as they remain anonymous. An online petition posted by the Concerned Citizens of Blooming Grove generated comments such as the following:

"You are pushing the *tolerance* of non-Jews to the limit. *Beware of the consequences* [emphasis in original]!"

"Enough with these people."

"If this project does get approved, I will personally contaminate the pipeline

with ACID so they all shrivel up and burn from the inside out. Rotten rotten people they are."

"They don't need water, they don't shower (hint, they stink). I am tired of looking at their curls—someone should cut them."

"The Hassidics [sic] have a track record for being con artists, scammers, thieves and generally filthy people ... we should drive them back to Brooklyn."

Aside from these blatant examples of anti-Semitism, there were numerous instances of subtle anti-Orthodox sentiment. One news reporter recalled an Orange County legislator giving him a tour of KJ. He said he cringed when he heard the legislator describing KJ residents as "those people," as though they were a group he generally wouldn't deign to discuss. Another legislator recalled a colleague introducing him to KJ as "though they were poor little urchins who were to be pitied—little did I know how far that was from the truth."

The Aftereffects

There has been no poll on how many Orange County residents dislike Jews. Regardless of numbers, KJ residents feel anti-Semitism in a very real, concrete way. One woman, who lives in KJ and wishes to remain anonymous, says that when she waits on line in Wal-Mart, "I get dirty looks, and they will begin talking right in front of my face about how the area is changing. It's as though I am invisible. When there is a hearing or

an issue brewing, my friends and I are afraid to go out to the shopping centers at night because you feel the hatred in the air."

Another resident describes "feeling terrorized. We get spit on at the gas station and I get cursed at." It may be a few rabble-rousers, but they are leaving a significant mark.

A Brooklyn resident described her attempts to find the community of KJ. In response to her asking for directions, the people at the area's gas stations and convenience stores said they never heard of the village. "It was as though to them KJ did not exist at all. The minute I mentioned KJ, they just said, 'Sorry, I don't know,' and that is where the conversation ended.

"Later, when I finally found the place, I realized that it was impossible that they didn't know that KJ was just a mile up the road."

There might only be a few rabble-rousers, but the general negative attitude is transmitted by too many others.

The Courts' Rulings

The New York State Supreme Court ruled that KJ had to do more research on the environmental impact the proposed pipeline would have on the environment; the main issue was how sewage would be affected by the increased use of water. KJ appealed the decision to the New York State Appellate Division, which accepted KJ's first environmental review but ordered the

The Village of Kiryas Joel's current sewage plant



village to amend it with more research on the issue of sewage.

When KJ could not build the pipeline, residents of South Orange County were thrilled. They believed that this was the first step in stopping KJ's rapid growth. Indeed, Jonathan Swiller, of SOCA, the Southern Orange County Alliance, whose motto was "Not One Inch" (for KJ), remarked that the Appellate Division decision was a "gift from the late Spencer McLaughlin ... to make sure that the rules are followed and to protect the environment."

The Plan That Didn't Work

When KJ studied the effects of the pipeline on the sewage plant, it learned that Orange County's sense of victory would be short-lived. In 1999, in a case brought by Orange Environment, the Federal Court ordered the county to expand its sewage facilities located in Harriman because the county is legally mandated to provide adequate sewage facilities to Sewer District I. This district is comprised of the Town of Monroe and the three villages in Monroe – Harriman, Monroe, and KJ.

In accordance with that decision, the county agreed to a \$26-million expansion of the sewage plant. However, instead of ensuring that all communities in Sewer District I would receive adequate sewage treatment, the county went ahead and sold capacity in the sewer plant to Moodna communities—areas outside Sewer District I. The county thought it could have it both ways—increase its sewage facilities and sell parts of them, while withholding space from KJ. It could not.

KJ sued the county, arguing that the county could not maintain that there wasn't enough sewage capacity for KJ in its facility when it was selling off space to communities for whom it was not

responsible. KJ won the lawsuit, and the State Supreme Court enjoined the county from the sale of any sewage capacity to municipalities outside Sewer District I, including Woodbury.

That left Orange County in a bind. On the one hand, the injunction became a serious financial drain, because the county could not sell sewage capacity to prospective realtors who wanted



A newspaper headline incites local residents

adequate services for their developments. Woodbury was also suffering because although it had an adequate water supply, it did not have enough sewage capacity and could not obtain more. On the other hand, lifting the injunction would mean that it would have to allow KJ to go ahead with the water proposal.

For about two years, the county refused to budge from its self-defeating position. The county was stuck on the notion that somehow KJ's lack of water and sewage would actually get its residents to pack their bags and leave, or at least force newly married couples to move back to Brooklyn.

The Incorporation of Villages

Another tactic in the plan to stop KJ's growth was the incorporation of villages. To understand the process and the reason for the incorporation of villages, one must understand the provision of New York Municipal Home Rule Law. Under New York law, villages are granted broad powers enabling them to adopt zoning laws, provide services to their residents, and regulate the quality of life in their jurisdictions. If five hundred people living in close proximity in a town join forces and sign a petition for incorporation as a village, they may be able to restrict who they want residing in their vicinity.

In 2004, in the midst of all the pipeline debates, the local media created panic among Southern Orange County residents by proclaiming in big, bold headlines, "ANOTHER KJ IN THE MAKING." One would have thought that a homeless shelter or prison was going to be built next door to their sprawling rural enclaves. That wasn't the case; it was a notice to the towns that surround KJ, Blooming Grove, and Woodbury that the chassidim were infiltrating.

People panicked. Residents of the Town of Woodbury, by a ratio of three to one, voted to incorporate almost all of the Town of Woodbury into a village. Only a month and a half before Woodbury became a village, South Blooming Grove was incorporated as a village as well. This meant that a large group of residents thought the additional layer of village taxes, other than the town and county taxes they were already paying, was well worth the effort of ensuring that KJ would not grow. As one woman explained to the *Times Herald-Record*, "I'm not supposed to say it, I guess, but [it's] the overrunning of Hassidic Jews."

Clearly, this was an all-out war against the residents of KJ. What is so unfortunate about this needless battle is that a village can't really stop the expansion of a neighboring village. It can delay, it can stall; but at the end of the day, the judicial system is meant to restore balance and justice in the system, and the expansion will take place one way or another.

The Settlement

The court's decision in the Harriman sewage facility case, hurt the county deeply. After all, it couldn't sell its extra sewage rights, as per the court order and, it couldn't finalize the sale of a 258-acre Camp La Guardia property to a developer whose plans depended on receiving sewage treatment from the Harriman plant.

Meanwhile, KJ could not proceed with efforts to stop the water shortage, and it was wasting valuable time. Yet Southern Orange County residents were not giving up, and support grew for another lawsuit against KJ's pipeline plans. Once again, at public hearings many spoke of the impact the pipeline would have on growth in KJ and

complained of KJ's political clout and its success in securing public grants. Even though the village issued an "amended findings statement" in March to move the proposal along, the county found that the amended findings did not comply with the environmental review law. On July 30, 2009, Orange County sued again.

About six weeks later, despite the ensuing litigation, county leaders began to negotiate a settlement. It is not particularly clear what precipitated this change when the settlement should have occurred long before. It could have been the inability to sell Camp La Guardia because of the property's lack of sewage, and the ensuing financial strain.

Whatever it was, on February 21, 2010,

But why are we being like second class citizens?



KJ's two water tanks (when under construction), which aid the groundwater wells in dealing with peak and off-peak demand.

Orange County agreed to provide KJ with sewage services that would accommodate the influx of water from the proposed pipeline, and KJ agreed to prepare a county-approved protocol for the management of construction along roadways during the installation of the pipeline. Everything was right back to where it had all started in 2000—except that the county had frittered away time and taxpayers' money, with absolutely nothing to show for it. As of now, the battle is over and the county cannot claim victory.

One would think that upon hearing of the settlement, KJ residents would be ecstatic. They are not—because they are exhausted.

One KJ resident asked, "So we have a settlement. But why are we being treated like second-class citizens? Are we taking anything away from anybody? Why don't they just leave us alone?"

"Why Don't They Leave Us Alone?"

There is an array of answers to this question. Speak to a resident of South Orange County and you will hear that KJ is congesting the area with traffic; that it does not contribute economically because it has its own stores; that it is creating a city in a rural area.

The notion that KJ's growth has caused an increase in traffic is untrue. Actually, from the perspective of land planners and environmentalists, the village of KJ is preferred because it has a dense population living within a small area and it is pedestrian-focused. KJ is a community in which only 1,500 of the 22,000 residents drive and most people get around on foot. Although traffic in South Orange County has increased, that is attributable to the revitalized shopping centers, such as Woodbury

Common and Wal-Mart. David Church, Orange County's planning commissioner, notes that KJ "is environmentally superior to the sprawl that surrounds it."

Regarding the argument that KJ does not contribute economically to the neighboring communities, Ari Felberman, the Kiryas Joel government relations coordinator, points out that a large percentage of staff members at KJ's health-care centers and special-education schools are drawn from the surrounding villages. While KJ has its own stores, most of them cater specifically to the culturally sensitive needs of the community; it has kosher supermarkets, hardware stores with *mikva'os*, and toy stores that don't carry the latest icon dolls. Moreover, KJ

residents do not hesitate to shop in stores and markets in Southern Orange County. They are, and always have been, good customers.

Then there is the issue of KJ destroying the rural quality of the town. The residents who are concerned about this argue that they are not anti-Semites. Indeed, one resident who wished to remain anonymous pointed out that all her best friends are Jewish but that didn't change the fact that KJ "was going to make Woodbury look like Brooklyn and devalue a house I put a lot of money into."

However, this trend isn't specific to Orange County alone. The urbanization of suburbs is a process that has occurred throughout the United States. In fact, Newburgh, in Orange County, the same county that criticizes KJ, is a city in the midst of a very rural area. It is a process that cannot be legally reversed or choked.

Unlike the typical city, KJ has an almost nonexistent crime rate. It does not use taxpayer funds but rather supports its own education system, and it pays annual property taxes in excess of a million dollars to the Town of Monroe. The village is a far cry from Brooklyn and a far cry

from many other urban-like developments growing in rural areas.

Nonetheless, South Orange County is blind to that.

Lessons to Be Learned

Michael Amo has urged neighboring towns to learn from KJ. The attitude that anything KJ does must be stopped at all costs is a mentality that is self-destructive.

Kiryas Joel is based on "90% hard work and brains," says Amo. He referred to KJ's hiring of seventy people during the 2000 Census to make sure that all residents of KJ would fill out their forms. Based on the information in the census, KJ received grants for the creation of state-of-the-art health-care facilities, security, sidewalks, and public transportation. Indeed, there are neighboring residents who use KJ's Hatzolah and health-care facilities because they know how quick and sophisticated their medical services are.

Some neighboring communities wonder why they didn't receive the grants. Amo says the simple answer is "because they didn't apply." Still, many

hate KJ for it.

Douglas Cunningham, in his column in the *Times Herald-Record*, excoriated the residents of Southern Orange County, writing that what they want KJ to do is "stay within Kiryas Joel, abandon all thoughts of growth or movement, and willingly accept the barbed wire the rest of us ever-so-tolerant citizens will string around the outside. November 1938, anyone?"

We have a democratic system that is doing its very best to ensure that 1938 will not happen here in the United States. But the judicial process is exhausting and anti-Semitism is humiliating. "[KJ has] built a beautiful community," said former congressman Benjamin Gilman, who represented KJ for twenty-six years and remembers it as a very small village when it was incorporated in 1977.

After all that hard work, KJ residents have no plans to leave. The hope is that even though there will always be those who hate Jews, for the most part, KJ and its neighbors will figure out a way of co-existing, as long as there is a "good fence" between them—because, as they say, good fences makes good neighbors. ■

Aishes Chayil Women's Relief Center in KJ.

