

PRESS RELEASE OF BERNARDS TOWNSHIP  
DATE: JANUARY 1, 2017

"On Sunday, New Year's Day, Bernards Township learned that Judge Shipp of the United States District Court for New Jersey issued a ruling on Saturday, December 31, 2016 in the matter of The Islamic Society of Basking Ridge and Mohammad Aly Chaudry v. Township of Bernards, et al. The Court ruled in favor of Plaintiffs on a motion for "judgment on the pleadings" regarding parking. Judge Shipp opined that the Township had to apply the same standard for every house of worship to determine the number of parking spaces, regardless of actual parking demands. Hence, the court said, the Planning Board was not able to consider a 2010 International Traffic Engineering report or other evidence to determine the actual parking needs of the institution. This decision has major implications for municipal land use boards and their ability to determine the actual off-street parking needs of proposed projects without fear of alleged RLUIPA violations. The Township vehemently disagrees with the Court's decision and awaits a full analysis of the 57 page decision by its attorneys, who only learned of the decision on New Year's Day. The Township will consider how to best move forward including appealing the decision when ripe for appeal."