



United States Department of Justice

United States Attorney  
District of New Jersey  
Civil Division, Civil Rights Unit

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Newark, New Jersey 07102

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March 14, 2016

**By FedEx**

Mayor Carol Bianchi  
Administrative Building  
1 Collyer Lane  
Basking Ridge, NJ 07920

Dear Mayor Bianchi:

This is to inform you that the U.S. Department of Justice's Civil Rights Division and the U.S. Attorney's Office for the District of New Jersey have initiated an investigation of Bernards Township's ("the Township's") zoning and land use practices pursuant to the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 2000cc, et seq.

RLUIPA prohibits application of a land use regulation that: (1) imposes a substantial burden on religious exercise absent a compelling justification pursued in the least restrictive means; (2) treats a religious assembly or institution on less than equal terms with nonreligious assemblies or institutions; (3) discriminates against religious entities on the basis of religion or religious denomination; and/or (4) totally excludes or unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

Our investigation will focus on whether the Township's denial of the application for site plan approval to build a worship facility at 124 Church Street in the Township violated RLUIPA. Our investigation is preliminary in nature; we have not made any determination as to whether there has been a violation of RLUIPA by the Township.

We believe that the public interest and the interests of the Township will be best served by our having complete and accurate information about the Township's zoning and land use practices. To that end, we are requesting that you send the information and documents identified in the attachment to this letter to the attorneys handling this investigation, Caroline Sadlowski, Chief, Civil Division or Michael E. Campion, Chief, Civil Rights Unit, at the United States Attorney's Office for the District of New Jersey, Civil Rights Unit, 970 Broad Street, Suite 700, Newark, NJ 07102, within twenty-one (21) days of receipt of this letter.

We have attempted to limit the areas of inquiry to expedite the initial phase of this investigation, and we are willing to work with you to minimize any burdens that would be imposed on you or your staff in providing this information.

In addition to providing us with the requested information, we invite you to provide us with any other information that you believe is relevant to our inquiry. We may want to interview certain Township employees, agents, or officials in the near future as well. This office will inform you of any need to interview such persons.

Finally, we request that the Township maintain in their current form any and all records, documents, files, or tapes that could be relevant to this investigation. To the extent that such records are contained in a computer system, computer files should not be altered or destroyed pending completion of our investigation. If there is a need to discard any information or documentation, we request that you notify Ms. Sadlowski or Mr. Campion before taking such action.

If you have any questions or concerns, please contact Ms. Sadlowski at 973-645-2873 or Mr. Campion at 973-645-3141. Thank you for your cooperation.

Sincerely,

Paul J. Fishman  
United States Attorney

By:



Michael E. Campion  
Assistant United States Attorney  
Chief, Civil Rights Unit

cc: John Belardo, Esq.  
Township Attorney  
Administrative Building  
1 Collyer Lane  
Basking Ridge, NJ 07920

Eric Treene  
Special Counsel for Religious Discrimination  
U.S. Department of Justice  
Civil Rights Division  
Housing and Civil Enforcement Section  
950 Pennsylvania Ave., NW  
Washington, DC 20530

## **ATTACHMENT**

### **INFORMATION AND DOCUMENTS REQUESTED BY THE UNITED STATES**

Please provide the following information and documents. In responding to the United States' requests, please indicate the numbered request to which your explanations or documents are responsive. If any of the requested information is available online, you may provide the web address and state with specificity the item or items available there rather than producing copies.

1. A current copy of the Township's land development regulations, including the Township's Land Development Ordinance, zoning map, zoning ordinance, and any other laws, codes, ordinances, comprehensive plans, or regulations governing or relating to procedures and requirements for requests or applications to use, locate in, construct, or restore, repair, expand, or otherwise alter, any structure within the Township, or for rezoning or a zoning text or map amendment.
2. Copies of any previous or superseded land development regulations as described in request 1 above that were in effect at any time from January 1, 2006 to the present.
3. Copies of any applications or petitions for preliminary site plan approvals, final site plan approvals, zoning permits, variances, rezonings, map or zoning amendments, certificates of occupancy, building permits, conditional use permits, or other applications or petitions to use, locate in, or construct any structure in a residential zone in the Township by or concerning any church, synagogue, temple, mosque or other religious entity, since January 1, 1992. For each such petition or application, provide a statement describing whether it was approved or denied, the zoning district or districts concerned, and the date of such approval or denial.
4. Copies of any applications or petitions for preliminary site plan approvals, final site plan approvals, zoning permits, variances, rezonings, map or zoning amendments, certificates of occupancy, building permits, conditional use permits, or other applications or petitions to use, locate in, or construct any structure in a residential zone in the Township by or concerning any public or private school or other institution of learning, child-care center, assisted living facility, continuing care retirement facility, conference inn, health or sports club, community facility, cultural facility, recreational facility, athletic facility, social facility, educational facility, public or private golf course including the clubhouse and buildings necessary and customary for such use, banquet hall, assembly hall, fraternal hall, or other place of assembly, in any residential zone in the Township since January 1, 2006. For each such petition or application, provide a statement describing whether it was approved or denied, the zoning district or districts concerned, and the date of such approval or denial.
5. Copies of any petitions or applications for a use variance in any residential zone in the Township since January 1, 2006. For each such petition or application, provide a statement describing whether it was approved or denied, the zoning district or districts concerned, and the date of such approval or denial.

6. Copies of all letters, emails, text messages, correspondence, memoranda, notes, resolutions, agendas, audio or video recordings, transcripts, minutes, decisions, reports, studies, or other documents or recordings concerning the application to build a place of worship within the Township at 124 Church Street.
7. Copies of all letters, emails, text messages, correspondence, notes, plans, or other documents reflecting any communication to, from, or between the Township or any representatives of the Islamic Society of Basking Ridge concerning the application to build a place of worship at any other location within the Township, since January 1, 2006.