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Respecting the dead at Bayside

by Bryan Yurcan, Assistant Editor
12/23/2010

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Bayside Cemetery is looking a little bit better every day.

The long-neglected Jewish cemetery in Ozone Park has been the beneficiary of a group of dedicated volunteers that have been working to restore it for the past several months.

The cemetery has been dogged by years of neglect, with overgrown weeds and vines covering cracked headstones that had fallen into disrepair. And worse, vandals had taken to desecrating mausoleums and unearthing human remains.

In 2008, a lawsuit was brought against Congregation Shaare Zedek, the Manhattan synagogue that owns the cemetery, to force it to clean up Bayside, though that suit was dismissed.

But recently, things have been steadily improving at Bayside. An organization called the Committee to Assist Jewish At-risk Cemeteries formed with the idea of turning the cemetery into a respectable-looking burial ground.

The group received a grant from the United Jewish Appeal-Federation of New York, which was used to hire a landscaper to help refurbish the cemetery grounds.

In addition, volunteers from CAJAC and other organizations have been pitching in over the last several months in an effort to return Bayside to its former pristine glory.

"Bayside was completely under siege; very few parts of it were in good shape before this effort," said Andrew Schultz, the director of CAJAC.

Schultz said the deterioration of Bayside was not the fault of Congregation Shaare Zedek, which did not have the means to continue its upkeep.

In the early and mid-20th century, he explained, it was common for small communities of Jewish immigrants to set up burial societies and the congregation sold parts of the property to various organizations or individuals that no longer exist, and have long stopped paying upkeep fees for their plots of land.

He said several other Jewish cemeteries in the New York metropolitan area have suffered because of that same reason.

"Grave sales and the number of active burials has declined, so income streams have declined," Schultz said.

It is CAJAC's mission that Jewish cemeteries, like Bayside, that have fallen into decline be saved.

Schultz said the work to completely rehabilitate Bayside, located off Liberty Avenue, should be completed by the end of summer 2011.

"The volunteer groups are helping to expedite and buttress the efforts of the professional landscapers," he said.

Once that happens, CAJAC's role will be to ensure the long-term maintenance of the cemetery is secured, so that another massive cleanup effort is never again necessary.

"The cemeteries adjacent to Bayside are in good shape, so there's no reason Bayside can't be well maintained going forward," Schultz said.



Bayside Cemetery in Ozone Park has been the site of clean-up efforts by volunteers after seeing years of neglect and degrading conditions. FILE PHOTO

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Added: Friday December 31, 2010 at 08:33 PM EST

Important Article Corrections and Additional Information

In the recent article "Respecting the Dead at Bayside" dated 12/23/2010, I was disappointed to see the Queens

Chronicle publish an article that was based on insufficient research. I am the lead plaintiff in the lawsuit "Lucker et al vs. Congregation Shaare Zedek, Bayside Cemetery and Community Association for Jewish At-Risk Cemeteries" which was filed in NY State Supreme Court on October 22, 2009. The lawsuit and all related material are available on the Internet at www.baysidecemeterylitigation.com. This lawsuit is the second lawsuit filed as the first lawsuit was dismissed for federal jurisdictional reasons from Federal court. The Queens Chronicle reporter unfortunately did not capture both sides of the Bayside Cemetery matter.

Here are some additional corrections and facts regarding Bayside Cemetery from the article:

- * The original Federal lawsuit was filed on Sept 12, 2007 and not in 2008 as reported in the article.
- * The Federal lawsuit was dismissed on Sept 30, 2009 on class action jurisdictional grounds but was re-filed on October 22, 2009 in NY State Supreme Court. It remains an active lawsuit to this day with the addition of Community Association for Jewish At-Risk Cemeteries (CAJAC) as a Co-Defendant.
- * The article incorrectly reported the name of CAJAC. CAJAC stands for the "Community Association for Jewish At-Risk Cemeteries".
- * The article reports that the condition of Bayside Cemetery was "not the fault of Congregation Shaare Zedek, which did not have the means to continue its upkeep". From my perspective this statement is absolutely untrue. Congregation Shaare Zedek was paid by hundreds, and potentially thousands, of families for Perpetual Care at the cemetery and the congregation wrote contracts for that perpetual care. Many of these documents have been disclosed by the synagogue during the lawsuit. Up until recent years, the congregation was selling these maintenance contracts and the synagogue was paid for maintenance and perpetual care of graves at Bayside Cemetery. Therefore, the neglect and disrespect on display at the cemetery is clearly the fault of Congregation Shaare Zedek. The congregation has even admitted in the media that they used monies paid for cemetery care for other purposes at the synagogue – which is an improper, and potentially illegal, use of trust fund money paid for cemetery perpetual care.
- * The article continues by reporting the words of the CAJAC director who gives a history lesson of sorts about how the congregation "sold parts of the property to various organizations or individuals" for burial. This is not how it works when someone buys a burial plot. When a burial plot is sold, a person, family, or burial society buys the right to use a piece of the cemetery for a burial. A real estate transaction does not take place. The owner of the cemetery, in this case the congregation, continues to be the owner of the cemetery and continues to own the plot of land to be used for burial. Any statements about how other people or burial societies bought parts of the cemetery are not true.
- * If the congregation were to claim that they sold the property to people for burials, then why did the congregation sell perpetual care contracts for those same plots? How could they sell such contracts for property that they also claim they don't own? The congregation took people's money and issued a contract with a promise to maintain the property forever. This is not a fact that can be disputed. I have copies of many of these contracts and some are filed as exhibits in the lawsuit posted on www.baysidecemeterylitigation.com.
- * It seems curious that CAJAC states "[once Bayside Cemetery is cleaned up] CAJAC's role will be to ensure the long-term maintenance of the cemetery". Why would CAJAC assume this responsibility when Congregation Shaare Zedek owns Bayside Cemetery and is financially responsible for maintaining the cemetery and has been paid for Perpetual Care services at the cemetery?

In summary, there are considerable facts and information that would have made this Queens Chronicle article more factually and contextually correct. I hope that for the next article about Bayside Cemetery, the Queens Chronicle will contact me for additional information about this very important moral, ethical and legal matter.

John Lucker, Simsbury, CT

Added: Thursday December 23, 2010 at 12:39 PM EST

To be clear, the case was dismissed by a federal court on jurisdictional grounds and refiled in New York State court where the merits of the case are now being fully litigated. After years of neglect and decay, the ONLY reason the cemetery is now being restored is because of the legal and public pressure placed on the synagogue who is allegedly contractually obligated to maintain annual and perpetual care plots at the cemetery. For more information see baysidecemeterylitigation.com.

Michael M. Buchman, Esq., New York, New York

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