



Reported by: ANGELA M. SHAW-CROCKETT  
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1 ZB2009-21 - 554 Queen Anne Road LLC - (Michael F. Daly,  
Esq., & Edward Trawinski, Esq.)- 554 Queen Anne Road - Block  
2 #2409 - Lot 8 - R/S zone  
Applicant seeks a conversion of an existing family room at a  
3 residential single-family dwelling to a house of worship.  
Site plan approval required. Variances required: Use  
4 variance, lot area, front yard setback, off-street parking,  
exterior design & parking in the side yard. Date of  
5 application: 05/22/09 - Plans deemed complete: 08/26/09 -  
120 days: 12/24/09

6

7 (Time noted: 7:15 p.m.)

8 CHAIRMAN HODGES: Thank you. Today is

9 March 18th, 2010, ZB2009-21, 554 Queen Anne

10 Road, LLC.

11 Mr. Trawinski?

12 Also, if you have a cellphone, this would

13 be the time to please put it on vibrate. It

14 does -- if there is a need to answer your

15 phone, please step out of the room.

16 MR. TRAWINSKI: Good evening,

17 Mr. Chairman, members of the Board.

18 First and foremost, I note we have a very  
19 young member here. I would commend Teaneck on  
20 starting them early.

21 For the record, my name is Ed Trawinski,  
22 Schenck, Price, Smith & King, 220 Park Avenue  
23 in Florham Park, New Jersey. We're the  
24 attorneys for the applicant.

25 At the conclusion of last hearing, we had

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1 pretty much concluded our direct case, but  
2 there were a number of questions that arose, in  
3 particular, too, from Board members and I'd  
4 like to recall Chris Rodriguez to address those  
5 questions.

6 MR. TRAWINSKI: Chris?

7 Mr. Chairman, Mr. Rodriguez, I believe, is  
8 still considered to be under oath?

9 MR. RITVO: He's under oath and has been  
10 qualified.

11 C H R I S R O D R I G U E Z,

12 called as a witness, having already been first  
13 duly sworn, was examined and testified as follows:

14 EXAMINATION BY

15 MR. TRAWINSKI:

16 Q. You were present at the last hearing --

17 THE BOARD SECRETARY: One of you can use

18 -- it's two mikes.

19 MR. TRAWINSKI: Thank you.

20 BY MR. TRAWINSKI:

21 Q. You were present, Mr. Rodriguez, at the

22 last meeting when I believe Board member Mulligan

23 raised some questions about the substance of the

24 warming oven, and at that time I represented to the

25 Board that we would provide the cut sheets of the

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1 warming oven.

2 And have you had an opportunity to obtain

3 the cut sheets for the warming oven?

4 A. Yes.

5 Q. And do you have them with you tonight?

6 A. Yes.

7 MR. TRAWINSKI: May I have these marked?

8 I believe we're up to A-7, Mr. Ritvo.

9 Last was Mr. Kauker's report I think as A-6.

10 MR. RITVO: That's correct, A-7, are --

11 MR. TRAWINSKI: Just one sheet. There are  
12 multiple copies.

13 MR. RITVO: Heated and lift cabinets of  
14 Crest Core. I won't read the rest of this.  
15 This is all advertising stuff, but I'll mark it  
16 as A-7.

17 (Exhibit A-7 was received and marked for  
18 identification, as of this date.)

19 BY MR. TRAWINSKI:

20 Q. Would you tell the Board what -- there are  
21 a number of models there.

22 Would you tell the Board which model is  
23 actually the model that is in the kitchenette at the  
24 property?

25 A. It's essentially the image at the top.

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1 It's a warming oven that's approximately 20 inches  
2 wide, 24 inches deep and 36 inches tall with the  
3 5-inch casters. So it's a rather small kitchen  
4 appliance.

5 Q. And this is not a stove. It does not have  
6 the ability to cook food; is that correct?

7 A. That is absolutely correct, just heats it

8 up.

9 MR. TRAWINSKI: And as indicated to you, I  
10 think in prior testimony -- during the course  
11 of prior testimony, if the Board is inclined to  
12 approve this application, the applicant is  
13 certainly willing to stipulate that there will  
14 be no stove in the kitchenette and there will  
15 be no cooking of food in the kitchenette.

16 The only thing that's taking place is the  
17 warming of the food consistent with this  
18 warming oven.

19 BY MR. TRAWINSKI:

20 Q. There were questions raised, I believe,  
21 and I'm not sure if it was Board member Mulligan or  
22 not so I apologize if it was not you, Mr. Mulligan.

23 But I know there were questions raised  
24 about whether or not it would be possible to get 21  
25 parking spaces on the site or not.

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1 And at my request and at the applicant's  
2 request, did you have the opportunity to prepare or  
3 consider a number of alternatives which would -- one  
4 of which ultimately resulted in being able to place

5 21 parking spaces on the subject property?

6 A. Yes.

7 Q. And do you have a diagram that reflects  
8 that?

9 A. Yes.

10 MR. TRAWINSKI: I'd like to mark that as  
11 A-8.

12 MR. RITVO: A-8. Hand it up, please.

13 (Exhibit A-8 was received and marked for  
14 identification, as of this date.)

15 BY MR. TRAWINSKI:

16 Q. Is this a diagram of the subject property?

17 A. Yes.

18 MR. TRAWINSKI: And, Mr. Ritvo, do you  
19 want to describe it for purposes of the record?

20 MR. RITVO: There's no box on it. It says  
21 D-1 at the bottom. So I just marked it as A-8.

22 MR. TRAWINSKI: Thank you.

23 BY MR. TRAWINSKI:

24 Q. And would you describe for the Board what  
25 you did with respect to establishing this exhibit

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1 and what it demonstrates?

2           A.    This exhibit demonstrates how it would be  
3 possible to potentially put 21 parking berths on  
4 this site.

5                    What we did essentially was maintained the  
6 existing northern curb cut, parked several cars  
7 along the northern property line, four cars in the  
8 back, and then looped it around the house towards  
9 the front of the house with the south side of the  
10 house on Queen Anne Road, it will recoup the  
11 remainder of those parking berths.  And they're  
12 numbered 6 through 21 on the front part of the  
13 property with a curb cut that would come out on to  
14 Van Buren.

15           Q.    And with this type of plan, while it might  
16 eliminate the need for a parking variance, would  
17 this generate the necessity of other parking  
18 variances?

19           A.    Yes.

20           Q.    And could you tell the Board what those  
21 variances would be?

22           A.    It would have a variance for site lines  
23 from the corner of Van Buren and Queen Anne Road.  
24 It would have another variance for a curb cut within  
25 50 feet of the corner and additionally will have

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1 another variance for two curb cuts on one property.

2 And those are the variances that I'm aware  
3 of right now. There could potentially be others,  
4 but those are three, in addition to the ones that we  
5 have.

6 Also one more that would increase our  
7 impervious coverage as is documented at the bottom  
8 of the drawing to show how high the impervious  
9 coverage would be had we covered this amount of  
10 property with pavement.

11 Q. And as an architect and in preparation for  
12 this hearing and also in connection with this  
13 application, did you have an opportunity to visit  
14 the site and the surrounding neighborhood?

15 A. Yes.

16 Q. And you're familiar with both; is that  
17 correct?

18 A. Exactly.

19 Q. And in your opinion as an architect, would  
20 this have a positive or a negative impact upon the  
21 neighborhood plan scheme if it were developed to put  
22 the 21 spaces on the site?

23           A.   My personal opinion is that it would be a  
24 negative to have this much parking and blacktop  
25 surface striping in a residential zone.

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1           Q.   Can you explain to the Board why you think  
2 it would be a negative and focus on the nature of  
3 whether or not it'd be too commercial looking?

4           A.   Right now the way house is with the  
5 driveway and so forth is there currently, it  
6 maintains the characteristics of a residential  
7 property.

8                   Once something like this happens, it  
9 completely changes that nature of the property and  
10 makes it really look like -- like a commercial  
11 entity.

12          Q.   There were questions raised during the  
13 testimony of Mr. Kauker as to what was the  
14 neighborhood plan and scheme.

15                   Having visited the neighborhood, can you  
16 describe what the architecture of the neighborhood  
17 is?

18          A.   I would say for the most part, the  
19 neighborhood is somewhat eclectic. There's various

20 types of styles of houses. There's some Tudors,  
21 there's some Colonials, there's some split type of  
22 raised ranches. And it almost seems like it was  
23 parceled off and whatever developer came in, that's  
24 the style that they chose.

25 So even on one street, you might have one

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1 side that could be more Tudor and the opposite side  
2 of the street more Colonial, but there is no  
3 continuous architectural feature or element or  
4 design style in that neighborhood.

5 Q. With respect to the specific property  
6 that's the subject of this application, did you have  
7 occasion to have photographs taken at your  
8 direction?

9 A. Yes.

10 Q. And do you have those with you?

11 A. Yes.

12 Q. There are two photographs; am I correct?

13 A. Yes.

14 MR. TRAWINSKI: I'd like to have these  
15 marked as A-9 and A-10.

16 (Exhibits A-9 and A-10 were received and

17 marked for identification, as of this date.)

18 MR. TRAWINSKI: The address is the address  
19 of the subject property.

20 MR. RITVO: Both of them are the subject  
21 property?

22 THE WITNESS: Exactly.

23 MR. RITVO: A-9 is the one the facing  
24 Queen Anne Road?

25 THE WITNESS: Yes.

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1 MR. RITVO: A-9 is the subject property of  
2 Queen Anne Road side.

3 And according to the resident expert  
4 addresses, the second address is -- A-10 is for  
5 the Van Buren side.

6 THE WITNESS: Yes.

7 MR. RITVO: A-9 and A-10.

8 MR. TRAWINSKI: Thank you, Mr. Ritvo.

9 BY MR. TRAWINSKI:

10 Q. Would you describe for the Board what  
11 these two pictures show in relationship to the  
12 addition that was constructed at the subject  
13 property.

14           A.   Yeah.  From Queen Anne Road, you could see  
15   on the right-hand side of the document or the  
16   photograph, what we would call the de minimus nature  
17   of the expansion as visible from Queen Anne Road.  
18   The projection is only about 5 feet, and it's set  
19   back quite a ways from the front facade of the house  
20   and that just restricted to a limited area of  
21   exposure towards the street.

22           Q.   Just for the record, you were referring to  
23   A-9 when you said "this photograph"?

24           A.   Exactly.

25           Q.   And A-10?

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1           A.   A-10 shows approximately about 18 feet on  
2   the left-hand side of the photograph.  Once again,  
3   set back from the existing facade of the house  
4   showing the side of Van Buren and the amount of  
5   surface and profile you would have towards Van  
6   Buren.

7           Q.   And from an architectural point of view,  
8   do you have an opinion as to whether or not this  
9   addition conforms to the architecture or not of the  
10   existing dwelling?

11           A.    I would say it does.  I mean, it has  
12 architectural features that are typical for a  
13 residential structure.  It has a clapboard-looking  
14 siding, it has a little port hole in the front door  
15 to seal if it rains, it has columns, it has Anderson  
16 windows which are probably most readily used windows  
17 that you would have in a house.

18                        So the elements that would be used on this  
19 structure are not atypical for a residence.

20                       MR. TRAWINSKI:  Mr. Chairman, I'm not sure  
21 what your practice is.

22                       Do you want me to pass these around to the  
23 Board?

24                       MR. RITVO:  Yes.

25 BY MR. TRAWINSKI:

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1           Q.    Is there anything from the addition, if  
2 this application were approved, from the addition  
3 now, the architecture of the addition, that would  
4 indicate this is a house of worship or a synagogue?

5           A.    No.

6           Q.    So if you didn't know it was a house of  
7 worship or a synagogue, you wouldn't know that; is

8 that correct?

9 A. Exactly.

10 Q. If the proposal to add all the parking  
11 spaces on the site were one that this Board would  
12 approve, would your client build that proposal?

13 A. Yes.

14 Q. But if that proposal were built, would  
15 that raise red flags as to whether or not this was  
16 more akin to a residential dwelling in a residential  
17 neighborhood or whether or not it was more in the  
18 nature of a commercial dwelling?

19 A. I would say it would absolutely look more  
20 like a commercial property within a residential  
21 zone.

22 Q. In the course of your site visit at my  
23 request and at the applicant's request, did you have  
24 prepared, at our request, a diagram that shows the  
25 relationship of members of the synagogue to the

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1 subject property?

2 A. Yes.

3 Q. And do you have that diagram with you?

4 A. Yes.

5 (Exhibit A-11 was received and marked for  
6 identification, as of this date.)

7 MR. RITVO: A-11 appears to be a portion  
8 of a map of the area with a number of the lots  
9 colored in green and purple. One purple and  
10 the rest green.

11 THE WITNESS: The purple is the subject  
12 property and the green --

13 MR. RITVO: You'll have a chance. This is  
14 my say as a lawyer.

15 My assistant in coloration indicates that  
16 some of the green colors are different than the  
17 others and you might want to indicate whether  
18 there's any difference in the coloration.

19 Could be a pen that was losing its power .

20 A-11, Mr. Chairman.

21 MR. TRAWINSKI: Knowing you as I do,  
22 Mr. Ritvo, I think your assistant is also  
23 serving as the eyes that have deteriorated  
24 throughout the years as a purveyor.

25 MR. RITVO: Correct.

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1 MR. TRAWINSKI: Likewise for myself.

2           We can pass that to the Board while the  
3           testimony is taking place.

4 BY MR. TRAWINSKI:

5           Q.    You started to indicate, as Mr. Ritvo was  
6           describing the exhibit for purposes of  
7           identification, what the purple lot was.

8                    Would you just explain that again?

9           A.    The purple or the bluish purple lot is 554  
10          Queen Anne Road and the various green colors are the  
11          members.

12          Q.    And the purpose of that exhibit is to  
13          demonstrate that a substantial majority, if not all  
14          of the members, live within walking distance to the  
15          synagogue?

16          A.    Yes.

17                   MR. TRAWINSKI: I do not have any other  
18          questions, Mr. Chairman, and members of the  
19          Board.

20                   That concludes our formal presentation and  
21          then on comments from the members of the  
22          public, we reserve the right to bring rebuttal  
23          witnesses.

24                   I don't know if it would be appropriate at  
25          this point in time, not to sum up, but to sum

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1 up where we are in conditions.

2 CHAIRMAN HODGES: He's testified. He's  
3 not done with the questions. I have a few  
4 questions.

5 MR. TRAWINSKI: I'm sorry.

6 CHAIRMAN HODGES: First thing you gave us  
7 a diagram of the warming oven.

8 THE WITNESS: Yes.

9 CHAIRMAN HODGES: And you said the one  
10 towards the top is the one that would be used.

11 Is that the model H33912B-3?

12 THE WITNESS: Yes. It becomes 128.

13 CHAIRMAN HODGES: 128. With that, how  
14 many of those units will there be in that room?

15 THE WITNESS: One.

16 CHAIRMAN HODGES: How many trays does that  
17 unit hold?

18 THE WITNESS: Holds up to eight but it  
19 depends on the size because the second column  
20 shows the pan sizes. They're 12 by 20 size  
21 pans.

22 CHAIRMAN HODGES: So it would be eight 12

23 by 20 pans?

24 THE WITNESS: Yes.

25 CHAIRMAN HODGES: Is that 12 by 20 -- and

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1 just to be clear.

2 Is that a regular long tray you can get at  
3 a catering place?

4 THE WITNESS: Approximately, yes.

5 CHAIRMAN HODGES: So it can hold eight?

6 THE WITNESS: Yes.

7 CHAIRMAN HODGES: The size of the room  
8 this is going to be in is what?

9 THE WITNESS: It's 250 square feet,  
10 thereabouts. It's a room that's I don't know  
11 18 by 20 thereabouts, maybe a little less  
12 inside the walls.

13 CHAIRMAN HODGES: All right. The parking  
14 diagram you handed to us, I know we're a little  
15 clear on this but just to make it very clear.

16 That was just a diagram to show how you  
17 could -- how -- if you had to, you could put 21  
18 spaces there, right?

19 THE WITNESS: Exactly.

20 CHAIRMAN HODGES: The applicant is not  
21 recommending that we do this?

22 MR. TRAWINSKI: That's correct.

23 CHAIRMAN HODGES: So we're still --

24 MR. TRAWINSKI: The application is  
25 submitted for the variance relief for the

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1 parking.

2 CHAIRMAN HODGES: You're submitting that  
3 you have five parking spaces?

4 MR. TRAWINSKI: Correct.

5 CHAIRMAN HODGES: And you're asking for  
6 variance for the rest?

7 MR. TRAWINSKI: Yes.

8 CHAIRMAN HODGES: Okay. Now on your  
9 diagram that you have here, were you the one  
10 that colored in the families or was that  
11 somebody from --

12 THE WITNESS: It was under my direction,  
13 but one of the members of the congregation.

14 CHAIRMAN HODGES: Just to make sure I  
15 counted it properly, I counted over 45  
16 families.

17 How many do you have?

18 THE WITNESS: I believe that's the correct  
19 amount.

20 CHAIRMAN HODGES: Well, you're not part of  
21 the congregation, so I'll save that for  
22 Mr. Ehrlich.

23 You described that you went to the area  
24 and there are different styles of homes.

25 THE WITNESS: Yes.

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1 CHAIRMAN HODGES: But during your  
2 observation of the area, it was clear that that  
3 area is totally residential; is that correct?

4 THE WITNESS: Yes.

5 CHAIRMAN HODGES: Any other questions from  
6 members of the Board?

7 MS. BRAHVER-KEELY: It was previously  
8 stated, I believe, there were 23 member  
9 families?

10 MR. TRAWINSKI: We're going to bring back  
11 Mr. Ehrlich for that response and I forget  
12 whether it was 23 or 25, but it was on that  
13 order of magnitude.

14 MS. BRAHVER-KEELY: Now there's 45. Okay.

15 MR. MULLIGAN: Back to parking.

16 THE WITNESS: Yes.

17 MR. MULLIGAN: About two blocks north on  
18 the opposite side of Queen Anne Road, there's  
19 another house of worship. They've been able to  
20 successfully create a better parking situation  
21 for themselves and to alleviate neighborhood  
22 parking.

23 Now that's obviously not quite within the  
24 line of sight, but that's in the neighborhood  
25 and it's more than apparent that it is a house

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1 of worship.

2 You're still asking to go with this double  
3 stacked -- with the cars parked in the event of  
4 some kind of a situation that we have to move  
5 cars out that will be nosed in?

6 THE WITNESS: Yes.

7 MR. MULLIGAN: And that's favorable?

8 THE WITNESS: I think the reality is that  
9 this house is primarily going to be used as a  
10 residence. I think down the street, I don't

11 know exactly how they use, I know they have  
12 more parking spots.

13 MR. MULLIGAN: I understand. I'm saying  
14 from an architectural standpoint, that's  
15 favorable?

16 THE WITNESS: I don't think it's  
17 necessarily the most ideal condition, but I  
18 think for this scenario, it works pretty well.

19 From my understanding, most of the people  
20 will be doing foot traffic to get to this  
21 location.

22 MR. MULLIGAN: Which ones will be the  
23 handicapped spots?

24 THE WITNESS: It's indicated on the  
25 drawing. It's the one as you pull into the

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1 right-hand side of the driveway.

2 MR. MULLIGAN: On the new drawing you gave  
3 us, which one would be the handicap?

4 THE WITNESS: The same one.

5 MR. MULLIGAN: And with the strollers too,  
6 the strollers are going to be?

7 THE WITNESS: Well, we're not necessarily

8 doing this application but in this scenario,  
9 there's a grassed area next to the walkway  
10 that's probably 10 feet wide by about 20 feet  
11 long that could support the parking of the  
12 strollers.

13 MR. MULLIGAN: A lot of this, I'm  
14 concerned from a safety perspective. If there  
15 is a problem, I'm concerned that if we have to  
16 find keys or we have to move vehicles or you  
17 have strollers and something happens and people  
18 have to egress the building, that you can have  
19 a less than desirable condition.

20 MR. TRAWINSKI: Mr. Mulligan, I could  
21 understand that if this were not a modest  
22 sized, relatively small-sized synagogue. These  
23 people all know each other.

24 MR. MULLIGAN: What's the size of the  
25 exit?

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1 Is it a double-wide door they'll be coming  
2 out of?

3 MR. TRAWINSKI: I believe it is not. It's  
4 a single-wide door.

5 MR. MULLIGAN: I'm looking at this point  
6 from a safety consideration. That's all.

7 I'm not taking -- I'm asking you as an  
8 architect, is this --

9 THE WITNESS: It's a single-wide door  
10 which satisfies the egress capacity of the  
11 building codes. And, in fact, we have two  
12 doors. We also have one on the south side of  
13 the facility which would bleed really right  
14 onto a pathway and grass surface. Not  
15 necessarily everybody would have to go out this  
16 backdoor or this door particularly on Van  
17 Buren.

18 MS. BRAHVER-KEELY: I'm sorry. I need  
19 to -- I know this is not your issue, may be  
20 better for Mr. Ehrlich or somebody else, but in  
21 the last -- within three months, the  
22 congregation apparently has doubled.

23 What is the occupancy potential of this  
24 room?

25 MR. TRAWINSKI: I don't think we should

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1 make that assumption until Mr. Ehrlich

2           testifies. My suspicion is that some of the  
3           people are regular members and some of the  
4           people are occasional attendees because I know  
5           that there are people --

6           MS. BRAHVER-KEELY: How do you know?

7           I have a question for the architect.

8           What is the maximum occupancy in this?

9           THE WITNESS: As far as the building  
10          criteria is, this space can support, depending  
11          on how you do the seating, up to 160 people.

12          MS. BRAHVER-KEELY: 160 people?

13          THE WITNESS: Yes.

14          That's when you look at the square foot  
15          area per occupant, depending on again whether  
16          it's fixed or movable seating.

17          MS. BRAHVER-KEELY: Okay.

18          CHAIRMAN HODGES: What exactly is the  
19          square footage?

20          THE WITNESS: Of?

21          CHAIRMAN HODGES: Of the meeting area, of  
22          the sanctuary meeting area.

23          THE WITNESS: The sanctuary itself was  
24          1,230 square feet, the vestibule was 200 and  
25          the kitchenette was 275.

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1 CHAIRMAN HODGES: So the vestibule is 200  
2 square feet?

3 THE WITNESS: Yes.

4 CHAIRMAN HODGES: The eating area is --

5 THE WITNESS: No. The kitchenette is 275,  
6 the vestibule is 200 and the bathroom or the  
7 powder room is 50 square feet.

8 MS. BRAHVER-KEELY: And so 50 square feet  
9 can hold 160 people?

10 THE WITNESS: No.

11 CHAIRMAN HODGES: You said the meeting  
12 area --

13 THE WITNESS: I said the meeting room  
14 itself has a square foot capacity of 160  
15 people.

16 CHAIRMAN HODGES: How many square feet is  
17 that?

18 THE WITNESS: 1,230.

19 MS. BRAHVER-KEELY: But that's including  
20 the vestibule and kitchen and everything -- no,  
21 I'm misunderstanding you.

22 THE WITNESS: In fact, the vestibule,

23 bathroom and kitchenette is approximately 500  
24 square feet of the 1,900 square feet or so that  
25 we're looking for.

♀

26

C. RODRIGUEZ - 3/18/10

1 MS. BRAHVER-KEELY: Does it go into the  
2 house now or is it just into the addition?

3 THE WITNESS: What's "it"?

4 MS. BRAHVER-KEELY: The 1,900 square  
5 feet -- I just want to understand this right  
6 because you say that the house is not being  
7 used for anything or not going to be used --  
8 the additional room that was built as a family  
9 room, is that what we're talking about is that  
10 1,900 square feet?

11 THE WITNESS: No. The room itself is  
12 1,230 square feet, the powder room is 50 square  
13 feet, the vestibule is 200 square feet and the  
14 garage at 275 square feet was part of the  
15 original structure.

16 MS. BRAHVER-KEELY: So is the meeting hall  
17 now 1,230 square feet? Is that what you're  
18 saying?

19 THE WITNESS: Yes.

20 MS. BRAHVER-KEELY: And that holds 160  
21 people?

22 THE WITNESS: It has the potential to hold  
23 160. I don't know if there's ever an intention  
24 to put 160 people in there, but the building  
25 code criteria allows up to that number.

♀

27

C. RODRIGUEZ - 3/18/10

1 MS. BRAHVER-KEELY: Mr. Melfi?

2 MR. MELFI: I'm not familiar with the  
3 building code nor its accessibility. I'm  
4 trying to run them over number now. I don't  
5 have the code for the department.

6 MR. TRAWINSKI: Do you have that  
7 information with you do you think,  
8 Mr. Rodriguez?

9 THE WITNESS: I'm looking for it.

10 MR. TRAWINSKI: While Mr. Rodriguez is  
11 doing that, I do want to point out to the Board  
12 on the issue of the stacked parking, which I  
13 thought was where Mr. Mulligan was heading,  
14 that in the House of Sheba Church of God  
15 application, this Board, in fact, approved  
16 stacked parking.

17 THE WITNESS: Okay. Here's the breakdown  
18 as I did it from the building code.

19 With tables and chairs, the requirement is  
20 15 square feet per person. So it's 82 people  
21 can fit into this space. If it's not fixed  
22 seating, just movable chairs, the criteria is 7  
23 square feet per person and the number is  
24 actually 175 people that the building code  
25 allows to be in that space.

♀

28

C. RODRIGUEZ - 3/18/10

1 CHAIRMAN HODGES: You're saying now --  
2 just to be clear, you're saying that this room,  
3 by the building code, can hold 175 people?

4 THE WITNESS: That's what the code  
5 establishment is. Up to 175, depending on how  
6 the seating is configured.

7 CHAIRMAN HODGES: Mr. Melfi, is that --

8 MR. MELFI: I just did a quick calculation  
9 on 1,230 square feet, divided by 160, gives you  
10 7.68 people per square foot.

11 So it's for every 7.68 square foot, you  
12 could have one person to fit 160 people.

13 THE WITNESS: That's about standard. A

14 little bit more than shoulder to shoulder but  
15 really packing that room in.

16 MR. MELFI: It's probably about two chairs  
17 to give you perspective, would I be right, give  
18 or take a little bit?

19 THE WITNESS: Yes.

20 CHAIRMAN HODGES: That's what you had when  
21 we originally figured out the parking --

22 MR. MELFI: The parking was never figured  
23 out for that. The parking was based on the  
24 square footage.

25 MR. RITVO: Parking is really the square

♀

29

C. RODRIGUEZ - 3/18/10

1 footage of the area of the assembly, not the  
2 number of people.

3 MR. ROSEN: I want to talk about stacked  
4 parking.

5 The original -- the application is  
6 configured so that you have five vehicles in  
7 stacked parking, right?

8 THE WITNESS: Five stacked and one  
9 adjacent for the handicapped.

10 MR. ROSEN: Now, on top of the stacked

11 parking, is that proposed to remain green?

12 THE WITNESS: That's not -- we're actually  
13 going to plant that plant material. I'm not  
14 sure they'll exist as is shown right there.

15 MR. ROSEN: I want to now go to the  
16 configuration which is submitted tonight as  
17 something sort of dismissed but yet you've  
18 brought up an interesting solution to that  
19 stacked parking.

20 Could you see -- instead of the stacked  
21 parking, could you see those four or five  
22 spaces configured so that instead of the green,  
23 you would have pavement and those four or five  
24 cars could have safe access in or out?

25 Would you recommend that as a solution to

♀

30

C. RODRIGUEZ - 3/18/10

1 the stacked parking?

2 THE WITNESS: Yes. It would eliminate one  
3 spot but yes, we could use something like that  
4 so it would all, in a sense, be parallel  
5 parking as would be typical in any downtown  
6 streetscape.

7 MR. ROSEN: Is that something -- I don't

8 know if you're prepared to speak on behalf of  
9 your client, is that something you would  
10 recommend?

11 THE WITNESS: I could recommend that,  
12 absolutely.

13 MR. ROSEN: Mr. Melfi --

14 MR. RITVO: I couldn't hear the question.  
15 I couldn't hear the question, if I could make  
16 note of this.

17 THE WITNESS: Could we take the parking  
18 that we have straight into the driveway and  
19 move it over to the north side of the property  
20 so that we can maintain a common access  
21 driveway all the way up and parallel park into  
22 these berths, that would be similar to what's  
23 shown on the document that was presented  
24 tonight.

25 MR. RITVO: How many spaces would you get?

♀

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C. RODRIGUEZ - 3/18/10

1 THE WITNESS: We would get five spaces.  
2 We'd have the four, leave it a little bit more,  
3 25 feet and 10 feet for the width and then the  
4 handicap spot.

5 MR. ROSEN: How much green would we be  
6 removing under that format?

7 THE WITNESS: There really isn't a lot of  
8 green there right now. There's a shrub line  
9 that's in fair shape. I mean, in a situation  
10 like that, there's still several feet between  
11 what would be that proposed parking berth and  
12 the property line where I would once again  
13 recommend we put arborvitaes, something like  
14 that, narrow column type of shrub.

15 MR. ROSEN: So is that something you would  
16 recommend and your client will be willing to --

17 MR. TRAWINSKI: Yes. And I just spoke to  
18 the president of my client, Mr. Erlich, and he  
19 indicates that if the Board wanted that as an  
20 alternative, he'd be willing to construct that.

21 MR. ROSEN: Thank you.

22 CHAIRMAN HODGES: Any other questions by  
23 members of the Board?

24 At this time, open it up, questions to  
25 members of the public. Just like to caution

♀

32

C. RODRIGUEZ - 3/18/10

1 everybody, if you could please listen to other

2 people so we don't have to repeat questions.

3 And also this -- our expert here is  
4 testifying as an architect. So as far as  
5 questions concerning the congregation, we're  
6 going to save for, I guess our next witness,  
7 Mr. Ehrlich, will be back up.

8 So if you have a question concerning the  
9 architecture of the property and the building,  
10 the time to ask the questions is now.

11 MR. TRAWINSKI: Mr. Chairman, might I just  
12 ask if I could bring Mr. Ehrlich up to respond  
13 to member Keely's question, just have one item?

14 CHAIRMAN HODGES: No.

15 MR. TRAWINSKI: Okay. Then so --

16 CHAIRMAN HODGES: What I want to do is  
17 keep in order.

18 MR. TRAWINSKI: Understand. Would you  
19 make it clear that that issue is not yet on the  
20 table that it will be answered by Mr. Ehrlich  
21 and if people want to ask questions about it,  
22 they will be able answer to it.

23 CHAIRMAN HODGES: As far as changing the  
24 parking?

25 MR. TRAWINSKI: No, no. The number of

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1 members of the congregation.

2 CHAIRMAN HODGES: That will be asked  
3 later.

4 Right now, with that, take questions only  
5 of the architect.

6 Do we have anybody on this side that would  
7 like to ask a question?

8 Anybody on the other side?

9 MR. ROSE: Howard Rose, 575 Northumberland  
10 Road.

11 Just regarding the picture that is not  
12 shown to the public regarding the parking, is  
13 it your indication through that exhibit that  
14 this property and the use that's proposed is  
15 really a very difficult if not impossible  
16 situation and that the property and its  
17 proposed use is inadequate for the sized  
18 property?

19 THE WITNESS: I didn't fully understand  
20 that question.

21 MR. ROSE: You're indicating that with 21  
22 parking spaces -- it seems to me and correct

23 me -- are you indicating that --

24 MR. TRAWINSKI: Object to the  
25 characterization as to what seems to the

♀

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C. RODRIGUEZ - 3/18/10

1 questionnaire. The questionnaire is entitled  
2 to --

3 MR. ROSE: I remove the word "seems."

4 Thank you.

5 In your opinion, are 21 spaces too much  
6 for this property and the existing building and  
7 purpose that is being proposed?

8 THE WITNESS: I do not believe so. I  
9 think what we demonstrated in this document is  
10 that we could support 21 parking berths on this  
11 site.

12 MR. ROSE: So you're indicating then that  
13 this property for this use, the 21 spots, can  
14 certainly be handled?

15 THE WITNESS: If this document was  
16 approved by the Board, we could fit 21 parking  
17 berths on the site.

18 MR. ROSE: Great, thank you.

19 CHAIRMAN HODGES: Anyone else?

20 MS. ABBOTT: Mr. Rodriguez -- Janet  
21 Abbott, 277 Griggs Avenue.

22 If you were creating a house of worship  
23 from scratch, what would be the amount of the  
24 square footage that you would allow per person  
25 in the assembly?

♀

35

C. RODRIGUEZ - 3/18/10

1 MR. TRAWINSKI: Mr. Ritvo, I have to  
2 object again.

3 MR. RITVO: I couldn't hear the question.

4 MS. ABBOTT: This is --

5 MR. RITVO: Please direct your -- to the  
6 Board. Procedurally, we'd ask everybody to  
7 direct -- if you have a problem, direct it to  
8 the Board.

9 MS. ABBOTT: He's tempting me.

10 MR. TRAWINSKI: I'm trying to raise an  
11 objection before the Board to an irrelevant  
12 question.

13 MR. RITVO: Before you do, Ms. Abbott, I  
14 couldn't hear your question. So please speak  
15 into the microphone.

16 MS. ABBOTT: My question is: When one

17 creates a house of worship from scratch, what  
18 kind of square footage do you figure per person  
19 for the sanctuary?

20 MR. RITVO: Ms. Abbott, let Mr. Trawinski  
21 put his objection on the record.

22 MR. TRAWINSKI: I'm going to object. The  
23 question is totally irrelevant. We're dealing  
24 with this house of worship and this  
25 configuration.

♀

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C. RODRIGUEZ - 3/18/10

1 If the Board desires to have a  
2 dissertation on how houses of worship are  
3 constructed, we will bring in an expert on  
4 construction of houses of worship. That issue  
5 is more properly vested with the governing  
6 body.

7 CHAIRMAN HODGES: I'm going to allow the  
8 question.

9 Mr. Rodriguez is an expert and we'll --

10 THE WITNESS: As I went through the  
11 criteria earlier, it depends on what criteria  
12 you use for the seating.

13 If you use tables and chairs, you would

14 have 15 square feet per person. If you had  
15 loose seating, as we have here, you would use a  
16 criteria of 7 square feet per person.

17 MS. ABBOTT: Thank you.

18 MR. HARRIS: Joe Harris. I live at 267  
19 Griggs Avenue.

20 I do not understand and I would appreciate  
21 if you could explain it to me.

22 AUDIENCE MEMBER: Question. Out of order.

23 CHAIRMAN HODGES: Go ahead, Mr. Harris.

24 MR. HARRIS: I do not understand and I  
25 would appreciate if you could explain it to me

♀

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C. RODRIGUEZ - 3/18/10

1 why did you bring the example of the 21 parking  
2 spaces?

3 THE WITNESS: There was a question on from  
4 the Board members at the last meeting: Could  
5 this property support more parking?

6 We brought in a document today to show  
7 that, yes, we could support more parking.  
8 That's what the document represents. It's not  
9 part of our application right now; it's just a  
10 document that shows that, yes, we could put

11 more on the site.

12 MR. HARRIS: But you do not recommend  
13 that?

14 THE WITNESS: For this specific location I  
15 would not because I think it takes what is a  
16 residential house in a residential zone and  
17 keeps that continuity. If we come back in and  
18 pave this lot with this much impervious area, I  
19 think it changes the character of not only the  
20 house but potentially the micro area in the  
21 neighborhood and then there's a commercial  
22 venture.

23 MR. HARRIS: Is there any house nearby or  
24 in that area that has that kind of parking lot?

25 THE WITNESS: This parking lot the way

♀

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C. RODRIGUEZ - 3/18/10

1 I've shown?

2 MR. HARRIS: Yes.

3 THE WITNESS: Or just in general?

4 There's a property several blocks down to  
5 the south side that has a parking lot. It's a  
6 smaller parking lot and it's also in the back  
7 of the property.

8 MR. HARRIS: And it holds how many?

9 THE WITNESS: Eleven.

10 MR. HARRIS: That is for one home?

11 THE WITNESS: I don't know the  
12 architecture of that structure. All I know is  
13 it seems to be a house of worship with 11  
14 parking berths in the back of the property.

15 MR. HARRIS: If I understand you  
16 correctly, if you did put in these 21 parking  
17 spaces or anything near it, the result would be  
18 that we fundamentally would have a commercial  
19 appearance on that lot.

20 THE WITNESS: I think the parking lot  
21 would lend itself to that. I don't think the  
22 house and the structure itself lends itself to  
23 a commercial appearance but I think when you  
24 introduce that much parking, it's not typical  
25 for a residence to have striped parking in that

♀

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C. RODRIGUEZ - 3/18/10

1 amount.

2 MR. HARRIS: Would you agree that would be  
3 a detriment to the community?

4 THE WITNESS: I don't know that it would

5 necessarily be a detriment. I don't think it's  
6 ideal.

7 MR. HARRIS: Do you think it would be a  
8 positive feature?

9 THE WITNESS: Oh, no.

10 MR. HARRIS: Then do you think it would be  
11 a neutral feature?

12 THE WITNESS: I don't think it would be a  
13 positive feature.

14 MR. HARRIS: The neighborhood is intended  
15 to be a residential neighborhood, is it not?

16 THE WITNESS: Yes.

17 MR. HARRIS: To convert --

18 THE WITNESS: It's intended to be but also  
19 it's allowed to have houses of worship in that  
20 neighborhood. It's a conditional use for that  
21 zone. So it isn't strictly a residential zone.  
22 There are conditions where different houses of  
23 worship are allowed in that area.

24 MR. HARRIS: Is a house of worship  
25 considered a commercial property?

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C. RODRIGUEZ - 3/18/10

1 THE WITNESS: I look at it, it's a house

2 of worship --

3 MR. RITVO: Mr. Chairman, I would suggest  
4 that question is beyond the scope of this  
5 witness' expertise.

6 While he may try to answer it, the Board  
7 can't take notice of it anyway because that  
8 would be for a planner, not for an architect.

9 MR. HARRIS: You mentioned -- one of the  
10 members of the Board, I believe, mentioned that  
11 two blocks north, approximately two blocks  
12 north, there's another house of worship with  
13 parking and you responded yes.

14 Did I hear you correctly?

15 THE WITNESS: Yes.

16 MR. HARRIS: Would the members of this  
17 synagogue be able to walk to that house of  
18 worship easily?

19 THE WITNESS: I don't think I'm the right  
20 person to ask that question.

21 MR. HARRIS: It's two blocks away  
22 approximately?

23 THE WITNESS: Walking is walking. People  
24 can walk quite a distance. The relationship  
25 between this house of worship and that house of

C. RODRIGUEZ - 3/18/10

1 worship is outside of my job.

2 MR. HARRIS: I'm merely referring to  
3 geography.

4 THE WITNESS: People walk farther as I  
5 showed on my site map.

6 CHAIRMAN HODGES: Mr. Harris, this witness  
7 is only the architect. So they have -- he  
8 doesn't have anything to do with who goes to  
9 what house of worship, how they pray, how many  
10 people come there. He's like -- he's the  
11 designer of the building, just designs it,  
12 that's all.

13 MR. HARRIS: I'd shift my question.

14 Before I came here, I tried to acquaint  
15 myself with some regulations and I don't have  
16 them down pat.

17 But I wanted to ask you, the idea came up  
18 of having tonight, of having a row of parallel  
19 parking directly next to the neighbor's house.

20 Did I understand that correctly that  
21 that's what was being proposed?

22 THE WITNESS: Yes.

23 MR. HARRIS: So in order to be able to  
24 access that directly, these parallel parking,  
25 one would have to have at least next to it on

♀

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C. RODRIGUEZ - 3/18/10

1 the right-hand side facing into the house of  
2 worship, one would have to have another 10 feet  
3 or so, maybe 12 or 14 feet or so of blacktop so  
4 that one could park in those parallel spaces.

5 Am I correct about that?

6 THE WITNESS: Yes.

7 MR. HARRIS: So I'm guessing that you  
8 would need something like 25 feet at least to  
9 make this workable?

10 THE WITNESS: No.

11 MR. HARRIS: No? How many feet would be  
12 required?

13 THE WITNESS: About 21.

14 MR. HARRIS: About 21.

15 THE WITNESS: A little bit less.

16 MR. HARRIS: Is there space -- is there  
17 21 feet between the site of the synagogue and  
18 the house border next to it?

19 THE WITNESS: Yes.

20 MR. HARRIS: How many feet are there?

21 THE WITNESS: 21.1.

22 MR. HARRIS: 21.1.

23 And how many cars did you think could be  
24 parked next to the synagogue in that 21.1-foot  
25 wide space?

♀

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1 THE WITNESS: Four.

2 MR. HARRIS: Four of the five would be  
3 parked there?

4 THE WITNESS: Yes.

5 CHAIRMAN HODGES: Take a five-minute  
6 break.

7 (At 7:59 p.m. a recess was taken.)

8 (At 8:05 p.m. the hearing resumes.)

9 CHAIRMAN HODGES: Mr. Harris?

10 MR. HARRIS: Thank you.

11 Are there any regulations regarding the  
12 width of blacktop that there can be on any  
13 property for parking?

14 THE WITNESS: I don't know if there are  
15 any regulations for that. I know that the curb  
16 cut is limited up to 20 feet.

17 MR. HARRIS: I'm sorry but I don't know  
18 that term.

19 MR. RITVO: Let me help. The Board is  
20 fully familiar with this, Mr. Harris.

21 The curb cut cannot be graded at 20 feet  
22 wide. That's the part of the drop that the  
23 curb goes down to get into the property, and  
24 you can't have more than 3 feet of paving in a  
25 side yard unless it leads to a detached garage.

♀

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C. RODRIGUEZ - 3/18/10

1 So those are variance conditions.

2 MR. HARRIS: So they would require  
3 additional variances?

4 MR. RITVO: They need variances --

5 MR. HARRIS: For each of those.

6 MR. RITVO: And there's also a buffer  
7 requirement which Mr. Rodriguez spoke to for  
8 houses of worship. They need a variance for  
9 that 20 feet, a buffer which they won't have if  
10 they put the parking on the property line as  
11 proposed.

12 Those are variances that they need.

13 MR. HARRIS: The buffer is supposed to be

14 20 feet, sir?

15 THE WITNESS: I think actually that was  
16 altered I believe incorrectly that --

17 MR. RITVO: You mean I erred? Impossible.

18 THE WITNESS: We don't have buffers right  
19 now and there's pavement within that 20-foot  
20 zone. The line is to the building the way the  
21 denial is written.

22 So you have asphalt in the zone and from  
23 what I understand, at least this application so  
24 far, having pavement within that zone is not a  
25 variance requirement.

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1 MR. HARRIS: Mr. Ritvo just indicated  
2 unless, he is in error --

3 MR. RITVO: I am. Let me help.

4 A landscaped buffer of not less than  
5 25 feet in width from which parking shall be  
6 excluded shall be provided along the rear  
7 property line, so there'd be some invasion of  
8 that along the rear property line, 25 feet.

9 And a similar buffer of not less than  
10 15 feet, parking excluded, shall be provided

11 along the side boundary lines. So it's 15  
12 along the side, 25 along the rear, and you  
13 can't put parking in it.

14 So they need variance for placing the  
15 parking there and need a variance for being too  
16 close to the side yard without a buffer.

17 Is that helpful?

18 MR. HARRIS: Yes, it is.

19 MR. RITVO: Now, it is also accurate.

20 MR. HARRIS: Now, if I understand you  
21 correctly, there would be no buffer if you were  
22 to have two -- if you were to have parallel  
23 parking?

24 THE WITNESS: No. Actually, in looking at  
25 the -- and thinking about the parking width,

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C. RODRIGUEZ - 3/18/10

1 there would be 3 feet -- 2 1/2 to 3 feet of  
2 buffer. The parking berth is 8 feet wide.  
3 We'd have about 10 feet to 11 feet of driveway  
4 which would take us to about 18 1/2 or 19 feet  
5 and we'd be 2 feet at the side of the property  
6 line at a worst case scenario.

7 MR. HARRIS: Is that safe?

8 THE WITNESS: I believe so.

9 MR. HARRIS: Well, I've never worked in a  
10 parking garage so I don't have the knowledge.

11 But I would ask you, when one is to use  
12 this parallel parking along there to get into  
13 the first space, the one furthest to the rear,  
14 if the other spaces were filled, how would one  
15 get there?

16 THE WITNESS: It's not unlike the parallel  
17 parking that you would have in your community  
18 where sometimes you have to fit in between  
19 other cars, sometime there's a car all the way  
20 at the end of open space, you pull up and you  
21 back in and --

22 MR. HARRIS: I don't know how you can back  
23 in, and maybe you can correct me, if you're  
24 already at the back?

25 THE WITNESS: You could -- we're talking

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1 about hypothetical still. Follow me.

2 We can put a hammer head at the end of  
3 this spot where you can pull the nose of the  
4 car all the way up and then back into that

5 berth.

6 MR. HARRIS: If you did that, would that  
7 mean that you would lose one parking space?

8 THE WITNESS: I don't understand what  
9 you're talking about. We're saying --

10 MR. HARRIS: My understanding of parallel  
11 parking is that one has to be at least -- at  
12 least half a car length in front of the space  
13 you're moving into in order to be able to back  
14 into the parking space. Am I wrong? That's  
15 what they taught me in driving school.

16 THE WITNESS: What they taught you in  
17 driving school and what parking criteria and  
18 lot are could be completely different things.

19 I'm telling you with a hammer head here,  
20 you could back into that berth and you wouldn't  
21 lose it.

22 MR. HARRIS: What is a hammer head?

23 THE WITNESS: It's a cut out from the  
24 asphalt that would compute past the parking  
25 berths as a -- you're able to pull your car

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1 into and back into the spot.

2 MR. HARRIS: As I looked at your map  
3 there, it seems to me that space number four is  
4 all the way at the back and I see no space  
5 further past it.

6 THE WITNESS: The problem is you're taking  
7 a document and trying make it absolute right  
8 now. This is not the final document. This is  
9 a conceptual plan of what it could be.

10 And now we're talking -- the whole  
11 conversation has really been about a  
12 hypothetical parking configuration. It's not  
13 all documented here. This was just a put down  
14 of a concept of what could be here. Doesn't  
15 have to be massaged out and worked absolutely.

16 Is this conclusive, etched in stone? No.  
17 It just shows what could happen on the site.

18 MR. HARRIS: I see. Would you then come  
19 back then and testify when there is an actual  
20 plan?

21 MR. TRAWINSKI: I'm going to object.  
22 We're not offering to change the plans. We've  
23 testified in response to questions from the  
24 Board. Are we looking to change the plans?  
25 The answer is a resounding no.

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1           If the Board approved a different  
2           variation, then we would provide a fully  
3           engineered diagram of that engineering.

4           MR. HARRIS: Mr. Chairman, how could the  
5           Board approve a plan that it has not seen?

6           MR. TRAWINSKI: I'm going to object.  
7           We're not asking the Board to approve this plan  
8           for the second time.

9           The questioner is not listening to the  
10          responses nor is he listening to the testimony  
11          presented.

12          MR. RITVO: May I help, Mr. Chairman?

13          This Board routinely may approve plans  
14          subject to review of the engineering  
15          department, consulting engineer, zoning office,  
16          or may make a condition of approval, a fully  
17          engineered or structural plan.

18          Let me finish. And so this is not unusual  
19          for an applicant to do this and it's standard  
20          and practice before boards.

21          MR. HARRIS: Is it the standard and the  
22          practice that the neighbors get to ask

23 questions about the final plan that's being  
24 proposed?

25 MR. RITVO: Not if it's technical in

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1 nature.

2 MR. HARRIS: Is it technical in nature as  
3 to whether or not there's space for four  
4 parking spaces?

5 MR. RITVO: Yes -- not -- yes.

6 MR. HARRIS: That is technical?

7 MR. RITVO: Yes. The case law says  
8 certain expertise lies with engineers rather  
9 than Board members, that the Board can delegate  
10 that the opportunity for the expert on behalf  
11 of the township to review it and if the expert  
12 isn't satisfied, the experts will send it back  
13 to the Board for further review. And that's  
14 typically what happens.

15 MR. HARRIS: One more question to you on  
16 this.

17 MR. ROSEN: We're not talking about  
18 parallel parking, are we? We're talked about  
19 stacked parking. There's a big difference.

20 THE WITNESS: It would be essentially  
21 stacked parking.

22 MR. ROSEN: No one has proposed parallel  
23 parking? Because that's confusing.

24 THE WITNESS: I'm answering the question  
25 based on your question: Could we put the four

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1 spots on that site?

2 MR. ROSEN: I understood that but the --  
3 he has proposed -- you're talking about  
4 parallel parking and you responded you're not  
5 talking about parallel parking. Parallel  
6 parking is cars parked next to each other --

7 THE WITNESS: Yes.

8 MR. HARRIS: My apologies. I meant one  
9 behind the next and you get in from the side.

10 MR. ROSEN: Stacked parking.

11 MR. HARRIS: But, sir, if I understand you  
12 correctly, what you had asked earlier was  
13 whether or not it was possible to have, instead  
14 of the configuration of stacked parking which  
15 they had proposed earlier, that there be a  
16 different configuration which would allow cars

17 to be side by side with one another.

18 MR. ROSEN: That's no longer stacked  
19 parking but it's not parallel parking, okay.

20 MR. HARRIS: Okay.

21 My error. My error.

22 MR. ROSEN: Okay.

23 MR. HARRIS: One more series of -- if I  
24 may.

25 You said, I believe, that regarding the

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1 space, that the meeting room was 1,230 square  
2 feet, that the vestibule was 200, the  
3 kitchenette was 275 and the bathroom or powder  
4 room was 50.

5 And when I add them up, I come up with --  
6 I think I've forgotten -- about 1,700 or  
7 something like that. You came up with 1,900.  
8 Am I missing some space?

9 THE WITNESS: No, you're not. Those  
10 numbers are based on usable square footage  
11 inside the wall. 1,900 counts all the wall --  
12 the thickness is all the way around the  
13 different uses.

14 MR. HARRIS: Because I have not been  
15 inside that place, is all of it within the  
16 so-called family room?

17 THE WITNESS: I don't understand the  
18 question.

19 MR. HARRIS: Well, the shul asked for  
20 permission to build a family room and  
21 permission was granted by the town to build a  
22 family room.

23 And now I'm hearing discussion about a  
24 meeting room or a shul plus a vestibule, a  
25 kitchenette and a bathroom and that's unclear

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1 to me whether or not we are speaking of all of  
2 that as the family room. And the reason --  
3 well, maybe you can answer that.

4 MR. TRAWINSKI: Mr. Chairman, I'm going to  
5 object, respectfully. This has been asked and  
6 answered at least four times, at least four  
7 times. Twice through this witness, once the  
8 question from the Board, once by this witness  
9 on direct and twice on the first hearing. This  
10 is now becoming unduly repetitive.

11 MR. HARRIS: Mr. Chairman, I wish he  
12 wouldn't interrupt me while I'm asking  
13 questions.

14 MR. TRAWINSKI: Mr. Chairman?

15 CHAIRMAN HODGES: I'll take care of it.  
16 Please have a seat.

17 Mr. Harris, when you ask the witness, this  
18 witness is under Mr. Trawinski and the  
19 applicant. If you ask a question which their  
20 attorney believes should not be answered, he's  
21 doing an objection just like you see in the  
22 People's Court on TV. Somebody objects. He's  
23 allowed to make an objection to your question.  
24 And that's what he's doing.

25 MR. HARRIS: Am I allowed to respond?

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1 CHAIRMAN HODGES: Please. What we're  
2 going to do is I asked this earlier, not to  
3 repeat questions.

4 Mr. Rodriguez, please answer the question  
5 this last time and what I'm asking is that  
6 everybody listen to the other answers so we  
7 don't keep coming up. Because we're trying to

8 progress this application along and we can't  
9 progress -- I understand please, I understand.  
10 This is an unfamiliar setting for you, people  
11 get nervous, people get confused. But we're  
12 trying to keep it down to a minimum as far as  
13 so we can proceed along. Okay.

14 Mr. Rodriguez, please just answer this  
15 question one last time.

16 THE WITNESS: Can you can ask the question  
17 again?

18 MR. HARRIS: Yes. And I'm going to give  
19 some background to the question.

20 MR. RITVO: Let me do it.

21 For purposes of parking -- for purposes of  
22 parking, how many square feet did you utilize  
23 as public assembly here?

24 THE WITNESS: We used a whole gross  
25 number, 1,900 square feet.

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1 MR. RITVO: What does that include?

2 THE WITNESS: That includes all the new  
3 space, the vestibule, the bathroom, the  
4 sanctuary and the kitchenette.

5 MR. RITVO: Everything that the  
6 congregation will use?

7 THE WITNESS: Yes.

8 MR. RITVO: Anything excluded from what  
9 the congregation will use in your parking  
10 calculation?

11 THE WITNESS: There's two spots for the  
12 residents.

13 MR. RITVO: Talking about the square  
14 footage of the interior space.

15 THE WITNESS: That's it.

16 MR. RITVO: 1,900 square feet includes not  
17 only areas of assembly, but everything else  
18 they're going to use.

19 THE WITNESS: Exactly.

20 MR. RITVO: Go ahead. If you need more,  
21 go ahead.

22 MR. HARRIS: Thank you. I'm really not  
23 trying to be difficult, I'm really not.

24 You just said, if I understood you  
25 correctly, that it included -- and I'm trying

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1 to quote you -- the new area, plus the

2 vestibule, the kitchenette and the bathroom?

3 THE WITNESS: That will include the new  
4 area.

5 MR. HARRIS: That's all included in the  
6 new area?

7 THE WITNESS: As I said earlier, other  
8 than the kitchenette, which would, formerly the  
9 garage, converted to the kitchenette, the  
10 different components of what we're talking  
11 about are part of the new construction, the  
12 sanctuary, the bathroom and the vestibule and a  
13 closet.

14 MR. HARRIS: Thank you. I did not get  
15 that. All right.

16 So the new area, the new construction,  
17 therefore, was -- is the meeting room, the  
18 vestibule and the bathroom because the garage  
19 already existed but has been converted in its  
20 use?

21 THE WITNESS: Yes.

22 MR. HARRIS: Was there a permit to redo  
23 that garage?

24 MR. TRAWINSKI: Object, Mr. Chairman.  
25 Again, this is not about whether permits were

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1 issued or not issued and it's not ancient  
2 history. It's about what's before the Board.

3 CHAIRMAN HODGES: Thank you. We can only  
4 ask this witness architectural questions. He  
5 has nothing to do with if there was a permit,  
6 if there wasn't. The same thing if you put --  
7 if you want to design an extension in your  
8 house, you go to the architect, he draws out  
9 the design, now it's up to you or your builder  
10 to go get a permit.

11 MR. HARRIS: As an architect, the question  
12 of the design of the new building, therefore,  
13 is within your province and you are able to  
14 determine or make an evaluation whether or not  
15 it fits within the characteristics of the  
16 neighborhood; is that right?

17 THE WITNESS: Yes.

18 MR. HARRIS: Do you know of another  
19 building like that within -- on that block?

20 THE WITNESS: I see it as a residence.  
21 I've always seen it as a residence. And the  
22 neighborhood is littered with residences.

23 They're all residences in a residential zone.  
24 I don't think this is anything different than a  
25 residence when we designed it.

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1 MR. HARRIS: You designed it as a  
2 residence?

3 THE WITNESS: Yes.

4 CHAIRMAN HODGES: You didn't design it as  
5 a shul?

6 MR. TRAWINSKI: I'm going to object. It  
7 was asked last time with Mr. Rodriguez, it was  
8 asked in the first hearing of Mr. Ehrlich, as  
9 well. And the answer is the same answer from  
10 the architect, a resounding no. It was  
11 designed as a family room. That's why we're  
12 here. We're asking for permission to convert  
13 it.

14 CHAIRMAN HODGES: Can you proceed. That's  
15 answered. That's the answer.

16 MR. HARRIS: That is the answer? I didn't  
17 know he was testifying.

18 CHAIRMAN HODGES: He's repeating testimony  
19 that's already been testified.

20 MR. HARRIS: Is he allowed to do that?

21 CHAIRMAN HODGES: Yes.

22 MR. HARRIS: Because I know I can't

23 testify because I'm not under oath.

24 When you came up with the -- tell me if

25 I'm out of order, when you came up with the 45

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1 spots on the diagram --

2 CHAIRMAN HODGES: Sir --

3 MR. HARRIS: Is that out of order?

4 CHAIRMAN HODGES: He's the architect.

5 He's not -- he didn't -- he's already testified

6 he didn't put the dots on the diagram. He

7 brought the diagram out and the congregation

8 put the dots on it.

9 MR. HARRIS: And he participated in it, in

10 the making of it. Doesn't that make it

11 permissible to be asking him about it?

12 CHAIRMAN HODGES: Tell me what question

13 you want to ask.

14 MR. HARRIS: I'm curious as to where they

15 are, first of all, whether they're north. They

16 tend to be north of the shul, south of the

17 shul, east, west, you know?

18 CHAIRMAN HODGES: These questions here --  
19 these questions, according to where the  
20 congregation is, can be asked of Mr. Ehrlich  
21 who is going to speak I guess -- I don't know  
22 whether he's next or right after. All of those  
23 questions go to him.

24 MR. HARRIS: Even though he addressed it?

25 CHAIRMAN HODGES: I'm trying give you the

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1 best answer. Prior to Mr. Ehrlich going up, if  
2 you'd like to see the diagram, I'll make sure  
3 you can see it.

4 If it's somebody else, I'll take a break  
5 and everybody can look at it but as far as the  
6 structure --

7 MR. HARRIS: I would appreciate having the  
8 opportunity for us to see that diagram so that  
9 we can properly address. Thank you very much.

10 CHAIRMAN HODGES: Anybody else would like  
11 to ask questions of the architect?

12 State your name and address.

13 MR. CAMPEAS: Riff Campeas, 258 Griggs

14 Avenue.

15 CHAIRMAN HODGES: I know everybody is  
16 passionate about this. This is just the  
17 architect. Ask architect questions.

18 MR. CAMPEAS: Just architect questions.

19 Mr. Rodriguez, you completed the form for  
20 the construction application?

21 THE WITNESS: (Nodding.)

22 MR. TRAWINSKI: I'm going to object. It  
23 was not testified to on direct evidence. This  
24 is cross-examination. The purpose of  
25 cross-examination is to probe the issue of the

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1 testimony on direct.

2 CHAIRMAN HODGES: Mr. Rodriguez, you  
3 can't -- you have to answer. You can answer  
4 that question. You can't shake your head  
5 rather.

6 THE WITNESS: I think the question was:  
7 Did I do the building permit application? The  
8 answer is no.

9 MR. CAMPEAS: Did your firm do the  
10 building application?

11 THE WITNESS: No.

12 MR. CAMPEAS: Did your firm do the  
13 REScheck?

14 THE WITNESS: Yes.

15 MR. CAMPEAS: Thank you. Can I introduce  
16 this as evidence?

17 MR. RITVO: When it's your turn to  
18 testify. Let me explain one thing.

19 Usual procedure is for the applicant to go  
20 first, put in witnesses and documents and then  
21 the public can. But if you need that document  
22 to cross examine this witness, you may make a  
23 representation of what it is and show it to the  
24 witness and see if the witness can identify it.  
25 And then we'll mark it, but not into evidence.

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1 MR. CAMPEAS: Okay. No problem.

2 Is this the REScheck that your firm filled  
3 out?

4 THE WITNESS: Yes.

5 MR. CAMPEAS: Yes.

6 MR. RITVO: Let me mark it for  
7 identification.

8 MR. CAMPEAS: I have two more copies.

9 MR. TRAWINSKI: I am going to object.

10 This is cross-examination. This is not direct  
11 testimony.

12 Mr. Campeas is entitled to put this into  
13 evidence as direct but he's not entitled to  
14 attempt to introduce through the back door by  
15 way of cross-examination.

16 MR. RITVO: I have the greatest respect  
17 for Mr. Trawinski as an attorney and his  
18 knowledge of the rules of evidence,  
19 Mr. Chairman; however, this is a Board of  
20 Adjustment, where the rules of evidence  
21 according to procedure are relaxed.

22 What I will say to you, Mr. Chairman, is  
23 we don't know what the purpose used yet. He  
24 can ask whether this was a REScheck?

25 MR. CAMPEAS: REScheck. I have no idea

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1 what it means.

2 MR. RITVO: I don't either. In fact, the  
3 top of this document says -- Mr. Trawinski,  
4 have you seen it?

5 MR. TRAWINSKI: No.

6 MR. RITVO: Would you like to see it?

7 MR. TRAWINSKI: Yes, I would, and I would  
8 also like to ask the Board and its counsel to  
9 have the questioner make a proffer as to  
10 relevance.

11 MR. RITVO: I was about to do that.

12 This is a REScheck compliance certificate  
13 New Jersey Energy Sub code, which I'm only  
14 marking for identification and I'm going to  
15 mark it under Mr. Campeas as C-1.

16 (Exhibit C-1 was received and marked for  
17 identification, as of this date.)

18 MR. RITVO: With today's date only for  
19 identification, not into evidence.

20 And Mr. Trawinski has asked, and he has a  
21 right, is for you to generally to tell the  
22 Board why you think this document and its  
23 contents are relevant to this case.

24 MR. CAMPEAS: It goes to the intent and  
25 the honesty of the people who have participated

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1 in this.

2 MR. TRAWINSKI: I want to note a very  
3 strenuous objection. The integrity of my  
4 client has been called into question in a  
5 public forum.

6 If this witness has facts to base that he  
7 is now calling my client a liar and dishonest,  
8 then he damn well better put them on the record  
9 because he has now defamed my client in a  
10 public forum and that is wholly unconscionable.

11 And that is not relevant to the inquiry  
12 and, in fact, at the second hearing, the Chair  
13 ruled that the prior history, when I pointed  
14 out that New Jersey case law did not address  
15 the issue of honesty or lack thereof of an  
16 applicant before a Board, the Chair ruled and  
17 supported the ruling that that was irrelevant  
18 before this Board.

19 MR. CAMPEAS: May I speak? I don't  
20 believe the Board -- I don't believe -- I don't  
21 remember the Board ruling. I do remember that  
22 there was a discussion about case law in --  
23 there was a discussion about case law from New  
24 York where that was an issue and was brought in  
25 and whether that is relevant and whether New

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1 Jersey Board of Adjustment may consider what  
2 happens in the State of New York.

3 MR. RITVO: Okay. Let me try to weed  
4 through this for you, Mr. Chairman, because  
5 these are legal considerations.

6 CHAIRMAN HODGES: That's why you're here.

7 MR. RITVO: Mr. Trawinski's comment about  
8 defamation and comments made is really outside  
9 of this Board's purview. You can rule certain  
10 things out of order if you wish.

11 All people are cautioned that their  
12 statements made public about others might have  
13 implications, but I'm not criticizing anyone  
14 because I don't know what's being said here. I  
15 don't know what the implications are. I'm not  
16 suggesting any criticisms of anyone.

17 As to whether or not this has any  
18 relevance, I think what Mr. Campeas has said is  
19 he thinks -- tell me if I'm right,  
20 Mr. Campeas -- that this witness' credibility  
21 is in question by this document.

22 Is that what you're saying?

23 MR. CAMPEAS: No. I'm saying that the  
24 description of -- well, I'm not sure. I have  
25 to think that through.

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1 MR. RITVO: It's very important what  
2 you're about, so please think about my  
3 question.

4 Is the purpose of this document to  
5 undermine the credibility of Mr. Rodriguez?

6 MR. CAMPEAS: No.

7 MR. RITVO: Then it's not relevant,  
8 Mr. Chairman.

9 Documents can be used to undermine  
10 credibility but Mr. Rodriguez said that his  
11 firm did this and so if it's not to undermine  
12 his credibility, I don't understand your  
13 proffer which is the offer that  
14 Mr. Rodriguez --

15 MR. CAMPEAS: The last time I tried to  
16 discuss this, I did not have the document in  
17 front of me and I brought the document in to  
18 point out the disjunction of what has been said  
19 and what appears.

20 MR. RITVO: What you may want to ask is  
21 what was he told. If it's Mr. Rodriguez, if he  
22 doesn't know, if you're saying others have done  
23 this, then it has no relevance. I don't  
24 understand your proffer.

25 MR. CAMPEAS: I'm sorry.

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1 Then my question is: What was he told  
2 about what he was building and how he came to  
3 name it the Teaneck Temple?

4 MR. TRAWINSKI: Object. It was asked  
5 again in the last hearing at Mr. Rodriguez's  
6 testimony and it was answered and the Chair  
7 expressly sustained the objection.

8 MR. RITVO: Mr. Chairman, I have to say  
9 that this has been ruled upon in my  
10 recollection by you and the question is whether  
11 there was intent to, I assume, want to  
12 misrepresent something to the Township of  
13 Teaneck in the original building.

14 Is that the purpose of this?

15 MR. CAMPEAS: The purpose of this is to  
16 understand how is it -- how is an architect who

17 listens to people, gets their description of  
18 what they want accomplished and produces what  
19 they want, how did it come to his mind that  
20 this was all Teaneck Temple?

21 MR. RITVO: Let me say this.

22 My recollection of the last discussion  
23 when this was ruled upon was -- and I remember  
24 I said that this Board often has people coming  
25 before it for applications who have already

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1 constructed things without permits.

2 And I also indicated to the Board, I've  
3 given this advice to the Board in many  
4 applications, that it's not relevant to this  
5 Board whether or not there was  
6 misrepresentation or construction without  
7 permits.

8 The only thing before a Board of  
9 Adjustment is the application as submitted.  
10 There's to be no preference for something or  
11 positive implication to something that's  
12 already built and there's no negative  
13 implication to be ascribed to anyone for a

14 project that may have been built without  
15 permits.

16 The only thing before this Board is this  
17 particular application. That's all there is.  
18 Does it work, is it good zoning and planning  
19 and does it meet statutory case law criteria?  
20 That's all.

21 If it's up, not up, that doesn't matter  
22 because that's not relevant to this Board.  
23 There are other enforcement agencies in the  
24 Township whose job it is to check on permits  
25 and applications and construction with or

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1 without permits.

2 That's out of the enforcement arms of the  
3 township. It has nothing to do with this  
4 Board. This is a pure review of the proposal  
5 and whether it meets zoning and planning  
6 criteria.

7 So I would suggest to you, Mr. Chairman,  
8 just as you ruled before, that's the purpose,  
9 this is irrelevant.

10 MR. CAMPEAS: Okay.

11 MR. RITVO: But it's your call,  
12 Mr. Chairman.

13 CHAIRMAN HODGES: I agree with Mr. Ritvo  
14 since we are not an enforcing Board. We have  
15 no recourse, we have no fine people. What this  
16 Board here is only listening to is good zoning  
17 or not good zoning.

18 MR. CAMPEAS: And so you have -- when you  
19 put restrictions on a variance, nothing comes  
20 in about whether the people who get -- whose  
21 restrictions are going to enforce them or  
22 follow them?

23 CHAIRMAN HODGES: Once we put restrictions  
24 on the variance, that's up to the building  
25 department to enforce them. We don't -- so you

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1 have to go through the building department for  
2 that.

3 MR. CAMPEAS: Okay. Let me ask you some  
4 other questions. I'm not sure they're your  
5 department.

6 Would Uniform Construction Code be part of  
7 your department?

8 MR. TRAWINSKI: I object once again,  
9 Mr. Ritvo. The authority of the Uniform  
10 Construction Code is vested in the building  
11 department and its applicability is not before  
12 this Board. You don't have jurisdiction over  
13 the UCC.

14 MR. RITVO: We may not. I don't know  
15 where Mr. Campeas is going.

16 MR. TRAWINSKI: I would ask that he be  
17 asked to provide a proffer.

18 MR. RITVO: This area, Mr. Chairman, that  
19 I ask you to let him go a little bit with an  
20 understanding that Mr. Trawinski has an  
21 objection. Let's see where it goes.

22 Are you familiar with Uniform Construction  
23 Code?

24 THE WITNESS: Parts of the UCC, depends on  
25 which part he's asking about.

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1 MR. CAMPEAS: This is a memo from  
2 Mr. Gluck to Mr. Turitz.

3 MR. RITVO: Whoa, whoa, whoa. This is a  
4 memo from the construction code official. He's

5 not the construction code official, is he?

6 THE BOARD SECRETARY: Uh-huh.

7 MR. RITVO: Construction code official to  
8 the township attorney, yes.

9 What relevance could that have to this  
10 Board?

11 MR. CAMPEAS: There are certain things  
12 that Mr. Gluck -- and I presume he has a vast  
13 amount of experience -- asks and says that  
14 these would be things that are required for  
15 this application.

16 MR. RITVO: I have a great respect for  
17 Mr. Turitz, worked with him for many years and  
18 know him very well.

19 But his opinion, by law or questions of  
20 him do not -- are not binding on this Board,  
21 nor should they be. Just like -- with all due  
22 respect to Mr. Trawinski -- Mr. Trawinski's  
23 opinion is not binding on this Board. So I  
24 don't know what the purpose of this is.

25 MR. CAMPEAS: This is not Mr. Trawinski's

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1 opinion. This is Mr. Gluck's.

2 MR. RITVO: What purpose would you  
3 introduce this document for?

4 MR. CAMPEAS: I would like to know if the  
5 building complies with these requirements.

6 MR. RITVO: You want to know if the  
7 building is compliant with code requirements?

8 MR. CAMPEAS: Yes.

9 MR. RITVO: As constructed?

10 MR. CAMPEAS: As constructed.

11 MR. TRAWINSKI: Mr. Ritvo, may I be heard?

12 First of all, this is all hearsay. Second  
13 of all, the building has a certificate of  
14 occupancy. The certificate of occupancy is  
15 prima fascia proof that it complies with all  
16 code requirements.

17 It's completely irrelevant to this  
18 application. Whatever this applicant does,  
19 whatever this Board decides, this applicant is  
20 going to have to meet the code requirements and  
21 receive a certificate of occupancy that it's  
22 met those requirements. That question should be  
23 addressed to the building department or  
24 Mr. Turitz.

25 MR. RITVO: The problem I have with this

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1 issue is that this Board never deals with  
2 construction code issues. It's much like  
3 health code issues and construction issues.  
4 The only thing this Board deals with is zoning  
5 and planning.

6 So I'm not sure what relevance it has,  
7 Mr. Campeas, unless there's something you're  
8 going to tell the Board -- that's going to tell  
9 the Board about this application as proposed.

10 Is there?

11 MR. CAMPEAS: Can you repeat that one more  
12 time?

13 MR. RITVO: Mr. Campeas, my question to  
14 you, help me.

15 What relevance does it have with this  
16 Board, this application which is for certain  
17 variances in conjunction with a house of  
18 worship?

19 MR. CAMPEAS: I believe it has to do with  
20 fire safety and the house of worship.

21 MR. RITVO: So you think that there are  
22 issues the Board might put conditions on for

23 fire safety? Then I would recommend you go  
24 ahead.

25 MR. TRAWINSKI: This was asked and

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1 answered in the first hearing and addressed by  
2 Mr. Campeas in questioning for Mr. Ehrlich  
3 about this specific issue.

4 MR. RITVO: Now, with the architect with a  
5 letter. I would suggest -- let's give him some  
6 latitude, Mr. Trawinski, but you're not  
7 restrained from coming up again.

8 MR. TRAWINSKI: You've given him latitude  
9 for 45 minutes on a very limited piece of  
10 cross-examination. You are now starting to  
11 allow it to become unduly repetitive and unduly  
12 burdensome on this house of worship.

13 THE BOARD SECRETARY: Stop clapping  
14 please. Save that for after the testimony.

15 MR. CAMPEAS: Are all the egress doors,  
16 are they equipped with -- are all the egress  
17 doors equipped with panic hardware?

18 MR. TRAWINSKI: This is outside the scope  
19 of this Board's ability to deal with anyway.

20 Next question.

21 The reason why, Mr. Chairman, I'm ruling  
22 is they're construction code issues which this  
23 Board has no concern.

24 If this is granted, the construction code  
25 will be subject to compliance with all codes of

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1 the township and the uniform construction code  
2 and there might be a re-examination. But this  
3 Board wouldn't know what to do with it anyway.  
4 This is out of its purview.

5 If this application is granted, there will  
6 be a condition that it be compliant with all  
7 construction codes. So that will be reviewed  
8 again.

9 MR. CAMPEAS: Then I don't think I have a  
10 question.

11 CHAIRMAN HODGES: Thank you.

12 Any other questions for the architect?  
13 Seeing no questions, Mr. Trawinski, you can  
14 proceed.

15 MR. TRAWINSKI: I'd like to recall  
16 Mr. Ehrlich for the limited purpose of

17 explaining the chart and of course address any  
18 questions that the Board may have.

19 CHAIRMAN HODGES: You say you're limited.  
20 What is that? Can you tell me what you mean by  
21 "limit"?

22 MR. TRAWINSKI: What I mean is that there  
23 has been nothing short of a propensity on the  
24 part of the objectors to clog this hearing with  
25 unduly repetitive items and I want to stress

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1 that the direct testimony is going to be the  
2 direct testimony on a specific topic.

3 I made it crystal clear, of course, if the  
4 Board has questions on anything, that's  
5 certainly the Board's prerogative. And while I  
6 recognize the strict rules of evidence don't  
7 apply, the one rule that does strictly apply is  
8 the rule that allows cross-examination.

9 And so I respectfully disagree with  
10 Mr. Ritvo's opinion on liberality with respect  
11 to cross-examination because the municipal land  
12 use laws expressly affirmative in its statement  
13 that the right to cross-examine witnesses is

14 provided. Inherent in that right is a  
15 limitation on that right that is confined to  
16 the direct testimony presented.

17 CHAIRMAN HODGES: Well, Mr. Trawinski,  
18 prior to you appearing with the applicant, he  
19 had started testifying and answering questions.

20 So as far as the limited, as far as you're  
21 referring to, limited to what Mr. Ehrlich says  
22 today, that's not going to happen.

23 Mr. Ehrlich will be questioned by people.  
24 They have the right to ask him questions. I'm  
25 not going to stop them from asking questions,

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1 and I'm not going to limit it to what happens  
2 today.

3 It's what happened today and what he  
4 testified to on the first day that he  
5 testified.

6 MR. TRAWINSKI: I don't necessarily have a  
7 problem with that except there was extensive  
8 cross-examination of Mr. Ehrlich and what I  
9 suspect will happen in a continued effort to  
10 clog this record and unduly protract these

11 proceedings is that the objectors will try to  
12 revisit all of the cross-examination they  
13 previously were allowed by this Board.

14 CHAIRMAN HODGES: What will happen is I  
15 will watch the people. I will monitor people  
16 that come up here. I'm going to try not to  
17 have people repeat questions.

18 If there is an individual here who was not  
19 here on the first day of testimony and asks a  
20 question that was answered on the first day,  
21 it's going to be allowed to be asked.

22 MR. TRAWINSKI: That's the Chair's  
23 prerogative.

24 CHAIRMAN HODGES: Thank you. Let's  
25 proceed.

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1 M R. E H R L I C H,  
2 called as a witness, having already been first  
3 duly sworn, was examined and testified as follows:

4 EXAMINATION BY

5 MR. TRAWINSKI:

6 Q. Mr. Ehrlich, you were present when there  
7 was discussion regarding the exhibit that showed the

8 number of families in walking distance to the  
9 subject property?

10 A. Yes, I was.

11 Q. And can you describe for the Board what is  
12 the -- address the Board's concerns over what I will  
13 characterize as the perceived discrepancy between  
14 the number of dwelling units shown on that being  
15 more than 45 families -- more than 25 families.

16 A. The reason why there are more than 25  
17 families is because in the neighborhood, there are  
18 Orthodox Jews that occasionally attend services at  
19 554 but are not members and they're only occasional  
20 and that's why there's a difference. They get a  
21 benefit out of it occasionally but not regularly.

22 Q. And how many members are there again?

23 A. There are approximately 25 member  
24 families.

25 MR. TRAWINSKI: I don't have any other

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1 questions.

2 CHAIRMAN HODGES: Mr. Ehrlich, you  
3 testified that there's 25 member families going  
4 to your congregation who regularly attend

5 services; is that correct?

6 THE WITNESS: That's correct.

7 CHAIRMAN HODGES: Sorry for not knowing  
8 the exact holidays but on, let's say,  
9 September, which I know are very religious  
10 days, high holy days, so can it be perceived  
11 that all 45 of these families -- pretty close  
12 to 45 will attend services?

13 THE WITNESS: No.

14 CHAIRMAN HODGES: Excuse me?

15 THE WITNESS: No.

16 CHAIRMAN HODGES: What would happen to  
17 these people?

18 THE WITNESS: I can't tell you what would  
19 happen to them. I can tell you what I believe  
20 they do is they pray at other neighborhood  
21 houses of worship.

22 CHAIRMAN HODGES: So could one of your  
23 congregants belong to more than one?

24 THE WITNESS: Absolutely.

25 CHAIRMAN HODGES: So they could belong to

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1 several?

2 THE WITNESS: Yes.

3 CHAIRMAN HODGES: And go to different  
4 places on each day?

5 THE WITNESS: Uh-huh, yes.

6 CHAIRMAN HODGES: One thing you did  
7 testify to, which sticks out to me from the  
8 first day, is that we asked you about the  
9 beneficial use of this house of worship. You  
10 said it was -- well, why don't you tell me what  
11 you said on that day.

12 What was the beneficial use of your  
13 synagogue?

14 THE WITNESS: That was I think about two  
15 or three months ago, so I'm not going to answer  
16 that question. I think you should refer to the  
17 record if you want an answer to the question.

18 I don't recall what I said. I can tell  
19 you what my answer is now. That's an unfair  
20 question. I can't recall what I said three  
21 months ago.

22 CHAIRMAN HODGES: All right. So answer.  
23 I would like you to answer for now.

24 What do you feel right now?

25 THE WITNESS: Why do I think it's

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1       beneficial? I think it's beneficial for  
2       neighborhoods to have houses of worship in  
3       order to make people appropriately moral and  
4       it's the American way to have houses of  
5       worship.

6               I believe at the beginning of this  
7       proceeding, we talked about how we're patriotic  
8       and we're a country under God and I believe  
9       that's an important foundation of our country  
10      and that makes it very inherently beneficial.

11              And more than that, I don't think I need  
12      say. I think, you know, our country is founded  
13      on that.

14              CHAIRMAN HODGES: On your map, were you  
15      the person who colored in the green?

16              THE WITNESS: No, I was not.

17              CHAIRMAN HODGES: Because earlier  
18      testimony was that everybody would walk from  
19      their home to services.

20              THE WITNESS: I never testified that.

21              CHAIRMAN HODGES: You said they wouldn't  
22      drive but they'd walk there.

23 THE WITNESS: I said the Orthodox practice  
24 is for people to walk to services. I could not  
25 tell you that nobody would ever drive because

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1 on occasion people would come that aren't  
2 necessarily Orthodox and I can't prohibit them  
3 from exercising their right to drive.

4 CHAIRMAN HODGES: Several houses on there,  
5 is one house in particular. There's several  
6 people that live near Teaneck High School,  
7 several people -- there's one family I think  
8 referring to now I think the other side of  
9 Teaneck Road, almost at Route 4.

10 Would a family that lives that far away  
11 from your -- from 554 Queen Anne Road, would  
12 you anticipate they would walk?

13 THE WITNESS: Absolutely. I grew up in a  
14 neighborhood and I had to walk approximately 2  
15 miles to services and my family regularly  
16 walked, I walked, and I know families that walk  
17 more than 2 miles.

18 CHAIRMAN HODGES: Okay. Any other  
19 questions by members of the Board?

20 MR. TRAWINSKI: I don't have any other  
21 questions or any other witnesses.

22 CHAIRMAN HODGES: Okay. Since no  
23 questions by the member of the Board, take a  
24 five-minute break. If someone would like to  
25 come up, take a look at the map, as I told

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1 people they could, please come up and the map  
2 will be displayed up here on this desk.

3 (At 8:48 p.m. a recess was taken.)

4 (At 8:58 p.m. the deposition resumes.)

5 THE WITNESS: With the Board's indulgence,  
6 I'd like to take a moment to apologize. I was  
7 heated a moment ago and in no way was this  
8 directed at you, Mr. Chairman.

9 We've been constantly accused of lying and  
10 in no way -- and it's not true. And in no way  
11 was it my indignation towards you and I  
12 apologize.

13 CHAIRMAN HODGES: The Board realizes that  
14 everyone in this room is very passionate about  
15 this issue, whether it's members of the  
16 congregation or members -- or people that live

17 in the area. So we are giving latitude and  
18 appreciate your apologies, more than accepted.

19 One question before we start.

20 Your kitchenette is to be used for  
21 warming. It's going to be one unit to heat.  
22 You're also, I guess, going to clean all the  
23 dishes, whatever.

24 But it's 275 square feet. Is there -- why  
25 does it need to be that big?

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MR. EHRLICH - 3/18/10

1 THE WITNESS: The room, and I hate to  
2 correct an architect on his math, is actually a  
3 little more than 275 square feet. It's closer  
4 to 350. It's 18 by 20. That's only because it  
5 used to be a two-car garage.

6 And the reason why we chose to use that  
7 space is because it's behind the area where  
8 people would eat and it was already constructed  
9 and we don't need all that space. We could  
10 divide it into four rooms but it economically  
11 doesn't make sense to do so just because it's  
12 there already and we use it, a very small  
13 portion of it.

14 CHAIRMAN HODGES: Mr. Ehrlich, I know I'm  
15 a little concerned with the size of that room  
16 only because the bigger it is, the more we can  
17 expand.

18 And earlier, we had talked about the baby  
19 carriage situation where you have -- you stated  
20 that they'd be parked in the garage.

21 Would you be willing or would you consider  
22 splitting the kitchenette area in half?

23 You know, for one, it makes me feel a  
24 little more comfortable that the congregation  
25 is not going to expand that building; and the

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MR. EHRLICH - 3/18/10

1 other half, instead of having the baby  
2 carriages in the driveway where you have the  
3 cars parked and everything, they can possibly  
4 go into that area instead.

5 Would you be willing to do that?

6 THE WITNESS: Theoretically that's  
7 something we'd be happy to do and we'd be happy  
8 to divide the room even though I don't think it  
9 makes sense economically, we'd be willing to do  
10 so to be used for storage or some other

11 purpose.

12 But unfortunately because of the layout,  
13 the entrance where the strollers would go is on  
14 the other side. So it's -- you'd have to come  
15 through what would be the sanctuary in order to  
16 drop off your stroller which would not be  
17 conducive at all to prayer services.

18 CHAIRMAN HODGES: I thought the testimony  
19 was that this was a garage that was being used  
20 for the kitchenette?

21 THE WITNESS: It used to be a garage.  
22 They way you get to the garage was you would  
23 drive around the parking, you'd park in the  
24 back of the property. The addition was added  
25 on to the back of the property, so there's no

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MR. EHRLICH - 3/18/10

1 place to -- that's where the room is now.

2 I could show you on the map if there's  
3 a --

4 CHAIRMAN HODGES: Where are you saying, is  
5 that where the diagram of the parking lot is?

6 THE BOARD SECRETARY: This one.

7 CHAIRMAN HODGES: If you could work

8 together.

9 We have an area that's very huge, it's  
10 like a ten-car garage. I have the ability to  
11 put ten cars. I'm going to feel more  
12 comfortable, if we're not looking to greatly  
13 expand.

14 THE WITNESS: So if I could approach and  
15 show you a little more closely and I can talk  
16 to everybody about what we do now and how we  
17 safely park the carriages.

18 CHAIRMAN HODGES: Mr. Melfi, do you  
19 understand what I'm trying to say?

20 MR. MELFI: Yes.

21 CHAIRMAN HODGES: Could you show  
22 Mr. Melfi. He is a better expert than I.

23 MR. RITVO: I think we need it on the  
24 record. So, as good as Mr. Melfi is, why don't  
25 we do this:

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1 Mr. Melfi has a large plan in front of  
2 him. Why don't you hold that up or have  
3 someone hold it up. Maybe Mr. Rodriguez can,  
4 the both of you can. We need the microphone

5 unfortunately.

6 Mr. Ehrlich, if you can point to it and  
7 describe what portions of the property you're  
8 looking at.

9 THE WITNESS: So the garage used to be  
10 over here and the entrance to the garage used  
11 to be over here (indicating).

12 CHAIRMAN HODGES: Can you just show me  
13 where Queen Anne Road is?

14 THE WITNESS: Queen Anne Road is over here  
15 (indicating).

16 MR. RITVO: So now you're pointing to the  
17 southeast corner, correct?

18 No, sorry. The north is to the left,  
19 correct? East is to the left?

20 MR. MELFI: East is straight down.

21 MR. RITVO: So now you're looking at the  
22 easterly corner of the property, right?

23 So the easterly corner of the property  
24 used to be the garage, correct?

25 THE WITNESS: Yes.

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MR. EHRLICH - 3/18/10

1 MR. RITVO: And has an entrance from Queen

2 Anne Road?

3 THE WITNESS: No. The entrance was on Van  
4 Buren and you would drive around over here and  
5 you'd come in the back. The entrance to the  
6 garage was in the back, so there was no --

7 MR. RITVO: You would enter on Van Buren,  
8 go around the back of the property and enter  
9 the garage previously?

10 THE WITNESS: Yeah.

11 What we do with the strollers now is  
12 there's about I'd say 15 by 20 feet over here,  
13 that's not in front of the door, and people  
14 line up their strollers and are very careful  
15 about it.

16 And if it would please the Board, we can  
17 put an additional fence here and mark it  
18 stroller area and that way people know, put  
19 your strollers here, and it would be in no way  
20 near the driveway or egress from the building.

21 MR. RITVO: Put that between the two  
22 walks?

23 THE WITNESS: Yes. Between the end of the  
24 residence and the door to the vestibule.

25 MR. RITVO: Okay. How big would that be?

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1 THE WITNESS: I think it would be  
2 approximately 15 by -- actually, if you go all  
3 the way here, 15 by 35 or so.

4 MR. RITVO: Now, so the garage has no more  
5 entrance outside?

6 THE WITNESS: No, there's no entrance to  
7 the outside.

8 MR. RITVO: Queen Anne Road, there's no  
9 entrance?

10 THE WITNESS: No.

11 CHAIRMAN HODGES: All right. We could put  
12 the strollers there. Would you be willing to  
13 divide that in half for use as a storage?

14 THE WITNESS: Yeah, no problem. We'll  
15 divide it.

16 CHAIRMAN HODGES: With the architect,  
17 that's doable, right?

18 MR. RODRIGUEZ: Right.

19 CHAIRMAN HODGES: All right. What we are  
20 going to do is go to questions from the public  
21 but I'm just going to ask everybody that, you  
22 know, any questions dealing with the

23 congregation, the make up, services, can be  
24 asked to Mr. Ehrlich.

25 I'm going to ask everybody please listen

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1 to other people, so we don't get the same  
2 questions over and over. We have one time and  
3 that's it. This way we'll speed it up and  
4 allow everyone in the room who wants to ask  
5 questions to ask questions.

6 We'll start on the left side this time  
7 first. Yes, ma'am?

8 MS. McKEON: My name is Leslie McKeon. I  
9 live at 130 Copley Avenue.

10 MR. RITVO: Because we have a court  
11 reporter, if you could please spell your last  
12 name.

13 MS. McKEON: I can.

14 MR. RITVO: Would you please spell your  
15 last name?

16 MS. McKEON: M-C-K-E-O-N.

17 Would you build a sukkah at the holiday as  
18 it approaches?

19 THE WITNESS: We have in the past. The

20 Rabbi who lives in the residence needs a sukkah  
21 in order for him -- he, himself, has the  
22 ability, the obligation to have one, so we  
23 would be using the same sukkah as the Rabbi  
24 uses.

25 MS. McKEON: Where will it be built?

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MR. EHRLICH - 3/18/10

1 THE WITNESS: On the side yard.

2 MS. McKEON: Not in the parking lot?

3 THE WITNESS: No.

4 MS. McKEON: I can't visualize the whole  
5 thing.

6 THE WITNESS: I can't tell you for certain  
7 where it would go. It can't go underneath the  
8 trees, but there's a side lot where we put it  
9 in before and that's where we would put it in  
10 the future.

11 MR. RITVO: Mr. Ehrlich, technically this  
12 property has two front yards. One of the side  
13 yards that the ordinance would be with the  
14 parking. And the other one would be what you  
15 would call the back of a house.

16 THE WITNESS: So in the back of the house,

17 I meant.

18 MR. RITVO: So that would be in the --  
19 along the northerly property.

20 THE WITNESS: That's correct.

21 MS. McKEON: Could you conceive of  
22 circumstances where you would have a wedding or  
23 a Barmizvah or any kind of gathering when you  
24 would have to put up a tent on the property for  
25 people?

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1 THE WITNESS: We have no intention and I  
2 don't see a circumstance where we would put up  
3 a tent for people.

4 MS. McKEON: Or any kind of celebrated  
5 event?

6 THE WITNESS: No.

7 MS. McKEON: Okay.

8 MR. ROSEN: Would you willing to stipulate  
9 that won't be done?

10 THE WITNESS: A large tent will not be put  
11 up for celebratory purposes on the property.

12 If the Rabbi's children want to go -- and  
13 I mean this with respect -- camping in the

14 backyard or something or like a little a  
15 gazebo-type tent, or whatever --

16 MR. ROSEN: I'm specifically referring to  
17 what will remain the Queen Anne side, assuming  
18 the parking is not there. I think you will  
19 agree to that.

20 For example, if you had a Barmizvah on a  
21 Sabbath and you wanted to have a large  
22 gathering that was not -- the building couldn't  
23 be holding, you wouldn't go out and rent a tent  
24 to put it on the front yard to accommodate a  
25 large crowd.

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1 So you'll stipulate that you won't do  
2 that?

3 MR. RITVO: If you need to you can take a  
4 moment and talk to others if you wish or think  
5 about it.

6 When someone asks for a stipulation, it's  
7 a serious -- let Mr. Trawinski advise you.

8 THE WITNESS: What?

9 MR. RITVO: Take a moment, you can.

10 THE WITNESS: I would suggest if that's

11 something that the Board feels is necessary,  
12 then it should take -- in order to give us --  
13 to grant us the application, if the Board feels  
14 that a stipulation that we will never have a  
15 tent on the property is necessary, then it's  
16 under the Board's jurisdiction to put that type  
17 of restriction.

18 MR. ROSEN: I'm asking because we have a  
19 neighbor that specifically asked a question and  
20 you said that won't happen. So I'm just taking  
21 it a step further.

22 Are you willing to stipulate that won't  
23 happen? You don't have to say yes.

24 THE WITNESS: I'm relatively certain that  
25 it won't happen but if an occasion arises and

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1 there's a need for it, once in a blue moon,  
2 even a residential person is allowed to put a  
3 tent on his property for a party, I don't see  
4 why we should be held to a different standard.  
5 So I'm not going to stipulate.

6 Even a resident can go to the building  
7 department and ask to put a tent there on

8 occasion. I don't -- especially since this is  
9 a residential zone, I don't think we should be  
10 held to a different standard.

11 CHAIRMAN HODGES: Mr. Ehrlich, just to  
12 take it a little further.

13 In the past we've had many of these  
14 applications. When we have houses of worship  
15 that are in the neighborhoods, in residential  
16 neighborhoods, we tend to -- many residents  
17 will come up and ask about the activities that  
18 are outside because the activities on the  
19 outside more affect the neighborhoods then.

20 Let's say you have a birthday party for  
21 your daughter. So in the past, we have asked  
22 houses of worship to contain their activities  
23 inside and not outside. So that's the reason  
24 we're asking for that.

25 So bearing that in mind, it's more of a

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1 neighborly thing. The next door neighbor, the  
2 people in the back on a Saturday afternoon,  
3 something, lots of people want to relax,  
4 whatever, when you have a big gathering outside

5 and your congregation is 25 families on the  
6 large side, it might be more of a neighborly  
7 thing.

8 So based on that, because you're in a  
9 residential area, would you be willing to  
10 contain all of your service and after service  
11 activities to inside the building?

12 THE WITNESS: So my answer again is, it's  
13 generally put, but I can't stipulate and I've  
14 been to a number of Barmizvahs in the town of  
15 Teaneck on the southside, wherever we are,  
16 where hundreds of people put tents on  
17 properties in residential zones and it happened  
18 occasionally.

19 And if we're in a residential zone, I feel  
20 that we should be allowed to have the same  
21 courtesy. We would go to the building  
22 department, file for a permit, and if the  
23 building department says we're allowed to have  
24 a tent on our property, then there shouldn't be  
25 a problem.

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1 In my humble opinion, that's why I don't

2 feel like I should have to stipulate to that.

3 CHAIRMAN HODGES: We're not forcing you  
4 into it. I just want you to recognize one  
5 thing.

6 When you go to your friend's house, right,  
7 there are total residents. We're asking for a  
8 variance to make this a house of worship.  
9 We're trying to give little for you to take  
10 care of and compromise.

11 I know you said that people don't usually  
12 drive but occasionally people will drive to a  
13 house of worship, bad weather, leave their car  
14 there over the weekend.

15 So it's kind of giving back to your  
16 neighbors and saying, yes, we know we're not a  
17 regular house of worship, you know, but because  
18 there are other things, you know, things that  
19 might not go the way you'd like it as a  
20 nextdoor neighbor, we'd agree to keep all  
21 activities inside.

22 THE WITNESS: I'd be willing to stipulate  
23 it would be a rare event but to say that, you  
24 know, because -- I don't know how you can  
25 enforce that when people are congregating

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1 outside after services.

2 Are you going to say that's not allowed?

3 CHAIRMAN HODGES: I'm not saying that. If  
4 people go outside and talk, that's fine. If  
5 you're going to set up food and people are  
6 going to congregate as part of the service  
7 outside --

8 THE WITNESS: Again, I would stipulate it  
9 would be very rare, but I'm not going to  
10 stipulate that we'll never do it.

11 CHAIRMAN HODGES: We'll proceed then.

12 Anybody else on this side of the room?

13 Mr. Harris?

14 MR. HARRIS: I'm as tired as you all are.  
15 I wish this were over but I have questions.

16 CHAIRMAN HODGES: Point the microphone  
17 towards you if you're going to stand this way.

18 MR. HARRIS: Thank you. You are the  
19 representative of the shul, correct?

20 THE WITNESS: I'm the representative of  
21 Eitz Chaim.

22 MR. HARRIS: It is a shul, correct?

23 THE WITNESS: It is not yet a shul because  
24 we have not yet received a variance to be a  
25 house of worship.

♀

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1 MR. HARRIS: Are you serious?

2 CHAIRMAN HODGES: Mr. Harris, limit it as  
3 to questions. You have time --

4 MR. HARRIS: Well, let the record show  
5 this man says he doesn't have a shul.

6 So I have here the planning and the zoning  
7 analysis report prepared by Kauker & Kauker, I  
8 guess under the direction of the shul.

9 So in here, he starts off in the  
10 introduction, it's saying that the applicant,  
11 554 Queen Anne Road, has submitted an  
12 application to the Township of Teaneck Zoning  
13 Board of Adjustment for a use variance to allow  
14 for the use of part of a residential structure  
15 as a synagogue for prayer service. And then it  
16 has in parenthesis, house of worship.

17 So I would like to ask: It says here, "a  
18 synagogue for prayer service." Is there a  
19 difference between a synagogue, the meaning

20 here of synagogue and synagogue for prayer  
21 service? And it's not a idle question.

22 MR. TRAWINSKI: I'm going to object.

23 MR. HARRIS: It is not an idle question.

24 MR. TRAWINSKI: We represented to the  
25 Board for purposes of this application that --

♀

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1 THE BOARD SECRETARY: Can everybody hear  
2 him in the back?

3 MR. TRAWINSKI: -- that we are asking the  
4 Board to treat us as a house of worship. And  
5 that was the representation I made as part of  
6 the very first presentation.

7 This is unduly repetitive and burdensome  
8 to the record.

9 MR. HARRIS: Well, if he asks that, he  
10 entered this late in the game. And earlier in  
11 the game, we have this, and this is an official  
12 document.

13 MR. TRAWINSKI: Mr. Chairman?

14 MR. HARRIS: Are we to just going to  
15 ignore official documents?

16 CHAIRMAN HODGES: Mr. Harris, in the

17 beginning, right, in this application, we --  
18 this 554 Queen Anne Road was represented by  
19 Mr. Daly, okay.

20 Since then, after the first hearing, the  
21 applicant has chosen to have be co-represented  
22 by Mr. Daly and Mr. Trawinski, Mr. Trawinski  
23 being the lead.

24 The first night of that second hearing,  
25 Mr. Trawinski came in and put it on the record

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MR. EHRLICH - 3/18/10

1 that it is -- that they're going for a variance  
2 for a house of worship. So wherever we say  
3 house of worship, prayer, that makes no  
4 difference. You're referring to it as a shul.

5 As we're looking at it as the Board is 554  
6 Queen Anne Road. They're looking for a house  
7 of worship.

8 It's also stipulated, just to make this  
9 clear, that they do not have 21 parking spaces,  
10 that they only have five.

11 So that whole situation where the first  
12 hearing, they're all these different residents  
13 that have to park, all of that does not count.

14           What they're saying is we don't have any  
15           other parking, we don't have -- we're only  
16           supplying the five parking spaces.

17           So those changes are made because this is,  
18           you know, as all changes have a different  
19           approach for everything.

20           We're looking for a variance for a house  
21           of worship. Whether it's prayer service or  
22           anything, it's a house of worship.

23           MR. HARRIS: By the way, isn't it four  
24           parking spaces, not five?

25           Because the house itself is supposed to

♀

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1           have two parking spaces which means then that  
2           we're down to four.

3           MR. RITVO: You're right. It's late and I  
4           can understand how this could be confusing but  
5           to argue with the Chair, I would suggest you  
6           ask your questions.

7           Back to your questions of Mr. Ehrlich, you  
8           want to speak to the Board, you'll have a  
9           chance to. Now, I would recommend back to  
10          questions, to keep the Board focused on what

11 we're doing.

12 MR. HARRIS: All right. On the second  
13 page of this, he says many of the single family  
14 homes in the neighborhood are also utilized as  
15 houses of worships or houses of worship and  
16 then in parenthesis, for prayer services, as is  
17 being proposed by the applicant.

18 So once again, there's this "for prayer."

19 MR. TRAWINSKI: Mr. Chairman, I ask the  
20 Board --

21 MR. HARRIS: On the back it asks this  
22 question --

23 Is he making an objection or  
24 just interrupting me?

25 MR. TRAWINSKI: I sure am.

♀

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1 Is there a question in our future, first  
2 of all is the first objection because it sounds  
3 to me an awful lot like testimony.

4 And the second thing is, we just resolved  
5 this. I would hope that in a house of worship  
6 people would pray.

7 MR. HARRIS: I would hope that I would be

8 allowed to finish my question. How can it be  
9 testimony when I'm quoting from their document?

10 MR. TRAWINSKI: It is --

11 MR. HARRIS: What I'm quoting from their  
12 document is not my testimony. I'm merely, as  
13 he has asked in the past, asked him to have a  
14 foundation for my question.

15 MR. TRAWINSKI: I'm also going to object  
16 because this is beyond the scope of the direct  
17 examination of the witness.

18 Mr. Harris had an opportunity and did, in  
19 fact, cross-examine Mr. Kauker. And this is  
20 totally beyond the scope of the testimony of  
21 the witness.

22 MR. HARRIS: And yet, this man here is  
23 representing the shul and it seems fair, now  
24 I've laid the basis, in here it says "the  
25 house." Now he's no longer talking about the

♀

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1 existing portion of the house -- and you'll see  
2 why I'm asking this.

3 The house will also serve the  
4 congregation. The house, not a portion of the

5 house, the house will also serve the  
6 congregation for Jewish high holidays.

7 Now, here's the question.

8 Mr. Erlich, in your testimony, you  
9 stated --

10 CHAIRMAN HODGES: Mr. Harris, just so we  
11 can give Mr. Trawinski a mike, if you're going  
12 to read from the transcript, you're going to  
13 need to say what page it is.

14 MR. HARRIS: There are no page numbers.

15 CHAIRMAN HODGES: There are no line  
16 numbers?

17 MR. TRAWINSKI: There are page numbers and  
18 I actually numbered it myself.

19 CHAIRMAN HODGES: December 16th.

20 MR. RITVO: Nineteenth page, page 19.

21 MR. HARRIS: You said -- question was  
22 asked: And was a family room added on?

23 And you answered: Yes, we added on a  
24 family room. But before we did such, we were  
25 in constant communication, et cetera. And that

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1 was to be a typical family room. And we gave

2 the Rabbi permission to use that family room at  
3 his discretion for prayer services on the  
4 Jewish Sabbath and Jewish holidays. And when  
5 you're asked --

6 CHAIRMAN HODGES: Wait, wait.

7 MR. HARRIS: Now, I guess I'm about page  
8 45 or so.

9 CHAIRMAN HODGES: Is this the same  
10 question?

11 MR. HARRIS: Yes.

12 CHAIRMAN HODGES: Okay.

13 MR. HARRIS: You said it was to be a  
14 typical family room. That was your statement.

15 MR. RITVO: That's not a question.

16 MR. HARRIS: Did you make this statement?

17 MR. TRAWINSKI: Object. It's obvious that  
18 he made the statement. Again, it is unduly  
19 burdensome and repetitive for the record.

20 The transcript speaks for itself.

21 CHAIRMAN HODGES: What we're going to do  
22 is whatever is in the transcript, you've got  
23 the transcript from the building department,  
24 that's what -- that's the statement made.

25 If you want to question his statement as

MR. EHRLICH - 3/18/10

1 far as why he thought that was a typical family  
2 room --

3 MR. HARRIS: Okay.

4 CHAIRMAN HODGES: -- you can say that, but  
5 we're not like in court where they're going to  
6 say, did you say -- of course he said it; it's  
7 written out.

8 MR. HARRIS: So on October 31st, 2007,  
9 your document from your architect referred to  
10 it. And when it's requesting permission to  
11 build this, called it Teaneck Temple.

12 MR. TRAWINSKI: Object.

13 MR. HARRIS: Which is it, family room or  
14 Teaneck Temple?

15 THE WITNESS: I'm not in a position to  
16 answer.

17 MR. RITVO: Your attorney has an  
18 objection.

19 MR. TRAWINSKI: Asked and answered no less  
20 than, now, six times.

21 MR. HARRIS: He has not been asked this  
22 question.

23 MR. TRAWINSKI: What it was called by the  
24 architect in view of our stipulation, once  
25 again, that the facility that was built at one

♀

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1 time as a family room.

2 We are now asking this Board to give us  
3 permission to use it as a house of worship.  
4 All of this becomes wholly irrelevant based  
5 upon that stipulation.

6 MR. HARRIS: So it was not built as a  
7 family room, it was built as a temple and it  
8 says so here.

9 MR. RITVO: Help me here.

10 We've been through this a number of times.  
11 The issue is not what these people did. The  
12 issue is what is proposed in this application.

13 I went through this I think with  
14 Mr. Campeas tonight already. Please stay with  
15 me.

16 This Board cannot consider how it got  
17 here. This Board is considering as if there  
18 was no building on site and this is the  
19 application.

20 So please --

21 MR. HARRIS: The only problem I have with  
22 that --

23 MR. RITVO: -- how it was built, who it  
24 was built, or why it was built, I'm going to  
25 advise the Board it's not relevant. The Board

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1 has to look at the application and determine if  
2 the application works from a planning and  
3 zoning perspective. That's all that's before  
4 this Board. We went through the same exercise  
5 with Mr. Rodriguez tonight.

6 MR. HARRIS: If it is not relevant, why  
7 does he keep sticking to his position that it  
8 was built as a temple?

9 MR. RITVO: It doesn't matter.

10 MR. HARRIS: Why does he stick to that  
11 when it's irrelevant? He considers it  
12 relevant.

13 MR. RITVO: I will advise the Board it  
14 doesn't matter. What matters is this structure  
15 is being proposed as a house of worship under  
16 these conditions and that's all.

17 MR. HARRIS: You have up to 45 families  
18 currently who participate in temple activities,  
19 according to the map that was made up. Some  
20 belong to the temple and some do not, but  
21 participate, coming more or less to the  
22 building.

23 How many of those 45 families do you think  
24 have children under age 13?

25 THE WITNESS: I honestly don't know.

♀

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1 MR. HARRIS: Would you guess that out of  
2 the 45, 35 of them have children under 13?

3 MR. TRAWINSKI: I'm going to object. The  
4 question was asked and answered. The  
5 questioner should move on. He said he didn't  
6 know.

7 CHAIRMAN HODGES: Mr. Ehrlich, the -- I  
8 understand Mr. Trawinski's objection, but  
9 hearing his objection, I'm not going to avoid  
10 issues here. I believe you have a legitimate  
11 question.

12 If there's 45 families, can you give some  
13 kind of estimate as to how many, whether it's

14 10, 20, you know, and not that you could be  
15 held -- let's say you say there's 20 and for  
16 some reason, Mr. Harris can say it's 23, that  
17 doesn't matter, you just say: My estimate is  
18 about... That's fine.

19 If you give an estimate, you say 20 now,  
20 and during a conversation you want to say it's  
21 about 21, we're not going to come back and say  
22 you said 20.

23 I understand your position that you're a  
24 little -- you want to protect yourself and not  
25 be misquoted, which is understandable, but I

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1 don't want to be avoiding questions by saying I  
2 don't know.

3 THE WITNESS: I'm not trying to avoid the  
4 question. The 45 houses, they're 25 families  
5 that pray with us regularly. The other 20 are  
6 mostly adults that, you know, come to services,  
7 they walk to other synagogues.

8 So I would exclude that off the top  
9 because they're, I think, mostly families that  
10 they're either single people over 13, or they

11 don't have kids at home anymore.

12 So of the 25, and I agree that's the  
13 number we should be sticking to in terms of  
14 membership, I would say about half.

15 MR. HARRIS: Just sticking with that  
16 number then for a moment, let's assume that 12,  
17 just for the sake of a number, and I'm not  
18 sticking you with a number, 12 of the families  
19 have children under 13.

20 Would you say that of the 12 or so who  
21 have children under 13, how many children, male  
22 children, do you think there might be in that  
23 group?

24 CHAIRMAN HODGES: Mr. Harris?

25 MR. HARRIS: The reason I'm asking the

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1 question is to gauge to what extent Barmizvahs  
2 will occur. That's a fair question because he  
3 said well, we'll have Barmizvahs. It will be  
4 rare but it will happen.

5 CHAIRMAN HODGES: Mr. Harris, let me see  
6 if I can help you, if that's all right,  
7 Mr. Trawinski.

8 MR. TRAWINSKI: Sure.

9 CHAIRMAN HODGES: Mr. Ehrlich, how many  
10 Barmizvahs do you think would happen during the  
11 course of a year at your house of worship?

12 THE WITNESS: This past year, I think we  
13 had one person who was Barmizvah'd and there  
14 wasn't a celebration afterwards.

15 CHAIRMAN HODGES: Next year, I know you  
16 can't really -- but I mean, you know the age  
17 group.

18 Would any of these Barmizvahs involve any  
19 activities, sir, outside?

20 THE WITNESS: I haven't spoken to the  
21 families of the Barmizvah children, but I don't  
22 believe so.

23 CHAIRMAN HODGES: All right.

24 MR. HARRIS: You testified that one of the  
25 reasons -- or let me back up.

♀

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MR. EHRLICH - 3/18/10

1 Why do you find you need the shul?

2 As a neighbor, I'm concerned why you find  
3 you need the shul.

4 MR. RITVO: Why what? I couldn't hear the

5 question.

6 MR. HARRIS: Why do you consider that you  
7 need this shul?

8 MR. TRAWINSKI: I'm going to object. The  
9 Constitution of the United States, the  
10 Religious Land Use Institutionalized Person's  
11 Act gives us freedom of religion and freedom of  
12 assembly. The question is absolutely and  
13 unequivocally irrelevant and borders on being  
14 anti-Semitic.

15 MR. HARRIS: That's a crock.

16 CHAIRMAN HODGES: Mr. Harris --

17 MR. RITVO: The order of this procedure,  
18 that's my job as the attorney. And I'd ask as  
19 nights go on and meetings go on, sometimes  
20 tempers raise and anger arises.

21 This Board -- my suggestion --

22 MR. HARRIS: This man --

23 MR. RITVO: May I suggest that I have the  
24 floor, please?

25 Let's try to keep this civil and

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MR. EHRLICH - 3/18/10

1 controlled and not personal in any way.

2           Mr. Trawinski has made an objection that  
3           based upon the Constitution of the United  
4           States, that people are permitted to worship.  
5           I've already advised this Board, as I have the  
6           last 94 applications before this Board, of  
7           which this Board has sat on and I,  
8           unfortunately, have been the attorney for all  
9           of them, that there is a protected right here,  
10          there is a constitutional right, that the  
11          question Mr. Harris asks I would recommend,  
12          Mr. Chairman, is not recognizable by this Board  
13          on any basis.

14           I would ask him to move on. Please move  
15          on.

16           MR. HARRIS: I would like to know why you  
17          need this shul? I'm not -- isn't that what  
18          we're here about?

19           CHAIRMAN HODGES: Mr. Harris, we're not  
20          talking about why we need this shul. We're --  
21          what we're here for is whether we're going to  
22          grant the variance for the use of this shul and  
23          with the other variances as far as there's not  
24          enough parking spaces.

25           But as far as the same right I have that

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1 I'm trying to uphold for you to ask questions,  
2 even with Mr. Trawinski's objections, that same  
3 right I'm giving you, is the same right as  
4 Mr. Ehrlich has to practice his religion.

5 MR. HARRIS: Nobody is denying his right  
6 to practice his religion. He was asked  
7 earlier, in fact by Mr. Hodges, you asked him  
8 earlier about why this particular site was  
9 chosen. And you asked the question and that  
10 would be no problem for anyone -- from anyone  
11 in your temple -- in your congregation to go  
12 that far referring to four-tenths of a mile.

13 CHAIRMAN HODGES: Yes. That's fine. You  
14 want to ask him why he chose this location.  
15 You cannot ask him why he's creating a  
16 synagogue.

17 MR. HARRIS: I didn't ask that question.  
18 I said "this synagogue." I did not ask and I  
19 would never ask.

20 MR. RITVO: Good. Misunderstanding.  
21 Please move on to your next question. Please  
22 go ahead. No need to argue. Misunderstanding.

23 Move on please.

24 MR. HARRIS: You were asked about another  
25 temple that was on Queen Anne Road and you -- I

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1 mean, the question from Mr. Hodges was: So  
2 what would be the reason, then, that your  
3 congregation instead of meeting at 554 -- now  
4 that's the confusion I believe -- could not  
5 meet at the other house of worship?

6 And you said: Just like in any religion,  
7 there are different denominations, different  
8 ways of practicing, et cetera.

9 And I assume that was your reason for why  
10 you weren't at that other shul.

11 MR. RITVO: What's the question?

12 MR. HARRIS: So why is it that you feel  
13 that this shul, this particular one is  
14 necessary for you?

15 And the reason I ask is because what you  
16 raised --

17 MR. RITVO: You cannot --

18 MR. TRAWINSKI: Objection for the same --

19 MR. RITVO: I understand, Mr. Trawinski.

20 Even if Mr. Ehrlich was to answer that  
21 question, under the Constitution of the United  
22 States, federal statute and state case law, the  
23 Board can't consider it.

24 So please move on.

25 AUDIENCE MEMBER: Ask a question, sir.

♀

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1 CHAIRMAN HODGES: No. Please sit down.

2 AUDIENCE MEMBER: While he's pausing, can

3 I --

4 CHAIRMAN HODGES: Please sit down.

5 MR. HARRIS: I wanted to ask you whether  
6 or not it is a substantial burden for you to  
7 attend a different synagogue?

8 AUDIENCE MEMBER: This is a filibuster.

9 CHAIRMAN HODGES: Sir, you pull that one  
10 more time, you're going to be put into the  
11 hall.

12 MR. TRAWINSKI: You need to sit down and  
13 listen to him.

14 CHAIRMAN HODGES: Mr. Harris, I just want  
15 to clarify before Mr. Trawinski gets up. As  
16 you already did, you read the transcript, okay.

17 Mr. Ehrlich has already testified that  
18 there are different ways of practicing the  
19 religion, different ways to do it, different  
20 forms. I know I'm -- I can't speak for the  
21 Jewish religion because I haven't attended  
22 services there. I can speak to my religion. I  
23 might like to go listen to one priest instead  
24 of another.

25 The way I'm understanding from

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MR. EHRLICH - 3/18/10

1 Mr. Ehrlich, the people from this house of  
2 worship would like to practice their religion  
3 with this Rabbi. So he's entitled to do that.

4 What we're here today is to say, yes, they  
5 can have this house of worship at 554 Queen  
6 Anne Road so we ask questions about that,  
7 that's fine.

8 But we're not going to spend time here  
9 nitpicking the transcript and nitpicking  
10 everything he says because that's not going to  
11 happen.

12 My Board members here, they have been here  
13 a long time and you're overfilling us with

14 information we don't need. Let's stay to the  
15 facts.

16 MR. HARRIS: May I pursue one thing, and  
17 I'll sit down?

18 CHAIRMAN HODGES: Yes, thank you.

19 MR. HARRIS: Mr. Ritvo introduced at a  
20 certain point and others have spoken of this, I  
21 think Mr. Rodriguez had introduced this thing  
22 called RLUPA and it seems to me that it is the  
23 background of this case.

24 Are you familiar with RLUPA?

25 MR. TRAWINSKI: I'm going to object. He's

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1 not a lawyer, he's not testifying as a lawyer.

2 MR. HARRIS: I'm not lawyer either, and  
3 I'm not testifying.

4 CHAIRMAN HODGES: We're not going to  
5 banter with this.

6 Mr. Ehrlich, that's a yes or no answer.

7 THE WITNESS: I've heard about it before.

8 MR. HARRIS: Do you know that there is a  
9 portion in RLUPA that speaks about -- help me  
10 with the terminology -- burden, substantial

11 burden.

12 THE WITNESS: What's your question?

13 MR. HARRIS: Do you know about a portion  
14 in RLUPA that speaks about substantial burden?

15 THE WITNESS: I know of the term, I don't  
16 know the law.

17 MR. HARRIS: I'm not a lawyer, so I'm not  
18 pretending to be.

19 CHAIRMAN HODGES: Okay. No comments, just  
20 the questions.

21 MR. TRAWINSKI: Mr. Chairman, I'm going to  
22 ask the last comment be stricken. The comment  
23 of, "I'm not pretending to be a lawyer," is:  
24 One, offensive to attorneys; and, two,  
25 offensive to this witness.

♀

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1 It implies that this witness is some --  
2 hiding behind some sort of legal shield or  
3 whatever. It was not a question, and it  
4 doesn't belong in this record.

5 MR. HARRIS: This man is definitely  
6 offensive. He has called me anti-Semitic, and  
7 he is now impugning my integrity.

8 He's definitely offensive.

9 MR. RITVO: We're now into 15 minutes  
10 later from when I suggested to both of you that  
11 sometimes at this stage of applications at this  
12 stage of the night, tempers rise and people get  
13 upset and as a guardian of procedure, I should  
14 get a big G for my chest.

15 But as a guardian of the procedure, I  
16 would suggest to both of you to stay with the  
17 questions and the application.

18 Mr. Harris, I haven't intervened yet,  
19 because I don't know where you're going. But I  
20 would suggest to you that if you are going to  
21 attempt to elicit the requirements of RLUPA  
22 from Mr. Ehrlich, who is a lay witness, as far  
23 as lawyers are concerned, when the Board is  
24 not -- you're not going to help the Board.

25 So if you have a point, please go ahead

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1 and make it because the Board is as interested  
2 in where you're going as I am.

3 MR. HARRIS: I have a point, but I have to  
4 make it through questions. There's my problem.

5 MR. RITVO: Go ahead.

6 MR. HARRIS: All right. So do you think  
7 there would be a substantial burden to temple  
8 members if they attended other temples nearby?

9 MR. TRAWINSKI: When does the time come?  
10 I realize it's late, I realize it's a long --

11 MR. RITVO: Thank you, Mr. Trawinski, your  
12 objection is noted.

13 Mr. Chairman, I suggest you sustain  
14 Mr. Trawinski's objection. It is not relevant.  
15 People are free to worship wherever they like.  
16 This is a zoning case and the constitution  
17 allows worship as people wish to do.

18 So I don't suggest that there's a question  
19 that is relevant or recognizable by this Board  
20 within the patterns of zoning and planning  
21 criteria.

22 MR. HARRIS: Mr. Chairman, it was  
23 Mr. Ritvo who introduced RLUPA into this  
24 proceedings when he said to educate us -- which  
25 is where I learned of this when he said to

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MR. EHRLICH - 3/18/10

1 educate us and RLUPA forms the background for

2           this case because it sets standards that the  
3           Board has to take into account when making its  
4           decisions.

5           CHAIRMAN HODGES: Mr. Harris, let me just  
6           help you out, if I may. RLUPA is the law that  
7           you're quoting here. This is the wrong witness  
8           to ask that question.

9           In fact, my suggestion to you would be at  
10          the point that we give statements from all --  
11          everybody can make a statement. At that point,  
12          if you're able to do a little research into  
13          RLUPA, put your questions down as far as RLUPA,  
14          right.

15          But let's say if you feel in your mind  
16          that you're here trying to state that there are  
17          too many houses of worship and RLUPA says,  
18          whatever you think it says, you can bring out  
19          the statement to the Board and then it's up to  
20          us to make that decision. You're entitled to  
21          your opinion. And during this statement  
22          portion, you can do that.

23          But trying to bring up RLUPA to this  
24          witness is not helping yourself get your point  
25          across or not. So your points with RLUPA, how

MR. EHRLICH - 3/18/10

1       you might feel this doesn't go in RLUPA, bring  
2       it up in your statement portion, which probably  
3       will be the next hearing because I don't think  
4       we'll get to it tonight and you have a couple  
5       of weeks to study for it, be prepared and come  
6       make a statement. I assure you the Board --

7                THE BOARD SECRETARY: Mr. Chairman, hold  
8       on. I'm tired too. So all the interruptions,  
9       the laughing and the comments, is not going to  
10      make it go quicker. It will make it go slower,  
11      so please be patient.

12               MR. HARRIS: May I ask about the map and  
13      the positions on the map?

14               CHAIRMAN HODGES: Yes.

15               MR. HARRIS: As I understand it, do  
16      members of your -- I'm sorry to do it this way.  
17      I don't know how else to do it.

18               Do members of your congregation have the  
19      ability to worship at other shuls?

20               THE WITNESS: This country is a free  
21      country and of course they can.

22               MR. HARRIS: Are they within easily

23 accessible distance?

24 THE WITNESS: I don't know. I'm not sure

25 I could answer that because I think it's

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1 different for each person.

2 MR. HARRIS: Are there other shuls?

3 CHAIRMAN HODGES: Mr. Harris, in the  
4 effort to try the move this along, people have  
5 the option to go to other houses of worship.

6 I'll give you an example, myself, I belong  
7 to one church but at times I might go to Holy  
8 Name Hospital to go to church because I think  
9 it's faster and I'm busy that week.

10 These people here have the option to do  
11 that also. If they listen to one Rabbi three  
12 weeks and they'd like a different change, they  
13 could go someplace else.

14 So as far as trying to ask Mr. Ehrlich,  
15 are people going to go to other places, why  
16 can't they go to someplace else, we're making  
17 this very clear. They're choosing to go here.

18 So we can't -- we're not going to question  
19 that. That's their choice. They're free --

20 MR. HARRIS: I'm not questioning that  
21 either. What I am questioning is, is whether  
22 or not the ordinances of our town, whether  
23 variances, extreme variances need to be given  
24 in this case which would have a negative impact  
25 on the community, whether or not there's a

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1 substantial burden on members of the shul.

2 I guess I don't know what else to ask.

3 MR. TRAWINSKI: He's testifying. He's not  
4 under oath.

5 MR. HARRIS: Thank you.

6 CHAIRMAN HODGES: Anybody else, sir?

7 MR. VATSKY: My name is Arthur Vatsky,  
8 V-A-T-S-K-Y, 950 Garrison Avenue, Teaneck.

9 MR. RITVO: Go ahead.

10 MR. VATSKY: What I'm going to ask, I  
11 think may be best answered by the Board.

12 Particularly, it has to go through  
13 Mr. Ehrlich?

14 CHAIRMAN HODGES: At this time we're not  
15 taking questions to the Board. If you want,  
16 I'll give you time after this.

17 MR. RITVO: Whoa, Mr. Chairman,  
18 Mr. Vatsky, so you understand the procedure,  
19 the witnesses are presented, the public has an  
20 opportunity to question the witnesses as  
21 they're presented. After all the applicant's  
22 witnesses are presented, then anyone else can  
23 present witnesses or ask questions.

24 But the Board can't answer questions. The  
25 Board doesn't answer questions because the

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1 Board doesn't -- it's not structured that way.  
2 The Board acts as a unit when it votes. It  
3 can't answer your questions. Procedural  
4 questions can be answered but substantive  
5 questions cannot.

6 So at this point, the portion of the  
7 application is to ask Mr. Erlich, who's the  
8 president of the applicant, any questions.

9 MR. VATSKY: Mr. Ehrlich, okay, I'm -- in  
10 the history of this process with 554 Queen Anne  
11 Road, went from the Rabbi's domicile to -- it  
12 changed, it evolved. Will this serve as a  
13 precedent in Teaneck for other houses of

14 worship?

15 CHAIRMAN HODGES: Sir, sir, Mr. Ehrlich  
16 can't answer that question.

17 MR. VATSKY: He can't, that's right. But  
18 you see where I'm going?

19 MR. RITVO: Let me answer your question,  
20 if I might, Mr. Chairman.

21 This Board takes every application on its  
22 own.

23 MR. VATSKY: No precedent?

24 MR. RITVO: No precedent. Every  
25 application has to be looked at individually.

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1 That's the law. Every application stands on  
2 its own, witnesses have to be presented, you  
3 can bring a planner, an architect. The Board  
4 is only looking at this application. That's  
5 all it can do.

6 MR. VATSKY: No, precedent, okay. Thank  
7 you.

8 CHAIRMAN HODGES: Any other questions on  
9 this side?

10 MR. CAMPEAS: I always have to come last.

11 Riff Campeas, 250 Griggs Avenue.

12 When you presented those parking permits,  
13 you took care, I presume -- you took care in  
14 presenting them to make sure they were correct?

15 THE WITNESS: I'm not sure what you're  
16 referring to and I'm not sure of your question.

17 MR. CAMPEAS: The permits that you  
18 presented to this Board and testified about --

19 MR. RITVO: You're referring to  
20 permissions of other members to park --

21 MR. CAMPEAS: Correct.

22 MR. RITVO: He's referring to permission  
23 that people get for parking in the driveway.

24 MR. CAMPEAS: I'm sorry. This does have  
25 to do -- if he's going to be a representative

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MR. EHRLICH - 3/18/10

1 of the shul to us, it speaks to his  
2 carelessness, it speaks to how --

3 MR. RITVO: I would recommend,  
4 Mr. Chairman, you let him ask the question.

5 Go ahead.

6 MR. CAMPEAS: Thank you. You put down  
7 that Mr. Guralnick resides at 576 Queen Anne,

8 correct?

9 THE WITNESS: No.

10 MR. CAMPEAS: Did Mr. Guralnick put it  
11 down?

12 THE WITNESS: I don't know. I'm not  
13 Mr. Guralnick.

14 MR. CAMPEAS: Did you hand in the permit  
15 stating that Mr. Guralnick lived at 576?

16 THE WITNESS: I handed up as evidence all  
17 of the permits.

18 MR. CAMPEAS: So you did hand it in?

19 THE WITNESS: Yes.

20 MR. CAMPEAS: Thank you. Does he, in  
21 fact, reside there?

22 THE WITNESS: He owns the resident.

23 MR. CAMPEAS: Does he reside there?

24 MR. TRAWINSKI: Mr. Chairman, Mr. Ritvo,  
25 this is out of the case. Where are we going

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MR. EHRLICH - 3/18/10

1 and what's the proffer?

2 MR. RITVO: I would bet, Mr. Trawinski,  
3 Mr. Campeas will say it goes to the credibility  
4 of Mr. Ehrlich. Is that right, Mr. Campeas?

5 MR. CAMPEAS: Thank you, yes.

6 MR. RITVO: Now, I would ask you, though,  
7 Mr. Campeas, please ask the basis for the  
8 question, what you think goes to the  
9 credibility, go right -- go right to it.

10 MR. CAMPEAS: Right to the heart of it.

11 Is Mr. Guralnick in a position to give  
12 permission to let someone park on that property  
13 when someone else is renting it?

14 THE WITNESS: I don't know the arrangement  
15 he has with the person he's renting it to, but  
16 I imagine that if he said that he does have  
17 permission to do that, then he can give  
18 permission to people to park there, yes.

19 MR. CAMPEAS: When Mr. Guralnick gave  
20 permission to park there at 266 Johnson Avenue,  
21 which he also says was his residence, you took  
22 him at his word?

23 THE WITNESS: Most certainly. He's an  
24 upstanding citizen. I believe what he says.

25 MR. CAMPEAS: Okay. Could you please show

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MR. EHRLICH - 3/18/10

1 me the driveway at 266 Johnson Avenue?

2 MR. TRAWINSKI: Mr. Chairman, Mr. Ritvo,  
3 there's no predicate for what the witness is  
4 being asked to look at.

5 MR. RITVO: Mr. Ehrlich -- Mr. Campeas,  
6 what is that?

7 MR. CAMPEAS: That's a picture of 5 -- 266  
8 Johnson Avenue which has no driveway.

9 MR. RITVO: Don't say what it is. One  
10 second. Don't say what it is.

11 Mr. Ehrlich, do you recognize that as that  
12 address?

13 THE WITNESS: It's a very poor photograph.

14 MR. RITVO: Can you recognize that?

15 THE WITNESS: Yes, I can.

16 MR. CAMPEAS: Is there a driveway there?

17 THE WITNESS: I don't know when this  
18 picture was taken.

19 MR. CAMPEAS: The picture was taken --

20 MR. RITVO: He asked you, Mr. Ehrlich: Is  
21 there a driveway there?

22 THE WITNESS: I don't know.

23 MR. RITVO: He doesn't know. Next  
24 question, please.

25 MR. CAMPEAS: In point of fact, there

MR. EHRLICH - 3/18/10

1 hasn't been a driveway there.

2 MR. RITVO: Is there a question

3 Mr. Campeas, please?

4 MR. CAMPEAS: Have you walked by that  
5 location?

6 THE WITNESS: I don't typically walk by  
7 that location.

8 MR. CAMPEAS: Have you walked by it, not  
9 what you typically do?

10 THE WITNESS: I've seen the location, yes,  
11 I've seen it.

12 MR. CAMPEAS: How long has it been under  
13 construction?

14 THE WITNESS: I don't know.

15 MR. CAMPEAS: Approximately?

16 THE WITNESS: I don't know.

17 MR. CAMPEAS: A year?

18 MR. RITVO: Mr. Campeas, he says he  
19 doesn't know. Next question.

20 MR. CAMPEAS: How many cars do you have?

21 THE WITNESS: I have two cars.

22 MR. CAMPEAS: You have two cars?

23 THE WITNESS: Well, actually, I don't.  
24 One is my wife's, one is mine. So I guess I  
25 have one car and my wife has one.

♀

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MR. EHRLICH - 3/18/10

1 MR. CAMPEAS: How many spaces did you say  
2 you would provide?

3 THE WITNESS: I don't recall. Honestly, I  
4 don't recall how many spaces I said I would  
5 provide.

6 MR. CAMPEAS: Did we put into evidence?

7 MR. RITVO: Ms. McLean, do you have the  
8 exhibits?

9 THE BOARD SECRETARY: All the exhibits --  
10 some may be next door and Mr. Melfi has some.

11 THE WITNESS: Can I answer his questions  
12 to move things along?

13 MR. RITVO: Mr. Ehrlich, I would  
14 suggest -- only my suggestion, Mr. Chair, that  
15 it won't move things along.

16 Let Mr. Campeas do it in a way --  
17 normally -- that isn't a joke.

18 Let Mr. Campeas do it he wishes to do it.  
19 He has a right to do it just as his attorney

20 and you had a right to do it.

21 THE BOARD SECRETARY: It's probably in the  
22 other folder because we have a box.

23 MR. RITVO: As I understand, Mr. Campeas,  
24 this was all withdrawn. That's why Ms. McLean  
25 didn't know.

♀

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MR. EHRLICH - 3/18/10

1 MR. CAMPEAS: I think I can find if it you  
2 give me time.

3 THE BOARD SECRETARY: Mr. Melfi, do you  
4 have yours with you?

5 MR. MELFI: I have only the one that was  
6 proposed for a variance.

7 MR. CAMPEAS: You said you had the five --  
8 I'm sorry -- spots for four vehicles?

9 THE WITNESS: I believe I do.

10 MR. TRAWINSKI: Mr. Ritvo, may I see the  
11 exhibits?

12 MR. RITVO: Yes, show it to Mr. Trawinski  
13 before you show it to the witness in each case.

14 MR. CAMPEAS: In each case, okay. Thank  
15 you.

16 Is that your house in the driveway?

17 THE WITNESS: It most certainly is.

18 MR. CAMPEAS: And you can fit two other  
19 cars in that driveway?

20 THE WITNESS: I can fit one car, maybe two  
21 in this space that you actually --

22 MR. CAMPEAS: No, no. You said four  
23 spots. You have two cars.

24 THE WITNESS: I'm answering.

25 MR. CAMPEAS: Why -- I'm sorry.

♀

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MR. EHRLICH - 3/18/10

1 THE WITNESS: I can park one car in the  
2 garage and fit three or four additional cars in  
3 the driveway actually.

4 MR. CAMPEAS: Actually, your testimony, if  
5 I believe it's right, was it did not involve  
6 moving cars into the street. It involved  
7 unused spaces in the driveway. I'll find --

8 THE WITNESS: I don't recall me saying  
9 that.

10 MR. CAMPEAS: Excuse me. May I?

11 CHAIRMAN HODGES: Mr. Campeas, I'll give  
12 you a couple of minutes. We have to change the  
13 tape within the next ten minutes.

14           Since we're waiting for you to find the  
15           spot, we'll take a five-minute break and we'll  
16           start back again.

17           (At 9:56 p.m. a recess was taken.)

18           (At 10:06 p.m. the hearing resumes.)

19           CHAIRMAN HODGES: Mr. Campeas, back on the  
20           record.

21           MR. CAMPEAS: Page 161 of the transcript.

22           CHAIRMAN HODGES: Which transcript?

23           MR. RITVO: Which date?

24           MR. CAMPEAS: The page was --

25           CHAIRMAN HODGES: January 20?

♀

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MR. EHRLICH - 3/18/10

1           MR. CAMPEAS: December.

2           Let me ask you another question.

3           "The parking spots that you would have  
4           accumulated in people's driveways, are people  
5           going to park their cars on the street so that  
6           driveways are available?

7           "WITNESS: I testified that they were  
8           extra spaces.

9           "So no one is going to move their car into  
10          the street. All those spaces of the driveways,

11 no one is going to be, the resident will not be  
12 parking in the street so that they" -- I don't  
13 know -- "so that they" -- forget "the  
14 driveway."

15 I don't know what that means.

16 MR. RITVO: What's the question?

17 MR. CAMPEAS: The question is he has two  
18 cars.

19 CHAIRMAN HODGES: Ask him the question.

20 MR. CAMPEAS: The question is: How are  
21 you going to fit four cars into your driveway?

22 THE WITNESS: I already answered that. I  
23 can fit four cars in my driveway and probably  
24 another one in my garage.

25 MR. CAMPEAS: Taking your cars and putting

♀

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MR. EHRLICH - 3/18/10

1 them on the street?

2 THE WITNESS: No. I believe my cars are  
3 allowed to be in my driveway or what's going to  
4 be Eitz Chaim hopefully.

5 CHAIRMAN HODGES: Mr. Ehrlich, let me see  
6 if I can help you. You have two vehicles  
7 you're saying in your family; is that correct?

8 THE WITNESS: Yes.

9 CHAIRMAN HODGES: Your driveway can hold,  
10 you're stating, four vehicles and one in the  
11 garage for a total of five?

12 THE WITNESS: Probably. I've never had  
13 that many cars at one time.

14 CHAIRMAN HODGES: If we figure -- if we  
15 say you could have four cars in your driveway  
16 and one in the garage for a total of five and  
17 you have two cars, where are these four cars  
18 you said you would park in your driveway?

19 THE WITNESS: First of all, I never said  
20 that I don't think that my two cars are allowed  
21 to be parked in the driveway at the time  
22 because I --

23 CHAIRMAN HODGES: Mr. Erlich, we're going  
24 by exactly what was read from that transcript  
25 that you testified to.

♀

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MR. EHRLICH - 3/18/10

1 You testified that you could put four cars  
2 in your driveway and also keep your cars in the  
3 driveway of your garage.

4 So where -- how would you put the four

5 cars that you testified you can put there?

6 THE WITNESS: Okay. That's a fair  
7 question.

8 First of all, according to residential  
9 restrictions in residential zone, my lot only  
10 requires me to have one parking space.

11 MR. RITVO: Mr. Ehrlich, where would you  
12 put the four cars?

13 THE WITNESS: I could put my two cars in  
14 my neighbor's driveway.

15 MR. RITVO: How many spaces have you in  
16 your driveway?

17 THE WITNESS: First of all, we rescinded  
18 those --

19 MR. RITVO: Please stay with the question,  
20 we'll move this along.

21 THE WITNESS: I have four spaces, I've  
22 said several times.

23 MR. RITVO: Stop, breathe in, breathe out,  
24 take a break.

25 Now, the question is: Can you fit four

♀

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MR. EHRLICH - 3/18/10

1 cars on your property?

2 THE WITNESS: Yes.

3 MR. RITVO: Good. Next question,  
4 Mr. Campeas, please move on.

5 CHAIRMAN HODGES: The question was: Can  
6 you fit four additional cars in your driveway  
7 beside the two you already own?

8 MR. RITVO: Can you fit six cars on your  
9 property? Can you fit six cars on your  
10 property?

11 THE WITNESS: Yes, but not in the  
12 driveway.

13 MR. RITVO: Where would you put them?

14 THE WITNESS: One could go on the grass.

15 MR. RITVO: That's his answer.

16 MR. CAMPEAS: Last time you said that I  
17 sent profane e-mails to Rabbi Feldman.

18 MR. RITVO: What was that?

19 MR. CAMPEAS: Last time Mr. Ehrlich said  
20 that I sent profane e-mails to Rabbi Feldman.

21 MR. RITVO: I would suggest it's  
22 irrelevant to this matter. Next question  
23 please.

24 MR. CAMPEAS: I'm sorry, he's accused me  
25 in open court.

MR. EHRLICH - 3/18/10

1 MR. RITVO: It's not about accusations;  
2 this is about a planning and zoning case. Just  
3 as I stopped others, I'd ask you to please move  
4 on to the next question.

5 As the attorney, I'm ruling that's  
6 irrelevant to us.

7 MR. CAMPEAS: All right. I'm going to get  
8 everybody more pissed off.

9 I'm going back to the question of burden.  
10 Last time, I was told that there was no need  
11 for substantial burden. I have the statute  
12 and --

13 MR. RITVO: What's the question to  
14 Mr. Ehrlich, Mr. Campeas?

15 MR. CAMPEAS: What is the substantial  
16 burden that losing the application would cause  
17 you?

18 MR. RITVO: If you can't pray at that  
19 congregation, Mr. Ehrlich, do you think that's  
20 a substantial burden to your constitutional  
21 rights?

22 Next question.

23 MR. CAMPEAS: How is that a substantial  
24 burden?

25 THE WITNESS: I wouldn't be able to

♀

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MR. EHRLICH - 3/18/10

1 practice my freedom to pray where I'd like. I  
2 find that substantial and burdensome.

3 MR. CAMPEAS: In other words, there's no  
4 other synagogue within Teaneck?

5 MR. RITVO: Not relevant, Mr. Campeas.  
6 Been ruled that way three times by the Chair.

7 Next question, please.

8 MR. CAMPEAS: Mr. Ehrlich, if you had 160  
9 people coming week after week to your neighbor,  
10 would you feel that that's a detriment?

11 MR. RITVO: A detriment to whom?

12 MR. CAMPEAS: To you -- to him.

13 THE WITNESS: No, I wish my neighbor would  
14 have more parties.

15 MR. CAMPEAS: Give me one second.

16 In the testimony last time, the police  
17 report was cited partially.

18 Have you read the police report?

19 MR. RITVO: Mr. Campeas, you have to be

20 more specific so the Board knows what the  
21 report is.

22 MR. CAMPEAS: Okay. Hang on. Can I come  
23 back later? No? All right.

24 In the fire department report, there  
25 were -- the question --

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MR. EHRLICH - 3/18/10

1 MR. RITVO: Are you looking for the police  
2 report of this application?

3 MR. CAMPEAS: Yes.

4 MR. RITVO: I may have it. Go ahead.

5 MR. CAMPEAS: The police report stated  
6 that --

7 CHAIRMAN HODGES: I have it.

8 MR. CAMPEAS: Do you need to see the  
9 report?

10 MR. TRAWINSKI: I'm going to -- I have it.

11 MR. CAMPEAS: The police report, it was  
12 stated that -- the police report --

13 MR. TRAWINSKI: Mr. Chairman, can we have  
14 a clarification in referencing the police  
15 report dated September 10, 2009?

16 THE WITNESS: September 10, 2009.

17 MR. TRAWINSKI: Thank you.

18 MR. CAMPEAS: The police report was cited  
19 as saying that there was no danger in the -- in  
20 lawn parking.

21 If you look at the last -- next to the  
22 last paragraph, it states that the police  
23 department would recommend that there be a full  
24 compliment of 21 spots.

25 Would you agree with that?

♀

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MR. EHRLICH - 3/18/10

1 MR. RITVO: Is that what it says,  
2 Mr. Ehrlich?

3 THE WITNESS: Yeah, that's what it says.

4 MR. RITVO: Anything else, Mr. Campeas?  
5 He answered your question. He said, yes,  
6 recommends 21 spots.

7 MR. CAMPEAS: Thank you.

8 Can I ask a procedural question?

9 CHAIRMAN HODGES: What is it?

10 MR. CAMPEAS: Last time, Mr. Hodges, you  
11 told me that there was no substantial burden  
12 requirement. At what point can we discuss  
13 that? I would assume --

14 CHAIRMAN HODGES: Substantial burden  
15 requirement on what?

16 MR. CAMPEAS: In the RLUPA.

17 MR. RITVO: Mr. Chairman, I don't suggest  
18 that you answer that. RLUPA will be argued,  
19 I'm sure, by Mr. Trawinski. I'll advise the  
20 Board. This Board has been advised on that  
21 statute a number of times.

22 You'll have a chance to speak to RLUPA  
23 during your direct testimony. You'll have your  
24 chance.

25 MR. CAMPEAS: Okay. Thank you.

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MR. EHRLICH - 3/18/10

1 CHAIRMAN HODGES: Anybody else?

2 Sir, come on up.

3 State your name.

4 MR. MUSTAFA: A-S-I-F, like Frank,  
5 M-U-S-T-A-F-A, 263 Griggs Avenue, Teaneck, New  
6 Jersey.

7 I'll try to be brief and quick.

8 I just wanted to know, prior to the prayer  
9 group being established, 554, where will the  
10 congregants being assembling or is this a

11 totally brand new synagogue?

12 THE WITNESS: It will be a totally brand  
13 new synagogue.

14 MR. MUSTAFA: Where were the congregants  
15 previously?

16 THE WITNESS: Different houses of worship.

17 MR. MUSTAFA: Okay. If I were to stand on  
18 the corner of Queen Anne Road and Cedar Lane  
19 and drew a one-mile radius, how many  
20 synagogues, how many synagogues do you think I  
21 would get in that radius?

22 MR. RITVO: Mr. Mustafa, what's the  
23 purpose?

24 MR. MUSTAFA: I'm trying get an  
25 understanding -- for -- to have -- this thing

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MR. EHRLICH - 3/18/10

1 was to have a town -- to have more synagogues,  
2 would be more moraled, more upstanding town,  
3 I'd like to know by having one extra synagogue  
4 and the fact that if another group of his  
5 decided to leave and start another synagogue  
6 two houses down, I'd like to understand how  
7 that would be beneficial or detrimental to him?

8 MR. RITVO: Let me explain something to  
9 you. Maybe you weren't here at the other  
10 meetings. I know you -- religion is not only a  
11 protective right, it's permitted in this zone.

12 And the first meeting, I made tried to  
13 make similarly, not a good one, we can't  
14 control how many pizzerias there are, we can't  
15 control how many nail salons there are in  
16 Teaneck, we can't control how many hair salons  
17 there are in Teaneck. This Board cannot hear  
18 or look to any testimony --

19 MR. MUSTAFA: Okay.

20 MR. RITVO: Doesn't matter if there are a  
21 hundred or four.

22 MR. MUSTAFA: I understand. If you're  
23 going to rule on a bunch of variances that  
24 these people are looking to get and variances  
25 based on -- how, you know, what is it going to

♀

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MR. EHRLICH - 3/18/10

1 make a decision on approving these variances?

2 MR. RITVO: Zoning and planning.

3 MR. MUSTAFA: If he felt they don't get  
4 the variance approved, are you willing to stop

5 or you going to try to open another synagogue?

6 That's what I'm trying understand.

7 MR. RITVO: He's going to stand up and say  
8 we can't consider that, and he's right.

9 Remember, we're dealing with a protected  
10 constitutional and statutory right here. It  
11 doesn't matter. If these people want -- if you  
12 want to add a family room onto your home, this  
13 Board would have no right to ask you whether  
14 you're going to move to another house with a  
15 family room. It has to look at the family room  
16 you want in your home. That's the only thing  
17 this Board can do.

18 That's why -- I don't want to sound harsh  
19 but it's not relevant to this Board.

20 MR. MUSTAFA: The gentleman is saying that  
21 his rights of religious practice is being  
22 infringed.

23 MR. RITVO: He hasn't said that.

24 MR. MUSTAFA: Okay. But it's saying if it  
25 wouldn't it would be detrimental to his group.

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1 MR. RITVO: The question was of him: Is

2           there a substantial burden on his religious  
3           right? And he says he feels that it is.

4           MR. MUSTAFA: Because I would say the  
5           number of synagogues in the United States,  
6           there's a number of synagogues down the  
7           street --

8           MR. RITVO: -- and it was a religion, this  
9           Board will be saying the same thing, the same  
10          thing because people have a constitutional  
11          right to worship in this country by the  
12          Founding Fathers' Constitution, by federal  
13          statute and by state law.

14          MR. MUSTAFA: And there is a precedent.

15          MR. RITVO: Mr. Mustafa, because it's late  
16          I'm sure you haven't been here, I'm trying to  
17          be courteous to you, but this point has been  
18          discussed with this application four or five  
19          times.

20          MR. MUSTAFA: I've been to every meeting.

21          MR. RITVO: It has to look at this house  
22          of worship on zoning and planning criteria and  
23          not how many other houses of worship there are.  
24          That's not relevant.

25          CHAIRMAN HODGES: Anybody else on this

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1 side wish to ask questions?

2 Anybody else on this side?

3 Seeing no questions, we'll end the

4 testimony of Mr. Ehrlich.

5 Mr. Trawinski?

6 MR. TRAWINSKI: Yes, Mr. Chairman.

7 CHAIRMAN HODGES: Since it is 10:25, we're  
8 going to head it up to close up.

9 Our next special meeting is April 21st or  
10 May 12th.

11 MR. TRAWINSKI: Mr. Chairman, in a brief  
12 conversation with your secretary at the recess,  
13 I've indicated that we would like to move to a  
14 regular agenda.

15 I understand your next regular agenda is  
16 full and the earliest we would be placed on is  
17 your May agenda, May regular agenda.

18 CHAIRMAN HODGES: The earliest date that  
19 I'll adjourn this to would be June 3rd, if you  
20 do not want a special meeting.

21 Now, do we need an extension?

22 MR. TRAWINSKI: Confer with my client.

23 June 3rd will be fine.

24 MR. RITVO: What I would suggest --

25 MR. TRAWINSKI: On the record, I give you

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MR. EHRLICH - 3/18/10

1 extension of time to act until the day after  
2 your June 3rd meeting.

3 MR. RITVO: My suggestion would be to try  
4 to clear the date from other applications.  
5 It's very few that night.

6 CHAIRMAN HODGES: If I have other  
7 applications on the same night, we're not going  
8 to be able to fill the people in the room.

9 Can we use this venue?

10 THE BOARD SECRETARY: I'll call the  
11 library on Monday and we can make the  
12 announcement at the April 7th meeting.

13 MR. RITVO: I would suggest this  
14 application be carried to April 7th for  
15 purposes of establishing a location for  
16 June 3rd.

17 The public is welcome to come and I'm  
18 sorry I always do this, contact Ms. McLean  
19 after the April 7th meeting to determine where

20 it will be.

21 I would suggest a motion to carry this  
22 application to the April 7th meeting, municipal  
23 building, without further notice to the public.

24 MR. TRAWINSKI: In this point, Mr. Ritvo,  
25 written stipulation, just forward to me. I'm

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1 putting on the record we're extending the date  
2 and time.

3 MR. MEYER: Motion.

4 MS. BRAHVER-KEELY: Second.

5 CHAIRMAN HODGES: Motion to reiterate that  
6 on April 7th we're just -- there will be an  
7 announcement on where the meeting will be.

8 Next meeting will be on June 3rd. So to  
9 prepare your statements that you have, anybody  
10 wants to get anything they'd like to say,  
11 June 3rd will be the night.

12 MR. TRAWINSKI: So the public is prepared,  
13 we do not have any other witnesses. We may  
14 have a rebuttal witness depending on what a  
15 member of the public says, but short of that,  
16 there are no other witnesses planned.

17 MR. HARRIS: Will there be transcripts?

18 CHAIRMAN HODGES: You want a transcript of  
19 this?

20 Mr. Trawinski, we'll have a transcript?

21 MR. TRAWINSKI: Just need to confer with  
22 my client.

23 (Brief pause.)

24 MR. TRAWINSKI: We will not be purchasing  
25 a transcript.

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1 My understanding is there's a recording.

2 My understanding is there's a recording, so  
3 we're not going to be purchasing the  
4 transcript.

5 MR. ROSE: Point of information.

6 Just as a point of information -- Howard  
7 Rose, 575 Northumberland Road, just as a point  
8 of information to the Board, if you're going to  
9 use this venue in the future, could you please  
10 ensure that there's public access to this  
11 building throughout the meeting.

12 I've been outside waiting for someone to  
13 come to open that door. It is locked, there's

14 no access.

15 THE BOARD SECRETARY: Mr. Rose, we will  
16 talk to counsel, who will have to authorize a  
17 second person. We're not going to guarantee  
18 that, but we will let you know.

19 MR. ROSE: Thank you very much.

20 MR. TRAWINSKI: Some of the questioners  
21 left some of their items up here. I just  
22 wanted you to know there's stuff here.

23 MR. CAMPEAS: How much does it cost to  
24 purchase the transcript?

25 THE BOARD SECRETARY: You'd have to get in

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1 touch with the stenographer here who will let  
2 you know.

3 CHAIRMAN HODGES: Motion to close the  
4 meeting. Motion to adjourn meeting is closed.

5 MR. ROSEN: Motion.

6 MS. BRAHVER-KEELY: Second.

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8 (Time noted: 10:25 p.m.)

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C E R T I F I C A T E

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I hereby certify that the proceedings

6

herein are from the notes taken by me in this matter of the

7

aforementioned case; and that this is a correct

8 transcription of the same.

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ANGELA M. SHAW-CROCKETT  
Registered Professional Reporter  
Certified Court Reporter  
License No. XI102184

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