

1 TOWNSHIP OF TEANECK
2 BOARD OF ADJUSTMENT
3 WEDNESDAY, JUNE 16, 2010

4
5 IN THE MATTER OF: : TRANSCRIPT OF
6 APPLICATION AND PUBLIC HEARING : PROCEEDING
7 on Investigation and Adoption :
8 :
9 of 554 Queen Anne Road LLC :
10 :
11

12 B E F O R E:

13 TOWNSHIP OF TEANECK BOARD OF ADJUSTMENT
14 THERE BEING PRESENT:

- 15 JAN MEYER
- 16 ANNEKEE BRAHVER-KEELY
- 17 EDWARD MULLIGAN
- 18 FAROUK SHEIKH
- 19 WARREN A. HODGES, Chairperson
- 20 HARVEY ROSEN

21 A L S O P R E S E N T:

- 22 HAROLD RITVO, Esq.
- 23 Counsel to the Board
- 24 ROSILAND V. McLEAN
- Board Secretary
- DAN MELFI
- Board Engineer
- Edward J. Trawinski, Counsel for the Applicant

25 Reported by: ANGELA M. SHAW-CROCKETT
26 Certified Court Reporter
27 Registered Professional Reporter
28 License No. XI102184

1

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4 (NONE)

5

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1 ZB2009-21 - 554 Queen Anne Road LLC - (Michael F. Daily,
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: 7:12 p.m.)

8 CHAIRMAN HODGES: We're going to proceed
9 with application 2009-21, 554 Queen Anne Road.

10 Mr. Trawinski.

11 MR. TRAWINSKI: Good evening,

12 Mr. Chairman, members of the Board, Rosalind.

13 I believe that we've concluded our

14 presentation, and we have nothing to add in

15 terms of our testimony. And I think it would

16 be appropriate for the Board, if it's so

17 inclined, to open for public comment.

18 CHAIRMAN HODGES: Right now we still have

19 questions to Mr. Ehrlich. We had not finished

20 that out, and we decided to stop and then

21 proceed.

22 MR. TRAWINSKI: Certainly, fine.

23 CHAIRMAN HODGES: I don't know if he wants

24 to make any further statements first or --

25 MR. TRAWINSKI: There are no further

4

1 statements to be made.

2 CHAIRMAN HODGES: Okay. All right.

3 Mr. Ehrlich, come up.

4 EXAMINATION BY

5 MR. TRAWINSKI:

6 Q. Mr. Ehrlich, you're still under oath.

7 CHAIRMAN HODGES: Any questions from

8 members of the Board at this time of

9 Mr. Ehrlich?

10 Seeing no questions, I'll open up to

11 members of the public. I'll start on the left

12 side.

13 If anyone has a question, you can come up

14 and speak.

15 AUDIENCE MEMBER: Are you only

16 entertaining questions or are you taking

17 statements?

18 CHAIRMAN HODGES: At this time, first

19 we're going to take questions to Mr. Ehrlich.

20 He's the president of the organization. And at

21 that time, after all the questions have been

22 asked, then we'll go into statements. So what

23 we'd like to do at this time is just keep it to

24 questions to Mr. Ehrlich. Do we have any

25 questions of Mr. Ehrlich on this side?

5

1 Do we have any questions on the other

2 side, on the right side? Okay. All right.

3 Seeing that there are no questions of

4 Mr. Ehrlich, we'll end that portion of the

5 application and move on to statements from the

6 public.

7 Yes, ma'am?

8 At this time, this is for statements.

9 Please come up.

10 Before you start, I just want to remind

11 everyone to please turn your cell phones off or

12 on vibrate. And if you need to speak on your

13 cellphone for any reason, please leave the

14 arena here, go outside and then return.

15 MS. CAMPEAS: My name is Ellen Campeas.

16 Last name is spelled C-A-M-P-E-A-S, and the

17 address is 258 Griggs Avenue, in Teaneck.

18 E L L E N C A M P E A S,

19 called as a witness, having been first duly sworn,

20 was examined and testified as follows:

21 MR. RITVO: Procedure with a statement.

22 MS. CAMPEAS: A word that has often been

23 used by the group that calls itself Eitz Chaim

24 to describe their dealings is the word

25 "transparent."

6

1 The dictionary definition is, "Able to let
2 light through, clear and lucid."

3 I find it very disturbing that this word
4 has been tossed around and used incorrectly by
5 the group that calls itself Eitz Chaim because
6 their dealings have been anything but clear,
7 anything but lucid, and absolutely not
8 transparent.

9 Of course, they will argue that there was
10 no Eitz Chaim when the trouble began back in
11 1994. This is so not true. Many of the same
12 players who were there harassing the neighbors
13 on Griggs Avenue starting in 1994 are prominent
14 members of the Eitz Chaim today.

15 Sure, the members love to play identity
16 games, pretending not to know each other very
17 well, pretending not to know each at all,
18 antics that would be much more befitting a
19 Shakespearian play such as Much Ado About
20 Nothing. But this is real. And it's actually
21 much to do about something, something serious.

22 The neighbors of Griggs Avenue on the
23 surrounding blocks were threatened through
24 letters sent by people too cowardly to use

25 their real names. E-mails were sent that were

7

1 vindictive and nasty.

2 Yes, this situation has been going on for
3 six years. We the neighbors of Griggs Avenue
4 were warned, we were threatened, and we were
5 taunted by Mordechai Mario Guralnik, and his
6 friends, or as he prefers to be called, Betty
7 Gable, that a Treasure of Teaneck would be
8 built on the very site that Eitz Chaim exists
9 today.

10 Oh, yes, there were plans in the works for
11 years, complete with a mikvah and hall used for
12 simchas too. We were told that the
13 neighborhood would be going to hell and we all
14 better sell our homes.

15 What is the message that has been given
16 here? Well, it tells us that if you know the
17 right people and you have enough money, you can
18 do whatever you please. If you want to
19 establish a shul, you don't have to go through
20 the legal and proper steps and channels that
21 everybody else needs to take. You can call an
22 architect and tell them that you want them to
23 design a shul -- wink, wink -- while pretending
24 to tell the neighbors that this is only a

25 family room, only an extension to the house

8

1 located on Van Buren and Queen Anne Road
2 because shouldn't the residents of this house,
3 the Rabbi's house, have a nice family room for
4 the kids -- wink, wink.

5 Maybe the members of Eitz Chaim think that
6 the people living on Griggs Avenue are stupid.
7 Actually, I think that they do think that, that
8 they were able to pull the wool over our eyes
9 with their childish games. But that hasn't
10 been the case at all.

11 I, too, am a Jew, just like the members of
12 the organization that calls itself Eitz Chaim.
13 It makes me exceedingly sad that all I have
14 studied in Judaism, the very same Judaism that
15 is supposedly observed by Eitz Chaim, is being
16 interpreted so differently by these people
17 based on their actions and their dealings.

18 These people have the nerve to continue
19 calling the shul a family room while
20 simultaneously listing themselves on line as a
21 shul within Teaneck's eruv. They have the
22 nerve to continue calling themselves a family
23 room, while simultaneously recruiting members
24 to the organization as Eitz Chaim, a shul. On

25 and on. They were not behaving in a very

9

1 upstanding manner.

2 And so now, after playing deceptive games
3 with the neighborhood and not caring at all as
4 to the impact their games would have on this
5 neighborhood, they come forth and tell us they
6 have always been transparent. We should ignore
7 the deception, ignore the harassment and
8 bullying, and most of all, ignore the fact that
9 they have bulldozed their way into our
10 neighborhood.

11 And now they would like a variance granted
12 from the Township of Teaneck so they can
13 continue carrying on their kosher business.

14 I will be very disappointed in the Town of
15 Teaneck if a variance is granted to this
16 organization because of the way in which they
17 tried to bamboozle everybody around. They
18 might be Jews by birth, but that is it. They
19 do not embody the qualities that Judaism stands
20 for, which is fairness, honesty, and caring
21 about one's fellow man. Thank you.

22 CHAIRMAN HODGES: Thank you.

23 Is there anybody else on the left side
24 that would like to make a statement?

1 William Delaney, D-E-L-A-N-E-Y, 101 Walnut
2 Street.

3 W I L L I A M D E L A N Y,

4 called as a witness, having been first duly sworn,
5 was examined and testified as follows:

6 MR. DELANEY: I have a very short
7 statement. I think the heart of the matter
8 here is the word "deception."

9 The family room was not a family room.
10 Even the building department thought it wasn't
11 a family room and ordered the work to be
12 stopped.

13 The neighbors of this place have been
14 deceived. The people of Teaneck have been
15 deceived. The Township of Teaneck has been
16 deceived. The application should be denied.

17 CHAIRMAN HODGES: Thank you, sir.

18 Yes, ma'am?

19 MS. ABBOTT: Janet Abbott, 277 Griggs
20 Avenue, A-B-B-O-T-T, just like Abbott and
21 Costello.

22 J A N E T A B B O T T,

23 called as a witness, having been first duly sworn,
24 was examined and testified as follows:

25 MS. ABBOTT: First of all, I want to thank

11

1 the Board for fairness and the way you have
2 bent over backwards to accommodate us, and I
3 just do want to acknowledge and want to
4 acknowledge the Chairman, who has been so
5 helpful.

6 AUDIENCE MEMBER: Please speak into the
7 microphone, please.

8 MS. ABBOTT: My name is Janet Abbott and
9 I'm one of two individuals who submitted
10 extensive documentation to the town on the use
11 of this property as a synagogue.

12 MR. RITVO: Someone I think said they
13 can't hear you. Can people hear in the back?

14 MS. ABBOTT: While I understand that your
15 job is to simply look forward at the variance
16 issues, this process has to take place within
17 the context of the past.

18 As you have heard from many of us, this
19 situation began when we received untraceable
20 certified letters in May '06 and December '06
21 alerting us to a construction plan for a
22 synagogue between Griggs and Van Buren on Queen
23 Anne Road.

24 What has unfolded since that time has been

25 a violation of the existing rules on

12

1 construction and use.

2 For me, this issue is simple. The law
3 exists to maintain a level playing field and to
4 ensure fairness. This was violated. And those
5 who broke it should not be rewarded.

6 I wonder why the applicant denied so
7 vehemently what they did was to establish a
8 synagogue. Perhaps they know that what they
9 did was not legal in an effort to avoid this
10 body and the normal processes. The evidence is
11 clear.

12 The original architectural plans call the
13 construction "temple." Membership and building
14 fees are collected and have been advertised on
15 the Internet. Eitz Chaim is listed by the BCRC
16 as a congregation. Eitz Chaim employs the
17 Rabbi who then holds services. In articles
18 within the Orthodox community, Eitz Chaim is
19 referred to as a congregation.

20 So the question becomes, why are they
21 being so disingenuous? And why are they
22 continuing to skirt the truth?

23 The parking plans submitted in the first
24 board meeting is a symptom of this pattern.

25 Though it's been withdrawn, it continues to

13

1 sort of haunt this whole process. When they
2 realized this was a fraud, because they
3 obtained counsel who understood regulations,
4 they claimed that the police approved the
5 stacked plan. I don't think I was reading the
6 same document when I looked at the variance
7 application submitted by the chief of police.

8 In November 2008, as we watched the
9 building of this temple, 78 neighbors of this
10 site sent in a petition to the Township asking
11 for enforcement of the law in regards to
12 development and implementation of a house of
13 worship.

14 While, Mr. Chairman, I recognize that you
15 have said that petition is not valid in this
16 Board, I will remind you that the Bill of
17 Rights says that the people have the right to
18 petition their government.

19 We watched as people did what they pleased
20 without any regard to the law. We have the
21 right under the law to have comment on this
22 change. Until these hearings. We have been
23 denied those rights. Instead, what we had was
24 a fete complete, to which we and you have to

1 Why did the Seventh Day Adventists, who
2 were denied the right to construction of a
3 church by this Board, had built a house with a
4 very large living room and then come to you.

5 The rules that this Board is established
6 to enforce, ensure that the larger community
7 has the opportunity to say what goes on in
8 their community. In misrepresenting themselves
9 on the permit and in this hearing, Eitz Chaim
10 should forfeit those rights to establish this
11 synagogue and be required to start at the
12 beginning of the process.

13 They were untruthful to the town. They
14 constructed their synagogue with no regard to
15 those who live near them. They put all of
16 themselves and their children at risk by
17 construction -- by using construction methods
18 not congruent with space being used for
19 communal purposes. Alluding such requirements
20 can have serious consequences.

21 When people act in bad faith, rewarding
22 them by granting the many variances needed,
23 it's a slap in the face for all the other
24 organizations who have chosen to legally go

25 through the process required by our township.

15

1 If you reward them, it will set precedence
2 for other organizations or groups to build
3 first without being truthful about their
4 purposes and then coming to you for the same
5 kind of reward.

6 Those that claim that this is about
7 religious freedom are totally self-serving. It
8 is well known that this Board has been
9 accommodating to the many synagogues and
10 churches within Teaneck. The only reason for
11 this congregation versus the others in our
12 neighborhood, was one of discomfort.

13 Well, I am not comfortable when the sense
14 of entitlement of a few is perceived as more
15 important than the law. I am uncomfortable
16 when those of us who sought redress have no way
17 of seeking a remedy.

18 I am uncomfortable when I or my neighbors
19 are called anti-Semitic, when all we seek is a
20 level playing field for all of our town
21 residents.

22 What we have here is lawlessness in the
23 guise of religious freedom.

24 Please maintain the integrity of the

25 zoning and building processes established by

16

1 the existing rules and regulations by denying

2 the variances. Thank you.

3 CHAIRMAN HODGES: Thank you.

4 Anyone else on this side?

5 MS. M. CAMPEAS: Miriam Campeas,

6 C-A-M-P-E-A-S, 258 Griggs Avenue, Teaneck, New

7 Jersey.

8 M I R I A M C A M P E A S,

9 called as a witness, having been first duly sworn,

10 was examined and testified as follows:

11 MS. M. CAMPEAS: I'm a senior at Rutgers

12 University. I just turned 21 years old about a

13 month ago, and I'm totally entering the world

14 as an adult, taking on more responsibility,

15 having learned that I'm responsible for my

16 actions and not so much my parents.

17 And what I've learned from this situation

18 is that you don't have to follow the rules

19 because you'll get what you want anyway.

20 You know, I've been a witness to this

21 issue since -- because I've lived in this house

22 since I was born, I've lived on that same

23 street and I have witnessed the lies, the

24 deception, the different, you know, the threats

25 that we've been under. And for me, those add

17

1 evidence, should prove that, you know, if
2 you're not going to -- if you're going to do
3 lies, if you're going to be deceitful, if
4 you're not going to follow rules that this town
5 has established, why should you receive a
6 variance when you felt you were above the law.
7 I don't understand why this community is above
8 the law and that the fact they don't -- they
9 didn't go through the variance process and once
10 they got caught, decided to go through variance
11 process, they should be awarded a variance.

12 You know, they built a family room. And I
13 didn't know that when they were going to build
14 a family room, that would mean that every
15 Saturday morning, there'd be 20 kids screaming
16 outside my house, it's very hard to
17 concentrate.

18 If I want to go home to study, it's not a
19 relaxing environment anymore. It's not, you
20 know, a peaceful environment. It's, you know,
21 a synagogue. There's children playing outside
22 while their parents pray.

23 And I feel, you know, this community,
24 Teaneck, should be willing to stand up to

25 people who don't follow the law, even if it is

18

1 a religious group, and say you didn't go
2 through the following filing process, you
3 didn't respect the laws that Teaneck has set
4 forth, thus you should not receive a variance.

5 They may apply for it now, I'm not going
6 to reiterate what everyone else has said, but
7 they have not followed what was set out by this
8 law. And as someone who's 21, learning about
9 the laws, for me it is why should I follow the
10 law when if you don't follow the law, you'll
11 receive what you want.

12 And I don't think that the town should
13 fear a backlash from the religious community in
14 that if they don't grant this variance there
15 will be a backlash. We should set forth, these
16 are the rules and if you don't follow them,
17 there will be repercussions and you won't
18 receive that variance.

19 It's just been a very horrible environment
20 to have to live in being under constant threat.
21 And although it may not been the shul, they may
22 claim that it wasn't a shul, a prominent member
23 of their community has threatened us and made
24 us feel very unsafe.

25 I used to be very proud of this town. I

19

1 go to Rutgers. Everyone at Rutgers says, what
2 town are you from, where are you from in New
3 Jersey, and I say I'm from Teaneck, it's a
4 great place to live, I love it there. And I
5 don't feel so much like that is the truth
6 anymore because of what has occurred in this
7 instance where, you know, the members of, you
8 know, this Eitz Chaim have not followed the
9 rules, where we have tried go by the rules, the
10 residents of Griggs Avenue and we seem to be
11 always on the losing side.

12 And so I'm just hoping that Teaneck will
13 show me that they can -- they want people to
14 follow by the rules. Thank you.

15 CHAIRMAN HODGES: Thank you. Anybody
16 else?

17 MR. CAMPEAS: Just to continue this string
18 of Campeases, I'm Rif Campeas, 258 Griggs
19 Avenue.

20 Some of the things that I wanted to talk
21 about have already been --

22 AUDIENCE MEMBER: Can't hear.

23 MR. CAMPEAS: Sorry.

24 Some of things that I wanted to talk about

25 have already been discussed.

20

1 I think the essence here is that this is
2 an ongoing process of half-truths, deceptions
3 and obfuscations.

4 Let me give you some examples of some of
5 the threats have been sent in e-mails.

6 "Tell me, would you like to purchase my
7 property from me or would you and your
8 'Campenollas,'" who I assume is me, "friends
9 like to sell me yours?"

10 "Do you think your home value would grow
11 or shrink with the housing bubble? How do you
12 feel, a shul across the street and next door to
13 affect both of your property values?"

14 "Keep in mind that the shuls require ample
15 parking and dumpsters for large Shabbas
16 Kiddushes (lunches).

17 "If this does turn out to be a shul,
18 having the adjacent properties would really
19 serve the community well. Do you agree?"

20 "Mario Guralnik."

21 MR. RITVO: Mr. Campeas, are you reading
22 from e-mails?

23 MR. CAMPEAS: Yes.

24 MR. RITVO: I don't want to stop your

25 train of thought process, is that if you are --

21

1 wish this to become evidence, you should tell
2 us where it came from, who sent it, the date it
3 was sent and provide the Board with a copy, if
4 you're going to read it into the record.

5 Otherwise it's not going to be evidence.

6 It's your choice. But I want to give you
7 the opportunity to decide what you want to do.

8 MR. CAMPEAS: I'll put it into evidence.

9 MR. RITVO: Tell us, for one, what the
10 date of it is.

11 MR. CAMPEAS: September 1st, 2005.

12 MR. RITVO: From whom is it written?

13 MR. CAMPEAS: It's from Mario Guralnik,
14 and it was sent to my neighbor who passed it on
15 to me, since I was --

16 AUDIENCE MEMBER: Can't hear.

17 MR. CAMPEAS: It was sent to my neighbor
18 who passed it on to me, since it mentioned me
19 and my property.

20 MR. RITVO: Show it to Mr. Trawinski,
21 please.

22 MR. CAMPEAS: (Complies.)

23 MR. TRAWINSKI: I'm going to object to its
24 admissibility. This is not an e-mail. This is

25 a transcription of something that purports to

22

1 be an e-mail. The best evidence is the e-mail
2 itself.

3 Also, the neighbor who received it, did
4 not indicate that that neighbor received it.

5 But this is just a typewritten document
6 that purports to be the e-mail.

7 MR. RITVO: Mr. Campeas, you want to tell
8 the Board why that's a fair -- how the Board
9 can take that as an e-mail, doesn't have an
10 e-mail format?

11 MR. CAMPEAS: Well, I didn't realize it
12 had to be an e-mail format. I can provide it
13 to you afterwards.

14 You want me to summarize it instead?

15 I'll summarize it instead.

16 MR. RITVO: Yes. I don't think the Board
17 is going to be able to take it word for word
18 unless it's an e-mail.

19 I don't mean stop you, but I just want to
20 make sure we have --

21 MR. CAMPEAS: I'll try to summarize it.

22 Regarding the next e-mail -- well, I can't
23 call it an e-mail.

24 Couple of days later, it suggests that I

25 should sell my property before the block goes

23

1 to hell. Why is the block going to hell? The
2 block is going to hell because there's going to
3 be a shul. And -- okay. Let's try another
4 non-e-mail.

5 MR. RITVO: Are these to you, Mr. Campeas?

6 MR. CAMPEAS: They were handed to me
7 because my name, and it was suggested that
8 these e-mails be given to me.

9 MR. RITVO: I'm not trying to stop you,
10 but the Board wants -- has to understand. You
11 actually received them?

12 MR. CAMPEAS: No. It was forwarded to me.

13 MR. RITVO: I'm not going to suggest you
14 stop. I just want to understand the nature of
15 these documents.

16 MR. CAMPEAS: I was also offered to
17 purchase my property at the price I paid for it
18 back in 1989.

19 Since the shul would decrease the value of
20 my property and that would seem to be fair to
21 do it.

22 These are the sorts of threats that we
23 have lived under. These are the sorts of
24 threats that have gone along with the shul.

25 There have been several attempts to place

24

1 a shul at 576. Some of the same members who
2 signed the papers that incorporated the Teaneck
3 shul have been members of Teaneck of Eitz
4 Chaim, and some have moved out of the community
5 but were members of Eitz Chaim, the same
6 people.

7 Let's talk about the people who
8 represented Eitz Chaim here. Let's talk about
9 the honesty and the truthfulness of their
10 testimony.

11 Mr. Ehrlich testified that services go to
12 11:30 and that they do a little Kiddush for a
13 couple of minutes and everybody leaves by
14 couple of minutes after 11:30. Never happened.
15 Never happened. They're at least until 12:30,
16 closer to 1:00.

17 What else has Mr. Ehrlich told us?

18 He described to us how he was going to
19 park four cars in his driveway and not have to
20 move his own cars out. Then when confronted
21 with the evidence, what did he say? First he
22 tried this explanation, that explanation.

23 What was his final explanation to the
24 Board? I'll put it on the lawn. That's the

25 level of truthfulness that we've been getting.

25

1 That's the sort of honesty I guess we can
2 expect from here on in.

3 This is not the first attempt to put a
4 shul into those properties. I've been
5 threatened and they have tried to set up the
6 Carlebach -- another congregation, the
7 Carlebach congregation in that property. So
8 it's not even a question that this shul is so
9 important, it's that any shul in order to
10 disrupt our lives.

11 Mr. Pope, who was another member of this
12 shul, who came up to the mike to testify, who
13 was not supposed to, but he did. Okay. What
14 does he do? He talks about the good of the
15 shul and he quotes a letter in the Jewish
16 Standard. There was an article -- a letter
17 written by someone who lived in proximity of
18 the property that was purchased, and she was
19 praising the property that it's now being
20 upkept, before as there were broken glasses,
21 cigarettes, syringes and cigarettes.

22 There were, except Eitz Chaim didn't clean
23 it up. They weren't the ones who took the
24 abandoned or the non-lived-in property. The

25 Creolas (phonetic) lived there. They were the

26

1 ones who fixed up the property, they were the
2 ones who removed the cigarettes and the
3 syringes.

4 So you quote something you know is wrong
5 and not truthful, I'm not to blame. I didn't
6 lie. I just quoted what was in the paper and
7 presented it. And I've had people come to me
8 and cite that as evidence of the good that Eitz
9 Chaim has done.

10 Let's take the evidence that Mr. Ehrlich,
11 in his kindness, introduced saying that Rabbi
12 Feldman had never intended to deceive anybody
13 in the community -- I'm sorry -- anybody in the
14 department. That was introduced the first
15 meeting and it's a male from the township,
16 November 19th.

17 The previous letter from the township was
18 CCed to Ferrara, Turitz, Helen Fall, Michael
19 Daily, Esquire, Raphael Campeas and Janet
20 Abbott. That was the letter that said they had
21 to cease and desist.

22 This letter did not have Janet Abbott on
23 it, did not have Rif Campeas on it. This was
24 the letter that was withheld from us from

25 November 19th through September of -- September

27

1 of '09. This letter exonerates Rabbi Feldman
2 of any deception. It says he did not intend to
3 deceive, but yet this one doesn't CC us, in
4 spite of open requests, requests for
5 information. We were not given this until
6 September.

7 CHAIRMAN HODGES: That letter is from the
8 town, correct?

9 MR. CAMPEAS: Letter's from the town to
10 Rabbi Feldman.

11 CHAIRMAN HODGES: Do you want to identify
12 that letter and read it into the record or --

13 MR. CAMPEAS: Sure absolutely.

14 MR. RITVO: I think we've had this letter
15 already.

16 MR. TRAWINSKI: It's already been in. You
17 have it.

18 MR. CAMPEAS: You have the letter that
19 exonerates Feldman, and you don't have the
20 letter where he's told to cease and desist.

21 Rabbi Feldman, thank you.

22 MR. RITVO: Just so the record is clear,
23 can you tell us --

24 AUDIENCE MEMBER: Can you use the

25 microphone, please.

28

1 MR. RITVO: Just so the record is clear,
2 Mr. Campeas, can you tell us the two letters
3 you have in front of you?

4 MR. CAMPEAS: One letter is dated
5 August 8, 2008, from the Township of Teaneck,
6 Steven Gluck, to Rabbi Feldman, and CCed to
7 Ferrara, Turitz, Harraka & Goldberg; Helene
8 Fall; Joel Glucksman, the lawyer for Eitz Chaim
9 at that point, and also lawyer for Guralnik;
10 Raphael Campeas; and Janet Abbott.

11 MR. RITVO: August 8. And the second
12 letter is?

13 MR. CAMPEAS: The second letter is
14 November 19, 2008.

15 The first letter states that they're
16 supposed to cease and desist based on the
17 information that we provided showing that they
18 were operating a synagogue there.

19 MR. RITVO: And the second letter?

20 MR. CAMPEAS: The second letter says --

21 MR. RITVO: 11/19.

22 MR. CAMPEAS: Is saying that, "I would
23 like to clarify that at no time has the owner
24 or Rabbi Feldman attempted to mislead me or the

25 Township of Teaneck."

29

1 Basically stating that the previous letter
2 was being nullified without a reason given was
3 a month and a half before they had decided that
4 there was a reason to cease and desist, this
5 letter does not give a reason to cease or
6 desist.

7 MR. RITVO: Just for clarity, because I'm
8 confused, maybe the Board is, what do you
9 think -- what's the point of these two letters
10 to you?

11 MR. CAMPEAS: The point is that in the
12 second letter, we were not notified at all. We
13 had no ability to appeal it, we had no ability
14 to protest that, it was withheld from us from
15 November 19 until September of '09.

16 The interesting point though, is these
17 were to Rabbi Feldman. Rabbi Feldman has the
18 highest ordination possible. He is able to
19 make decisions about Jewish law.

20 How come he didn't notice that there
21 wasn't a CC of the same two people in the
22 second letter than the first?

23 MR. RITVO: Your point is that Rabbi
24 Feldman should have noticed the township didn't

25 send letters to everybody?

30

1 MR. CAMPEAS: That's correct.

2 MR. RITVO: What does that have to do with
3 this case for this Board? I'm just trying to
4 understand.

5 MR. CAMPEAS: What does it have to do?

6 MR. RITVO: Please.

7 MR. CAMPEAS: Where is the morality?

8 Where is the ethics?

9 This was withheld from us for months. We
10 had open requests, we have e-mails asking for
11 the information. It was withheld.

12 MR. RITVO: I think the Board understands
13 your point. Thank you. I understand what
14 you're saying.

15 MR. CAMPEAS: Do you want a copy?

16 MR. RITVO: If you wish to put them in,
17 I'll mark them. If you want to show them to
18 Mr. Trawinski, that's fine.

19 MR. CAMPEAS: (Complies.)

20 MR. TRAWINSKI: I have no objection to
21 either one, the fact that they represent the
22 correspondents. I have complete objections to
23 the relevance.

24 MR. CAMPEAS: The only reason they're

25 relevant is because your side introduced it.

31

1 MR. RITVO: The letter of August 8, 2008
2 is C-1 and the letter of November 19, 2008 is
3 C-2. They're both directed to 554 Queen Anne
4 Road and Rabbi Feldman.

5 (Exhibits C-1 and C-2 were received and
6 marked for identification, as of this date.)

7 MR. CAMPEAS: There have been other
8 statements that are misleading. Rabbi Feldman
9 has been quoted in the newspapers that he has
10 reached out to the neighbors. He didn't reach
11 out to me; I reached out to him. He certainly
12 didn't contact the other adjacent neighbor.

13 The whole history of everything that has
14 gone on is misdirection, misleading, half
15 truths, and that has been true throughout.

16 You have with the original REScheck that
17 shows Teaneck Temple. Everybody else has
18 recited the other things that have been
19 misleading. I don't think I need go into that.

20 I think the only fair thing is to reject
21 this application for variances. The parking
22 has not been met, the -- every weekend there
23 are people parking in front of Rabbi Feldman's
24 house. This weekend was the exception. Only

25 Rabbi Feldman's car was there. But that's the

32

1 one exception.

2 They listed 45 different households on
3 that map that have participated in this shul.
4 They're not coming there just on the Sabbath
5 when there's no driving. They've asked to have
6 classes, 45 households. There is no parking
7 for that.

8 The deceptions are even greater. Think of
9 the parking issues. Mr. Ehrlich here could not
10 identify which was the principal residence of
11 Mr. Guralnik, yet he listed all three of
12 Mr. Guralnik's houses as having participated in
13 shul activities.

14 Is this the complete truth? Is this
15 honesty? Is this what we would expect when the
16 code says you must assume that a house of
17 worship is a -- what's the term -- I'm sorry --
18 presumed good use -- I'm sorry.

19 MR. RITVO: Inherently beneficial use.

20 MR. CAMPEAS: Right. Presumption is when
21 you don't have the facts. You have the facts
22 now. There's no presumption needed.

23 Mr. Ehrlich got up here and said that I
24 had sent a profane e-mail to Rabbi Feldman. If

25 that's true, please get up, Rabbi Feldman, and

33

1 acknowledge that.

2 MR. TRAWINSKI: You know, Mr. Chairman,
3 I'm going to object. What's happening here is
4 nothing more than character assassination to a
5 man of the cloth. It's time for the Board to
6 control and stop it.

7 He's entitled to his opinions. If he's
8 got facts, then show it, he's entitled to
9 submit those facts, but he's not entitled to
10 assassinate the character of Rabbi Feldman.

11 MR. CAMPEAS: Rabbi Feldman --

12 MR. RITVO: He's speaking to the Board.

13 MR. CAMPEAS: Rabbi Feldman has had an
14 opportunity to say that it's not true.

15 Mr. Ehrlich, off the mike, said he will provide
16 forensic evidence of this.

17 MR. RITVO: Whoa, whoa. Off the mike,
18 what does that mean?

19 MR. CAMPEAS: I went to him afterwards.

20 MR. RITVO: Look, let me just say this.

21 If you wish to relate to the Board facts
22 that you have, you're certainly entitled to
23 relate any fact. But it's not in this record.

24 Any statements that are not in the record are

25 difficult for the Board to take.

34

1 If you think there are conversations that
2 are relevant, please speak to the zoning
3 criteria, if you could.

4 MR. CAMPEAS: Yes. The zoning criteria.
5 How can we trust him on parking, how can we
6 trust him on anything that they say is true?

7 You have evidence in front of you of
8 deception; you have evidence of
9 mischaracterization of what's going on. You're
10 going to leave me at the mercy of people who
11 don't follow the rules.

12 Mr. Ehrlich said off -- said to me that he
13 would provide forensic evidence that I had sent
14 those e-mails, profane e-mails. It never
15 happened. I'm not the only one he's approached
16 saying he's going to prove forensically that
17 they did something. That's not true. He can
18 sue me.

19 That's why they should not have any
20 variances. They don't meet the criteria. They
21 have not dealt with me honestly, they have not
22 dealt with you honestly. It's a case that
23 should not get any variances.

24 Thank you for your time.

1 question for you.

2 You stated at least once about parking.

3 On weekends that they celebrate Shabbas,
4 the weekly services, how many cars would you
5 say are parked on that block that are there
6 because they're leftover?

7 MR. CAMPEAS: Three at most, four at this
8 point. But again, they've been --

9 CHAIRMAN HODGES: And then you also just
10 stated that at times they've had service or
11 meetings during the week.

12 MR. CAMPEAS: No, no. I didn't say that.

13 If I said that -- they're saying they will
14 have that. They asked for permission to have
15 at least one class per month.

16 CHAIRMAN HODGES: Okay. So one class per
17 month. Because that's the record I have also,
18 one class a month.

19 But up to this point, we're only talking
20 about services on the weekend, Friday and
21 Saturday and whatever holidays they have.

22 MR. CAMPEAS: And any life-cycle event.
23 Of course, which they have not defined. So
24 they're free to call a birthday a life-cycle

25 event. Anything is a life-cycle event.

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1 CHAIRMAN HODGES: Thank you.

2 Anybody else on the left side have

3 anything to say?

4 Over on the right side, questions?

5 MR. ROSE: Howard Rose, 575 Northumberland

6 Road, R-O-S-E.

7 H O W A R D R O S E,

8 called as a witness, having been first duly sworn,

9 was examined and testified as follows:

10 MR. ROSE: I see, apparently there's no

11 time limit to testimony, but I'll try and limit

12 mine somewhat.

13 I hear these allegations of deceit and

14 lies and maliciousness and these demonic

15 e-mails, and I know there's been testimony that

16 people perceive as -- on behalf of the

17 synagogue as arrogant sometimes or snickering

18 or snide. You know what? It's not in your

19 purview.

20 This is a Board of Adjustment. You don't

21 judge past actions, you don't judge what led up

22 to the request for variances, you look at the

23 variance and you make a decision on the basis

24 of whether providing these requested variances,

25 rents or rifts a fabric of the community, and

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1 if so, to what extent.

2 And then because it's a religious
3 organization, I would think that you would tend
4 to bend over backwards to try and accommodate
5 more so than you would a request that is not
6 from a religious organization. That's just the
7 way the country is run and that's what we
8 perceive as is a good thing to do.

9 So the next question that comes to me is
10 how much can you rent the fabric of the
11 community without ripping it apart?

12 Now, I regret the situation that this
13 group sees itself in or at least as I see them
14 in. They apparently have a property that
15 potentially -- and that's based on your
16 viewpoint -- does not fulfill their future
17 needs. Well, that's somewhat important because
18 you really can't determine exactly what their
19 future needs are.

20 The bigger concern is they have a piece of
21 property that does not fulfill their current
22 needs. It's part of the reason they're here.
23 I'm sorry they brought the property. Perhaps
24 it can be sold because they have such a

25 wonderful playroom and they'll get a lot of

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1 money for that and buy something more
2 appropriate for them. I don't know. Let's
3 presume they don't want to do that and they
4 want to stay.

5 If they're staying, how much do you back
6 their variance? My feeling is there are seven
7 variances being requested. Six of them are
8 relatively inconsequential. You'll probably
9 have no problem saying, you know what, we don't
10 really like this, we don't really want this.
11 Part of it is actually here. Let's give it on
12 that.

13 But the seventh one, on parking, seems to
14 be a stumbling block. It has impact on
15 people's quality of life.

16 There's also a need in terms of providing
17 for your congregation on the premises. And
18 this is not being provided for right now.

19 When you go from 21, you go down one to
20 20, oh, maybe two down to 19, I think not. I
21 think you have to be a little more flexible.
22 Again, this is a religious institution and I do
23 not believe that you do it on the basis of it
24 is a unique type of religious organization with

25 very special and different needs from other

39

1 religious organizations depending upon their

2 prayer cycle. That to me is irrelevant.

3 You're doing it not because they're atypical in

4 the religious organization, you're doing it

5 because they are a religious organization.

6 And with that in mind, again, bending

7 backwards to be accommodating, what would be

8 equitable? More than two? I think if you

9 really bend over backwards, you might strip it

10 down a third less, go down to 14.

11 But I would do that with the idea that if

12 that would be the criteria that would

13 accommodate some of the needs in the community,

14 would provide some of the needs in the

15 congregation to use on-site parking, I would

16 say you have certain caveats with that.

17 A, that you realize there may be some

18 adjustments in terms of infringement on

19 permeable ground, on property line, et cetera,

20 and be a little flexible on that to accommodate

21 it.

22 I would also suggest that you put in a

23 caveat there. For whatever parking is

24 provided, perhaps 14 spaces, that it be

25 mandated that it be used for parking and for

40

1 parking only.

2 This isn't a trade-off to give you some
3 ground that's flat and level and hard so you
4 can set up a tent for a special occasion. This
5 is not a place where you can put up a temporary
6 building for religious observances on a
7 part-time basis. This is a parcel of land that
8 you're saying is dedicated solely to parking,
9 and you have to ensure that that's what happens
10 so it's not infringed upon from time to time
11 and so that it doesn't have an overflow excess
12 problem that then forces parking back onto the
13 sidewalk.

14 Again, let's cut out all of the stuff of
15 the past problems. It has no bearing here.
16 You'd be a judicial court and I don't think
17 that's what you're here for. You have a hard
18 task, and I know it's problematic, but I think
19 it's compromise on both sides. Thank you.

20 CHAIRMAN HODGES: Thank you.

21 Yes, ma'am?

22 MS. STEINBERG: My name is Lilly Steinberg

23 and I live at -- S-T-E-I-N-B-E-R-G.

24 L I L L Y S T E I N B E R G,

25 called as a witness, having been first duly sworn,

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1 was examined and testified as follows:

2 MR. RITVO: I couldn't hear your first
3 name.

4 MS. STEINBERG: Lilly, 268 Van Buren
5 Avenue. I move in Teaneck in 1986. At that
6 time, that house has been vacated for many
7 years. There was infestation, there were
8 rodents all over. You can get anything in
9 there that was thrown in that house. The town
10 did absolutely nothing to protect the
11 neighbors.

12 I'm sure that some of the people here were
13 living then and after that and they were
14 witness to the condition of the house.

15 My husband and one of the neighbors took
16 the advantage to go to court and bring the
17 owner so the town would do something. The town
18 didn't do actually much because the owner
19 wasn't living in town.

20 I wonder where all these tenants here,
21 residents were at the time that they never took
22 the time go to court before we came in '86 to
23 fight for the rights of the people when my
24 children that were very young and underage had

25 to walk by to go back and forth from school.

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1 Now that the situation is different, the
2 house is in better condition, Queen Anne Road
3 never looked so good. We have certainly a lot
4 of children around, but there is nothing wrong
5 with children. Children are the future of the
6 country. They are not intruding with anybody.
7 And whatever happened indoors of each house, it
8 is the owner responsibility of whatever happens
9 there and not the neighbors. That's why we
10 have walls and that's why we have doors.

11 Regarding the parking. If at any time
12 during the week, Monday through Friday, you go
13 there, you will see many cars parked there
14 because there is no sign for no parking at any
15 time on Van Buren Avenue between Queen Anne
16 Road and Highland Avenue, where is the house
17 where I live. It is very difficult to stop on
18 Queen Anne Road because all the cars are
19 blocking coming traffic from Queen Anne or
20 going onto Queen Anne.

21 I am a witness. I don't observe services
22 on Saturday, but I am always home on Saturdays
23 because it's my day of rest, and I don't see
24 anybody driving on Fridays, leaving their car

25 there to be picked up on Saturday after

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1 sundown. I am a witness to that, and I can ask
2 anybody to check on the traffic that is parked
3 Monday through Friday. That is the parking
4 problem. Not over the weekend or not on
5 Shabbat or Friday night to be picked up on
6 Monday -- on Saturday night.

7 That is the testimony that I give. I feel
8 very happy. They don't bother me. I see what
9 is going on. I saw a lot of families going.
10 Nobody and everybody having a good time and
11 being very friendly to everybody.

12 And regarding Rabbi Feldman, he has
13 reached to the community because I believe next
14 to him, I live a couple of houses away from
15 him, and he has come to me and to deal with the
16 neighbors that way.

17 Whether or not he has been going to all of
18 the blocks, I don't really know, but this is
19 what I can attest and this is what I can tell
20 you about the new people that have moved in.

21 CHAIRMAN HODGES: Thank you. Anybody
22 else?

23 Please step up.

24 MS. PERRY: My name is Susan Perry,

1 S U S A N P E R R Y,

2 called as a witness, having been first duly sworn,

3 was examined and testified as follows:

4 MS. PERRY: I'm just going to take a
5 minute because I'm not directly affected by the
6 presence of this shul, but I just stand here
7 today as a concerned citizen of this community
8 and speak on what is happening and that's what
9 disturbs me.

10 I've been in Teaneck since 1978. I've
11 seen a lot of changes in this community. And
12 to be quite frank with you, this is a precedent
13 that's being -- seemingly being established
14 that is not only dangerous for us, but it's
15 also going to lead in the long run to problems
16 down the line with our property values.

17 Thinking back to the days of blockbusting
18 and redlining that took place, I know at that
19 time, if there were any other religious
20 organizations that attempted to do what is now
21 being attempted by this shul, the variances
22 would never have been issued in the first
23 place.

24 So all I say to you is that this is

25 divisive for our community, this is difficult

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1 to want to say you're from Teaneck when we are
2 a community at war with one another. And this
3 is not why I moved to Teaneck.

4 And I just hope that you all make the
5 right decision and stop overlegalizing this.
6 It was wrong from the beginning, and it will
7 stay wrong, and I just hope that you do the
8 right thing. Thank you.

9 CHAIRMAN HODGES: Thank you. Anybody else
10 that would like to make a statement?

11 MR. ROSE: Can I have 30 seconds?

12 CHAIRMAN HODGES: Sure, yes.

13 MR. ROSE: Howard Rose, 575 Northumberland
14 Road.

15 MR. RITVO: You're still under oath.

16 MR. ROSE: Thank you.

17 One of the things that I think that's been
18 forgotten throughout all of this, and I think
19 it may be within your authority, which is if
20 and when -- if and whatever you grant these
21 variances, I hope that along with that, you
22 will provide some relief for the next-door
23 neighbor, a sickly man who has, I think, a
24 great need of your ensuring that there is

25 provided some type of decorative planting,

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1 noise barrier or whatever in consideration of
2 his needs.

3 Thank you.

4 CHAIRMAN HODGES: Thank you. Anybody else
5 like to make a statement?

6 MR. ROTHSTEIN: My name is Harold
7 Rothstein, 336 Johnson Avenue, Teaneck.

8 R-O-T-H-S-T-E-I-N.

9 H A R O L D R O T H S T E I N,

10 called as a witness, having been first duly sworn,
11 was examined and testified as follows:

12 MR. ROTHSTEIN: I've lived here since
13 1976. I live on Johnson Avenue, which is very
14 close to the shul.

15 I remember for many years that it was
16 empty. In fact, I looked at it possibly as a
17 possible purchase.

18 I'm happy and many happy people are happy
19 to see that it's back on the market and
20 rehabilitated. I think a lot of people feel
21 that the way that this enterprise occurred is
22 disturbing.

23 I have no problem with the shul, I have no
24 problem with people -- anyone who wants to have

25 a house of worship. I think that it's

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1 important that we follow the rules and
2 regulations so that everybody is up front and
3 aboveboard with this.

4 One of my neighbors a couple of years ago,
5 when I asked him what congregation he was going
6 to be in, would he be in the new one that was
7 on Queen Anne Road? He said, No, no, no,
8 there's going to be another one in that Tudor
9 house on this side of Queen Anne Road.

10 And I said, Well, how could that be? That
11 house is deserted.

12 He said, No, no, someone bought it and
13 they're going to have a congregation there
14 because you can have a congregation with less
15 than 25 people and that's okay. Because there
16 was another house on Johnson Avenue that was
17 used temporarily for the same purpose while the
18 shul was being built.

19 I said okay, and that was it.

20 Again, my blessing to the folks. I feel
21 everyone has a right to have a house of
22 worship. I think it's a good thing. However,
23 I think a lot of people feel that the way this
24 is done is really not a hundred percent what we

25 like to see.

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1 The woman before alluded to the
2 blockbusting that happened in the '60s. I
3 think this is a real concern in a real word,
4 and I think we have to think of this.

5 I think that if this application has
6 merit -- and I'm sure a lot of people feel it
7 does -- perhaps a way of compromise would be to
8 start over and say, Look, let's pretend this
9 wasn't here, let's start fresh and make all of
10 the applications, whatever, to make a shul and
11 if it goes, it goes.

12 Thank you.

13 CHAIRMAN HODGES: Thank you. Any other
14 comments?

15 Seeing no other comments, I'm going to
16 close that portion of the meeting.

17 Mr. Trawinski, you want to come up,
18 please?

19 You already stated you had nothing else to
20 present?

21 MR. TRAWINSKI: That's correct.

22 CHAIRMAN HODGES: You already stated that
23 you had nothing else to present tonight?

24 MR. TRAWINSKI: That's correct.

1 heard all of the testimony from all the
2 witnesses, we've heard testimony from the
3 congregation of the applicant, we've heard
4 questions, and finally comments from the
5 neighbors.

6 Would you like to sum up at this time?

7 At this time, we only have five members of
8 the Board that can vote tonight.

9 MR. TRAWINSKI: My understanding is that
10 this Board is very mindful of the law and I
11 don't need to belabor the record by advising
12 this Board as to where the law is in the nature
13 of the criteria to be applied both under the
14 Municipal Land Use Law and under the Religious
15 Land Use and Institutionalized Persons Act.

16 Based upon that, I'm inclined, unless the
17 Board would like to hear me, to waive
18 summation. I could do a 45-minute summation of
19 the testimony and everything else, but I know
20 that you've listened to all the evidence and I
21 know you've heard all of the testimony, I know
22 you can sort the wheat from the chaff in the
23 testimony, and I know you know what the law is.
24 I don't think there's any point for me to go

25 through a formal summation. So I would waive

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1 it.

2 CHAIRMAN HODGES: Thank you.

3 You want to proceed with the five members
4 that can vote tonight?

5 MR. TRAWINSKI: No, I'm disinclined to do
6 that. I recognize that this is a use variance
7 and that it requires five affirmative votes.

8 I understand there may have been some
9 confusion as to whether or not we supplied a
10 transcript or not. So members who had
11 participated in some of the hearings might not
12 be able to vote.

13 If the tape -- I don't know whether you do
14 digital recording?

15 CHAIRMAN HODGES: Okay.

16 MR. TRAWINSKI: If it's not available,
17 then if the Board desires, our client is
18 willing to supply the, quote,
19 previously-not-supplied transcripts, so that
20 hopefully we could get all seven members
21 available to vote.

22 CHAIRMAN HODGES: So they'll supply the
23 transcript from the last meeting?

24 MR. TRAWINSKI: Yes.

25 CHAIRMAN HODGES: Tonight, you want to

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1 supply a transcript for that also?

2 MR. TRAWINSKI: Yes. If there's another
3 member who would be able to vote, recognizing
4 again that it requires five affirmative votes.

5 THE BOARD SECRETARY: Mr. Chairman, at the
6 meeting of March 18th, which was our last
7 meeting, we had two members absent and both of
8 those members are absent tonight.

9 CHAIRMAN HODGES: Same two. So they -- we
10 have to supply a transcript for the 18th and
11 tonight for two members and we're all set.

12 THE BOARD SECRETARY: Yes.

13 MR. TRAWINSKI: Yes. We are willing to do
14 so, and we're willing to do so in an
15 expeditious fashion.

16 CHAIRMAN HODGES: When is the next
17 available meeting?

18 THE BOARD SECRETARY: We have a meeting, a
19 regular meeting of August 5th that at this
20 point has only three applications on. I don't
21 know if you want to put it on that meeting?
22 And they're small applications.

23 MR. RITVO: No special meeting in July?

24 THE BOARD SECRETARY: Yes. There's a --

25 July 19 is our special meeting.

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1 MR. RITVO: Timewise for the transcripts.

2 THE BOARD SECRETARY: July 21st.

3 MR. RITVO: Is that scheduled for anyone?

4 THE BOARD SECRETARY: Nothing.

5 So either July 21st, which is a Wednesday,

6 or August 5th, which is a Thursday.

7 MR. MEYER: I'm out August 5th.

8 MR. TRAWINSKI: We would like to do it as

9 soon as we can. If July 21st works for the

10 Board, we'd be inclined to take July 21st. But

11 you're going to start to lose members, and

12 you've already lost your regular Chair because

13 of recusal.

14 THE BOARD SECRETARY: The only thing, we

15 could carry it to the meeting of July -- our

16 July 7th meeting to set a date if you want to

17 make another date for July, but I don't know.

18 MR. TRAWINSKI: If we could get the

19 transcripts done in time, would the Board be

20 willing to consider voting on July 7th?

21 THE BOARD SECRETARY: July 7th is full,

22 completely.

23 MR. TRAWINSKI: For a vote?

24 CHAIRMAN HODGES: Does any member of the

25 Board here cannot make the July 7th meeting?

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1 Even though our secretary says July 7th is
2 full, we'll use our influence and squeeze it
3 in.

4 THE BOARD SECRETARY: Will we have the
5 transcripts?

6 MR. TRAWINSKI: We'll speak to the
7 stenographer.

8 If we ordered it on an expedited basis,
9 they could usually produce it very quickly. As
10 a matter of fact, if we did it on -- based on a
11 daily rate, they could literally produce it the
12 next day.

13 THE BOARD SECRETARY: We're talking two
14 weeks.

15 MR. TRAWINSKI: When we do trials, they're
16 generated overnight. So ...

17 We're going to talk to the stenographer.

18 We will do everything we can to
19 accommodate that.

20 THE BOARD SECRETARY: Carry to July 7th.
21 If it's not happening, then carry to the
22 August 5th meeting.

23 CHAIRMAN HODGES: It seems right now
24 everyone is available for July 7th.

25 MR. TRAWINSKI: That's -- we're mindful of

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1 it too, which is why I'm willing to advise my
2 client that we ought to expedite this to get it
3 done for July 7th.

4 CHAIRMAN HODGES: I'm trying to work with
5 you also. That's why I chose to overrule
6 Ms. McLean.

7 THE BOARD SECRETARY: You can always
8 overrule me, Mr. Chair, but I have a question.

9 Will the Board members get a chance to
10 read all transcripts between that time?

11 MR. RITVO: Mr. Chairman, may I -- can we
12 take a five-minute break so -- I know there's
13 one Board member that I can reach out for.
14 He's having something with his children, but I
15 can reach out for him to see if he'll be ready.

16 All of this is in vain if we can't get any
17 of the Board members in. One of the other
18 Board members is on vacation, and I can't reach
19 him. But I can reach out for that other Board
20 member now. He was going to -- asked me to
21 call him. He was doing something with his
22 children, and he would run over if he had to.
23 I'll see if he'll be available. If we can take
24 five minutes.

25 MR. TRAWINSKI: Certainly.

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1 (Recess at 8:15 p.m.)

2 (Hearing resumes at 8:31 p.m.)

3 CHAIRMAN HODGES: Mr. Trawinski?

4 MR. TRAWINSKI: I thought Mr. Ritvo was
5 going to let us know.

6 MR. RITVO: I reached out for one of the
7 Board members, who I understand is coaching his
8 son in a championship baseball game. It must
9 be ongoing. He didn't answer his phone.

10 MR. TRAWINSKI: Okay. What we would like
11 to do, under those circumstances, we're going
12 go ahead and we're going to supply the
13 transcripts, and in all likelihood on an
14 expedited basis. We will coordinate with your
15 stenographer.

16 We ask that it be continued right now to
17 July 7th for the possibility of a vote. We'd
18 like to see whether you have seven members on
19 July 7th and have the flexibility of making the
20 decision whether to ask you to vote or continue
21 it to a regular meeting on July 7th for at some
22 point in the future.

23 And to do that, again, if it happens in
24 August, recognizing the reality that we're in

25 July and August, and you may lose members.

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1 Our goal will be to try to make sure we
2 have all seven members eligible to vote. If we
3 can't, then we'll make a judgment as we go,
4 meeting by meeting. But we will not, in all
5 probability, wish it beyond September. We'd
6 certainly like to have a vote well in advance
7 of September.

8 I have one other request of you. I don't
9 know what your practice is, but there are
10 occasions where I've appeared before Boards and
11 myself as a Board attorney where applicants
12 have asked if the Board could instruct its
13 attorney to prepare both an affirmative and a
14 negative resolution, since no one knows how
15 you're going to vote.

16 And we recognize that we have to pay for
17 that as part of the escrow. But that way,
18 whenever we finally get to a vote, the Board
19 will have the memorialization resolution before
20 it, and we don't have to wait the additional
21 month to 45 days.

22 CHAIRMAN HODGES: Mr. Trawinski, the only
23 problem possibly with doing an affirmative and
24 negative resolution is that this might be a

25 little complex doing the resolution.

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1 If it's something very simple, you know, I
2 see no problem with doing that, having a
3 resolution ready to go so you don't have to
4 wait the extra time. We will try to do
5 everything we can, but if it turns out that
6 it's a little more complex than usual, we can't
7 guarantee.

8 MR. TRAWINSKI: We appreciate your
9 consideration and we understand.

10 MR. ROSEN: Very often a motion is made --
11 very often a motion is made and stipulations
12 are drawn out during discussion during the
13 executive session. Sometimes the stipulations
14 are withdrawn, sometimes they're edited. So I
15 don't know how a resolution could be
16 constructed.

17 CHAIRMAN HODGES: What I'll do now,
18 everything has been heard and I'll entertain a
19 motion to close this hearing so that at the
20 next meeting we can go in executive session,
21 discuss this case and vote on it.

22 As it stands right now, we're going to
23 continue this hearing to July 7th.

24 MR. RITVO: Let me -- may I help?

1 understand it, as posed, is the meeting --
2 hearing will be closed. There will be no more
3 testimony, no more argument. Everyone has had
4 a chance to speak extensively, everyone who
5 wanted to speak has had a chance. The hearing
6 will be closed tonight.

7 The Board has agreed to carry its
8 deliberation on the motion on the matter month
9 to month until seven members are available with
10 the applicant's ability at any point to say we
11 want a vote now based upon the number of
12 members available.

13 MR. TRAWINSKI: That's accurate. My
14 understanding is there's no need to bring back
15 any other witnesses, none of our experts, no
16 nothing.

17 MR. RITVO: The only other thing I'd like
18 to say, because there's been such public
19 interest in this, is that the Board has done in
20 public, that's done at a meeting, for the
21 executive session doesn't mean it's a backroom
22 deliberation. It is done at a public meeting,
23 everyone is invited to be present and observe,
24 though there's no more comment that can be

25 received either from the applicant and its

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1 representatives or from the public. That's the
2 procedure.

3 But the Board has always asked me to
4 advise the public they are invited and welcome
5 to observe the deliberative process.

6 MR. TRAWINSKI: Understood.

7 MR. RITVO: And Ms. McLean always likes it
8 when I say this, if members don't want to be
9 inconvenienced to come to a meeting where we
10 might not have members, Ms. McLean will
11 typically know before the meeting if it's going
12 to be on the agenda and the public is welcome
13 to contact her and ask her so you don't have to
14 come out if it's not going to be on a
15 particular meeting.

16 MR. TRAWINSKI: Understood also.

17 MR. RITVO: Is that fair, Mr. Chairman?

18 CHAIRMAN HODGES: Yes.

19 THE BOARD SECRETARY: Mr. Chairman, it
20 will also be in the council chambers?

21 CHAIRMAN HODGES: Yes, it will. The next
22 meeting, July 7th, will be in council chambers.

23 I'll entertain a motion to close this
24 meeting?

25 MR. RITVO: We have a waiver of any time

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1 constraints?

2 MR. TRAWINSKI: Yes.

3 MR. MULLIGAN: I make a motion.

4 MR. MEYER: I'll second.

5 CHAIRMAN HODGES: Motion to close the

6 meeting and go into executive session at the

7 next meeting.

8 Motion by Dr. Mulligan, seconded by

9 Mr. Meyer.

10 Motion to close the meeting for tonight?

11 MR. MULLIGAN: Motion.

12 MS. BRAHVER-KEELY: Second.

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14 (Time noted: 8:38 p.m.)

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2 C E R T I F I C A T E

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5 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.

9

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ANGELA M. SHAW-CROCKETT
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