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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: 7:18 p.m.)

8 MS. SENTER: Okay. Now, we're going to go  
9 into executive session to decide 554 Queen Anne  
10 Road, where we will do the interpretation,  
11 that's on the agenda later. I am not on this.  
12 So I have to step down.

13 CHAIRMAN HODGES: Next, continue with the  
14 application of ZB2009-21, 554 Queen Anne Road  
15 LLC.

16 This application has been heard in its  
17 entirety. We're now up to the executive  
18 session.

19 Just to explain quickly, during the  
20 executive session, the Board will now discuss  
21 the application. During this time, we request  
22 that there is no discussion in the audience.  
23 Please do not cheer, applaud, you know, we'd  
24 like you to keep your feelings to yourself.

25 To start off with the executive session,

4

1 I'm first going to ask our attorney, Harold  
2 Ritvo, move it along as it pertains to this  
3 case.

4 MR. RITVO: This Board is fully familiar  
5 with the law applicable to houses of worship.  
6 I think my tally is 79 in the last ten years,  
7 cases, but there's a little wrinkle in this  
8 case. I just want to -- who else is missing?

9 MR. MULLIGAN: Reverend McCloud.

10 MR. RITVO: Wait a minute. I think there  
11 was one more, no?

12 THE BOARD SECRETARY: Levine is absent;  
13 Meyer is absent; Barta is recused; Senter is  
14 recused; Cooper is recused; and Dr. McCloud is  
15 not here.

16 MR. RITVO: I thought we had six.

17 That means that as the Board knows, this  
18 is a use variance. It will take every vote on  
19 this -- people sitting to approve it. And  
20 usually the Board doesn't put an applicant in  
21 that position.

22 But I know we don't want to hear from the  
23 applicant but maybe take a minute for me to  
24 talk to applicant's attorney.

25 CHAIRMAN HODGES: Do we have Mr. McCloud

5

1 as showing?

2 THE BOARD SECRETARY: I haven't heard from

3 Reverend McCloud if he's sick or what's wrong

4 with him.

5 MR. RITVO: Take a minute.

6 (At 7:21 p.m. a recess was taken.)

7 (At 7:22 p.m. the hearing resumes.)

8 MR. RITVO: They would like to go ahead

9 with five votes. I've given them the

10 opportunity if they want to go ahead.

11 So they'll need five votes for the

12 approval of this application.

13 The law generally, as you know, relates to

14 the state statute -- the state case law which

15 is the case of Sica, and that involves

16 inherently beneficial uses such as this one.

17 Your obligation is to evaluate the

18 inherently beneficial -- the level of

19 inherently beneficial use this application

20 presents, analyze the negatives, see if you can

21 balance the -- look at the negatives versus the

22 positives and fashion any conditions that might

23 be applicable to reduce the negatives, and then

24 do a balancing test at the end. That's the

25 four-part Sica test.

6

1 Concomitant with that, the Board is very  
2 familiar with the statute, I know, is RLUPA,  
3 which is the federal statute which holds that  
4 no government agency shall interfere with the  
5 exercise of religious freedom. And if it does,  
6 then it has to do so in the least restrictive  
7 way possible by regulation. And it's the  
8 burden of the public body to show that the  
9 regulation, force of rule, the least  
10 restrictive way as possible, not the applicant.  
11 We've had that case. I've tried that case.  
12 You know it.

13 In essence, most attorneys would advise  
14 you that the burden is very high for denial on  
15 one of these applications. It's very high upon  
16 the municipality. You have to make a finding  
17 it's not an inhibition of religious freedoms  
18 and that the regulations are the least  
19 restrictive manner of interference.

20 So most of the case law and the cases we  
21 had before, as you all know, focuses on  
22 conditions in these types of cases rather than  
23 the existence. And that's my advice to you.

24 You've been here. We've been through the

25 litigation on this one. We've had a lot of

7

1 cases, as I advised you before.

2 The only issue in this case that I wanted

3 to raise to you is the -- some of the

4 interested parties spoke of there are other

5 houses of worship that people could go to.

6 They raised that issue when the applicant was

7 questioned. The applicant indicated they're

8 not comfortable in going to these other places.

9 They want to worship and it's their right and

10 religious freedom, they believe, is affected by

11 where they worship and they want to worship

12 here with this group. And that's -- that's the

13 only issue for you to evaluate.

14 I would caution you against interfering --

15 any governmental agency interfering with

16 religious freedoms and rights, desires of

17 people to worship. The conditions, as we know,

18 liberal conditions, extensive conditions can be

19 imposed.

20 CHAIRMAN HODGES: Does anybody have any --

21 on the Board have any questions just concerning

22 the law first?

23 MS. BRAHVER-KEELY: No.

24 CHAIRMAN HODGES: Seeing no questions,

25 okay.

8

1 Being the Chair on this application, I'd  
2 like to go first as far as speaking. I figure  
3 I'll take my executive position.

4 Of course, when this Board has decided  
5 many of these cases and as with all cases,  
6 there are going to be some people that are  
7 going to be happy and some people not be so  
8 happy with what we decide.

9 We try to find the area try to make people  
10 happy on both sides. We know both sides of  
11 this application have very strong feelings  
12 towards their side and want to have this done.

13 My personal opinion -- and this is an  
14 executive session -- my opinion doesn't count  
15 any more than anybody else's and we welcome  
16 everybody's opinion on the Board regarding this  
17 case.

18 My personal opinion is that, you know, I  
19 do not want to see, personally, the right of  
20 freedom of worship or religion. So personally,  
21 I'd like to see the 554 continue.

22 But after reading the transcript for this  
23 whole application, and since I have the  
24 advantage of retiring recently, I sat home and

25 read the entire transcript. And based on the

9

1 testimony, mainly of Mr. Erlich and everything,  
2 I did set up several restrictions on this to go  
3 with the application if it's decided to be  
4 approved.

5 I went over these items with Mr. Ritvo,  
6 and I'd like Mr. Ritvo to read it into the  
7 record at this time.

8 MR. RITVO: Conditions that the Chairman  
9 has -- and I have discussed in depth and  
10 reviewed with him are as follows:

11 Activities of the congregation will be  
12 limited to those described by the president as  
13 listed below and no expansion of these  
14 activities shall be had, thus limiting the  
15 impact on the neighborhood and the neighbors'  
16 privacy without further application to this  
17 Board.

18 Services will be limited to Jewish Sabbath  
19 and holidays. These will include an afternoon  
20 and evening service the day before the Sabbath;  
21 a morning service and afternoon/evening service  
22 on the Sabbath or holiday; a Kiddush after  
23 services; an honig Shavuot and light meal on  
24 Saturday night; classes or study groups shall

25 be limited to once per month; no morning weekly

10

1 prayer or evening and no weekday or evening  
2 activities except as set forth herein; life  
3 cycle events such as weddings, bar mitzvahs and  
4 funerals shall be limited to congregation  
5 members only.

6 There will be no rental of the facility, o  
7 any nonmembers or use of the facility by  
8 nonmembers; the kitchenette will contain  
9 refrigerators and warming ovens. There will be  
10 no cooking on the premises and no cooking in  
11 the kitchen.

12 No catering shall be permitted. Only the  
13 warming of food in the kitchen. The kitchen  
14 reduced in size to one half of the previous  
15 garage with the balance of the area being used  
16 as storage.

17 There will be no outdoor celebratory  
18 activities, except limited -- and Kiddushes  
19 shall be limited to one hour after services.

20 No tents or other structures shall be  
21 erected on premises except for the traditional  
22 Sukkot during the Feast of the Tabernacle.

23 No community events shall be held on the  
24 property for any reason. The property of

25 554 Queen Anne Road may not be combined or

11

1 utilized with any adjacent property without  
2 further application, nor shall any adjacent  
3 property be utilized for any events of the  
4 applicant.

5 There will be a solid 6-foot-high fence  
6 with no openings between 554 Queen Anne Road  
7 and all adjacent properties in the side and  
8 rear yard conforming to zoning regulations.

9 Landscaping current existing will be  
10 maintained, will continue the look of the  
11 single-family residence, and to express the  
12 character of the neighborhood.

13 Any holly trees are to be planted along  
14 the northerly line and maintained. There will  
15 be no signs erected or displayed on the  
16 property or the house without returning to this  
17 Board for approval.

18 All exterior light shall be customary  
19 residential-type fixtures, will be shielded so  
20 that there's limited visibility to adjacent  
21 homes.

22 Any walkway lights or other lights shall  
23 be turned off one-half hour after termination  
24 of activities except for the traditional type

25 of residential porch light.

12

1 There will be a representative of the  
2 congregation designated as a community liaison.  
3 If the representative is changed for any  
4 reason, the name, place of address and  
5 telephone number shall be provided to the  
6 construction code official. And annually,  
7 prior to January 1st of each year, the name of  
8 the congregation liaison shall be provided to  
9 the construction code official and zoning  
10 official.

11 The relief provided herein is limited to  
12 this congregation and its operation described  
13 during the hearing. In the event that the  
14 change of the congregation, sale of the  
15 premises or its practices, the successor shall  
16 return to this Board for review of the  
17 application of these conditions and any further  
18 conditions which may be necessary.

19 At least semiannually, the congregation  
20 shall provide notices to its congregants to  
21 respect neighbors' privacy, at no time to park  
22 in or about other person's driveways.

23 Repairs of sidewalks and curbs, if  
24 necessary, shall be made to comply with the

25 township requirements. Revised plans shall be

13

1 provided to the zoning official and township  
2 engineer sobeit to be in conformity with this  
3 resolution, in compliance with all required  
4 codes of the township, and particularly the  
5 fire subcode and fire official's direction as  
6 well as compliance with all ordinances,  
7 regulations of the township, and all  
8 requirements of government agencies having  
9 jurisdiction over these premises.

10 CHAIRMAN HODGES: Thank you, Mr. Ritvo.

11 Any other members of the Board?

12 MS. BRAHVER-KEELY: I have. Me.

13 CHAIRMAN HODGES: Yes.

14 MS. BRAHVER-KEELY: For clarification, you  
15 mentioned early on in those stipulations there  
16 was no coming back in front the Board.

17 Is that for expansion of services?

18 MR. RITVO: I didn't say there was "no."

19 MS. BRAHVER-KEELY: I want to -- because  
20 that's the clarification.

21 Because you talked later about the  
22 adjacent properties more than belong or sold to  
23 the congregation. They could come back, they  
24 could expand; is that correct?

25 MR. RITVO: Yes. Well, at any time, this

14

1 Board doesn't have the power to anticipate  
2 future applications.

3 MS. BRAHVER-KEELY: That's correct. But  
4 only if there's another property or an adjacent  
5 property bought. I am right about that?

6 Because we have put restrictions on  
7 expansion of an existing property.

8 MR. RITVO: I'm sorry. I don't understand  
9 your ...

10 MS. BRAHVER-KEELY: That's why I needed  
11 clarification.

12 If this particular congregation would  
13 decide to expand, can they come back -- on the  
14 plot that they have now, with the property that  
15 they have now, can we put a restriction that  
16 they cannot expand on their services, that they  
17 can not come back to ask for more on this  
18 particular --

19 MR. RITVO: I think as -- this proof is  
20 subject to what was described as the  
21 application. If they expand it, you cannot  
22 limit their request. You can't say they may  
23 never come back. It will not be enforceable.

24 But it does say they can't do anymore

25 without coming back first. That they're

15

1 limited to this without return.

2 But a board doesn't have the power to

3 anticipate future applications or requests.

4 The Board has to look at every request a

5 homeowner may make.

6 MS. BRAHVER-KEELY: And you also had

7 something about signage in there?

8 MR. RITVO: No signage will be erected and

9 if there is to be a sign, must return to this

10 Board for approval.

11 MS. BRAHVER-KEELY: What about strollers

12 outside?

13 MR. RITVO: That's up to the Board. I

14 didn't have anything --

15 MS. BRAHVER-KEELY: Just asking.

16 MR. RITVO: If you wish to put something

17 in, you certainly can.

18 MS. BRAHVER-KEELY: I think that in view

19 of and we all heard very concerned neighbors

20 and I know this is not part of the -- it's part

21 of -- part of the hearing, I know we can't

22 really -- I don't want to use the word

23 "consider." But there's clearly been a

24 background here and we'd like to move forward

25 in the spirit of cooperation. So the liaison

16

1 is extremely important. I think they should  
2 make extreme effort to get along with their  
3 neighbors.

4 I would like to see something about the  
5 strollers being in a designated area and not --  
6 we've seen photographs of them all over the  
7 place.

8 MR. RITVO: Tell me where. Tell the Board  
9 first considering where you'd like to have it.

10 MS. BRAHVER-KEELY: We actually had  
11 designated an area, didn't we? I think it was  
12 on the -- there was a room -- it in the corner  
13 by the back door entry to the, quote/unquote,  
14 family room?

15 MR. MULLIGAN: I believe the applicant had  
16 a congregant testify as an expert on strollers.

17 MS. BRAHVER-KEELY: There were only five  
18 strollers there but --

19 MR. MULLIGAN: So we can incorporate  
20 whatever their expert --

21 MS. BRAHVER-KEELY: I don't think there's  
22 validity on the strollers.

23 MR. MULLIGAN: As far as location for  
24 them.

25 MS. BRAHVER-KEELY: Right. And I believe

17

1 that -- Farouk, do you remember perhaps?

2 MR. SHEIKH: It was outside --

3 MS. BRAHVER-KEELY: It was outside on the  
4 left-hand side, I believe.

5 CHAIRMAN HODGES: Wasn't it on the  
6 westernmost piece of the property which would  
7 be next to the driveway?

8 MS. BRAHVER-KEELY: Southwestern entrance.

9 MR. RITVO: Is that where you'd like to  
10 have it?

11 MS. BRAHVER-KEELY: Which is where we had  
12 already suggested to put the extra holly trees.

13 MR. RITVO: Stored on the southwest --  
14 western corner?

15 I had the -- the resolution I had was the  
16 holly trees were to the north. Is it the  
17 southwestern --

18 MS. BRAHVER-KEELY: The north side is  
19 actually the next door neighbor. They can't  
20 reach anyone's strollers.

21 MR. RITVO: I'm talking about holly trees.

22 MS. BRAHVER-KEELY: I thought the holly  
23 trees were on the western part of the property.

24 MR. RITVO: I had north. So I'll change

25 it to western.

18

1 MS. BRAHVER-KEELY: And the other thing I  
2 wanted to bring up was the stacked parking.

3 Clearly I have a problem with the parking  
4 there to begin with. I believe there's  
5 enforceable law in Teaneck. You can't park on  
6 the grass, put cars all over the place.

7 So can we sort of limit that and not make  
8 it look like a parking lot? Nobody can get  
9 out.

10 MR. MELFI: Excuse me. Do we want to mark  
11 an area on the site plan so that way there's no  
12 misunderstanding?

13 MR. RITVO: I think that if  
14 Ms. Brahver-Keely wants to mark what she wants  
15 and show it to the Board.

16 MR. MELFI: Picture is always worth a  
17 thousand words.

18 MS. BRAHVER-KEELY: I believe it was next  
19 to the neighbor on Van Buren. So the western  
20 part.

21 So was it in this paver area here? That's  
22 my recollection. That way it's sort of hidden  
23 behind the house.

24 MR. RITVO: We're going to put an X here

25 (indicating)?

19

1 MS. BRAHVER-KEELY: Yes.

2 MR. RITVO: Is there access?

3 MS. BRAHVER-KEELY: Yes. There's a  
4 walkway. The suggestion is --

5 MR. RITVO: The westerly side of the  
6 property next to the -- above the word "paver"  
7 on this, which is the P&M survey dated 3/20/09.  
8 And I'll mark a circle --

9 MS. BRAHVER-KEELY: They should not be  
10 sticking out or overlapping. But if people  
11 fold up their strollers rather than leaving  
12 them out, which makes it much smaller. That's  
13 why they need to be folded up rather than  
14 rolled in because if you put six strollers next  
15 to each other, you take up the whole walkway.

16 MR. RITVO: Let me tell you what I have if  
17 this is okay.

18 Strollers and carriers are to be stored on  
19 the southwest area of the property on the  
20 pavers to the west -- the general westerly  
21 direction of the entrance and exit in the rear.  
22 Strollers are to be stored so as not to block  
23 access to the doorway.

24 MS. BRAHVER-KEELY: If this Board has six,

25 they're going to have to fold them up there so

20

1 it's not going to be unsightly.

2 Is that it for strollers?

3 How about the liaison?

4 I believe you had in there every six  
5 months, the congregants will be reminded to be  
6 pleasant to the neighbors and not park in front  
7 of their driveways. The liaison will be  
8 accessible with a cellphone number.

9 MR. RITVO: We'll call the accessible  
10 numbers.

11 One of the things I left out in reading is  
12 here is that the notice of the congregant --  
13 congregation representative shall also be  
14 provided annually and when there's a change to  
15 neighbors within 200 feet of the property.

16 MS. BRAHVER-KEELY: Is there a stipulation  
17 how fast they need to get an answer if they  
18 have a complaint to a question?

19 MR. RITVO: I'm sorry. I couldn't hear.

20 MS. BRAHVER-KEELY: Is there a stipulation  
21 as to response time if there is a question?

22 MR. RITVO: It doesn't say that here, but  
23 you can make that change.

24 MS. BRAHVER-KEELY: In view of the

25 background of this, I think we need to be

21

1 really careful with liaison and cooperation

2 between the congregants and the neighbors.

3 MR. RITVO: And response time is again?

4 MS. BRAHVER-KEELY: I think -- well,

5 because of the Sabbath, I guess 72 hours. I

6 think that's being very generous.

7 MR. RITVO: So that there's a response to

8 all concerns raised with the liaison within 72

9 hours.

10 MS. BRAHVER-KEELY: No blockage of the

11 driveway and parked cars.

12 At one point, they were talking about

13 stacking the parking and that blocked

14 everything. People couldn't get out or in.

15 You talked about lights, right? They

16 would go off half hour after --

17 MR. RITVO: With the exception of the --

18 of a standard household fixture.

19 MS. BRAHVER-KEELY: Correct. They're

20 not -- no overfills. Did we talk about that?

21 MR. RITVO: No light glow and

22 overspillage.

23 MR. MULLIGAN: I read the transcripts. I

24 went over it and all of the things that we're

25 talking about here as far as -- about tents,

22

1 different things, these were all items that  
2 came up in discussion.

3 So it isn't -- these were -- this is  
4 taking information they supplied to us and  
5 using their own information.

6 So I don't feel any way, shape or form  
7 we're attempting to restrict anyone. We're  
8 just outlining what they told us they were  
9 going to do. I don't think we've diminished  
10 anything that they've asked for. I think  
11 that's important to know.

12 MR. ROSEN: I think there's something that  
13 has to be said here. And let me preface what I  
14 am about to say by saying that my remarks will  
15 not affect my ultimate decision on how I'm  
16 going to vote.

17 From the first meeting that we've had on  
18 this application, it's evident to me that  
19 there -- that the application has exhibited  
20 rather reprehensible behavior on a number of  
21 fronts.

22 As a member of their religion, I am quite  
23 ashamed at some of their behavior. I've been  
24 on the Board now six to seven years and heard

25 about a dozen of these cases and I would say

23

1 that a lot of these cases have the kind of  
2 confrontation and the kind of emotion that this  
3 case has generated but ultimately the greater  
4 majority of these cases, community and the  
5 applicant are able to resolve their differences  
6 and able to move forward.

7 The applicant in my mind from day one,  
8 from the moment they began operating as a quasi  
9 nonprofit, I believe their behavior has been  
10 certainly not transparent. I believe it has  
11 been anything but surreptitious. Well, it has  
12 been surreptitious but anything but  
13 forthcoming. I think that their activities  
14 have created this sort of emotional  
15 confrontation with the community and that's why  
16 over the last five or six months we've seen  
17 rather -- rather emotional displays by the  
18 community and rather heated discussion and a  
19 number of confrontations.

20 I am -- I am hopeful that Teaneck, being  
21 the great community that it is, that the  
22 applicant will be able to resolve its  
23 differences with their neighbors. I am hopeful  
24 that they will live up to some of the

25 guidelines and conditions that we will place on

24

1 their application if we move forward with it.  
2 I'm hopeful that the Teaneck municipal  
3 authorities will enforce the conditions that we  
4 place on them and will be vigilant in its  
5 enforcement, perhaps even more vigilant than  
6 other cases. And it is because of the behavior  
7 that the applicant has exhibited that leaves me  
8 rather skeptical, hopeful, but rather skeptical  
9 that they will be the kind of neighbors that  
10 the kind of religious institution that we will  
11 be proud of as we are of the many religious  
12 institutions in the town.

13 And, you know, fortunately for them, and  
14 unfortunately for their surrounding neighbors,  
15 it is our duty as members of this Board to  
16 judge the case on its merits and hold other  
17 conditions aside and hold the kinds of  
18 questionable behavior that we've been told  
19 about. Again, it's just evidence. We're  
20 supposed to put that aside and judge the case  
21 on its merits and I plan to do that.

22 But I do think that in this forum, it  
23 needs to be said that the applicant has  
24 displayed the kind of behavior that is not --

25 not the kind of behavior that we would hope

25

1 they will behave in the future.

2 I hope that they will adhere to the  
3 conditions that we place on them. I hope that  
4 their neighbors can make peace with them. I  
5 would have hoped that their neighbors could  
6 have made peace with them before they got to  
7 this Board five or six or seven months ago when  
8 the application began. And again, I will  
9 personally judge the case on its merits and I  
10 will make a judgment based upon how I feel this  
11 case could go. But I think in this forum, this  
12 needed to be said because these were neighbors  
13 that are intelligent, sophisticated neighbors,  
14 neighbors that are well regarded by our  
15 community, neighbors that were passionate in  
16 their objection to this case, neighbors that  
17 made every attempt to stop this case because  
18 they didn't feel it's not a -- it's not a case  
19 that merits our approval.

20 And for that, I certainly will emphasize  
21 with them and I will encourage future  
22 applicants to hopefully make peace with their  
23 neighbors before they get to us so that they  
24 can work these issues out and they don't have

25 to work them out in public with the kind of

26

1 bickering, the confrontation and negativity  
2 that we've experienced over the five or six  
3 sessions that we held.

4 So those are my remarks.

5 MR. SHEIKH: Just want with respect to the  
6 liaison, is there a procedure for complaints,  
7 Mr. Ritvo? Does it go to -- will neighbors  
8 complain to the building department and then  
9 that would be forwarded on to them or is there  
10 going to be a notice on the premises that says  
11 who the liaison is so the neighbors know who to  
12 contact?

13 MR. RITVO: They liaison name and contact  
14 information, including cellphone, will be given  
15 to the zoning official every year before  
16 January 1st, the neighbors within 200 feet.  
17 And if there's a change, immediately they will  
18 be notified and every year again.

19 If the complaint is made -- is the  
20 condition of this approval. If there's a  
21 concerned voice that's not responded within 72  
22 hours, that would be a violation of the  
23 conditions of approval. Just like any  
24 violation of condition of approval subject to

25 the enforcement the powers of the zoning

27

1 official, construction code official.

2 MR. SHEIKH: I think we would rest a lot  
3 of the conditions and the strollers is like one  
4 of my other concerns.

5 Other than that, you know, I just want to  
6 say that this has been one of the more  
7 challenging cases that I've sat on here. And  
8 all I can say is that I think it's sad that we  
9 have a situation like this going on in Teaneck.  
10 I think that the neighbors and the applicant  
11 both have to make efforts now to move forward  
12 and, you know, let the past be the past and  
13 move forward and make amends. I know it's  
14 definitely possible. I know they will all try  
15 and do that.

16 CHAIRMAN HODGES: We need the stipulations  
17 read over again or they're clear?

18 Anybody like to make a motion on this  
19 application?

20 MR. MULLIGAN: I make a motion that we  
21 vote on the proposals as set forth by  
22 Mr. Hodges and that we approve the application  
23 with all the conditions noted.

24 MR. SHEIKH: Second.

25 CHAIRMAN HODGES: Roll call vote, please?

28

1 MS. BRAHVER-KEELY: Yes.

2 CHAIRMAN HODGES: Yes.

3 MR. ROSEN: Reluctantly, yes.

4 MR. MULLIGAN: Yes.

5 MR. SHEIKH: Yes.

6 CHAIRMAN HODGES: The variance has been  
7 granted with the stipulations that you heard.

8 MR. TRAWINSKI: Do you know, Mr. Chairman,  
9 when you will memorialize it?

10 THE BOARD SECRETARY: September 2nd.

11 CHAIRMAN HODGES: September 2nd.

12 MR. TRAWINSKI: Thank you, Mr. Chairman,  
13 members of the Board.

14 JUDGE: Thank you.

15 (Time noted: 7:51 p.m.)

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CERTIFICATE

I hereby certify that the proceedings herein are from the notes taken by me in this matter of the aforementioned case; and that this is a correct transcription of the same.

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ANGELA M. SHAW-CROCKETT  
Registered Professional Reporter  
Certified Court Reporter  
License No. XI102184

