

TOWNSHIP OF TEANECK
BOARD OF ADJUSTMENT

IN THE MATTER OF

TRANSCRIPT
OF
PROCEEDINGS

ZB2009-21 - 554 QUEEN ANNE
ROAD, LLC, - 554 QUEEN ANNE
ROAD - BLOCK 2409 - LOT 8 - R/S
ZONE

DECEMBER 16, 2009
SPECIAL MEETING
BENJAMIN FRANKLIN MIDDLE SCHOOL
AUDITORIUM
1300 WINDSOR ROAD
TEANECK, NEW JERSEY
Commencing at 7:00 p.m.

BOARD MEMBERS PRESENT:

WARREN A. HODGES, Acting Chairman
FAROUK SHEIKH, Member
SETH LEVINE, Member
DR. EDWARD MULLIGAN, Member
JAN MEYER, Member
REV. OSCAR MCCLOUD, Member
HARVEY ROSEN, Member

DAN MELFI, Zoning Officer
ROSILAND MCLEAN, Board Secretary

APPEARANCES:

HAROLD RITVO, ESQ.,
Attorney for the Board.

F. MICHAEL DAILY, JR., LLC,
BY: F. MICHAEL DAILY JR., ESQ.,
Attorney for the applicant.

R. ERLICH - DIRECT - DAILY

THERESA L. TIERNAN, C.S.R.

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R. ERLICH - DIRECT - DAILY

I N D E X

WITNESS DIR CRS RED REC

ROBERT ERLICH

BY: MR. DAILY 16

E X H I B I T S

NUMBER DESCRIPTION IDENT

ALL EXHIBITS WERE MARKED BY THE BOARD.

R. ERLICH - DIRECT - DAILY

R. ERLICH - DIRECT - DAILY

ACTING CHAIRMAN HODGES: Okay.

Everyone have a seat please. We bring the meeting to order. Everyone please stand for the Pledge of Allegiance.

(Pledge of Allegiance at this time.)

Mr. Meyer, could you read the required notice?

MEMBER MEYER: Adequate notice of this meeting has been provided by the adoption of a resolution setting forth this meeting, date of this meeting, sending a copy to the Record.

(Court Reporter request at this time.)

MEMBER MEYER: And supplying a copy of this with the Township Clerk's office by posting same on the municipal bulletin board and hereby asking that the Chair include these minutes in the record for tonight's meeting.

ACTING CHAIRMAN HODGES: All right. Thank you. Now would be a good time to put your cell phones on vibrate, if it does ring and you have to answer it, please leave the auditorium and then come back. If we ask for everybody to remain quiet.

Roll call, please.

SECRETARY MCLEAN: Mr. Hodges.

ACTING CHAIRMAN HODGES: Yes.

SECRETARY MCLEAN: Mr. Levine.

MEMBER LEVINE: Yes.

SECRETARY MCLEAN: Vice Chairman
Meyer.

MEMBER MEYER: Yes.

SECRETARY MCLEAN: Mr. Rosen.

MEMBER ROSEN: Yes.

SECRETARY MCLEAN: Reverend McCloud.

REV. MCCLOUD: Yes.

SECRETARY MCLEAN: Doctor Mulligan.

DR. MULLIGAN: Yes.

SECRETARY MCLEAN: Mr. Sheikh.

MEMBER SHEIKH: Yes.

ACTING CHAIRMAN HODGES: At this
meeting, we have no resolutions. Notice of
this ZF-2009-21, 554 Queen Anne road, LLC. The
attorney for this application, please.

MR. DAILY: Yes, F. Michael Daily, Jr.

ACTING CHAIRMAN HODGES: Please come
to the microphone.

SECRETARY MCLEAN: You could take that
off the stand.

MR. DAILY: F. Michael Daily, Jr. My
office is in Westmont, New Jersey.

VOICE: Use the microphone, please.

SECRETARY MCLEAN: Speak up into the
microphone, so it picks it up.

MR. DAILY: F. Michael Daily.

ACTING CHAIRMAN HODGES: Bend it down

and just speak into the microphone.

MR. DAILY: F. Michael Daily, Jr. My office is in Westmont, New Jersey. I represent the applicant in this case. The applicant is, as you're aware from the materials submitted, is seeking to utilize a family room at a residential premises as a house of worship, to become a dual use with house of worship being based upon a conditional use, and we seek variances that would allow that.

I believe service to the property owners requiring service has been made, proof of service has been filed, and also service of publication of this application has been done in the Bergen Record.

So at this time I'm ready to call our first witness.

ACTING CHAIRMAN HODGES: Hold up, please.

Can everybody hear that in the back?

VOICE: No.

VOICE: Into the microphone.

VOICE: You have to make like you're kissing it, you have to put the microphone close to your mouth.

ACTING CHAIRMAN HODGES: Could you please say something in this mic?

MR. DAILY: At this time I'd like to

call our first witness.

ACTING CHAIRMAN HODGES: Can you hear it in the back?

VOICE: Yes.

ACTING CHAIRMAN HODGES: Okay. You can maybe just get microphone and move it a little closer to you.

MR. DAILY: Sure.

ACTING CHAIRMAN HODGES: Before we call the witnesses, could you please just identify which witnesses you have today, so we don't ask just so we don't have questions of one witness and should be asked of another.

MR. DAILY: Yes, the witness is Robert Erlich, who is president of the applicant, Chris Rodriguez, our architect, Michael Calcer, our planner.

ACTING CHAIRMAN HODGES: Okay. At this time I'm going to have the Board attorney, Mr. Ritvo, call the procedures for Tonight meeting.

VOICE: Excuse me?

ACTING CHAIRMAN HODGES: Sit down, please. Sit down. Thank you.

MR. RITVO: Because it's a large number of members of the public, we may not have --

VOICE: Could you please speak louder,

if I can't hear in the front, I can't hear in the back.

VOICE: Likewise.

ACTING CHAIRMAN HODGES: Okay. Just so everybody knows, this is the first time we're using this PA system, so it's a brand new one and we'll try to get everything more audible for everybody.

MR. RITVO: We have been in this room before, and for some reason like when we were in school we all like to sit in the back. Perhaps if people were to come up, there's plenty of seats in the front and you might be able to hear better, if there's a problem, that was a problem with this room before. In any event, the Board has adopted procedures by way of bylaws, those procedures have been printed out on the desk right over here. If anyone has any questions about what, I'm about to say, the procedures are as follows; the applicant will proceed first. The applicant will present witnesses in turn. The witness will be called. After the applicant is finished examining the witness, the Board will have an opportunity to examine the witness. Questions only. After the Board finishes its examination of the witness, then the public will have an opportunity to ask questions of the witness and questions only. After

the applicant finishes with all of its witnesses and they were questioned by the Board and the public, then the public will have an opportunity to present any witnesses the public wishes to present, and present any statements that the public wishes to present. When a witness is called, the witness you will see is sworn under oath, gives testimony and is asked questions. When a member of the public comes up to ask a question, so that the record is clear who you are, please just identify yourself by name and address, ask your question, the question will be responded to, and you may sit down. When you come up, after the application is completely finished, you will be asked to be sworn, because then you will be giving testimony, if you're going to give a statement. You will again give your name, your address and I will swear you in as a witness.

There are a couple of other things -- other procedural matters that should be gone over; one of them is that sitting to your left and my right in the red holiday sweater is a Court Reporter, a stenographer. It's very difficult -- her job can be very difficult if there is extraneous noise, and she's already asked some members of the public to please be quiet, and it can be very difficult if more than one person is

speaking at a time. So we would ask you please not to make any extraneous noise and only one person speaking at a time. If you're asking a question, let the witness finish the question, and then you can ask your next question, but any extraneous noises will be difficult for her to take down, and it's important that we have a stenographic transcript of this proceeding. Thank you.

VOICE: Can I ask a procedural question?

MR. RITVO: One other question first, are there any other -- any other attorneys here representing anyone? Okay.

ACTING CHAIRMAN HODGES: Sure, come up, please step up to the microphone.

MR. RITVO: Tell us your name, sir. Speak in the microphone.

MR. CAMPEAS: My name is Rif Campeas live at 258 Rif, R-I-F, Campeas, C-A-M as in Mary, P as in Peter, E as in Edward, A as in apple, S as in Sam.

ACTING CHAIRMAN HODGES: Okay. What is your question?

MR. CAMPEAS: My question is: I think that Mr. Ritvo should excuse himself from this proceeding, since he expressed a preference for the how this proceeding should go in the Bergen Record

today, where he said the Town of Teaneck would prefer that the variance be decided first so there not be the expense and the delay of an appeal, a Constitutional appeal. If that's not a prejudicial statement from him as to what the outcome should be, I don't know what is.

ACTING CHAIRMAN HODGES: Okay.

Mr -- Mr. Ritvo is the Board's attorney. He's not -- he does not decide on the case. He does not influence on the case. He is only here to explain the law when he's asked questions, okay? As far as the procedure goes, Mr. Ritvo is our attorney, and he cannot be excused.

MR. CAMPEAS: I'm sorry. So if he has a preference to how it should come, you don't think that that influences his advice on the law?

ACTING CHAIRMAN HODGES: Our -- our finding is our -- our experience with Mr. Ritvo is he's never -- and I've been on this Board for eight or nine years -- has never influenced us on any decision.

MR. CAMPEAS: So how do you -- well, if he has an opinion, he has already expressed that opinion publicly. It was quoted in the Bergen Record.

ACTING CHAIRMAN HODGES: Sir, I haven't read the Bergen Record. I don't know what's

in the paper and I'll be honest, I don't know what's in the paper, I don't want to go there.

MR. CAMPEAS: How can you decide if it's fair or not if you don't know?

MR. RITVO: You've raised your objection, sir.

Do you have anything else you want to say about this issue?

MR. CAMPEAS: Yeah, if --

MR. RITVO: Go ahead.

MR. CAMPEAS: If you're not excused, I think that we have -- we would object to this whole proceeding.

MR. RITVO: Fine, thank you.

MR. CAMPEAS: All right.

MR. RITVO: The Board can make -- there has been an objection as to whether I should be recused as your attorney. The Board should rule on that, there was a quote in the newspaper that a reporter provided of mine. When he asked me about the proceeding tonight, the proceeding tonight as to going forward with -- I'm sorry, that's a feedback -- as to whether this application should go forward on an appeal of the zoning official's decision, or the variance application. That was a request of the applicant. The applicant made -- initially, made an application to this

Board for the appeal of the zoning officer's decision and then asked this Board in a letter, I believe, it's November of last year, to proceed in this application for a variance first and then for an interpretation -- for the appeal afterwards. It was not my decision. It was not any advice I gave anyone. That was the applicant's decision and that's the way the Board is proceeding tonight on the variance first and then on an appeal of the zoning officer's decision. And it's up to the Board whether you feel that as a result of a purported comment in The Record, and I don't recall the comment or the article either or the precise words, but if you feel that that's a conflict, the Board makes that decision. I don't.

So, Mr. Chairman, I would suggest the Board, if it cares to discuss it, and have a vote on that, that issue.

ACTING CHAIRMAN HODGES: Mr. Daily?

MR. DAILY: Yes, sir.

ACTING CHAIRMAN HODGES: You want to be heard on this issue?

MR. DAILY: I read the article. I think Mr. Ritvo was not giving a personal opinion. I think he was just stating a matter of fact, so I don't see where there's any sort of conflict by him or that he would -- have no reason to believe that

he would certainly in any way not provide the Board with competent advice. His advice would be based on the law, not based upon a bias.

ACTING CHAIRMAN HODGES: Okay. Thank you.

At this time I'm going to close the session, go to executive session on this issue.

Does any member of the Board wish to be heard on this? Okay. I'm going to make a motion that we have a roll call vote on whether Mr. Ritvo should continue with this application.

Have a roll call, please.

SECRETARY MCLEAN: Your motion.
Second, Sheikh.

MEMBER SHEIKH: I'll second.

SECRETARY MCLEAN: Mr. Sheikh.
Mr. Hodges.

ACTING CHAIRMAN HODGES: Yes.

SECRETARY MCLEAN: Mr. Levine.

MEMBER LEVINE: Yes.

SECRETARY MCLEAN: Mr. Meyer.

MEMBER MEYER: Yes.

SECRETARY MCLEAN: Mr. Rosen.

MEMBER ROSEN: Yes.

SECRETARY MCLEAN: Reverend McCloud.

REV. MCCLOUD: Yes.

SECRETARY MCLEAN: Doctor Mulligan.

DR. MULLIGAN: Yes.

SECRETARY MCLEAN: Mr. Sheikh.

MEMBER SHEIKH: Yes.

SECRETARY MCLEAN: Okay. You can continue.

ACTING CHAIRMAN HODGES: All right. We're going to continue with this hearing at this time.

Mr. Daily.

MR. DAILY: Fine. The first witness will be Robert Erlich.

Do you want the witness to stand? That mic over there?

ACTING CHAIRMAN HODGES: Please.

SECRETARY MCLEAN: He can take the mic out if he needs to.

ACTING CHAIRMAN HODGES: If you need to raise that mic up or whatever, feel free.

MR. RITVO: Sir, would you identify yourself for the record, please.

MR. ERLICH: Good evening, my name is Robert Erlich, E-R-L-I-C-H, and I am the president of 554 Queen Anne Road, Inc., also known as Etz Chaim of Teaneck, which is, Etz, E-T-Z, Chaim, C-H-A-I-M of Teaneck.

MR. RITVO: Would you raise your right hand?

R. ERLICH - DIRECT - DAILY

R O B E R T E R L I C H, Being first duly sworn by
the Notary, testifies as follows:

DIRECT EXAMINATION BY MR. DAILY:

Q. Mr. Erlich, what is Etz Chaim?

A. Etz Chaim is a nonprofit organization of which
I am the president. It provides to its members --

MEMBER MEYER: Why don't you take it
out of the stand and hold it close to your mouth.

THE WITNESS: Got you.

A. Etz Chaim of Teaneck -- Etz Chaim of Teaneck
is the owner of 554 Queen Anne Road, it has been
the owner for approximately two years now, and we
are a nonprofit organization that provides
religious and community activities and counseling
to our members.

Q. Could you have provide us with a short
background of the history of the organization?

A. The organization was incorporated
approximately two years ago, at which time it
purchased the property contemporaneous with which
it purchased the property at 554 Queen Anne Road
and Rabbi Feltman lives at the property at 554 Queen
Anne Road.

It's been -- the organization itself, has
been providing services for the past two years and
continues to provide services to its members.

Rabbi Feltman, who lives at the residence has, at his discretion on the Jewish Sabbath and Jewish holidays prayer services in his family room and/or living room.

MEMBER LEVINE: Can I get the name?

MR. RITVO: The Rabbi's name, we didn't hear.

THE WITNESS: Rabbi Daniel Feltman, F-E-L-T-M-A-N, Feltman.

Q. Mr. Erlich, when you -- when the organization purchased the residence, did it have a family room?

A. When the organization purchased the residence, it did not have a family room.

Q. And was a family room added on?

A. Yes, we added on a family room. Before we did such, we were in constant communication with the town, and we were always clear and transparent and straightforward about what the purpose of the family room addition was. And that was to be a typical family room and we gave the Rabbi permission to use that family room at his discretion for prayer services on the Jewish Sabbath and Jewish holidays, and I'd like to share with you in order to obtain a picture of that straightforwardness, a letter that we received from or, I'm sorry, a letter we received from our

attorney, which illustrates the dialogue between 554 Queen Anne Road, Inc, and the -- and the Township.

Q. Who was your attorney at that point in time?

A. Our attorney at that point in time was Joe Glucksman of Scarinci and Hollenbeck.

MR. RITVO: You have an exhibit you're going to be introducing, Mr. Daily?

THE WITNESS: Yes, I have an exhibit I'm going to share with you.

MR. RITVO: I said, Mr. Daily, do you have an exhibit you're going to be introducing?

MR. DAILY: I think we'll just keep it to move it forward quickly, we'll just -- he'll just read part of it.

MR. RITVO: If you're going to read from a letter that you suggested you submitted to the Township, we should mark it and have it as an exhibit, please. So could you please hand it up, if you would?

SECRETARY MCLEAN: Yes.

MR. RITVO: You have another copy?

MR. DAILY: Another copy.

SECRETARY MCLEAN: Thank you.

MR. RITVO: The letter that I've been handed, Mr. Chairman is a letter from Scarinci and

Hollenbeck dated June 20th, 2008. It's directed to Steven M. Gluck and it's signed by Joe E. Glucksman and I've marked it as A-1.

THE WITNESS: Thank you, sir.

I just would like to -- it's dated June 20th, 2008. It's regarding 554 Queen Anne Road of Teaneck, and I'd like to read for you the first two paragraphs.

"Dear Mr. Gluck, thank you for taking the time to meet with us on May 28th, 2008. Stanley Turitz asked that we forward to you a letter memorializing the activities that take place at the above-referenced address. When Rabbi Feltman first decided to have a private prayer group in his home it was of the utmost importance to him that everything be done above-board and in accordance with local ordinances. That is why he met with you in November 2007 before any construction at 554 Queen Anne Road commenced. It was very important to him that he received confirmation that what he had planned was acceptable to Teaneck, and he was happy to receive that confirmation from you."

"As we discussed on May 28th, these plans have not changed since the meeting in November 2007. It is still his intention to continue to have a private prayer group in his home on the Jewish Sabbath and on yamin tovim/holidays.

Generally speaking, this means an afternoon/evening service the night before the holiday, as well as a morning service and an afternoon/evening service the date of the holiday, as well as a Kiddush after davening. Due to the prohibition of driving on these days (one of the primary motivations for a prayer group within walking distance), cars are generally not brought to the services and therefore no strain is placed upon parking availability."

Q. And is that the way the organization was operated after the addition was built, the family room?

A. That is the way --

MEMBER LEVINE: Could you repeat the question?

Q. Is that the manner in which the activities took place at -- in the family room after it was constructed?

A. Yes, that is the manner in which they took place, and continue to take place.

Q. And was an application made for a building permit to construct a family room?

A. Yes.

Q. And was that approved by Mr. Glock-- or Mr. Gluck? I'm sorry.

A. Yes, it was.

Q. And was it built according to the terms of that permit?

A. Yes.

Q. And --

A. And we received our C of O.

Just to -- to be as clear as possible, because it's become a matter of dispute by a handful of vocal neighbors as to our straightforwardness regarding the use of the residence at 554 Queen Anne Road, I would like to submit a second letter that was sent from Mr. Gluck to 554 Queen Anne Road, Inc, and Rabbi Daniel Feltman on November 19th, 2008, clarifying the fact that there was no -- that everything was always transparent and the Township was never misled.

MR. RITVO: The letter that was provided to the Board is a letter dated November 19th, 2008. It's directed to Rabbi Daniel Feltman, and it's signed by Steven Gluck. That would be A-2.

Q. Thank you.

ACTING CHAIRMAN HODGES: Mr. Daily, do you have copies of that?

A. The letter reads at follows --

ACTING CHAIRMAN HODGES: Could you hold on, please?

THE WITNESS: Sorry.

A. The letter reads as follows: Gentlemen, this letter is a follow-up to the decision and order dated August 8, 2008, in connection with the above-referenced matter. The above-referenced matter is 554 Queen Anne Road, Block 2409, Lot 8, residential zoning district. The information which was initially submitted in support of the application for the zoning and construction permits for the construction of the family room addition, vestibule and kitchen had been reviewed by me and found sufficient for the issuance of permits and ultimately a certificate of occupancy. After the certificate of occupancy was issued, the Building Department received a petition from the area residents stressing concerns respecting the use of the above property. Attached to this petition were various documents submitted by the residents in support of their concerns. Based on the additional four submitted, I issued the decision and order dated August 8, 2008.

I would like to clarify that at no time has the owner or Rabbi Feltman attempted to mislead me or the Township of Teaneck. Any implications to the contrary arising from the issuance of the decision and order were unintentional and are without factual basis.

Nonetheless, the within matter raises

difficult legal issues with which many other municipalities throughout New Jersey and the country are presently dealing. Due to the complexities and nuances of such legal issues, and in light of the concerns which have been raised by the area residents, such issues are best addressed to the Zoning Board of Adjustment for resolution.

Contact me if any questions arise concerning the above matter.

It was signed Steven M. Gluck, Construction Official/Zoning Officer.

MR. RITVO: Mr. Erlich, is that the reason this application was filed?

THE WITNESS: Yes, we filed the application for variances tonight in order to become a house of worship because of complexities that the town feels are present relating to our use for -- of the family room and the residence for private prayer services.

Q. How large is the congregation presently?

A. Presently, I wouldn't actually call it a congregation. Etz Chaim of Teaneck, the organization itself, has about 25 members. At prayer services, on average, there are approximately 40 people in attendance.

MEMBER LEVINE: Twenty-five members or 25 families?

THE WITNESS: Twenty-five member families.

Q. Now, for services, what is the situation regarding parking?

Do the -- do your organizations members normally drive to the location?

A. No, it's an orthodox service and observing traditional orthodox Jewish people typically do not drive on the Sabbath. So in terms of a need for parking, that really isn't one, because all of our -- everyone who -- or almost everyone who prays with us lives within walking distance, which is part of the reason why there is a need for this prayer service and potentially house of worship.

Q. Now, if the Board approves the application to be a house of worship, will there from time to time be events where there may be people who drive?

A. There is that possibility, and since you asked me that question, I'd like to talk about the recent recommendation we received from the Site Planning Committee. We were recently recommended by the Site Planning Committee for approval by this Board. The Site Planning Committee also suggested because there is the chance that there will be events that will require or people might drive to, that we look for alternative parking because currently we have

in our plans six spaces for parking and the site requires 21. Upon the recommendation of Site Planning Committee, we have been granted or have gained access to approximately an additional 50 spaces.

MEMBER MEYER: Fifty or 15?

THE WITNESS: Fifty.

MR. RITVO: 5-0.

THE WITNESS: 5-0. And if you allow me, I will go through from who and from where we gained access to those spaces.

Q. If you could please.

A. First, we spoke to our members and neighbors who have private driveways within 200 feet of the property and have excess parking in their driveways. From those neighbors and/or members, we received 15 -- a grant, which I have and I will share with the Board, for 15 parking spaces to be used as long as they own the property, approximately 15 parking spaces. Within a one block radius we received an additional eight spaces approximately, that's 23 right there. We also received from the CVS on Queen Anne Road permission for overflow parking to use their site, their parking lot there for 12 spaces. In addition to that, there is a municipal parking lot adjacent to that area which holds what I believe is 33 spaces,

33 cars, and at the time of services is underutilized, my understanding, and even if we were able to use a conservative number of those spaces, we have well over a total of 50 spaces that we now have access to or more than two and a half times what is required by the Township for us even without seeking a variance.

Q. Do you have --

MR. RITVO: I'm sore, Mr. Daily, could you identify the location of the municipal parking lot?

THE WITNESS: The municipal parking lot is approximately on the corner of DeGraw and Queen Anne Road.

MEMBER MEYER: I'm sorry, where?

THE WITNESS: Approximately, it's a little bit in, on the corner of DeGraw and Queen Anne Road.

Q. Do you have the permits?

A. Yes, I have the letter, I have the permits that I want to share with -- I only have one copy of the permits, but I will give them up to the Board, and I also have a letter from the CVS that gives us permission to use their lot for 12 overflow parking spaces. In the notarized parking grants, you'll notice that there are actually more than 23 spots available that I noted within the one block

radius, because just to make sure that we have more than any conceivable amount of parking that we would ever need, we went to people within a 3/10 of a mile radius and asked them for permission to use their extra spaces as well.

MR. RITVO: I've been handed a number of documents, Mr. Chairman. The first one is a letter from CVS Realty, Co., it doesn't appear to be dated. Let me read it, it's not very long.

"I've been advised that Congregation Etz Chaim of Teaneck is applying for a use variance as a house of worship in the Town of Teaneck and that the property is in close proximity to the CVS at 375 Queen Anne Road, Teaneck, New Jersey, 07666. CVS would not consider it a problem if -- I'll slow down, if some of the parking overflowed into the CVS parking lot located on Queen Anne Road."

"The store has ample parking behind to handle an overflow of ten to 12 cars. Etz Chaim has assured CVS the instances will be minimal, and they will instruct the congregation to only use the spaces behind the store. CVS is only a tenant of this location, so this courtesy can only be extended as long as CVS remains in control of the property. If this courtesy were to become abused, whereas the congregation were using spaces on the side of the store, rather than the rear, CVS will

work directly with Etz Chaim, and its representatives, to rectify the problem. And it's signed by Michael W. Buckless, no date. Buckless, B-U-C-K-L-E-S-S.

Then there are parking grants, a number of parking grants?

MEMBER MEYER: I'm sorry, is that an exhibit?

MR. RITVO: That is Exhibit A-3.

MEMBER MEYER: A-3.

MR. RITVO: Then there are a number of parking grants, 12 in all, and they are on forms except for one, which is handwritten, which gives -- the handwritten one is signed by Shawn Aster, who gives permission to guests of Rabbi Feltman or the participants in the prayer service held at Feltman residence on Queen Anne to park in my driveway, provides the address. It has four parking spaces, according to this, and the rest of the -- then some different in number one is six, one has four, one has -- and the rest, another one has four, another one has four, one has three, three, three, and then there are two with two, and those are the same form, which indicates that the resident's addresses, donate and gift to 555 Queen Anne Road, Inc., a/k/a Etz Chaim of Teaneck the right to park, and there's varying numbers, private

vehicles at any time other than overnight, in the private driveway of our residence so long as the vehicle is that of a guest of Etz Chaim who is attending a religious or social function at Etz Chaim. The permission will remain in effect so long as we own the aforesaid property, but shall terminate upon our sale of the property. Although we intend to be legally bound by this document, the grant contained herein shall not be construed an easement, this document may not be recorded or otherwise utilized to cloud our title and shall be subordinate to any liens we place upon our property. And I'll just read the names one from Simcha Schawn, that's for two spaces, at 278 Griggs Avenue. There's one from -- hard to read, Mario Guralnik, excuse me, whoever, if they're here and that's six spaces at 576 Queen Anne Road. There's one for four spaces by Jacob, it looks like Kramer, 282 Griggs Avenue. There's one for two spaces at from Levi Goldberg, 205 Herrick Avenue. There's one from Yackov Abdelhak, Abdelhak, at 287 Herrick avenue for two spaces. Elliot Frome, 457 Palmer Avenue. One from Monica Zibitt, 941 Van Buren Avenue, two spaces. Robert Erlich, 53 Van Buren Avenue for four spaces. C. S. Cohen, 201 Sherman Avenue for three spaces, and Mario Guralnik for 266 Johnson Avenue for three spaces. Those are

the --those I'm going to mark as, those grants will be A-4 as one exhibit.

MR. DAILY: I don't have anything further of Mr. Erlich. You might have questions.

MR. MELFI: I apologize, I apologize. I left one parking grant out here.

MR. RITVO: There are 13. There will be 13 separate parking grants as part of A-4, and the 13th is 261 Van Buren avenue for three spaces by Aler Glaseman, or Alyn Glaseman, it's hard to read.

By the way, all these parking grants are notarized.

ACTING CHAIRMAN HODGES: Are you finished?

THE WITNESS: Yes.

ACTING CHAIRMAN HODGES: Okay. I have a couple of questions for you.

On your parking grants, this form that you filled out here and these neighbors have signed, it states that for parking any time other than overnight. So if your congregation parks on Friday night because they're late for services, what happens to that vehicle?

THE WITNESS: Well, there are six spaces on site, there is 12 spaces at CVS, that they've granted us as overflow parking, so that's

18 spaces.

ACTING CHAIRMAN HODGES: So, on the normal weekly services, other than Friday night and on normal holidays, the various holidays that you have, all of these parking grants are really not worth -- not worthless, right?

THE WITNESS: They're not worthless, because the concern, from what I understand of the neighbors and the Board, is that on days other than when we can walk to prayers, and many of those people that signed parking grants are actually neighbors, so they live very close by, so there's no need for them to drive. So on days that, on other days, you know, if there's a bar mitzvah, and the people aren't orthodox and they might be driving, that they could park in those spaces. If it would appease the Board, we could probably just as easily get the same people who signed those to allow us for overnight parking.

ACTING CHAIRMAN HODGES: All right, but currently -- currently the parking grants that you've handed to us, the 13 parking grants, as it states right here, is good for private vehicles at any time other than overnight, so and in those circumstances, I mean, and I'm -- I haven't attended Jewish services, but on most circumstances, if I attend services on Friday night

or a holiday, usually start at sundown.

Is that correct?

THE WITNESS: Yes, it is.

ACTING CHAIRMAN HODGES: So in any most of the time, that people would be parking on the street, or in these spaces, will be because they're running late, so if I come to the service and I park in somebody's driveway, I can't remove my car because I'm not allowed to drive.

Is that correct?

THE WITNESS: That is correct. We encourage our -- anybody who prays with us to leave their car at home because in order to maintain good neighbor relations, we encourage everyone to leave their car at home no matter how far away they live.

ACTING CHAIRMAN HODGES: Oh. All right.

You also testified that, and you previous stated a letter here from CVS, that you could use their parking lot.

Is that correct?

THE WITNESS: That is correct.

ACTING CHAIRMAN HODGES: How far away from 554 Queen Anne Road is CVS?

THE WITNESS: It's 375 Queen Anne Road, and I clocked it the other day, and it was just under 3/10 of a mile.

ACTING CHAIRMAN HODGES: And how far away would the municipal parking lot on DeGraw Avenue be?

THE WITNESS: Approximately the same. The CVS over there is almost on the corner of DeGraw.

ACTING CHAIRMAN HODGES: So about how far would that be?

THE WITNESS: Tops, 4/10 of a mile.

ACTING CHAIRMAN HODGES: Not 5/10, 4/10?

THE WITNESS: Yeah.

ACTING CHAIRMAN HODGES: Okay. And that would be no problem from anyone in your congregation to go that far?

THE WITNESS: No, and again, primarily we're looking for extra parking spaces for those times where there would be overflow. In general people aren't driving, so, it's not even an issue on a regular basis.

ACTING CHAIRMAN HODGES: So it wouldn't be an issue?

THE WITNESS: No.

ACTING CHAIRMAN HODGES: The -- on Queen Anne Road, recently this Board approved for a synagogue to go up on Queen Anne Road.

Are you familiar with that?

THE WITNESS: Yes.

ACTING CHAIRMAN HODGES: Going towards Cedar Lane?

THE WITNESS: Yes.

ACTING CHAIRMAN HODGES: And approximately how far is that from your -- from 554?

THE WITNESS: Approximately 4/10 of a mile.

ACTING CHAIRMAN HODGES: So what would be the reason then that your congregation, instead of meeting at 554, could not meet at the other house of worship?

THE WITNESS: Just like in any religion, there are different denominations, different ways of practicing, et cetera. The people who pray with us at 554 Queen Anne Road aren't necessarily comfortable with the way the services are held at the other what's now a synagogue, and so in order for them to have a place where they feel comfortable praying, we are endeavoring to have a synagogue at 554 Queen Anne Road.

ACTING CHAIRMAN HODGES: Okay. So it's that they're uncomfortable with that? It's the same --

THE WITNESS: You know, it's hard for

me to speak for individual people, but, for example Rabbi Feltman is a tremendous draw for people, his advice is invaluable, and, you know, I can't comment as to why other people don't want to daven in the different temples.

ACTING CHAIRMAN HODGES: Okay. All right. Do we have any other questions from members?

MEMBER LEVINE: Question on the parking. Just on the typical Sabbath or a holiday, how many of your congregants drive, you know, prior, drive?

ACTING CHAIRMAN HODGES: Mr. Levine, can you use the mic, please?

MEMBER LEVINE: I'm sorry. On a typical Sabbath or a holiday, how many of your congregants drive to the synagogue, you know, prior to the holiday with the Sabbath and leave their car until after the Sabbath, if any?

THE WITNESS: So we encourage, we vehemently encourage everybody not to drive. Unfortunately, not everybody is infallible, and I would say that there might be two people, maybe three, who have on occasion not followed that encouragement.

ACTING CHAIRMAN HODGES: Doctor Mulligan.

DR. MULLIGAN: You mention social

functions. How often would you have social functions? What size group would you have and social functions there would be no restriction on driving, right, there's not a religious issue with that?

THE WITNESS: Social functions, was a term used by my attorney. I think what we really meant were life cycle events, like bar mitzvahs --

DR. MULLIGAN: That's what I mean.

THE WITNESS: Bar mitzvahs typically happen on the Sabbath, so there would be a restriction on driving.

DR. MULLIGAN: So you would attract no additional vehicular traffic at all for any of your social functions?

THE WITNESS: To the extent that we would, it would be rare, and that's part of the reason why we arranged for over -- over 50 parking spaces.

ACTING CHAIRMAN HODGES: Mr. Rosen.

MEMBER ROSEN: In your opening remarks you mentioned a couple of different activities, besides the prayer service I think you mentioned counseling.

THE WITNESS: Yes.

MEMBER ROSEN: And there was something else.

THE WITNESS: The Rabbi provides pastoral counseling, religious law advice, we have community events held at people's houses throughout the community. We have a Hanukkah event, for example, coming up this Saturday night, which is being held at the Moose Lodge. We have luncheons held at people's houses related to the different holidays. Those are the type of events.

MEMBER ROSEN: Any of those events occurring at the residents -- the meeting place that you're using now?

THE WITNESS: No, they are not.

MEMBER ROSEN: Does your Rabbi give classes?

THE WITNESS: He did give classes, but not at -- not typically at 554 Queen Anne Road. He gives classes, for example, at Beth Aaron, which is also on Queen Anne Road. I believe last year he gave in his living room a small class to some women on some women's issues.

MEMBER ROSEN: Is there a youth group?

THE WITNESS: There is a small youth group.

MEMBER ROSEN: Is there a service for children?

THE WITNESS: There's not a service, per se, for children. Children typically daven or

pray with their parents inside the -- what is now the family room.

MEMBER ROSEN: So how long is the manor in which your prayer is conducted, the times prayers are currently conducted?

THE WITNESS: So --

MEMBER ROSEN: Go ahead.

THE WITNESS: If you'd like me to talk about what times the prayer services are at?

MEMBER ROSEN: Well, I think you mentioned Friday, Saturday and holidays.

THE WITNESS: Right. So Friday night, immediately before sundown and just after sundown, Saturday morning from 9:00 a.m. to approximately 11:30 a.m. and then Saturday afternoon before sundown, and immediately after sundown.

MEMBER ROSEN: And where --

THE WITNESS: And it would be the same hours.

MEMBER ROSEN: And where do those members for weekday prayers?

THE WITNESS: The weekday prayers, they would either stay at home or, I believe, go to Beth Aaron.

MEMBER ROSEN: So outline of the way you currently conduct the services, and the schedule that you currently conduct the services,

if we were to approve this application, with the stipulation that your activities are confined to those times and places, understanding that some of those events are not scheduled, would you agree to that stipulation and agree that, for example, if your synagogue were to grow and undertake new activities that broaden your scope of what you do, you come back to this Board for approval of those activities.

THE WITNESS: I don't believe that the Board can approve us as a house of worship and then limit the times when we can have services.

MEMBER ROSEN: Well, in the past, we've -- we've -- we've agreed to, we've -- the houses of worship have agreed to conduct their business, and it's understood that their activities agreed to certain times, and we either approve or not approve, depending upon the agreement, of course, you can -- you'll conduct business as you see fit --

THE WITNESS: So as --

MEMBER ROSEN: But if you were to stipulate to us as to when you were going to conduct your prayer services, so that the public, for example, can understand and be a partner with you on this, and those -- that that stipulation, made it easier for us or made it -- made it feasible for

us approve or disapprove.

Would you agree to those conditions?

THE WITNESS: So I, as the current president, can tell you that there are no near-term plans to change anything. In fact, we have a relationship and I should have mentioned this when you asked where people pray during the week, we have a relationship, an ongoing relationship with Care One where we pray evening services and Sunday afternoon and evening services with them in order to help them have a quorum at their facility, and it's a very symbiotic relationship and we have every intention to continue that.

MEMBER ROSEN: So, again, I guess you're answering my question, but I just want for the record, if you were to stipulate that your activities, your prayer services take place in certain times, again, we understand that some of those events are not scheduled, but within -- within the parameters of the times and the places that you conduct regular services, and you stipulate to that and we agree to that, is that something that you would -- you would agree to, and your congregation would agree to obviously, you may not be able to speak for them entirely, is that something you could agree to?

THE WITNESS: I can only agree to it

in its near term, which is, you know, over the next few years. There's no way for me to project out what's going to happen in five or ten years somehow.

MEMBER ROSEN: Again, so what I'm saying to you is that if you saw that your congregation was moving beyond those -- those conditions, you would agree to come back to the Board and then tell us what you're doing, and we would either say, you know, we would approve it or not, you agree to coming back, or gone on to another synagogue where there's space and the congregation has said that that space won't be used, and then can't you stipulate to the congregation if you want to use that space, come back and we'll consider that. I mean, is this something you can agree to?

THE WITNESS: If you give me a minute, let me.

MEMBER ROSEN: Sure. Please.

ACTING CHAIRMAN HODGES: Mr. Daily, you want five minutes?

THE WITNESS: I'd like a few minutes.

ACTING CHAIRMAN HODGES: Sure, okay. We'll take a five minute break. Or Mr. Erlich.
(Recess taken at 7:56 p.m. and ended at 8:05 p.m.)

THE WITNESS: Mr. Rosen, I'm prepared to answer your question. Thank you for giving me a moment to take to a recess myself.

MEMBER MEYER: Use the microphone.

ACTING CHAIRMAN HODGES: We can't hear you.

VOICE: Closer, closer.

THE WITNESS: We would be agreeable to what you suggested. I just want to caveat that there may be times, you know, occasionally during the week where there's a life cycle event, et cetera, where we would need to use the room, but in general, we could be limited to Saturdays -- Friday night, Saturdays and Jewish holidays.

MEMBER ROSEN: Thank you.

ACTING CHAIRMAN HODGES: Mr. Erlich, just so we can have this clarified, can you give us the exact times of your services at this time?

THE WITNESS: The exact times change with the lunar calendar. So on Friday evening, it's before sundown and immediately after sundown. On Saturday day, it's 9:00 a.m. to approximately 11:30 a.m. and on Saturday afternoon, it is, again, right before sundown, and then about 45 minutes after sundown.

ACTING CHAIRMAN HODGES: And do you have anything at all during the week?

THE WITNESS: Again, it -- right now we have nothing during the week, and what I

requested from Mr. Rosen is that if on occasion, for example, somebody is born on a Tuesday, that would require them to have the circumcision the following Tuesday, that we be permitted to do such.

ACTING CHAIRMAN HODGES: Sure. But there be no the religious classes during the week, there will be no, like the -- excuse me for not being exactly knowledgeable, but I know there's like services a lot of times in the morning.

THE WITNESS: There will be no morning services. What I did -- what I am requesting is that on occasion, very infrequently, that the Rabbi be permitted to use his house and/or the family room or the house of worship to give a class or -- I mean, anybody would be even allowed to do that in their own house, to have -- hold a class in their house, people would be permitted to invite people over to come study. I don't see why, once a month that that should be a problem.

ACTING CHAIRMAN HODGES: But there will be no regularly scheduled --

THE WITNESS: There would be to regularly scheduled.

ACTING CHAIRMAN HODGES: Aside from that.

Do you have Sunday morning services?

THE WITNESS: We have Sunday morning

services at Care One.

MEMBER MEYER: Care One.

REV. MCCLLOUD: May I ask a question?

ACTING CHAIRMAN HODGES: Doctor Mulligan -- Reverend, I'm sorry.

REV. MCCLLOUD: Could you describe what distinguishes this community of faith from a synagogue?

THE WITNESS: I apologize, I'm not sure I understand the question.

REV. MCCLLOUD: Okay. Can you describe what -- what distinguishes the group that you are here representing from a synagogue?

THE WITNESS: There are a number of nonprofit Jewish organizations that don't provide prayer services and only provide other community needs to -- to its congregants, such as pastoral counseling, halakic (phonetic), Jewish law advisory and Jewish life cycle events, and holiday events. There's no difference -- so that's a common type of nonprofit organization in the Jewish community. So, so what distinguishes us at the current time is the fact that Etz Chaim of Teaneck is not the one that is holding the prayer services, but it is -- the prayer services are held in the Rabbi's private residence, which makes it a private prayer group right now. We're here for a variance

because the town pointed out, and neighbors were concerned with the legality of having private prayer services in a private home. So, that is why we're here right now. We would like to have those come under the auspices of Etz Chaim of Teaneck, and so would our neighbors, from what I understand, so that's why we're here for a variance.

ACTING CHAIRMAN HODGES: Doctor Mulligan?

DR. MULLIGAN: I've got two questions. Going back to the parking, you're saying that you used the municipal lot that's Queen Anne and DeGraw, that's a little bit closer to half a mile from your location than 3/10 or 4/10 of a mile, and have you looked at the use of that lot on most weekends? It's filled.

THE WITNESS: I have looked at the use of that lot, and I found that there, to my knowledge, there is approximately about a third of the spaces that were available, but even without, my point is that even without that lot, we still have 40 spaces. I was using a very conservative number.

DR. MULLIGAN: But using that lot, the lot there is generally filled because there's a restaurant there, there's a restaurant down the street, they both do tremendous business on

weekends. There's a hardware store there, they're always active. I've gone to use the stores in that area myself on numerous weekends, and it's difficult to find parking.

THE WITNESS: They're not as active at the time when we would be praying. Most stores on Saturdays don't open before eleven.

DR. MULLIGAN: Well, I would tend to differ with you.

Now, my other question, though --

THE WITNESS: I'm sorry, just if I can finish my answer, and I apologize, my point all along is that even if you exclude -- I only included ten spaces there to get to my above 50 number. Even if you exclude those ten spaces, we still have 45 or so spaces, which is more than two times the required number of spaces to receive a permission to do this without a variance.

DR. MULLIGAN: All right. We'll beg to differ on that.

But my other question is: You're talking about having like the private prayer services in the house, and I understand, unless I'm mistaken, that it would be similar to if I have a book club meeting in my house. I could have them meet maybe two or three times a year, we could have a rotating thing. That's -- that's one that's a

casual, but when you have scheduled things, it's almost like you're coming to us and you're saying, well, if the Rabbi wants to schedule something, we really can't, or we don't want to restrict him, and we're not looking to restrict anyone. I guess we're looking for a bit more openness, if you're going to have these functions, we need to know so we can help work with you on this, and I'm just -- you know, you're saying that he might have classes. I might have a book club meeting, but if I have a book club meeting every month in my house, and I have more than three or four people, I could understand my neighbors getting upset, even if I let them park in my driveway and use my neighbors driveway, and I guess that's what -- what I'm looking for is some clarification. You're saying that there might be these things, and, obviously, it's been to the point where some of the neighbors are concerned about it, and we're looking for, I guess, some kind of openness on, you know, we need more than it could happen.

THE WITNESS: Well, if you'd like, I could set a number of days, but I don't think that the Township has ever, ever imposed any number of book meetings that a person could have at their house.

DR. MULLIGAN: But I'm not

attempting -- I'm not running a not-for-profit. I'm having a casual group of friends and I could understand.

THE WITNESS: The Rabbi wasn't running a not-for-profit either.

DR. MULLIGAN: I'm just asking you for, if we can get a better idea, once a year, twice a year.

THE WITNESS: Right. I suggested to Mr. Rosen that it would be once a month, and I also suggested that on Jewish holidays and the Sabbath when people can't drive anyway.

ACTING CHAIRMAN HODGES: Okay. All right. Hold up one second. I just want to go to Mr. Ritvo now.

MR. RITVO: Let me, I'd like to help with the Board and the applicant and direct -- direct us a little bit, if we can.

This Board has heard a great number of house of worship applications. The Board is fully cognizant of the rights of religious groups, and the rights and the rights of residents that reside nearby, so I'd like to help focus the Board back on some different answers, if we could, and focus the Board because the Board does recognize the law and the rights of religious groups, but there also has to deal with the neighbors and their concerns

about what happens when a religious group moves a congregation nearby. So let me ask a few questions, if I might, Mr. Chairman, stop me if you're not comfortable.

Who is the owner of these premises?

THE WITNESS: 554 Queen Anne Road, Inc.

MR. RITVO: And who is 554 Queen Anne Road, Inc.

THE WITNESS: The not-for-profit organization that I spoke about earlier.

MR. RITVO: Okay. It's the not-for-profit and what is the purpose as stated in the charter of the not-for-profit organization?

THE WITNESS: Honestly, I don't know what our charter is, so forgive me, I don't know if that's necessary.

MR. RITVO: If it's a corporation, do you know what the purpose is?

THE WITNESS: It's a religious and -- it's an organization that provides for religious needs of the community.

MR. RITVO: I'm sorry, I couldn't hear you.

THE WITNESS: An organization that provides for the religious needs of the community.

MR. RITVO: Okay. So the next question I have is: Are you familiar with the plans that

have been submitted to the Board?

THE WITNESS: Yes.

MR. RITVO: All right. I'm looking at the plans drawn by Carl Meckey, dated March 30th, 2009, to the presentation at least on page two.

THE WITNESS: I believe they were drawn by an employee of Etz Chaim.

MR. RITVO: Looks like July 22nd is the and October 20th are the revision dates. On page A-2 of those plans, it shows that on the first floor plan, there's a sanctuary called sanctuary of 1,230 square feet, and adjacent to it is something called a kitchenette of 275 square feet.

Now, please don't interpret my questions as criticizing whether or not some -- a group gathering together can have a sanctuary of 1,230 square feet or a kitchenette of 275 square feet, but in analyzing these applications in the past and house of worship applications, the Board wants to understand the functioning and the impacts on the community as well as on you.

Of the 1,230 square feet that are going to be utilized for which you call a sanctuary on your plan, are there going to be permanent seats?

THE WITNESS: No.

MR. RITVO: What's the construction of the ceilings -- of the floor?

THE WITNESS: Going to be -- I apologize, I'm familiar with the plans, I'm not an expert on them.

MR. RITVO: Well, I'm --

THE WITNESS: I apologize, I'm familiar with the plans and with what the layout is, but if you have questions about materials, et cetera, those are better answered by our architect, Mr --

MR. RITVO: All right. What are you -- do you intend to have permanent seating?

THE WITNESS: No.

MR. RITVO: And as to the kitchenette, do you understand how it's going to be laid out because the only thing shown on this plan is a sink.

THE WITNESS: There is a sink. There will be a refrigerator, there is a refrigerator, and those are the only permanent fixtures in the room.

MR. RITVO: And those are -- this is to be used in conjunction with the private -- the prayer gatherings?

THE WITNESS: Yes.

MR. RITVO: 275 square feet of a kitchen would be ten by 20, ten by 27?

THE WITNESS: It was formally a garage so...

MR. RITVO: It's a full two-car garage size?

THE WITNESS: It's not really a full two-car garage, it's maybe --

MR. RITVO: What?

THE WITNESS: Well, what, that you couldn't fit two cars in there.

MR. RITVO: Does your group have a concept of how it will use this room?

THE WITNESS: Yes.

MR. RITVO: Tell us, would you please tell the Board how you -- how the congregation, I don't want to call it a congregation, it's a group. How is your group to use this room?

THE WITNESS: After prayer services on Friday morning, it is customary to have what's called a kiddish immediately following the prayer service.

MEMBER LEVINE: Is this Saturday?

THE WITNESS: I'm sorry.

MEMBER LEVINE: Is this Friday morning?

THE WITNESS: No, if I did, I apologize, Saturday morning. It is customary to have a kiddish after the prayer services, and we will utilize it to store food in, and prepare the food for the kiddish as necessary. It's already

prepared food that we're going to be, that we would serve at the -- right after the service.

MEMBER LEVINE: Could you explain for the members of the Board and maybe some members who are here today exactly what the kiddish is?

THE WITNESS: A kiddish is just -- the first part of a kiddish from a religious perspective, it's kind of a prayer, and at the kiddish, people eat and drink and socialize for a few minutes.

MEMBER LEVINE: Standing.

THE WITNESS: Standing. Standing around tables.

MEMBER LEVINE: Is this brief?

THE WITNESS: Brief, you know, you say hi to your neighbor, you say hi to your -- the Rabbi, you can talk for a few minutes, and you go home and you eat lunch.

MR. RITVO: Still recognizing that this Board understands the rights of people who worship together and to have kiddishes and in conjunction with their services, one of the concerns typically is raised by -- rightfully by neighbors when there's limited parking and by the Board and the impact on the neighborhood is the potential for renting out a facility after a -- a religious function, a wedding, or a bar mitzvah or

bat mitzvah and using a kitchen to become a -- a heating facility to bring trucks in and serve a great number of people who will not have facility to park.

Does your organization have any plans with respect to how that sanctuary, as it's called, and the kitchenette would be used and would it include rentals to anyone and uses for social functions?

THE WITNESS: We have no intention of -- we certainly have no intention of -- we certainly have not intention of renting out the space. And in terms of social functions, it would obviously depend on how you define that. If you define it as a lecture by the Rabbi, then, as I said earlier, we would occasionally have those. I don't know that we would be serving food.

MR. RITVO: Because of the parking limitations in the area, and with those functions might occur at times other than when people are prohibited from their driving, at times when people are prohibited from driving, you don't have to answer this now, you could feel free to consult with your attorney and your -- and anyone else in your organization you wish, would you be willing, would your -- would your, you, meaning your institution, be willing to stipulate that this will not be rented

out or utilized for large social functions such as bar mitzvahs and wedding receptions.

THE WITNESS: We will not rent the room out.

MR. RITVO: You will stipulate to that?

THE WITNESS: Yes.

MR. RITVO: Or utilized for the congregation of those purposes?

THE WITNESS: You mean, if the congregation has a bar mitzvah on the Sabbath, so then, the bar mitzvah will be taking place there.

MR. RITVO: Would the --

SECRETARY MCLEAN: We have to change the tape, it's not our regular system.

MR. RITVO: Go ahead.

What's occurring here is that there's a secondary tape system that we're required to keep by statute, sometimes it runs out of time, this is not our standard system, so we have to stop so they can change the tape or disk.

Ready? Okay.

So the question -- I think the question that was pending was, how -- what -- how would it be utilized by the congregation after a function?

THE WITNESS: So, I believe I answered that after the Sabbath, again, it would be used for

a quick kiddish. If there is a bar mitzvah, the kiddish might be larger, but it's typically bar mitzvahs are held on Saturdays, so it's not really an issue, we're not planning on having weddings at the -- at the -- at the location at 554 Queen Anne Road, there should be no concern about that.

MR. RITVO: One of the things that Boards hear generally from applicants of all types is we're not planning on it, and that can lead to a series of questions, as opposed to we will not do it, and, again, I'm not asking you to commit to anything you're not comfortable with, unless you want to talk to your attorney, or some other members of your organization, but the question will arise, I'm sure not from me, from others, will you agree not to rent the hall out on a -- after sundown Saturday night or Thursday night for a wedding reception or if this is on a Sunday for a mitzvah reception, reception meaning bring tables and chairs people come, and have to drive, and --

THE WITNESS: We will not be renting out the facility to anybody.

MR. RITVO: So you will agree that that could be a stipulation. I say stipulation, that if this Board were to grant this application, it would be a condition of the grant.

THE WITNESS: Yes, I agree to that.

MR. RITVO: Okay. Thank you,
Mr. Chairman. Nothing further.

ACTING CHAIRMAN HODGES: Mr. Sheikh.

MEMBER SHEIKH: So during the week,
typically, what's the maximum number of people you
have in this 1,200 square foot facility? Is it 50
or 80 or 20?

THE WITNESS: During the week, you mean
on a Sabbath.

MEMBER SHEIKH: At any of your,
you -- know --

THE WITNESS: I would say the maximum,
absolute maximum is 80, except on the high holidays
when people come out of the woodwork and there might
be some more.

MEMBER SHEIKH: So 80 is a
typical -- is a typical maximum. What would be the
average? Is that adults or plus children?

THE WITNESS: Including children.

MEMBER SHEIKH: Include children. And
the social functions that you have on days that you
do not have driving restrictions, give us an idea
over the last six months, for example, the last 12
weeks, or the last three months, if you want, how
many have you had on days that don't have driving
restrictions?

THE WITNESS: We haven't had very many.

The -- over the past six months, the next upcoming one is the Hanukkah party that we intend to have on Saturday night at the Moose Lodge and I think the last count was 20 families are coming.

MEMBER SHEIKH: Let me rephrase that. What I mean over the last six months, how many times have you had events, prayers or services, on days that don't have driving restrictions?

THE WITNESS: We don't have events, any of those things during the week at 554 Queen Anne Road.

MEMBER SHEIKH: And just to clarify, there's no warming of food that happens?

THE WITNESS: There's a warming oven. There is no cooking. It's a portable warming oven, it's on wheels and it's kind of like a toaster oven, only a little bit bigger.

MEMBER SHEIKH: Okay. Thanks. Thank you.

ACTING CHAIRMAN HODGES: Doctor Mulligan.

DR. MULLIGAN: Just one thing, you had mentioned that if you work in conjunction with Care One, is that on a regular basis or is that --

THE WITNESS: That is on a regular basis. Every -- every Sunday -- I believe every public holiday.

SECRETARY MCLEAN: You've been asked to turn your cell phones off. Please put it on vibrate or turn them off. Thank you. You can continue.

THE WITNESS: So that is a regular, and it's very symbiotic. I mean, it gives us the opportunity to help out Care One with their need to provide religious services for their elderly residents, so that it's every night during the week except during the weekends and Sunday morning, afternoon and evening services, and public holidays.

DR. MULLIGAN: Thank you.

ACTING CHAIRMAN HODGES: Mr. Erlich, I just have one more question.

Typically, in these applications, and we've done many of them, the big question is going to be parking, and, I mean, you know, you've supplied these parking grants that you have at, but they don't have overnight parking. You supplied a CVS to park there, but they're not the owner of the property, they're only a tenant, the -- and you supplied the municipal lot, which if I'm not sure, but I think there's no overnight parking there either. So this possibly could go longer than just tonight, and if it does, is there any possibility that you can go out and try to get some permanent

come back with permanent parking, that's overnight.

THE WITNESS: The residents, I've spoken to them, and they're willing to allow overnight parking in their driveways.

ACTING CHAIRMAN HODGES: Okay. Well, if this application takes longer than one night --

THE WITNESS: I'll go back to them.

ACTING CHAIRMAN HODGES: Okay. Thank you.

Any other questions from members of the board? Mr. Meyer?

MEMBER MEYER: Are you going to appoint a liaison or a contact person in case, let's say, this approval gets granted, or this application gets granted, do you have a -- can you just assign a contact person in case there's some issue with parking in the neighborhood that is bothering a neighbor and so on, someone can contact or the building department could contact.

Would you be willing to do that?

THE WITNESS: Yes.

MEMBER MEYER: Okay.

ACTING CHAIRMAN HODGES: Okay.

THE WITNESS: And I'd like to elaborate on that. We've had dialogue and particularly the Rabbi has had dialogue with the neighbors and in

which he went to them and asked them how we can make this an anymore, you know, peaceful relationship between us. He heard very few responses back from them, if any.

ACTING CHAIRMAN HODGES: Okay, thank you.

At this time we're going to ask members of the public to come up, if they wish, to ask a question, but we'd like to please request that everything you come up to ask has to be a question and that's our questions that concern the president of this organization, not about architecture not about planning, but just to the person of the organization and how the organization is run.

Any comments, of course, will be held to the end and there you'll be allowed to come up and, you know, speak whatever you like.

Do I have anybody, Mr. Rose.

Please come up and to the microphone and state your name and spell your last name.

MS. SELF: Howard Rose 575 North Umberland Road.

ACTING CHAIRMAN HODGES: Could you please come up closer to the microphone?

MS. SELF: Yes. Rose. R as in. Rose R. O as in Rose, S as in Rose, R-O-S-E.

Question. Regarding the parking, is

it your contention that when a person is coming to the site, and they pass five parking spaces that are currently empty, that they will continue on and go that three-quarters of or 3/10 of a mile to the parking area that you're suggesting might be available to them?

THE WITNESS: Yes.

MS. SELF: Thank you. Is it your contention that you're offering in lieu of having the correct amount of spaces, that you will have some spaces here of the neighbors, some spaces there of the neighbor, some spaces here at CVS, all of which entities, so to speak, are transient. It can change next week, it can change next year. Ownership in the house can change, ownership in a business property can change. Not ownership, rather, but whoever is renting it. People just make change, people may not want to have something continue life long with the situation.

So how do you contend for that?

THE WITNESS: I'm sorry. You live on North Umberland and you're concerned about parking as what?

MS. SELF: I'm concerned --

ACTING CHAIRMAN HODGES: Mr. Erlich. Mr. Rose, hold on?

MR. RITVO: Where I live is irrelevant.

ACTING CHAIRMAN HODGES: Okay.

Mr. Erlich, okay, we're here having a hearing on this issue, okay? You don't see me joking around. I'm not going to joke around with you. We just like you to come up and answer the questions. It doesn't matter where the person lives. They're allowed to answer questions.

THE WITNESS: I apologize, I thought that they had to have some sort of legitimate concern about the parking.

MR. RITVO: Just so there's no question. The law in the State of New Jersey allows any interested person to appear at a hearing and ask questions, and that's how this Board handles it. So for your edification, anyone who is interested, whether they've taken an interest in the town, outside of the Township might well be interested in how the Township develops and may ask questions, so, so that you understand that and everyone understands it, anyone may who is interested, may ask.

THE WITNESS: I apologize.

MEMBER LEVINE: And don't talk at the same time, please.

THE WITNESS: Our parking situation could change even if we had 50 spaces at the actual site. Moreover, I'm confident that no matter what,

we will be able to always arrange for more than enough parking spaces, particularly since, again, people don't drive at the times that we are going to be having prayer services.

MS. SELF: Let's talk about driving times. Is it correct to state that on holy days, automobiles would not normally be used?

THE WITNESS: Yes.

MS. SELF: And by holy days, would you mean, for example, in the year, the Sabbath, et cetera?

THE WITNESS: Yes.

MS. SELF: And by non-holy days, would you mean festival days like Hanukkah and Purim.

THE WITNESS: We don't have services on Hanukkah or Purim.

MS. SELF: Do you have activities on those types of days?

THE WITNESS: We're having an activity, one activity on a Saturday night at the Moose Lodge.

MS. SELF: Is it your contention that the Moose Lodge will be a necessity for you in the future, if, in fact, the variances are granted and you have this facility to use for those type of festival non-holy day type activities?

THE WITNESS: I don't know the answer

to your question.

MS. SELF: That's part of the problem then.

THE WITNESS: That's not a question.

MS. SELF: That's not a question. You're right. The question is --

ACTING CHAIRMAN HODGES:

Mr. Erlich --

MS. SELF: If it's not your problem --

ACTING CHAIRMAN HODGES:

Mr. Erlich --

THE WITNESS: You asked you if --

ACTING CHAIRMAN HODGES: Excuse me, Mr. Erlich. I'm not asking -- please answer the questions. If Mr -- if anyone comes up and we feel they're out of line, I will stop them, I assure you.

THE WITNESS: Okay.

ACTING CHAIRMAN HODGES: I don't need you to banter back and forth, I don't want to argue, I don't want any arguments here. This is only for you to answer questions, and for Mr. Rose to ask questions, and anybody else that comes up. So please stick to answers only. They make a comment please ignore it. I will handle it.

MS. SELF: Well, I'll try and ask the question perhaps in this way, for non-holy day activities, would you anticipate that they would

be utilized by people who belong to the group in the future, rather than utilizing either as a favor or at a cost the Moose Lodge?

THE WITNESS: I explained to the Board already, that we may have an occasional event, perhaps once a month, where we would use the family room, what is now the family room for these functions.

MS. SELF: Are you aware that the need for a variance in parking is because that normally is that you provide parking in case of future event, for future events, based upon square footage you're using and number of people anticipated?

THE WITNESS: I'm aware of that and that's why we've arranged for alternatives.

MS. SELF: Again, you call alternative. Would it be correct to state that's not just alternative, it is non-compliant parking since it's not on your residence and it's nothing that you have contracts actually for the length of the future of this facility being used as you would like?

THE WITNESS: That's why we're here for a variance.

MS. SELF: Again, you're basing the variance on not providing spaces, but on providing spaces that are, so to speak, can dissipate from

time to time?

MR. RITVO: Just so you put it in the record tonight, a question, Mr. Rose, if you could put that in a question, please.

MS. SELF: I'll skip it. Let me hit another point then.

This is a use that requires an amount of spaces. You're asking for a variance on that, why would you think that you require less than one-third of the spaces that is "normal" for anyone using this space for a traditional religious role, whether it be a mosque or a synagogue or a church, why do you think that yours would be so different than all of the others in town that a variance should be required?

THE WITNESS: I believe I already answered that question.

ACTING CHAIRMAN HODGES: Please answer it.

THE WITNESS: Because we are holding services that are on the Sabbath and Jewish holidays and, therefore, people don't drive.

SECRETARY MCLEAN: Turn the mic to you.

THE WITNESS: We are holding services on the Sabbath and Jewish holidays and we are an orthodox organization and, therefore, our participants typically, excuse me, do not drive.

MS. SELF: Okay. And last question, if my understanding is correct, please answer the question, did I understand you to say that you would be or represent the group and would be willing to put in a caveat if a variance were to be granted that other than whole days, there would not be any activities, and I hope it could be stated beyond a certain size. In other words, a real mere capacity, so that you're not encumbering neighbors, neighborhood, Township in general?

THE WITNESS: I believe you misunderstood what I represented.

MR. RITVO: Apparently.

THE WITNESS: What I represented is that we would have an occasional event perhaps once a month.

MS. SELF: Perhaps. So you can't really enumerate, because you really don't know what the future will bring regarding that. It could be more than once a month or could it be more than once a month?

THE WITNESS: I represented that it would be once a month.

MS. SELF: Okay. Thank you very much.

ACTING CHAIRMAN HODGES: Do we have any other questions from the public? Yes, sir. Sorry, I'm sorry. My eyes are a bit bad.

MS. TUCKER: Hi, am I to state my name first?

ACTING CHAIRMAN HODGES: Please.

MS. TUCKER: Mildred Tucker and my address, Shepard Avenue.

MR. RITVO: Court Reporter hear That.

MS. TUCKER: Hi. First I need clarification, I came in a little late, so...

MR. RITVO: Miss Tucker, we're having trouble hearing, if you could move the microphone.

MS. TUCKER: Can you hear me now?

MR. RITVO: Yes.

MS. TUCKER: Hello, I have a couple of questions with regards to the -- with what is this structure? It is a house? I've heard it referred to as a house, a hall. What, in fact, is it in terms of -- is it a residential house? I came in a little late so I wasn't clear as to -- and I heard it being referred to as a hall.

So is it a hall?

THE WITNESS: No, it's not a hall.

MS. TUCKER: What is it, please?

THE WITNESS: It's currently a residence.

MS. TUCKER: Okay. And it being a residence, are there any occupancy controls that are stipulated?

THE WITNESS: I don't understand the question, I apologize.

MS. TUCKER: Okay. Maybe I'll rephrase it. It is an residence, but it's being used for meetings, and a prayer services, and or events, and all too often these things tend to grow, and there's no control over their growth.

MR. RITVO: Miss Tucker, Miss Tucker you have to ask this as a question.

MS. TUCKER: How are you prepared to deal with the occupancy controls for that particular structure?

THE WITNESS: I believe the Building Department and the Township and the Fire Department has -- once you get a variances --

SECRETARY MCLEAN: Turn the mic to you.

THE WITNESS: Once you have a variance for a house of worship, I believe that the Township and/or Fire Department, et cetera, puts you're limited to this number of occupants, so we would be controlled by that.

MS. TUCKER: And do you think that you will be growing because of the kinds of events or services that you have there?

THE WITNESS: I don't know.

MS. TUCKER: And have you taken into consideration looking forward that impact that

that growth would have on the community?

THE WITNESS: I think it would be positive for the community.

MS. TUCKER: And the residents itself?

THE WITNESS: I'm sorry?

MS. TUCKER: And the residents itself surrounding that particular house?

THE WITNESS: Yeah, the residents will greatly benefit from us.

MS. TUCKER: In terms of the municipal parking, I know that we have limitations on the amount of time that we could be using those lots.

Is that also taken into consideration by you?

THE WITNESS: There's a four hour limit at that municipal parking lot.

MS. TUCKER: Do you foresee that you -- any of your guests, for lack of a better term, will be exceeding that four hour limit?

THE WITNESS: No.

MS. TUCKER: Okay. Thank you.

ACTING CHAIRMAN HODGES: Do I have any other questions? Yes, sir. I'm going to work my way around. I'm not ignoring anybody here. This time, I'll go this way. The next time, I'll go their way.

MR. DOWNING: My name is Dennis

Downing. Dennis Downing, 265 Van Buren.

MR. RITVO: Spell your last name.

MR. DOWNING: Downing, D-O-W-N-I-N-G.

MR. RITVO: Thank you, sir.

MR. DOWNING: You state that you have ample parking, and you don't foresee anyone going to anyone else's, if they see empty parking spaces, utilizing those. They'll go to those designated parking spaces that you provided, right?

THE WITNESS: That is correct, that's what I stated.

MR. DOWNING: Okay. You state that you're used to -- well, the residents do not cook there, right?

THE WITNESS: I'm sorry?

MR. DOWNING: Cook.

THE WITNESS: I personally do not cook.

MR. DOWNING: You state that you never cook during the day?

THE WITNESS: The residents.

MR. DOWNING: The days when you are there, during prayer hours, you never cook?

THE WITNESS: To my knowledge, we've never cooked there. The residents, the Rabbi's family has a kitchen and they cook.

MR. DOWNING: Okay. Thank you. So they have a kitchen.

THE WITNESS: The Rabbi's family lives in the house with the kitchen, they have to cook in order to survive.

MR. DOWNING: Okay. Thank you. So they -- you're never utilized any of that function of the house the kitchen, for example?

THE WITNESS: No.

MR. DOWNING: Thank you. Okay. You stated also that you basically worship from nine to 11, have a gathering and then leave after that and come back at, I think, it was five to eight, house of worship hours?

THE WITNESS: It varies according to the lunar calendar, in the mornings it's approximately nine to 11:30.

MR. DOWNING: And after that?

THE WITNESS: In the afternoon there is a half, half an hour afternoon service and then sometime in between then, a 15 minutes -- 45 minutes in between approximately, maybe 40 and then a 15 minute evening service.

MR. DOWNING: Fifteen minute?

THE WITNESS: Fifteen.

MR. DOWNING: Fifteen?

THE WITNESS: 1-5.

MR. DOWNING: Okay. Thank you. That's it. That's my questions.

ACTING CHAIRMAN HODGES: Any other questions over here. Yes.

MS. RUDNICK: Rochelle Rudnick, R-U-D-N-I-C-K, 352 Van Buren Avenue. What I'd like to understand about the parking is you say that nobody will ever need to park for more than four hours. I'd like to know of the 80 people who come to Shabbat services, how many people drive there before sundown Friday evening and stay parked over until Saturday evening when Shabbat is over?

THE WITNESS: Again, I answered that earlier, but on a --

MS. RUDNICK: I'm sorry.

THE WITNESS: For your edification, it's -- we tell everybody not to drive. Unfortunately no one is infallible, occasionally there are two or three people who park.

Q. Okay. Because I live on this street and when I do drive, and I turn into Van Buren and people are parked all the way up to the corner, it's a very dangerous turn on both sides of the street, and I would wonder, would you be willing to have a yellow line painted from the corner of Queen Anne Road down to probably down, let's say, at least the length of the entire property, so that no one can park in front of the synagogue?

MR. RITVO: Let me just -- before you

ask the question, just so it's understood, this Board could not impose that --

MS. RUDNICK: Oh, you couldn't?

MR. RITVO: -- condition, because that's a parking restriction, only the Police Department, and governing body.

MS. RUDNICK: Okay.

MR. RITVO: You could ask if they would request of the police department.

MS. RUDNICK: Okay.

MR. RITVO: And the governing body to do that.

MS. RUDNICK: Can the residents of the town request that of the town council?

MR. RITVO: I'm sorry?

MS. RUDNICK: Can we, the residents of the town, request that of the town council.

MR. RITVO: You can request that. Whether they agree or not, you can ask whether they would agree, but just so you understand, this Board cannot impose it.

MS. RUDNICK: Uh-huh, I mean, I guess what I'm asking is why people who live on the street and in the neighborhood should have confidence that people would park in CVS, when people are already parking on the street? That's my question. There has to be some level of confidence that this would

actually happen, and based on current and past actions, that doesn't seem to be the case.

THE WITNESS: Well, that's not necessarily because of our services. There are people in the neighborhood, for example, for public transit reasons who park all along Van Buren.

MS. RUDNICK: Right. But that's usually on weekdays.

THE WITNESS: Right. And also there are people who park their cars on the street even though they have driveways. I know because I live on Van Buren myself, so to your question, that would be something that I would take under consideration, bring it up with the town council, and we want to be good neighbors.

MS. RUDNICK: Right. Okay. Thank you.

SECRETARY MCLEAN: The gentleman over here.

ACTING CHAIRMAN HODGES: Come up.

MR. ZERBST: My name is Paul Zerbst, Z-E-R-B-S-T, I reside at 211 Van Buren Avenue. I'm a bit confused. Maybe you can help me, maybe the Board can help me. It was stated by a member of the Board that, in fact, if you wanted to have a book club, and wanted to meet, there's nothing illegal about that.

If I wanted to have people to my house

for songs --

ACTING CHAIRMAN HODGES: Just move the mic a little bit back.

MR. ZERBST: You've been telling us to put it here. Can you hear me now?

MR. RITVO: Yeah.

MR. ZERBST: This is like an one inch variable.

If I want to have people to my house to sing, to read books, to pray, there's nothing illegal about that at all, there are times on my block where people have parties.

ACTING CHAIRMAN HODGES: Okay. This is a question, right, sir?

MR. ZERBST: The question is: What is the advantage to being designated a house of worship?

THE WITNESS: The town asked us to apply for a variance to become a house of worship.

MR. ZERBST: Do you know why?

THE WITNESS: I believe the letter I read before said that there are complex issues to having private prayer services in one's home, that's --

MR. ZERBST: So to your knowledge if I wanted to have prayer services in my home, I would have to come before this Board?

THE WITNESS: I'm not an attorney, I can't answer that.

MR. ZERBST: Can you answer that, Mr. Ritvo?

ACTING CHAIRMAN HODGES: Mr. Zerbst, Mr. Ritvo.

MR. RITVO: As I understand this, just so that everyone here understands, the Zoning Board of Adjustment is a statutorily created Board. It's created by the Municipal Land Use Law, and the Board of Adjustment has certain powers granted to it by the Land Use Law and, in fact, a Zoning Board is one of the required boards, the requirement placed upon the municipality by the legislature.

The first power of a Zoning Board is to hear appeals of action of the construction code official or zoning official.

The second one is for interpretation of zoning ordinance.

The third and fourth are for variances of different -- of different types.

So this Board does not have any power to make the decisions of the zoning official. The zoning official, in fact, is an independent position created by statute. The council doesn't have control over the zoning official. The borough and the township attorney doesn't have control over

the zoning official. And the concept of the statute is to allow, have an independent person who is not affected by anyone making decisions as to whether or not applications for development meet the statutory and ordinance criteria. So with, as I said, all of that, because I'm being asked to explain the decision of an independent officer of this Township, but as I understand it, that when this was no longer a residence with like a book club of someone who owned a residence and came in or someone -- an illustration that that's sometimes used in some of the classes, is somebody loves sports, and every Sunday whenever the sport of the year is, that person invites 20 or 30 people over to a large family room they have to watch sports and eat lunch. Is that person violating anything? The answer is, I think everyone is clear, no. So the question becomes if someone has a home, and this is not an issue, I don't know of any case law on that, someone has a home and every Friday, Saturday, Sunday or Tuesday, if that's their religious preference, they invite 20 people over to pray with them in their own personal home. Is that a violation of anything? Recognizing, and I'll -- the Board is fully familiar with it, that there are -- there's federal statutes, state case law, that gives great preference to the first

amendment right to worship. But that being said, what I understand occurred here is that this was not a residence alone. The title to this property was transferred to a corporation and I think there was testimony about that. This is not owned by a person. It's a not-profit corporation.

THE WITNESS: It is rented out to a person, the resident.

MR. RITVO: It may be rented, but it's owned by. It's owned by a corporation, and the question then became, what is this? Is it a private home? Is it a corporation? And that's part of the question that the construction official had.

Now, they have voluntarily come before this Board, and that's a decision they made, for a variance and the Board is hearing that variance, but this Board doesn't make that initial determination, nor at this stage of this proceeding is it theirs to question then. It's looking for whether or not the activities described by the applicant here should be permitted with the variances that are going to be outlined as the case goes forward. So long as -- but this is not your average everyday case.

MR. ZERBST: What are the property taxes on this -- on this dwelling?

MR. RITVO: I'm sorry?

MR. ZERBST: What are the property taxes?

THE WITNESS: I don't know the answer to that question.

MR. ZERBST: If this is designated a house of worship, will the property taxes -- will they now not be required to be paid because it's a house of worship?

ACTING CHAIRMAN HODGES: We don't -- this Board does not take that into consideration. We don't know.

MR. RITVO: This Board does not have the power by any statute or case law to deal with that issue. This Board hears zoning only, not in its power.

VOICE: The question?

ACTING CHAIRMAN HODGES: The question was: Will there be taxes collected on this property? Our answer is --

VOICE: That's what we want to know.

SECRETARY MCLEAN: Wait, wait. We can't hear ten people, and one you want to come up, you won't be able to. Let one person speak at a time. Thank you.

ACTING CHAIRMAN HODGES: Not that I'm not listening to you, you know, not that I want people to shout out questions, but if you want to

know, there's taxes being paid, you'd have to go the tax office and ask them that's, I believe, that's free information.

MR. RITVO: It's not a matter that this Board can take into consideration is the answer by law. It cannot consider that.

MR. ZERBST: So it seems to me that this whole --

ACTING CHAIRMAN HODGES: You can't make a comments, only questions.

MR. ZERBST: Is it fair to say that this entire assembly is to talk about parking? Is that why we're here to talk about parking?

ACTING CHAIRMAN HODGES: I'm sorry, are you asking us?

MR. ZERBST: I'm asking Mr. Erlich.

THE WITNESS: I don't know the answer to your question.

MR. ZERBST: Okay. Thank you.

ACTING CHAIRMAN HODGES: Thank you. Yes, ma'am.

MS. LIGHTBURN: Hello. Laverne Lightburn, and I'm from Voorhees street.

MR. RITVO: Could you spell your last name.

MS. LIGHTBURN: L-I-G-H-T-B-U-R-N. I'm here just --

ACTING CHAIRMAN HODGES: Ma'am, can you give us your address?

MS. LIGHTBURN: I live on Voorhees. I usually just give Voorhees. Do you need my number?

MR. RITVO: No, no.

MS. LIGHTBURN: I'm just trying to clarify for myself, I'm tired of reading in the papes one thing and hearing things from other people. So I'm trying to understand, is this a residence? In other words, does someone actually live in this house or is this a synagogue, a church, or whatever? That's all I'm trying to understand.

THE WITNESS: It is currently a residence. We are here tonight to get a variance to use it as a residence and the family room area as a house of worship.

MS. LIGHTBURN: So the rumors of it being that you actually went to the Board and asked for, this was a residence, and I'm talking to you, okay? That you asked the Board to change to build on a family room, that was my understanding, and that's why I just needed to understand this.

THE WITNESS: We didn't go to the Board to ask.

MS. LIGHTBURN: The Planning Board?

THE WITNESS: We went to the building department to add on a family room.

MS. LIGHTBURN: Okay. So as a family room, how did we get to now this is a synagogue? So I'm trying to understand when I read this in the papers, exactly what this is going to be, you added on a family room, but the family room is not a family room anymore, it's now becoming a synagogue. That's what I'm trying to understand?

THE WITNESS: Yes, the family room for the last two years has been used as a family room.

MS. LIGHTBURN: Uh-huh.

THE WITNESS: We are here to ask that it be converted to a house of worship.

MS. LIGHTBURN: One more question. By the houses of worship, like if I have people come to my -- I'm just trying to understand why we're changing it, if it's a house why we're changing it to a synagogue now, because I can have people at my house come in, right, and have people -- have prayer meetings, and it would just be that. I don't understand why if it's a residential home in a residential area, why are we changing it to a synagogue?

THE WITNESS: There were --

MS. LIGHTBURN: Or church, synagogue --

THE WITNESS: There were a handful of neighbors who were very vocal about the fact that

they thought that having private prayer services in a private residence created legal issues and they complained to the town, and the zoning official suggested that we come here and in order not to argue about constitutional issues, we seek a variance to be allowed to pray in the family room and use it as house of worship.

MS. LIGHTBURN: I guess my concern, my question is: I could pray in my house, and without changing it into a church. Am I right? So I don't understand why he can't pray in his house, and leave it as a house, I don't understand why it's becoming a synagogue. I guess that's my problem.

THE WITNESS: I think I can answer the question. I think the neighbors were concerned that while you can pray in your house, I think neighbors are concerned that we're having too many people over to pray, and there is a gray area from -- as to what turned to private prayer into a full-blown house of worship. The neighbors complained and the town felt that this is a gray area.

MS. LIGHTBURN: Okay.

THE WITNESS: You should come, because you're having several people, not just a small prayer group, you're having, you know, 20, 25, 30, 40 people there, you should come here and ask for

a variance and that's thirties why I'm here.

MS. LIGHTBURN: So what do you think this is? Is it a synagogue, or is it that you just have a get together?

THE WITNESS: I'm not an attorney so --

MS. LIGHTBURN: No, but seriously, you know, if you're praying in your house, or if, you know if it's a synagogue or not. Is it, not just a family room any longer? Is this -- like I know if I have 20 people -- I've had parties with a hundred people. I'm just saying, is this a synagogue? That's just be honest. Let me know --

THE WITNESS: It will be a synagogue if we a receive a variance.

MS. LIGHTBURN: And once you get that variance, then there's no longer taxes on that residential home as it stands right now and that is also something he -- we're talking about parking, but it's not really about parking. It's about the taxes at this point, I'm just curious as to how it works. That's my question. And at this point I'm more concerned about all these houses that are turning into church, synagogues, mosques, I'm more concerned about that as a tax payer, and I have nothing -- it has nothing personal or anything. I am really directing my concern --

ACTING CHAIRMAN HODGES: Okay, is

that --

MS. LIGHTBURN: I'm directing -- I'm questioning the Board also that are -- are these houses, are there some rules? Are there some guidelines? I think there's some rules in the state that there's a certain amount of synagogues, churches --

ACTING CHAIRMAN HODGES: Ma'am, ma'am. Apparently --

MS. LIGHTBURN: I'm just asking.

ACTING CHAIRMAN HODGES: Hold on one second, I'm going to answer you, okay.

MS. LIGHTBURN: And I am religious, so it has nothing to do with that. It has to do about my pocket right now.

ACTING CHAIRMAN HODGES: All right. In this state, we have freedom of speech, freedom of religion, okay, so houses that are residences are allowed to come before the Board to say we're in a residential area, and we'd like to make our house into a -- change it to a house of worship. House of worship -- you can pray at your house?

MS. LIGHTBURN: Yes.

ACTING CHAIRMAN HODGES: Okay. But 80 people, 60 people, don't come there every week to pray at your house. You could have a party at your house, have a hundred people, but a hundred people

don't come in your house and party every Friday night or every Sunday or --

MS. LIGHTBURN: No.

ACTING CHAIRMAN HODGES: Okay. So the fact that we're going on a regular basis, that's why we're here today, because it's the use of that premises, okay?

MR. RITVO: Just to make this a little bit clearer for the other questions, because one, that's the applicant's and this is the application.

This Board has no power to put a limitation on number of houses of worship, nor does this township council, nor does the County of Bergen, nor does the State of New Jersey. It's a constitutional right in the First Amendment of the Constitution. Later on, you'll probably hear discussion of a federal statute that was adopted some years ago, and it puts a very heavy standard on this Board in hearing these cases. This Board is keenly aware of it, because as you say there were -- there are a great number of houses of worship and many of them have come before this Board. The Board is clearly aware of the rights of people to worship. As to taxation, that's a state statute. There's a tax court that hears those things, that's a tax assessor, but this Board can do nothing about that. There's no power to do it.

And unfortunately it's an issue that's outside of this Board's hands and of the township council's hands.

MS. LIGHTBURN: Is there a number, a number in terms of, you said what, more than 80 people. So if -- if any of us decided to have a church -- not church -- say church, if I decided every Sunday I wanted to have people to come over, 50 people, I can then become a house of worship? I don't know. I'm just asking.

MR. RITVO: There isn't a clear line. I think the witness is right. There is no clear line of people coming into someone's home to join together in watching football, or house of worship. This came -- as I understand this particular case and this Board can only deal with one case that's before it, that's also required by law. It can only look at this case. But the understanding was when the title transferred to a corporation, and it's a religious corporation, that that triggered a review. After some -- the issue was raised by someone, I don't know who, the zoning official, that triggered, the zoning official said, you got -- "This has to be reviewed by the Board of Adjustment." That's how it got here.

MS. LIGHTBURN: Okay, thank you, sir.

MR. RITVO: You're welcome.

ACTING CHAIRMAN HODGES: Okay. At this -- at this time, as you know our stenographer is working very hard right now. We're going to take a five minute break. In five minutes we'll be back. Thank you.

(Recess taken at 9:02 p.m. and ended at 9:13 p.m.)

ACTING CHAIRMAN HODGES: Could everybody please take a seat, please? Mr --

VOICE: I'd like to ask a question.

ACTING CHAIRMAN HODGES: Sit down. Could you please sit down? Can you all please take a seat? Okay. Mr. Ritvo you had something he will to add?

MR. RITVO: Yeah, the question that you asked and I omitted to say something about why isn't this just the right of an individual and a property owner to apply to worship -- to worship in their own house. This applicant has asked this Board for a variance for a house of worship, so the issue is now that, and I heard him say that, that in the last -- his last answer so the issue really is that there's a request for a house of worship and the applicant is asking for this Board and this Board must review it.

ACTING CHAIRMAN HODGES: Okay. Yes, ma'am, we're going to go around.

MS. SELF: Thank you very much. My name

is Mechita Self, 1009 Warren Parkway, S-E-L-F, Mechita, M-E-C-H-I-T-A, 1009 Warren Parkway. I'm sorry, I was a bit late, so I missed a little bit of the beginning, but I came just in time to hear you say it would be a benefit to the town to have this house of worship. I wonder if you could explain that to me, I wonder if you could explain how it benefits not just 40 people in a room, or 80 people, but how does it benefit the town? How is it benefiting the Van Buren people who might be concerned about their parking, et cetera? So maybe you can enlighten me on the benefits of having yet another house of worship?

THE WITNESS: I think that cultural diversity is very important and I think that by having another house of worship, we will be increasing that, and I think that's a great benefit to any township.

MS. SELF: Are there other synagogues or neighboring synagogues in the area that could -- that the 40 or 50 people could attend in a walking distance as well?

THE WITNESS: Not that they would feel comfortable at.

MS. SELF: Oh, okay. So all right. So then once again we're at benefiting the 40 or 50. If it's a non-for-profit organization then there's

going to be a tax issue. I think most people are concerned that yet another house of worship is a tax issue.

ACTING CHAIRMAN HODGES: You have to ask a question.

MS. SELF: So, well, I think that the question was asked and answered, then I don't see the benefit. I asked you what the benefit was. I wasn't clear. And I think I'm still not clear other than for the small sector of people that you'd like to benefit.

THE WITNESS: So I'd like to answer your question.

MS. SELF: Go ahead.

THE WITNESS: We would have been happy to remain on the tax rolls as a private prayer group. Our neighbors complained to the town and forced us here tonight, and are asking us to go for a variance as a house of worship. What happens after that in terms of taxes, I have no control over, but I wouldn't be here tonight, but for the fact a few vocal neighbors complained to the town and asked that we go for a variance.

MS. SELF: So then in some way in this neighborhood it becomes not beneficial. If there were enough people to make -- to have an issue with it, then maybe it's not quite as beneficial.

THE WITNESS: I said a few.

MS. SELF: Okay.

VOICE: 78.

MS. SELF: 78. Okay. Thank you very much.

SECRETARY MCLEAN: Please. No comments unless you're at the mic.

ACTING CHAIRMAN HODGES: Anybody else has a question.

VOICE: Could this gentleman go?

VOICE: May I ask a question?

ACTING CHAIRMAN HODGES: Excuse me, I explained this once already, what I'm going to do with this witness, I'm going to go up this side and come down to this side. The next witness we have, the next witness we have I will start on this side and work around, okay. So please just --

VOICE: I have another question. I've within waiting for three years to confront --

ACTING CHAIRMAN HODGES: Sir --

VOICE: No, I'm the citizen, you're my servant.

ACTING CHAIRMAN HODGES: Sir.

VOICE: I've been waiting three years. I live right next door to this house of worship.

ACTING CHAIRMAN HODGES: Sir, if you don't --

VOICE: I have to know why --

ACTING CHAIRMAN HODGES: Officer,
could we have him removed.

VOICE: I'd like to know why --

MR. RITVO: Sir, please, we have to
have a procedure here.

VOICE: How about going by proximity
of closeness to the house.

MR. RITVO: Sir, sir, please you'll
have your chance.

VOICE: And medical issues that are --

MR. RITVO: Sir, just relax for now.
All right. You'll get your turn.

VOICE: Voice okay.

ACTING CHAIRMAN HODGES: Everyone,
everyone will be able to answer a question and
I -- I'm trying to be fair. I'm going up this side
and down. The next witness I'll start here, and
go the other way. If you want to move your seat
up back there, I'm going to go right up this side.

VOICE: I'm too sick to move back
there. I'm under chemotherapy.

ACTING CHAIRMAN HODGES: Okay, please,
wait. Sir, go ahead.

MR. COHEN: C.J. Cohen, C-O-H-E-N, 201
Sherman avenue.

Does this organization according to

your opinion bring good to the community and if so what, can you explain?

THE WITNESS: Yes.

MR. RITVO: Can you repeat the question?

MR. COHEN: Does this organization, this not-for-profit organization, bring good to the community and, if so, what does it bring?

THE WITNESS: Yes, it brings tremendous good to the community. It gives people a -- it gives people an opportunity to participate in religious functions, which I believe to be a very important part of every American's life.

MR. COHEN: Thank you. Do you think that this organization would bring a positive value to real estate properties around now that we're in the financial market where people are under foreclosure on properties all over that are not getting sold, do you think that this organization would bring a benefit to that?

THE WITNESS: Yes, I think that property values for properties located in the proximity of houses of worship generally go up and, therefore, especially orthodox where they have to walk, and, therefore, the tax base will only increase and even if the synagogue becomes tax exempt, in the big picture, the town will certainly

benefit from the tax perspective, because taxes are levied based on a percentage of the value of the homes.

MR. COHEN: And to your knowledge do -- to your knowledge, do churches, prayer groups, synagogues, mosques, et cetera, bring better family values, security and lower crime rate to the neighborhood that they're in?

THE WITNESS: Yes.

MR. COHEN: Okay. Thank you. And I've also read in the past, I think it was the Jewish Standard where they had an article of a letter -- of a letter written by someone who lived in proximity of the -- of the property that was purchased and she was praising the property that now that it's being up-kept, before as there were broken glasses, syringes and cigarettes --

VOICE: This is a question?

MR. COHEN: -- all over the property.

Do you feel like you've made the property a better value and safer for children that are walking to and from the schools in the proximity?

THE WITNESS: Absolutely, I think that the property under our care is in much better condition than it was previously.

MR. COHEN: Thank you so much.

ACTING CHAIRMAN HODGES: Anybody else on this side? Okay. You had -- sorry, sir, you already asked a question. Okay. Go ahead, sir.

VOICE: Thank you. My name is Gerald Andrea.

ACTING CHAIRMAN HODGES: Please step up to the mic.

MR. ANDREA: My name is Gerald Andrea. My wife and I live --

MEMBER LEVINE: Would it be easier if you sat down and took the microphone with you? Would it be more comfortable for you?

MR. ANDREA: No. This is all right. Thank you.

MR. RITVO: Spell your last name.

MR. ANDREA: A-N-D-R-E-A.

And my wife and I live at 255 Van Buren Avenue, right next door to the house of worship, and residence.

And my question is: January of 2008 roughly, I don't know the exact date, we wrote -- a neighbor and myself wrote a letter to the Rabbi asking him when and if he could reduce the noise and the closeness of all the activity. My living room and bedroom windows are eight feet away from where the people congregate outside and where the swings and all of the paraphernalia for the

children and daycare center, and just let me throw in, I have no personal an issues with houses of worship or anything, I'm just interested in the zoning and for three years we've had to contend -- contend with that, and I haven't gotten an answer.

Could you tell me if I'll get an answer, and --

MR. RITVO: Mr. Andrea, could I change your question slightly? May I change your question, to help you.

MR. ANDREA: Yes, sure.

MR. RITVO: What do you suggest, Mr. Erlich, could be done to deal with Mr. Andrea's problems? If this was granted, what do you think could be done on the premises to reduce the noise that affects the Andreas.

THE WITNESS: So, my architect is better capable to deal with that, but we have in our plans, to put up more privacy walls, shrubbery, et cetera, which would reduce the noise that you would hear, and I believe of late we've tried to keep activities indoors and I don't believe that lately the children have been playing outside, and if, please be in touch with me if that's an issue, and I'll do my best to resolve it. I take your concern have seriously, and --

MR. ANDREA: Yes --

THE WITNESS: And I wish you had the means or ability to contact me earlier and I would have dealt with it sooner.

MR. ANDREA: Well, we did write the letter. Am I allowed to address the Board?

ACTING CHAIRMAN HODGES: No, well, not now. Do you have a question?

MR. ANDREA: I understand.

ACTING CHAIRMAN HODGES: Do you have a question?

MR. ANDREA: Yes, the question is: Why is it taking so long and in my particular -- my wife and I particular situation, we've had to live with this non-resolved situation for three years.

ACTING CHAIRMAN HODGES: Sir --

MR. ANDREA: Why is it taking so long? It's a simple question.

ACTING CHAIRMAN HODGES: No problem. This application has -- it's the first time I'm aware of this being scheduled in front of our Board. The process does not go through us. We -- when an application is ready, it gets put on a list and it goes in the order that -- that it's prepared. And this is the first available date that this application is being heard.

MR. ANDREA: Well, thank you.

ACTING CHAIRMAN HODGES: Thank you.
Yes, ma'am.

VOICE: Yes.

MS. CAMPEAS: My name is Ellen Campeas and I live at 258 Griggs Avenue, and my property is adjacent to the said family room house of worship, C-A-M-P-E-A-S.

What I'd to do and I'm going to be creative and putting my statements into question form now.

I want to know why did the neighbors on my block, and I'm not sure --

MR. RITVO: Were you finished Mr. Andrea?

MS. CAMPEAS: I'm sorry. I want to know why the neighbors on my block as far back as three years ago received threatening letters from somebody that's still untraceable, but came from 576 Queen Anne Road talking about a mikvah being built there, an original bath which is quite a large building, and also --

ACTING CHAIRMAN HODGES: Wait, wait, wait. That's one question, right?

MS. CAMPEAS: Well, there are three parts to it.

ACTING CHAIRMAN HODGES: Well, just one question at a time.

MS. CAMPEAS: Okay.

THE WITNESS: 576 is not a part of this variance hearing.

MS. CAMPEAS: Why was there a hole opened between the fence where the children from your family room are playing in the backyard of 576?

MR. RITVO: Let me help you, ma'am, if I could. Do you know anything about the letters that she's describing?

THE WITNESS: Since they've come up on blogs, et cetera.

MR. RITVO: Did you know about these letters three years ago?

THE WITNESS: No.

MR. RITVO: To your knowledge did anyone in your congregation, that's associated with your group or congregation write those letters?

THE WITNESS: No one in an official capacity.

MR. RITVO: Well, does official --

VOICE: Official.

ACTING CHAIRMAN HODGES: Do you know if anyone that wrote these letters?

THE WITNESS: I do not know the person who wrote the letter.

ACTING CHAIRMAN HODGES: Do you know.

MEMBER LEVINE: What is 576?

ACTING CHAIRMAN HODGES: Okay, let's -- sir, Mr. Erlich, just so we can get to this. Do you know about these letters? Have you heard about them?

THE WITNESS: I've seen letters writ by a woman named Betty Gable. I've not -- I do not know who she is.

ACTING CHAIRMAN HODGES: You don't know who she is?

THE WITNESS: No.

ACTING CHAIRMAN HODGES: Is she a member of your congregation?

THE WITNESS: No.

ACTING CHAIRMAN HODGES: Has she ever tried to join the congregation.

THE WITNESS: No.

ACTING CHAIRMAN HODGES: Okay. Does 576 belong or associated with your property?

THE WITNESS: Absolutely not.

MS. CAMPEAS: The letter, okay --

ACTING CHAIRMAN HODGES: Is there a hole in a fence where your congregation can go onto the property of 576?

THE WITNESS: No, there is not.

VOICE: As of last week.

MS. CAMPEAS: How do I put into a

question I beg to differ?

But anyway what I'd like to say is that the letter actually came from 554/576. These were letters that were sent to us, and it was called the New Nasic (phonetic) congregation and it was considered -- they wanted to be called the Treasure of Teaneck?

MR. RITVO: Let me stop you, ma'am.

MS. CAMPEAS: So I want to know about this.

MR. RITVO: Let me explain the process, please for your own benefit.

MS. CAMPEAS: Yes.

MR. RITVO: This is a time Mr. Chairman has set for you to ask questions.

MS. CAMPEAS: Yes.

MR. RITVO: You can raise whatever issues you wish in questions about this and then when it's your turn to present proofs or testimony.

MS. CAMPEAS: Uh-huh.

MR. RITVO: You can rebut it, and present whatever proofs you have about where the letter came from and why you think it's relevant for the Board to consider.

MS. CAMPEAS: I can say so --

MR. RITVO: But now is the time question.

MS. CAMPEAS: Okay. So I want to know --

MR. RITVO: If you think of a question --

MS. CAMPEAS: Okay. I will continue with a question, sir.

I want to know why these letters were sent from both residences to us if there is no connection between the two?

THE WITNESS: I can't answer for something that was done before we owned the residence.

MS. CAMPEAS: That's okay. Thank you.

ACTING CHAIRMAN HODGES: Yes, sir.

MR. COSTELLO: My name is Ron Costello. I live on the other side of town, Shepard Avenue, 229.

Ron Costello, C-O-S-T-E-L-L-O.

I have two questions for you, sir.

How do you feel this is going to benefit the township at large? It doesn't.

ACTING CHAIRMAN HODGES: Sir, sir, sir. You have to ask a question. Once you ask a question, you have to allow Mr. Erlich to respond. I know you're anxious.

MR. COSTELLO: Sir, I've been here 43 years.

MR. RITVO: Let him answer.

THE WITNESS: All right. I answered that. Having a house of worship there would increase the property values, moreover, it will add diversity to the community, which is the most important point, and if you don't find that beneficial, I apologize, but I do.

MR. COSTELLO: It also reduces the tax income for the Township.

THE WITNESS: I --

MR. COSTELLO: Regardless of what you're saying, if you --

ACTING CHAIRMAN HODGES: Ask a question.

Mr. Costello, you can't make a statement. You can only ask a question.

MR. COSTELLO: I'm telling you the truth.

ACTING CHAIRMAN HODGES: Okay. I'm not saying you're not telling the truth. I'm just -- what I'm asking you is --

MR. COSTELLO: Okay another question then, sir --

ACTING CHAIRMAN HODGES: Hold on one second.

MR. COSTELLO: If you have areas to have parking in residential buildings people live

at, where I presume this in-line parking not horizontal parking, right? These four, five ladies that allow you to park in their parking lots, or in their parking alleyways or whatever, their driveways, isn't that a fire hazard? If a fire breaks out over there in car number one, or car number five, and you cannot drive cars on those holidays, how you get those cars out of the way before the fire can be controlled? If you can't drive a car on a Friday or Saturday.

THE WITNESS: If there's an emergency we can move the cars on a Saturday.

MR. COSTELLO: Oh, there are exceptions --

THE WITNESS: Yes, absolutely.

MR. COSTELLO: That you can use?

THE WITNESS: Yes, for emergency purposes obviously.

MR. COSTELLO: But if you can't drive, if no one is there, what happens if you're all at your place of worship, if no one is physically there?

THE WITNESS: I think the fire department deals with these type of issues. I don't know what to tell you.

MR. COSTELLO: I can only say, sir --

THE WITNESS: The people --

MR. COSTELLO: They're --

(Court Reporter instruction at this time.)

ACTING CHAIRMAN HODGES: Sir, sir, sir, okay, one thing, our stenographer you're making her very confused by both of you speaking and both of you speaking at the same time.

MR. COSTELLO: I'm not confused, sir.

ACTING CHAIRMAN HODGES: This -- okay. This application we're going to need the record straight, let's try to do the best job we can.

MR. COSTELLO: What's there to stop it from creating a snowball effect? Every person who wants to --

ACTING CHAIRMAN HODGES: Sir, just a question, not a statement.

MR. COSTELLO: Okay.

How are you going to prevent this from becoming a snowball effect?

THE WITNESS: That's not my job.

MR. COSTELLO: Not your job. But you're the example.

ACTING CHAIRMAN HODGES: Sir, okay, you know what, he asked -- you asked a question, he answered. That's all.

MR. COSTELLO: Waste of my time.

ACTING CHAIRMAN HODGES: Which is all I've been asking.

MS. ABBOTT: Janet Abbott it 277 Griggs Avenue, A-B-B-O-T-T, right after Costello, Abbott and Costello. I want to take you back to when you took title to this house, which I believe was November 1st or November 2nd of 2007?

MR. RITVO: What was the question? I'm sorry.

MS. ABBOTT: Am I correct? I would like --

ACTING CHAIRMAN HODGES: Ma'am.

MS. ABBOTT: I'm asking you a question?

MR. RITVO: Miss Abbott, the Board is having trouble hearing you.

MS. ABBOTT: Oh, I'm sorry.

MR. RITVO: If you could please --

MS. ABBOTT: I have that one.

MR. RITVO: If you can move a little closer.

MS. ABBOTT: Am I correct in saying that you took title for this house on November 1st or November 2nd of 2007?

THE WITNESS: That sounds about right, but I don't know the exact date.

MS. ABBOTT: Am I correct in saying that you started construction on November 15th of 2007?

THE WITNESS: That's certainly

possible.

MS. ABBOTT: So it was probably within just a couple of weeks that you started construction after you took possession of the house?

THE WITNESS: Well --

MS. ABBOTT: Yeah --

THE WITNESS: Again, I'm taking what you said at your word, I don't know.

MS. ABBOTT: And once you were in the house services were held by the Rabbi once the Rabbi moved in after you took title to the house?

THE WITNESS: I believe I testified to that earlier.

MS. ABBOTT: Yes. So you had services in the house while the construction was going on.

Am I correct?

THE WITNESS: Yes.

MS. ABBOTT: During that time.

And what were the dues that people were requested to pay?

THE WITNESS: There were no dues for services.

MS. ABBOTT: Weren't?

THE WITNESS: There were no dues for services.

MS. ABBOTT: Wasn't -- aren't there

dues for membership in your organization, and wasn't there a building fee?

ACTING CHAIRMAN HODGES: One question. One question at a time, please?

MS. ABBOTT: Okay. May I ask it differently then.

ACTING CHAIRMAN HODGES: Sure.

MS. ABBOTT: Wasn't there -- wasn't it posted on the internet a scale of both fees to be members of your organization as well as building fees, membership fees and building fees?

THE WITNESS: It was certainly not posted by our organization.

MS. ABBOTT: I believe -- do you have -- have you seen the submission that was resulted in the cease and desist order?

THE WITNESS: Yes, I have.

MS. ABBOTT: Weren't there E-mails in there indicating that there were membership fees and building fees?

THE WITNESS: You said posted on the internet, and there was nothing posted on the internet.

ACTING CHAIRMAN HODGES: Mr. Erlich, okay, look, I don't want to drag these questions on. Okay? We've been here a long time.

Did you have membership fees to belong

to your organization?

THE WITNESS: To belong to Etz Chaim, which is not the same as the Rabbi having prayer services at his home. It was never any money that was required in order -- people still come, people will continue to come afterwards, and pray freely. There are no required fees in order to come and pray at the Rabbi's residence or after we come -- become a house of worship. That is not for what the membership is for.

ACTING CHAIRMAN HODGES: All right. How about wait, wait, wait one second. How about building fees? Were there any building fees?

THE WITNESS: There was a building fund and that is in order to, if need be, like we're here today, build a house of worship if necessary.

ACTING CHAIRMAN HODGES: So to be part of this organization, did you have to pay building fees?

THE WITNESS: Many people did not pay membership or their building fund and are part of the organization.

ACTING CHAIRMAN HODGES: So were they --

THE WITNESS: It's not required.

ACTING CHAIRMAN HODGES: Were they asked for pay building fees?

THE WITNESS: To be part of the Etz Chaim organization, not to pray with Rabbi Feltman in his house, which is a legitimate approved use of a family room.

ACTING CHAIRMAN HODGES: Okay. Let me ask, ma'am, I'm trying to help you out, just let me ask one more question.

Please explain what the difference between Etz Chaim and the prayer meetings, the people that are in the prayer meetings and Etz Chaim what's difference.

THE WITNESS: So as I testified to earlier, Etz Chaim is organization that employs Rabbi Feltman. Part of his employment contract through his employment contract, he rents out the house, and but his employment contract is to be the Borada asro (phonetic) or the leader of -- the teacher of the communities, and that is what the purpose, as I stated earlier, of the organization is to have somebody to go to for guidance and to have somebody who is in charge of giving classes, occasionally off site, and to have events and to uplift the community in a spirit actual manner, that is the organization the Rabbi decided on his own and we gave him permission as the owner of the property to, at his discretion, have private prayer services at his house.

ACTING CHAIRMAN HODGES: Okay. So you keep saying the Rabbi's residence. Is the Rabbi 554 Queen Anne Road, LLC.

THE WITNESS: No, I am the president of 554 Queen Anne Road, Inc, and the Rabbi is an employee of said corporation.

MR. RITVO: Let me. Let me try to narrow this down because I'm not sure it's relevant, but I want to make sure it's a reasonable question.

Does Etz Chaim have another Rabbi other than Rabbi Feltman.

THE WITNESS: No.

MR. RITVO: Is Rabbi Feltman hired by Etz Chaim?

THE WITNESS: Yes.

MR. RITVO: As an employee?

THE WITNESS: Yes.

MR. RITVO: Does Etz Chaim hold services anywhere else besides 554 Queen Anne Road.

VOICE: Yes.

THE WITNESS: Care One.

MR. RITVO: Other than Care One, on a regular Saturday basis.

THE WITNESS: No.

MR. RITVO: Does it hold them?

THE WITNESS: No.

MR. RITVO: On the high holidays, does Etz Chaim hold services anywhere else other than 554?

THE WITNESS: No, but members of the Etz Chaim are invited to -- by the Rabbi to come to his house because they live in the community.

MR. RITVO: What is the distinguishing difference, and you could talk to your attorney about this, between whether or not it's a private prayer organization and a not-for-profit corporation or a house of worship as your application is here? What's the difference for this Board?

THE WITNESS: The reason why we're here tonight is because the zoning official asked us to come for a variance.

MR. RITVO: And you have made an application for -- to permit a house of worship on this location, to have services, correct?

THE WITNESS: Yes.

MR. RITVO: So what's the difference? Because I think -- I'm not -- I don't understand it and I think the public doesn't understand it. What's the difference between this being a house of -- Etz Chaim having a house of worship at this location or it being a private prayer group for purposes of your application for the variance?

THE WITNESS: Once we become a house of worship, we can hold life cycle events at the location as I described. We can meet for life cycle events, for prayer services, we can charge membership for those prayer services which we don't currently do. We can advertise on the internet something that we were told in the submission I gave you earlier that we cannot do, as a private prayer group. We can have lectures, we can do a whole bunch of things that are not permitted.

MR. RITVO: But you are asking to hold lectures here, correct? And you're agreeing to limit the life cycle.

THE WITNESS: I can't limit the life cycle events.

MR. RITVO: I mean, as far as catering.

THE WITNESS: Yes.

MR. RITVO: You're agreeing to that, so again, help the public and this Board because I'm afraid I still -- it might be me, but I still don't understand what's the difference between if this application is granted as you're proposing, what's the difference between the prayer group and the house of worship?

THE WITNESS: I think that's a question more for you than for me.

MR. RITVO: Well, I don't see it.

THE WITNESS: I'll tell you why because we were asked to come here by a zoning official for the town who thought that it's a gray area and, therefore, we need to be here.

MR. RITVO: Well, it's confusing, it's confusing to me, it maybe to the Board and that's why I'm asking. It's certainly confusing to the public and maybe Mr. Daily can help us, but I don't see the distinguished, from what you're presenting, and what the public is asking about, is there a distinguishing difference that this Board ought to be aware of between a house owned by a not-for-profit religious organization that holds prayer services that hires the Rabbi who rents it, who rents it back, and they hold services and this application? I just don't understand, Mr. Erlich. Mr. Daily.

MR. DAILY: I think the inherent --

MR. RITVO: Step up to the mic.

MR. DAILY: I think the inherent problem is that it's virtually impossible to define a house of worship, the ordinance doesn't define a house of worship, just uses the term. Theoretically almost anyone who has a belief system at some point in time, their house is a house of worship, at Thanksgiving, saying a prayer at that moment, your house is a house of worship. When you

have said your house is a house of worship --

VOICE: That's silly.

MR. RITVO: I understand your point, but as far as this application, this is an application to permit regular organized prayer services by a group that somehow their alignment may be still may be a little unclear, it seems like Etz Chaim and 554 Queen Anne Road someplace is called -- I know it's called LLC, I'm a little confused that the -- whatever that entity is, has a connection, and an economic connection, a rabbinical connection, a services connection, prayer connection, I don't. It may be that there is no distinguishing. If this is -- your client has told us a house of worship, fine. If that's what you're applying for, the Board knows how to deal with that and understanding the concept, but if that's what this is for, a house of worship with a Rabbi living in the same house, the Board will understand that. This isn't an attempt to trick anybody. I think the public has a question. I'm sure the Board does. Because this is something --

MR. DAILY: What we're --

MR. RITVO: Despite the fact that it's heard a great number of houses of worship.

MR. DAILY: This isn't -- this is not a -- a unique thing. The activities start out

private in nature with limited groups, and when the activities increase in magnitude, then the organization matures and becomes more -- more conventional in the sense, okay. We're going to be a house, house of worship, so that we can engage in -- in more activities. I think that's what Mr. Erlich was saying is that, you know, there's going to be more activities involved, if we get this, you know, the variance.

DR. MULLIGAN: Mr. Daily, can I ask you a question because I guess this -- it's sticking in my mind. We're dancing -- I understand what you're saying, like what defines what's a house of worship, but I'm a little concerned that we're being asked to help out with this, but I'm leaving with the feeling, or I'm getting the feeling that what they're going to do if and when we grant them this variance is going to be vastly different from what they're doing now.

MR. DAILY: What do you perceive that they're going to do later that they're not doing now?

DR. MULLIGAN: We're asking. We're asking questions and we're -- it's, well -- and I'm just like, if it is, it is, that's fine, and I just feel that -- Mr. Erlich is trying to be honest and forthright, but he keeps saying, well, we're a

limited liability company and we hired a Rabbi. Either it's as house of worship or it isn't, and please help us understand the activity's not going to change that much.

MR. DAILY: I can't agree with your point that it's either a house of worship or it isn't, because we don't even have a definition for what is a house of worship.

DR. MULLIGAN: If I have people come to my house, it's obviously not a house of worship, and I'm just saying that they're holding services there, okay, that's fine, but are they -- is the scope of the religious activity going to change when it becomes a house of worship? And nobody has answered that.

MR. DAILY: I don't, I don't see what scope of activities is going to change.

DR. MULLIGAN: The size of the service, the frequency of the services, these are questions that the public --

MR. DAILY: Well, the frequency, I don't see how that's even more -- the frequency of the services has been described. The size of the services, how many people come there, the building codes govern that, they say how many occupants that there can be per square footage in the facility. We'll get to that with the architect, and it will

be inherent that this is a 1,200 square feet, the building codes will say how many occupants you can have, that's going to limit the size of the people that are -- the numbers you can -- that this organization can accommodate. When the numbers are limited, the number of life cycle events will be correspondingly limited. So, you know, I think that -- that this is a perception that it doesn't necessarily follow through. I think once the architect and the planner have provided their testimony, this will be a little bit, a little bit more clear to the board.

DR. MULLIGAN: I beg to differ, but that's okay.

ACTING CHAIRMAN HODGES: Mr. Levin.

MEMBER LEVINE: Maybe and this is for Mr. Erlich also, just to be clear on a few things, you testified that you currently have services Friday night, Sabbath morning, Sabbath afternoon and holidays. You've also testified that you would stipulate that as for now that there would not be weekday services, that there would not be more than once a month gathering for extracurricular of the Rabbi's lecture. I don't -- I don't know how -- why we have to make a distinction between a house of worship and the LLC. I mean, am I getting this right?

THE WITNESS: I believe you have it right. Again, you know, I've been hesitant because of the RLUIPA law to say how frequently once we're granted this variance as a house of worship, we're permitted to meet, but, aside from that, yes, we're going for variance --

MEMBER LEVINE: Do you have plans to put in permanent seating?

THE WITNESS: No, we're not putting in permanent seating.

MEMBER LEVINE: I think what the people and certainly neighbors want to know, and this Board would like to know, is let's -- let's say, the application is granted, and now you have people coming and joining the synagogue and now you go from your 25 families, now you go to 50 families, again it's hypothetical, I think maybe what the neighbors and the Board would like to know is, how would you handle that? Now, I believe Miss Campeas, you had mentioned another property.

MR. RITVO: Miss Campeas.

MEMBER LEVINE: Is there -- are there plans to take over that property as well, or with, you know, I saw the fence, you know, it looks like it's part of the same thing, but, you know, I just want to know how the house of worship would handle a situation now where you have too many people and

you've outgrown your -- we all understand that 1,200 square feet in a -- in whatever you want to call it, a family room, a community room, can only handle a certain amount of people, we understand that, and we also understand that as it is now, you -- maybe you have two cars, three cars that will park on Queen Anne or one of the adjoining. We also understand that you would advise your congregants not to park on side streets, but I think maybe, and maybe I'm jumping someone's questions, is what the synagogue plans to do if now you've exceeded, you know, your 80 people and that 1,200 square feet, what, aside from coming before us for a variance.

THE WITNESS: Right, so, I think it would take a long time to grow from 25 to 70 families and that would be years off and there are no plans to join properties. If that happens, maybe another synagogue down the road opens up, that's all I can say. I'm not clairvoyant.

ACTING CHAIRMAN HODGES:

Mrs. Campeas.

MS. ABBOTT: I'm not finished.

ACTING CHAIRMAN HODGES: Okay.

MS. ABBOTT: Not my a long shot.

MR. DAILY: If I may. I have a question, if I may.

ACTING CHAIRMAN HODGES: Mr. Daily

come to the mic.

SECRETARY MCLEAN: Go to the mic for the question.

ACTING CHAIRMAN HODGES: Go ahead.

MR. DAILY: Like any organization being a religious organization or a business, when you're -- when your activity outgrows your facilities, you make a capital investment and you move to a bigger facility.

MEMBER LEVINE: I was just asking what I believe is on everyone's mind, but you're right that is a --

ACTING CHAIRMAN HODGES: All right. Miss Abbott, you want to come back up and Miss Abbott is going to continue.

MS. ABBOTT: Okay. Speaking of your membership who take advantage of the prayer service offered by Rabbi Feltman, would those members need to rent out this space for their life cycle events or would it come as part of their membership?

THE WITNESS: I haven't thought about that question.

MS. ABBOTT: I'm just getting my thoughts together. I'm sure he should think about it.

ACTING CHAIRMAN HODGES: Let's -- okay let's keep ourselves to questions.

Do you have another question?

MS. ABBOTT: Oh, yes. Oh, yes.

ACTING CHAIRMAN HODGES: Go ahead.

MS. ABBOTT: Could you tell us about the cease and desist order that was given to you in August of 2008?

ACTING CHAIRMAN HODGES: Miss, miss --

MS. ABBOTT: You did not mention that in your testimony earlier and I'm wondering if you could tell us about that.

THE WITNESS: Could you repeat the question?

MR. RITVO: I didn't hear the question.

MS. ABBOTT: I'm asking Mr. Erlich about the cease and desist order that was issued in August '08.

ACTING CHAIRMAN HODGES: Hold it. We don't get -- this Board does not get involved in cease and desist orders or violations or whatever, we take every application on what it is, and that's it, so I mean, that's something for Court, not for us. We don't even -- we don't even listen to it. We can't even question about that at this location, at this forum.

MS. ABBOTT: Then I will let someone else ask some important questions. Thank you.

ACTING CHAIRMAN HODGES: Yes, sir.

MR. ROBINSON: I'm very new to this, so, forgive me if I get it wrong?

MR. RITVO: Name first, you won't get that wrong.

MR. ROBINSON: Michael Robinson, 547 North Umberland Road, Teaneck.

I obviously, at my end of town, don't have a doing in this fight, but I'm curious about intent, because I think that comes to the issue of credibility.

So my first question is: You built this "family room" in 2008.

Am I not correct?

THE WITNESS: I don't believe you're correct.

MR. ROBINSON: It was built in 2007 or it start --okay, and the time line I could be off on, but okay.

Now, the family room is now you have this room, and it was built as a family room that was the intent?

THE WITNESS: Absolutely.

MR. ROBINSON: To be used by the Rabbi as a family room, correct?

THE WITNESS: Correct.

MR. ROBINSON: Okay. At the time it was built, what type of flooring did the family

have?

THE WITNESS: Carpet.

MR. ROBINSON: A carpet. Okay.

Are there -- was a bathroom built adjacent to this family room, at is commonly done in additions.

THE WITNESS: Yes.

MR. ROBINSON: And how many bathrooms were built?

THE WITNESS: One.

MR. ROBINSON: One. Okay. We're doing well. All right. But at that point it was definitely going to be used as a family room?

THE WITNESS: I believe, I --

MR. ROBINSON: No, all right, all right. He holds -- your Rabbi holds the prayer -- the services in this room?

THE WITNESS: Yes.

MR. ROBINSON: Okay. When did the intent change? I mean, I'm trying to understand how -- and this is a two-part question, one, when did it change and, two, why wasn't the variance sought at the time that the intent changed? Why would you seek this variance earlier than now?

ACTING CHAIRMAN HODGES: Sir, why or when he applies for a variance is of no concern to this hearing, okay? So we don't go even into that.

We don't go into why they applied, what they -- what construction was done before this Might have happened, we don't go into any violations there are. We only go into what's right here in front of us, and, I mean, we're not a judicial authority, so we don't go into, you know, what happened at that -- we're just here as a Board to listen to the application about the variances for this particular location. That's it.

MR. ROBINSON: That's why I don't do this for a living. Thanks.

ACTING CHAIRMAN HODGES: Thank you. Anybody else? Yes.

MR. HARRIS: I'm Joe Harris, I live at 267 Griggs Avenue?

THE WITNESS: Nice to meet you.

ACTING CHAIRMAN HODGES: Could you pick that mic up? Thank you.

MR. HARRIS: Thank you. Do you consider -- do you consider integrity part of what is at issue here before us tonight?

THE WITNESS: Certainly. I've been straightforward with you this whole time.

MR. HARRIS: So you do consider integrity to be part of what is at issue here?

THE WITNESS: I believe that as a witness, it's important for me to be honest.

MR. HARRIS: Do you know, can somebody tell me, do people who testify here testify under oath? I missed the first five minutes.

MR. RITVO: All witnesses are sworn.

MR. HARRIS: All witnesses are sworn?

MR. RITVO: Yes, yes.

MR. HARRIS: So, therefore, I can assume that what is said is correct, and accurate to the best of your understanding?

THE WITNESS: Even if I hadn't sworn, I would be telling the truth.

MR. HARRIS: Well, the reason I ask is because --

ACTING CHAIRMAN HODGES: Only questions.

MR. HARRIS: The history of this goes back --

ACTING CHAIRMAN HODGES: Sir, sir.

MR. HARRIS: I'm getting to the question.

You stated that you do not know about a letter that was sent by a Betty Grable -- Gable on May 11th, 2006.

Am I correct?

THE WITNESS: No, that is not what I stated. I stated that at the time I did not know of the letter, and I only -- I guess relatively

recently became aware of it.

MR. HARRIS: Are you familiar with this statement in the letter, we would like to inform you as a courtesy that the property at 576 Queen Anne Road, together with the adjacent property at 554 Queen Anne Road are being proposed as the site of a new Teaneck synagogue center?

MEMBER LEVINE: Is this, Mr. Harris, I'm sorry, where is 576 Queen Anne Road.

MR. HARRIS: Directly next to 554.

MEMBER LEVINE: If I'm facing 554, it's on the --

MR. HARRIS: It is on the north side of five --

MEMBER LEVINE: We're not --

MR. HARRIS: 576 is just north. It's the corner of Queen Anne and Griggs?

MEMBER LEVINE: The entrance is on Griggs.

Is that correct.

MR. HARRIS: The entrance --

MEMBER LEVINE: Excuse me, on Queen Anne, but that Griggs is around, I just wanted to know where we are.

MR. HARRIS: Are you familiar with what I just read you?

THE WITNESS: Yes, but my organization

had nothing to do with that.

MR. HARRIS: Okay. Are you familiar that this letter also says this newly proposed facility on Queen Anne Road will help by bringing additional resources to this part of Teaneck, it will serve as a synagogue as well as future expansion to include a social hall, meeting facilities and possibly mikvah. The first stage will encompass one property followed by an expansion phase stretching to the second property.

Are you familiar with that?

THE WITNESS: I believe I may have read it before, but I can't emphasize this enough, I've answered this question already many times, that letter preceded any thought of my organization purchasing the property at 554, that has nothing to do with this proceeding or what goes on today, at 554 Queen Anne Road.

MR. HARRIS: When was your organization formed?

THE WITNESS: In late 2007.

MR. HARRIS: So your organization was formed after this letter was sent?

THE WITNESS: My organization has nothing to do with that letter.

MR. HARRIS: Whether it does or not, your organization was formed after this letter was

sent, correct?

THE WITNESS: Yes.

MR. HARRIS: Good.

So that letter was sent to the neighbors on May 11th, 2006, and it was signed by a fictitious person named Betty Gable?

THE WITNESS: I don't know that Betty Gable is a fictitious person. I don't know why you say that, but at the same time I don't know the answer to any of your questions.

MR. HARRIS: Well, then how about this --

THE WITNESS: Hold on, hold on, let me finish -- please, let me finish my answer. I don't know the answer to any of your questions, because this has nothing to do with our variance proceeding. Has nothing to do with the fact --

ACTING CHAIRMAN HODGES: Sir, sir, sir, sir --

THE WITNESS: -- that our organization --

ACTING CHAIRMAN HODGES: All we're just asking to answer the question.

If we believe that has nothing to do with it, we'll stop the question.

THE WITNESS: Okay, I have no -- I don't know about this letter.

MR. HARRIS: Okay. On December 1, 2006, another letter was sent to all of the neighbors. Now, this time, the letter says, we are -- we represent the two adjacent properties at 554 and 576 Queen Anne Road. We are contacting you today as a courtesy to inform you that we plan on asking the town to approve the combining of these two properties as a single residential property.

You don't know about this letter either?

MR. RITVO: Before you answer that, you heard the question. The question is you know about -- excuse me, one second, Mr. Harris.

MR. HARRIS: Yes.

MR. RITVO: Could you help the Board, because I'm getting --

VOICE: We can't hear you.

MR. RITVO: -- they don't understand the relevancy of this line of questioning.

MR. HARRIS: Okay.

MR. RITVO: Could you please tell the Board without -- before he answers the question, what relevance letters that were written three years ago have in your line potentially to this witness of this and this application, when the witness has said his organization wasn't informed that these letters were written.

MR. HARRIS: The answer is as follows, sir, the bottom of this letter is again signed by Betty Grable (sic) on behalf of property owners and then it says, George at 554 Queen Anne Road and Mario at 576 Queen Anne Road, one month after this letter was sent, according to Mr -- I'm sorry, I don't remember your name.

ACTING CHAIRMAN HODGES: Erlich.

Q. Mr. Erlich, one month or was it one and a half months after this letter was sent, your organization was formed, am I correct, in early of 2007?

THE WITNESS: No, you're incorrect.

MR. RITVO: Mr. Harris.

MR. HARRIS: Yes.

MR. RITVO: Please, so the Board, I think the Board's confused, and that's why I'm trying to help.

MR. HARRIS: Okay.

MR. RITVO: What possible relevance even if -- even if someone who was in this organization, let's assume the worst, that someone who became a member of this organization orchestrated these letters three years ago, what relevance does that have to this application today?

MR. HARRIS: Because integrity is at the heart of the issue. You would not approve a

variance if you believed that the organization or individual requesting a variance were doing so, the person who is doing so was not of integrity.

MR. RITVO: Do you have -- do you want to ask this gentleman, does he know about this letter, and does he have any part of it or any part of his organization? Is that what you want to know?

MR. HARRIS: No, because his organization is formed after this letter, that was very nicely put, that after --

MR. RITVO: Well, could you help me, then Mr. Harris, help me. What relevance, if you don't want to know whether this gentleman or anybody associated with him had to do with these letters, what relevance could it possibly have to this application?

MR. HARRIS: Well, this man was put in as the president of the synagogue with clean hands, so but there's a history to this, and if you're going to do your job properly, and you're going to believe what he says about what this temple is going to do, then you have to be able to judge integrity of the application.

MR. RITVO: Fine, but doesn't there have to be a nexus between these letters and this organization?

MR. HARRIS: Oh, there is.

MR. RITVO: Well, you want to ask him that? You just said it doesn't matter. That's what's confusing to me.

MR. HARRIS: Well, let me ask you this. Who is Mario?

THE WITNESS: Mario.

MR. HARRIS: Who signed this Mario.

THE WITNESS: Mario Guralnik (phonetic) lives in Teaneck and is a member of Etz Chaim.

MEMBER LEVINE: Could you repeat that?

MR. RITVO: Could you repeat that?

MR. HARRIS: They couldn't hear you.

THE WITNESS: Mario Guralnik is a resident of Teaneck and he's a member of Etz Chaim. He became a member about a year ago.

MR. HARRIS: Now, you're under oath, so I'm going to ask you, was Mario Guralnik --

MR. DAILY: Excuse me, can we have some civility here rather than an underhanded --

SECRETARY MCLEAN: Could you talk into the mic, please?

MR. HARRIS: That's not underhanded, that's very --

MR. RITVO: Let him speak, please, Mr. Harris, one at a time.

MR. DAILY: Yes. We ask questions. We

don't indirectly accuse the witness of being a liar.

MR. RITVO: Okay.

ACTING CHAIRMAN HODGES: Mr --

MR. RITVO: One second, Mr. Harris. Please, wait, Mr. Harris. Nobody is hearing what you're saying.

MR. HARRIS: I said let me apologize?

MR. RITVO: Just wait one sentence second, please. Let the Chair speak.

ACTING CHAIRMAN HODGES: Okay. What you want to do is please just keep it to a question without any comments.

MR. HARRIS: Okay.

ACTING CHAIRMAN HODGES: Thank you.

MR. HARRIS: Our understanding is that Mario has been involved in this organization from the beginning and continues today, and I say that because living on that block --

SECRETARY MCLEAN: Speak into the mic.

MR. HARRIS: Because living on that block, I see it, I see the fence built by Mario between the two properties with the hole left in the fence for a long time and a court ordered that it be dealt with.

ACTING CHAIRMAN HODGES: All right, sir, Mr. Harris.

MR. HARRIS: I see his construction --

ACTING CHAIRMAN HODGES: Mr. Harris.
Hold on one second.

Mr. Erlich, are you aware of Mario building a fence between the two properties?

THE WITNESS: There is a fence between the two properties, and it's been there for years now.

MR. HARRIS: Okay.

ACTING CHAIRMAN HODGES: Do you know who put the fence up?

THE WITNESS: Mr. Guralnik. It's my understanding that Mr. Guralnik, the owner of the property, put the fence up.

ACTING CHAIRMAN HODGES: Is that Mario?

THE WITNESS: Yes.

ACTING CHAIRMAN HODGES: Okay. Did Mario put a hole in the fence between the two properties?

THE WITNESS: It's my understanding, and I'm speculating here, so please forgive me, that the -- Mr. Guralnik at the request of Mrs. Feltman took down a panel to allow for her children, she has three of them, to play in his backyard.

MR. HARRIS: Well, then, let me ask

you: All of the children's equipment that's in the backyard or was for a long time, in the backyard of Mr. Guralnik's property at 576, was that used by the children from the temple?

THE WITNESS: There was no temple at the time, but their -- but the children may have used the play equipment. I don't think that there's any problem with that.

MR. HARRIS: Well, there is no problem with that, but the question is whether or not Mr. Mario Guralnik was involved in an intimate way and continues to be in the operation of the synagogue.

MR. RITVO: That's a question. Is Mr. Guralnik involved in the operation of your group today?

THE WITNESS: No, he has no official capacity.

MR. HARRIS: That wasn't the question. Is he intimately involved.

MR. RITVO: Then why don't you clarify what you mean by intimately involved.

MR. HARRIS: Has Mr. Guralnik helped financially?

THE WITNESS: I'm sorry, I'm the president of a nonprofit board. I'm not at liberty to talk about who our donors are. That would -- I

can't do that, that --

MR. RITVO: Is he a member?

THE WITNESS: Yes?

MR. RITVO: Is he on a Board of
Directors?

THE WITNESS: No.

MR. RITVO: Does he set policy in any
way for the organization?

THE WITNESS: No.

MR. RITVO: Does he attend directors
meetings?

THE WITNESS: All members are welcome.
He has on occasion. All members are welcome to
attend, and he has on occasion.

MR. RITVO: Does he have a voting right
on the Board of Directors?

THE WITNESS: No.

MR. RITVO: Does he have a voting right
on the Board?

THE WITNESS: No.

MR. HARRIS: So my understanding is
that although I can't document it at this moment,
my understanding is that Mario has been intimately
involved in this from the beginning, including
these letters?

THE WITNESS: That's not true.

MR. RITVO: Mr. Harris, if you have a

question.

MR. HARRIS: That's my understanding.

THE WITNESS: That's an accusation.

MR. HARRIS: No, it's not an
accusation.

THE WITNESS: It's not true anyhow.

MR. RITVO: Gentlemen, gentlemen,
there's no -- by the way, whoa, wait, the Court
Reporter cannot take down three people speaking at
once, and I became the fourth, so stop it. So please
I can -- if you have a question, you try to -- the
point your were attempting to make, the Board
understands. If you have proofs when
you're -- you're to present them -- you try to
present them in, please do.

Any more questions, Mr. Harris?

MR. HARRIS: I just got to check. Hold
on.

MEMBER LEVINE: No, I have a question
actually along the lines of Mr. Harris, if you
don't mind me asking.

Has there ever been an application
made to Teaneck to join the properties?

THE WITNESS: No, not to my knowledge.

MEMBER LEVINE: Has there ever been an
application made to make the second house a mikvah?

THE WITNESS: No, not to my knowledge.

I'm not Mr. Guralnik. I'm friends with him, and I don't believe that's the case.

MEMBER LEVINE: Is this -- no, I'm just wondering.

ACTING CHAIRMAN HODGES: Are there any plans to have a mikvah at this location or in the vicinity?

THE WITNESS: In the vicinity, I can't talk about. I mean, the group population is growing, it might one day be a mikvah in the -- south of Cedar area, but there are no plans to have a mikvah on 576.

ACTING CHAIRMAN HODGES: Okay. Let me make it clearer for you.

Is there any plans to put up a mikvah within 200 feet?

THE WITNESS: No, absolutely not.

MR. HARRIS: Well, services were held in 576 Queen Anne, I believe, and then a cease and desist -- and then they were told they couldn't do it anymore, that it violated law?

MR. RITVO: Was there services held at 576 Queen Anne Road?

MR. HARRIS: Thank you.

VOICE: You're under oath.

THE WITNESS: Come on, please. I don't need to be reminded that I'm under oath.

MR. RITVO: The record -- the Reporter is very diligent. Her charge is to take down every word. When people speak from the audience, in addition to disrupting the proceedings, they're also disrupting the ability of the record and it's going to take us longer, and we're not going to -- I would ask, please, for everybody's benefit as a courtesy, please, don't shout out from the audience.

Now, the question is, to your knowledge was services held at 576 Queen Anne Road?

THE WITNESS: I believe that Mr. Guralnik had private prayer services at his house at 576.

MR. RITVO: And are those associated with your organization?

THE WITNESS: Absolutely not.

MR. HARRIS: Did your organization exist at the time?

THE WITNESS: No.

MR. HARRIS: So after Mr. Guralnik could no longer hold services in his house, then your organization was formed?

THE WITNESS: That's the correct sequence of events.

MR. HARRIS: So in December 1st, that second Betty Gable letter was sent, and then a month

and a half later your organization took ownership of 554.

Is that correct?

THE WITNESS: No, that's not correct. And let me be clear, the dates you're talking about, I didn't even know Mr. Guralnik.

MR. HARRIS: Whether you knew him or not, when did you -- when did --

MR. RITVO: Let him answer.

MR. HARRIS: -- your organization take ownership?

THE WITNESS: Our organization didn't take ownership till almost a year later.

MR. HARRIS: When was that?

THE WITNESS: Approximately, apparently Ms. Campeas knows better than me, but the beginning of November of 2007, so almost a year.

MR. HARRIS: Okay, I was mistaken on that. I thought it was January. Thank you.

THE WITNESS: Thank you.

ACTING CHAIRMAN HODGES: Yes, sir.

MR. CAMPEAS: Rif Campeas, 258 Griggs Avenue, R-I-F.

MR. RITVO: Speak louder.

MR. CAMPEAS: I'm one of the vocal minorities.

ACTING CHAIRMAN HODGES: Sir, sir, we

can't hear you. You have to talk -- is that on?

MR. CAMPEAS: Okay. I'm one of the vocal minorities that you referred to before.

ACTING CHAIRMAN HODGES: Hold that closer. We can't hear you.

MR. CAMPEAS: How many people signed the petition asking the town about Etz Chaim?

ACTING CHAIRMAN HODGES: Sir, that's not -- don't answer. Okay, that doesn't have to do anything with the application.

MR. CAMPEAS: I'm sorry, he characterized it as vocal minority. I'm asking him about his characterization, a small group, didn't he?

MR. RITVO: I'm not sure I even understand the question. But I can -- but the law on this matter is that petitions and execution of petitions are not cognizable by a Board of Adjustment, now the people that want to speak, they have to come before this Board and be cross examined. I don't understand your question, sir, but if it relates to the petition that's typically not even -- not permitted to be brought up.

MR. CAMPEAS: I'm not asking about the petition. He characterized the number of people who complained as a small group.

ACTING CHAIRMAN HODGES: How about we

do this, how about, you know, what just switch that stand up and put it in the stand.

MR. CAMPEAS: Hold on. I can sing, if you wants.

ACTING CHAIRMAN HODGES: Just let me ask you one quick question.

How many people in your petition?

MR. CAMPEAS: 78.

ACTING CHAIRMAN HODGES: Okay.

Mr. Erlich, do you consider 78 people of neighbors a small group?

THE WITNESS: I do because we spoke to several of the people on the petition after they signed it, and they've told us that they were --

ACTING CHAIRMAN HODGES: Please --

MR. RITVO: Let me say this, Mr. Chairman, I want to advise the Board.

The only thing that's cognizable, now I'm convinced the initial concern is well-founded. This -- the process of hearing an application requires notice to the public. Notice to the public includes serving people with property within 200 feet by certified mail and it involves publication in a newspaper.

The reason for that is that interested persons can appear at an application and state their views.

Other than interested persons who appear here, who state their views, petitions of any kind at any time outside of this chamber, are people who have views outside of this chamber are not recognizable or cognizable by this Board, and I suggest to you, Mr. Chairman, this entire line of questioning is irrelevant and inappropriate for the Board to consider. It doesn't matter whether there are 10,000 people for or against this application outside of this chambers. The Board cannot consider this. Only what people say here as to why they're in favor or opposed to an application.

MR. CAMPEAS: The question was not whether people had -- had brought up these arguments about the -- about the -- Mr. Erlich characterized it, this as a small group, so I'm asking him about that characterization.

ACTING CHAIRMAN HODGES: What we're going to do is --

MR. RITVO: Same issue.

ACTING CHAIRMAN HODGES: This Board is going to consider the people that are here, okay, and the representatives that you have here.

MR. CAMPEAS: Okay.

ACTING CHAIRMAN HODGES: So how about if we just moved forward and without the number just

continue on the issues that are relevant to you.

MR. CAMPEAS: Okay. Mr. Erlich --

SECRETARY MCLEAN: Excuse me. Change the CD.

MR. RITVO: Five minutes.

(Recess taken 10:15 p.m. and ended at 10:23 p.m.)

ACTING CHAIRMAN HODGES: Could everyone please take a seat? Okay. Could everybody take a seat, please? Mr. Campeas.

MR. CAMPEAS: Thank you.

Mr. Erlich, you said that the meeting between Rabbi Feltman and Mr. Gluck was open and honest and characterized?

ACTING CHAIRMAN HODGES: Could you put the mic closer?

MR. CAMPEAS: Sorry.

ACTING CHAIRMAN HODGES: We need to get it on the record.

MR. CAMPEAS: And you characterized it as a free exchange of ideas. Were you there? I don't know. Strike the last word.

Were you there?

THE WITNESS: The evidence to that was --

MR. RITVO: Were you there? Were you there?

THE WITNESS: I was not there.

MR. CAMPEAS: You were not there.

So you don't know what happened?

THE WITNESS: I did -- again, give over to the Board and read into the record the record of what happened at that meeting, so I do know.

MR. HARRIS: You read a letter from Mr. Glucksman to Mr. Turitz, correct?

THE WITNESS: Yes, I did.

MR. HARRIS: Did you see the reply from Mr. Turitz to Mr. Glucksman?

THE WITNESS: I don't know.

MR. CAMPEAS: Okay.

MEMBER LEVINE: For the record the letter wasn't to Mr. Turitz. Mr. Turitz was CC'd on the letter.

MR. CAMPEAS: I'm sorry, you're right. Sorry.

On 6/17 Mr. Turitz E-mailed and said, "This matter will be handled in the building department without assistance from this office."

"If Mr. Gluck or his staff feels there were violations, they will be handled in the normal course. He will advise me. I will not comment upon your self-serving E-mail. The facts will be left for Mr. Gluck to decide or an appropriate court."

THE WITNESS: I don't believe what you just said was in reference to that letter because

that letter was a letter, not an E-mail, so I don't believe that Mr. Turitz would mistake a letter and an E-mail, so I don't think the two are connected.

MR. CAMPEAS: Okay. Well, whatever, whatever it was, whether it was that one or another one --

MR. RITVO: Well, Mr. Campeas, you referred to a document, so the board can understand this document, can you tell us what you have in your mind?

MR. CAMPEAS: I copied down --

SECRETARY MCLEAN: Go back to the mic, please.

MR. CAMPEAS: Sorry. I copied down portions of it. I don't have the exact document here.

MR. RITVO: That's not a full copy of the exhibit.

MR. CAMPEAS: It's not a full copy of the E-mail. I can provide it next time we meet?

MR. RITVO: I think that might be wise. If you're you want, if you would like the Board to rely on its contents, we would like a copy.

MR. CAMPEAS: Okay.

MR. RITVO: Okay.

THE WITNESS: I'd like to finish my answer anyhow.

Regardless, we are here tonight to get a variance to be a house of worship, so whether you disagree with our private prayer service being a violation of the law or not, and I feel that it wasn't a violation of the law, really is something that we're remedying tonight by getting this approval to be a house of worship, so you should be happy that we're here and you should support us in our attempt to get that variance.

MR. CAMPEAS: Can I answer with a statement since he answered with a statement?

MR. RITVO: You'll have a chance.

MR. CAMPEAS: Okay.

MR. RITVO: Ask another question.

MR. CAMPEAS: No problem. When my wife was asking you about the letters that were sent under Betty Gable, she misstated her question and said, "Do you know who wrote the letter?" And you said, "No," which is correct. Was this an example of your being honest and open? I'll explain.

Did you know that it came under Mario Guralnik? It was his name attached to it?

THE WITNESS: Somebody pointed out that there were names on the bottom, somebody pointed out that there were names on the bottom, a George and a Mario.

MR. CAMPEAS: Yes. So you knew who it

was that was being referred to?

THE WITNESS: No, the letter came from Betty Gable.

MR. CAMPEAS: Yes, exactly, it came from Betty Gable, but you knew who it was referring to, so in your open and honest, quite way, you didn't answer the question?

THE WITNESS: Again, I don't really understand what you're saying.

MR. RITVO: He doesn't understand your question. He doesn't understand your question. Please try to rephrase it.

MR. CAMPEAS: Okay. You technically answered the question by saying you didn't know who wrote it?

THE WITNESS: Yes.

MR. CAMPEAS: Yes. Okay. But you knew who was being referred to?

THE WITNESS: I know that just like you know and your wife knows because they asked the question and I saw it way after it was ever written. That it was written on behalf of Mario and this other gentleman. I don't know why you're questioning me on integrity. I don't appreciate it, and I don't believe that you have any reason to question my integrity.

ACTING CHAIRMAN HODGES: Sir, sir,

let's just answer the question, please. I only want to answer the questions. It's getting late, we're wasting time.

THE WITNESS: I appreciate that. I'm sorry.

MR. CAMPEAS: Okay. Let me ask you another question. The parking spots that you have accumulated in people's driveways, are people going to park their cars on the street, so their driveways are available?

THE WITNESS: I testified that they were extra spaces.

MR. CAMPEAS: So no one is going to move their car into the street? All those spaces are the driveways, no one is going to be -- the resident will not be parking on the street so that they forget the driveway?

THE WITNESS: I can't speak to what the residents are going to do.

MR. CAMPEAS: You lived at 576, correct?

THE WITNESS: I stayed there for about three nights.

MR. CAMPEAS: Yes. How many cars did you fit in the driveway?

THE WITNESS: I think like eight.

MR. CAMPEAS: Eight?

THE WITNESS: Yes, it's a very large driveway. It's about 25 feet wide and probably goes back about 65 or 70 feet, even past the fence.

MR. CAMPEAS: Yes, past the fence, so no one was -- people would be parking, if you had six cars there, would be -- people would be parking in the driveway or behind the fence in the yard?

THE WITNESS: That's a driveway. Just because it's behind the fence doesn't make it not a driveway.

MR. CAMPEAS: Okay. Excuse me. Let me just -- okay.

SECRETARY MCLEAN: Hold on, hold on, please. I know everybody is excited, but calm down, please, so we can get a good transcript.

MR. CAMPEAS: Okay. Okay. Let's look at the -- you said that your architect was going to put up privacy walls and shrubbery to cut down on noise?

THE WITNESS: Yes, I said that.

MR. CAMPEAS: Okay. Why was that not done while you were still a private prayer group?

THE WITNESS: Honestly -- I'm sorry, I forget your name.

MR. ANDREA: Gerald Andrea.

THE WITNESS: If Mr. Andrea came to me and had spoken to me, I would have seen to it

that -- that noise level would have been taken care of while we were a private prayer group, if that was his complaints, and I'm sorry, again, that we didn't have the opportunity to take care of that earlier, but it will be taken care of.

MR. CAMPEAS: You didn't know about it, but Rabbi Feltman did.

THE WITNESS: I can't speak on behalf of Rabbi Feltman, but I can say that you E-mail -- there have been profanity and nasty E-mails.

MR. CAMPEAS: Excuse me?

THE WITNESS: Yes.

ACTING CHAIRMAN HODGES: Let's calm down, okay?

MR. RITVO: Ladies and gentlemen.

ACTING CHAIRMAN HODGES: There's no clapping here, cheering, you know, we need to try to get this focused, okay? I'm trying to do the best job we can to get all the questions done and get this witness done with.

MR. CAMPEAS: Could you produce those E-mails?

THE WITNESS: If the Board would like me to produce those E-mails, I would be happy to.

MR. CAMPEAS: I would prefer that you did it so I could see what you're saying.

ACTING CHAIRMAN HODGES: Sir, I'm not asking for E-mails, okay? All we want you to do -- no, we're not asking for any E-mails. I would just like you at this time to just ask questions concerning the application.

MR. CAMPEAS: Okay. Who came up with the idea of calling it a private prayer group?

THE WITNESS: I don't know. I think that's a long-standing constitutional right so that there's -- nobody came up with the idea in our group, it just happens to be that's what it is.

MR. CAMPEAS: And what -- is that something that's used normally in -- is that some Jewish term, a prayer group?

THE WITNESS: I'm not an expert Hebraic language, so I can't answer your question, but I can tell you that throughout the country and in Teaneck itself, there are many private prayer groups.

MR. CAMPEAS: And is that how you refer to it when you told your -- is that how you refer to it when you went -- when you were talking with your children about where you were going on Saturdays?

THE WITNESS: I said I'm going to Rabbi Feltman's house. My children were two -- are two years old.

MR. CAMPEAS: Do you think most people said I'm going to a private prayer group?

THE WITNESS: I think most people said I'm going to Rabbi Feltman's.

MR. CAMPEAS: Every kid I hear yelling in the yard at 576 talks about --

ACTING CHAIRMAN HODGES: We need a question, sir.

MR. CAMPEAS: I'm sorry.

ACTING CHAIRMAN HODGES: We're getting a little off track here. Let's keep -- let's keep ourselves back to the application.

MR. CAMPEAS: Okay. Were you familiar with the original plans for the family room?

THE WITNESS: I believe I was shown them. I'm the president of the organization.

MR. CAMPEAS: Did you see what it was called in the architect's plan? What file it was?

THE WITNESS: I believe it was called Schule (phonetic).

MR. CAMPEAS: Teaneck Temple, no. Temple was the word.

Why do you think that the architect got that impression?

THE WITNESS: I think that's a question that's better suited for the architect.

MR. CAMPEAS: Could you tell me which

holidays you would consider the ones that you will be using Rabbi Feltman's residence?

THE WITNESS: The Jewish holidays.

MR. CAMPEAS: Which ones?

THE WITNESS: I'm not going to go through a list. I don't have a calendar in front of me. The Jewish holidays.

MR. CAMPEAS: You're not counting Rosh Chodesh?

THE WITNESS: You know, I said the Jewish holidays. Again, we don't plan on having in the near term, other than our regular services. There is Rosh Chodesh is not a Jewish holiday, but that being said, I want to clarify that, we are going to use the room for life cycle events of our congregants, as I said before, to meet once a month or twice a month, and to -- to continue to use it on the Sabbath and if in time, you know, our offerings expand because we -- we grow, then, you know, that is what it is. I don't know what will happen. I can tell you that right now there are more than enough places to daven on weekday mornings and afternoons and we have a great relationship --

MEMBER LEVINE: Could you speak into the microphone?

THE WITNESS: There are more

than -- there are more than enough places to daven on weekday mornings. That are congregants, if you want to call them, that can attend, and we have relationships with --

ACTING CHAIRMAN HODGES: Mr. Erlich, okay, can you just face your mic towards you because we can't -- it's getting a little difficult turn around, bend it.

THE WITNESS: I apologize.

ACTING CHAIRMAN HODGES: Okay. Good. Can you start your answer from the beginning.

THE WITNESS: That Rosh Chodesh is not a holy Jewish holiday of the year, in the near time we intend to have services --

ACTING CHAIRMAN HODGES: Let's -- wait, wait, can we just stipulate that's it's going to be the Jewish holidays? I mean, to go through the whole list is I mean, I think we're pretty clear that's not going to be Christmas or Easter.

MR. CAMPEAS: I think we're pretty clear it's not Christmas and Easter. The question is minor holidays. I -- everything that I have heard from this group is narrowly characterized, and I would like it specified which holidays are they going to use it, which ones they won't?

ACTING CHAIRMAN HODGES: Let's --

MR. RITVO: So do you have a list of holidays that you will be using, that your organization has?

THE WITNESS: No, I do not.

MR. RITVO: Okay.

ACTING CHAIRMAN HODGES: Listing it all?

MR. RITVO: He doesn't have it. You have your answer, he doesn't have it.

MR. CAMPEAS: Okay. Do you use any other room on Saturday mornings other than the family room?

THE WITNESS: I'm sorry, I don't understand the question.

MR. CAMPEAS: When you have services, do you use other rooms in the house?

THE WITNESS: We use the kitchenette to provide for --

SECRETARY MCLEAN: Use the microphone.

THE WITNESS: We use the kitchenette to provide for the kiddish after the meals, as I said earlier.

MR. CAMPEAS: And the children stay in the family room the entire time?

THE WITNESS: Like I stated earlier in my testimony, maybe you weren't here for it, I said that the children are either praying with their

families or they're inside the residence with adults.

MR. CAMPEAS: Where?

THE WITNESS: In the living room, and/or the basement.

MR. CAMPEAS: Does the basement have more than one exit?

THE WITNESS: It does.

MR. CAMPEAS: And does it -- did you finish the basement?

THE WITNESS: I don't know what that means, finishing the basement, that's a very vague term. It's -- it is what it is.

MR. CAMPEAS: Were you cited for finishing the basement without a permit?

THE WITNESS: No, not that I know of.

MR. CAMPEAS: Okay. All right. How -- when there was a hole between the two fence --

SECRETARY MCLEAN: We can't hear you.

MR. CAMPEAS: Sorry. When there was -- when there was a hole between the two fences, did you have kiddish in Mr. Guralnik's backyard.

THE WITNESS: I believe we had one event, one kiddish, in Mr. Guralnik's backyard, and like I said, earlier, part of the Etz Chaim organization is to have events take place at

residences of the members, so that is not at all unusual.

MR. CAMPEAS: Was Mr. Guralnik living there?

THE WITNESS: I don't know, I don't believe so, but I don't know who was there at the time. I'm not Mr. Guralnik. You have questions for Mr. Guralnik, I can't answer that.

MR. CAMPEAS: Have you ever known Mr. Guralnik to live there as his private -- primary residence?

THE WITNESS: I don't know.

MEMBER LEVINE: Is this -- could you repeat that question? I just didn't hear it.

MR. CAMPEAS: Have you ever known Mr. Guralnik to use 576 as his primary residence?

THE WITNESS: I honestly don't know.

MR. RITVO: Could I ask a question to try to cut through this, please?

MR. CAMPEAS: Yes.

MR. RITVO: Does your organization have any interest in 576.

VOICE: I can't hear.

THE WITNESS: No, we have no interest in 576.

MR. RITVO: Do you have any potential rights to acquire 576?

THE WITNESS: No, we don't have any potential rights to acquire it.

MR. RITVO: Is there any planning to try to acquire 576?

THE WITNESS: No, there is no planning.

MR. CAMPEAS: Your contention is that you have always been open and honest as an organization.

Is that correct?

THE WITNESS: My contention is that we've always been straightforward and transparent.

MR. CAMPEAS: And when you had questions, you went to the Township to ask them the questions?

THE WITNESS: We told the Township exactly what we were going to do -- be doing. We never strayed from that, and we had an agreement with the Township that if there ever came a time that we did stray from that, we would let them know and that was our intention all along and it still continues to be. The Township suggested we come for a variance, and we're here today in order to do that.

MR. CAMPEAS: And you decided to get that, you decided to apply for the variance the day after Rabbi Feltman got his letter saying that he had not -- had been open and honest, and I forget,

I forget the exact characterization, that he had not tried to mislead Mr. Gluck?

THE WITNESS: I believe that was Mr. Gluck's characterization.

MR. CAMPEAS: Okay. And --

THE WITNESS: And the characterization was not that he didn't try, but that he never did.

MR. CAMPEAS: Never did. Correct.

And so the next day you applied for the variances?

THE WITNESS: Mr. Gluck in that same letter suggested that we go ahead and do so.

MR. CAMPEAS: Right. Did you -- why did you change your mind?

THE WITNESS: Because we're trying to do things in a way that makes everybody happy, including the Township and -- and I don't know why this bothers you because your contention is that we should have applied.

ACTING CHAIRMAN HODGES: Sir, sir, sir.

MR. RITVO: Don't.

ACTING CHAIRMAN HODGES: You're not asking any questions.

THE WITNESS: I apologize.

MR. CAMPEAS: Do you know why the previous letter of August 8th had been sent? I

think it was August 8th.

THE WITNESS: I don't know. Can you be more specific, please?

MR. CAMPEAS: Yes. What were the contentions in that August 8th letter that Mr. Gluck said were -- were not -- that caused Mr. Gluck to say that we needed to have a cease and desist?

THE WITNESS: That was -- he was not specific at all.

MR. CAMPEAS: It's not true --

ACTING CHAIRMAN HODGES: Sir, sir, sir, Mr. Campeas.

MR. CAMPEAS: Yes.

ACTING CHAIRMAN HODGES: As I said before, we on this Board are not interested, cannot hear anything about the cease and desist, anything about violations, anything that may or may not have been built already. That can't come before us. That cannot come before us. We take the application on just what's on paper. If it was built before, and it's a -- and the variance is denied, obviously Mr. Erlich's group will have to take it down. We cannot hear it, so we can't bring up questions about it. We can't talk about it. We can't make statements about it, because we're trying to concentrate on what's here. If you want us to give

you a, you know, a good, you know, a good hearing on this, we can't cloud our heads with things that are not before us, and I'm trying to -- I'm trying to help you and I'm trying to be fair to everybody, and not only you, Mr. Erlich, Mr. Daily, everybody here. We're trying to be fair. You cannot bring up things that we're telling you have no -- we're not supposed to listen to.

MR. CAMPEAS: Well, then why was he allowed to characterize -- to bring up that letter and cite it in his presentation?

ACTING CHAIRMAN HODGES: Well, I didn't pay attention to that part of him, I'm not associating what he said to this letter you keep asking him about.

MR. CAMPEAS: In November -- November 20th, Mr. Gluck sent a letter in which he said that --

MR. RITVO: November 19th, is that A-2.

MR. CAMPEAS: Pardon me?

MR. RITVO: November 19th?

MR. CAMPEAS: November 19th, thank you. It said that Rabbi Feltman -- I'm sorry, Rabbi Feltman had not attempted to mislead the Township or Mr. Gluck in any way.

THE WITNESS: It said that he did not

mislead the Township.

MR. RITVO: If you believe --

MR. CAMPEAS: Mr. Erlich is right --

MR. RITVO: If you believe that Rabbi Feltman has misled the town and you want to prove this to this Board, you'll have your ample opportunity, if you think it's relevant. You'll have your opportunity to do that.

MR. CAMPEAS: Okay.

MR. RITVO: When it's your turn.

ACTING CHAIRMAN HODGES: Do you have any other questions?

MR. CAMPEAS: Yeah, yeah.

ACTING CHAIRMAN HODGES: How many questions do you have left?

MR. CAMPEAS: I don't know.

ACTING CHAIRMAN HODGES: I'm normally only giving you a couple of minutes.

MR. CAMPEAS: Okay.

ACTING CHAIRMAN HODGES: We're going to have to -- we know we had to get some business taken care of before we end this for today.

MR. CAMPEAS: Did Rabbi Feltman discuss building funds with Mr. Gluck?

THE WITNESS: I wasn't at those conversations. I only know what --

MR. RITVO: Were you present at any

conversation in which Rabbi Feltman discussed building funds with Mr. Gluck?

THE WITNESS: No.

MR. RITVO: Next question, please.

MR. CAMPEAS: Did Rabbi Feltman discuss youth groups?

MR. RITVO: Were you present at any conversation with -- between Rabbi Feltman and Mr. Gluck?

A. No.

MR. RITVO: Any other -- what's your next question?

MR. CAMPEAS: What's the difference between a prayer group and a synagogue.

ACTING CHAIRMAN HODGES: We already went through this.

MR. RITVO: The Board has an understanding of the term.

MR. CAMPEAS: All right. Okay. I think I'm done. Thank you. Thank you.

ACTING CHAIRMAN HODGES: All right. Mr. Daily, could you come up, please? We're not having anymore questions tonight, not having anymore questions tonight. Please keep your hands down.

Mr. Daily?

MR. DAILY: Yes, sir.

ACTING CHAIRMAN HODGES: Okay. We've gone a long time tonight. Will your client be willing to have a transcript made of this hearing? This way we have at least one member of the Board who is not here today, so they can review it, we could have it for the record.

MR. DAILY: You don't have a problem with that? No, we don't have a problem with that.

ACTING CHAIRMAN HODGES: Okay. At this time, the next available special meeting will be on January 20th, 2010.

Is that a good date for you?

MR. DAILY: I'll check it right now.

ACTING CHAIRMAN HODGES: And your client.

MR. RITVO: And the witness.

MR. DAILY: Yes, it appears to be.

SECRETARY MCLEAN: Please be quiet so we can get this date.

THE WITNESS: No, it's not. I don't believe it is. I might be there, I might not be.

SECRETARY MCLEAN: I can't check on our calendars for the Jewish holidays.

ACTING CHAIRMAN HODGES: Just at this time --okay.

THE WITNESS: Not a good day, obviously.

MR. RITVO: Not a good day for it.

VOICE: It's a Wednesday.

MR. DAILY: It's okay.

ACTING CHAIRMAN HODGES: January the 20th is good. Okay. All right. So January 20th is good or bad.

MR. DAILY: Is good.

ACTING CHAIRMAN HODGES: Is good. Okay. What we need to do is we're going to ask for an extension and to carry this meeting until January 7th just to -- so we could have -- so we could be assured that we can use this facility, because we don't -- we use this one or another alternate because the Township building is too small to house everybody here.

MR. RITVO: What the Chair is saying that this Board has a regular meeting on January 7th in the council chambers. You won't be heard that night. It's really going to be a continuation of this hearing to move it to a new date. So the motion that's -- you assume here, is that motion to carry this application to June 7th, that's to be generous, generally acceptable, but the concept being that that night to be moved again to January 20th at some location that we can choose that's large enough to accommodate the crowd. So my suggestion to everyone who is interested is to

please contact Ms. Mclean for this, contact Miss Mclean, on January 8th to find out where the meeting will be, but it will definitely be on January 20th so...

MR. DAILY: So we don't have to appear on the seventh.

MR. RITVO: You don't appear on the 7th.

Do we have an extension of time for consideration, please, to January 20th?

MR. DAILY: Yes, sir. No notices have to be recent.

ACTING CHAIRMAN HODGES: There's no notice.

MR. RITVO: I would recommend a motion at this time. Carry this application to the meeting of this Board on January 7th, 2010, in the council chambers at 7:00 p.m. or as soon thereafter as the matter may be heard without further notice to the public, understanding that the counsel will pick a date.

SECRETARY MCLEAN: May I just ask for the motion and a second?

(Court Reporter instruction at this time.)

SECRETARY MCLEAN: Motion.

ACTING CHAIRMAN HODGES: Motion and seconded by Dr. Mulligan.

SECRETARY MCLEAN: Yes.

MR. RITVO: We can answer any questions procedurally after the meeting.

ACTING CHAIRMAN HODGES: I'm going to take -- I'll entertain a motion to adjourn the meeting.

MEMBER MEYER: Make a motion to adjourn.

REV. MCCLOUD: Second.

ACTING CHAIRMAN HODGES: Motion by Mr. Meyer. Seconded by Reverend McCloud. Thank you.

(Concluded 10:50 p.m.)

R. ERLICH - DIRECT - DAILY

CERTIFICATE OF OFFICER

I, THERESA L. TIERNAN, A Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and correct transcript of the testimony as taken stenographically by and before me at the time place and on the date herein before set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

THERESA L. CARIDDI TIERNAN
Notary Public of the State of New Jersey

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