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F. MICHAEL DAILY, JR
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August 26, 2008

HAND DELIVERED

Secretary, Zoning Board of Adjustment, Township of Teaneck
818 Teaneck Road
Teaneck, NJ 07666

In Re: Daniel Feldman and 554 Queen Anne Road, D.B.A. ETZ Chaim of Teaneck

Dear Secretary:

In regard to the above property I enclose Notice of Appeal, appealing the decision of the Zoning Officer issued on August 8, 2008, in respect to the above property. This appeal is accompanied by a check in the amount of \$250.00 to cover the filing fee. Please file this Notice of Appeal, schedule it for a hearing before the Board and advise us as to the date and time of the hearing. Would you also provide us within 7 days with a certified list pursuant to §2:10 of all property owners requiring notice under the zoning ordinance and N.J.S.A. 40:55D-12. A check in the amount of \$10.00 to cover the cost of this list is also accompanying this Notice of Appeal.

Please note that we are paying the foregoing fees without waiving our rights to seek reimbursement of same in that the cease and desist order constitutes the initiation of a quasi-criminal process (if not obeyed a summons will be issued) therefore even if we prevail on this appeal, we will nonetheless have suffered a "fine" in the amount of the aforesaid fees.

Finally, in regard to publication, would you kindly advise as to the exact steps that the applicant is required to take in order to accomplish same and any fees in connection with such publication.

Thank you for your kind attention.

Very truly yours,
F. Michael Daily, Jr.
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FMD/mr

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TOWNSHIP OF TEANECK
ZONING BOARD OF ADJUSTMENT

IN RE: RABBI DANIEL FELDMAN
AND 554 QUEEN ANNE ROAD, INC,
D.B.A. ETZ CHAIM OF TEANECK

:
NOTICE OF APPEAL FROM
DECISION OF CONSTRUCTION
OFFICIAL/ZONING OFFICER
:

To: Zoning Board of Adjustment
Township Of Teaneck
818 Teaneck Road
Teaneck, NJ 07666

Appellants Rabbi Daniel Feldman and 554 Queen Anne Road, Inc, d.b.a Etz Chaim of Teaneck, and hereby appeal from the decision and order dated August 8, 2008, of Steven M. Gluck, Construction Official/Zoning Officer of the Township of Teaneck, finding that the premises located at 554 Queen Anne Road, Bloc 2409, Lot 8, is a "house of worship" or "place of public assembly" in violation of Section 33-23(d)(3) of the Code of the Township of Teaneck, New Jersey, and ordering that the Appellants "cease and desist" without specifying what actions Appellants are to take. This appeal is

filed pursuant to Section 2-107, Code of the Township of Teaneck and N.J.S.A. §§ 40:55D-72 (a).

As grounds for this appeal, the Appellants allege that the conduct that is the subject of the August 8 decision and order constitutes the holding and convening of private prayer groups within the residence on the Jewish Sabbath and Jewish holidays and constitutes the exercise of religion by Rabbi Feldman and his friends and associates who attend these private prayer groups. The decision and order of August 8, 2008 is arbitrary, erroneous, unlawful and unconstitutional because:

1) no factual basis has been set forth to support the purported violation and in any event private prayer groups do not convert a residence to a "house of worship" or place of "public assembly" for purposes of the Code of the Township of Teaneck or for purposes of the law of the State of New Jersey;

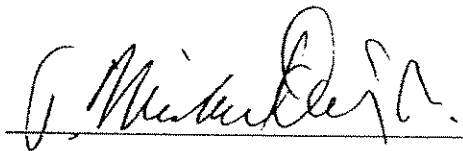
2) there exists in the Code no definition of "house of worship" thus any restrictions on the use of property in RS zoning districts as "houses of worship" is unconstitutionally vague both facially and as applied to the property at 554 Queen Anne Road based upon State v. Cameron, 100 N.J. 586 (1985);

3) the decision and order of August 8, 2008, violates the rights of the Appellants under N.J. Const. art. I, para. 3, to religious freedom, Farhi v. Commissioners of the Borough of Deal, 204 N.J. Super. 575 (Law. Div. 1985);

4) the decision and order of August 8, 2008, violates the rights of the Appellants under U.S. Const. amend. 1 to freely exercise their religion and to peaceably assemble, Murphy v. Zoning Commission of the Town of New Milford, 289 F. Supp. 2d 87 (D. Conn. 2003), vac. on other grds., 402 F.3d 342 (2d Cir. 2005);

5) the decision and order of August 8, 2008, and the zoning ordinances purportedly implemented and enforced by that decision and order violate the Appellants' rights under the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc et seq.

WHEREFORE, Appellants respectfully request that the Zoning Board of Adjustment reverse the decision and order of August 8, 2008.



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Attorney for the Appellants

PARTICIPATING ATTORNEY FOR
THE RUTHERFORD INSTITUTE

August 26, 2008.