

**Raphael Campeas**  
**258 Griggs Avenue**  
**Teaneck, NJ 07666**

**Janet Abbott**  
**277 Griggs Avenue**  
**Teaneck, NJ 07666**

July 22, 2008

Mr. Steven M. Gluck  
Teaneck Construction Official and Zoning Officer  
Teaneck Municipal Building  
818 Teaneck Road  
Teaneck, NJ 07666

**554 Queen Anne Road**

Dear Mr. Gluck:

We wish to supplement the petition of November 1, 2007 regarding 554 Queen Anne Road (the "Property"), attached as Exhibit 1, by requesting that the township apply the enforcement procedures under Section 33-23(d) of the Teaneck Code to the "family room" addition at the Property.<sup>1</sup> The Property is owned by 554 Queen Anne Road, Inc. (the "Corporation"), which does business as Etz Chaim of Teaneck ("Etz Chaim"). This weekend, for the first time, Etz Chaim used the "family room" addition as a House of Worship and announced its intention to do so on a regular basis each and every Friday and Saturday and on Jewish holidays. We contend that, now that Etz Chaim has declared that it will use – and has in fact used – the "family room" as a House of Worship, a "change of use" has occurred, requiring the appropriate permit.

Section 33-23(d)(3)(b) of the Teaneck Code provides that "[a]fter a change of use has been made on a lot or in a building or structure, a zoning permit shall be required and no certificate of occupancy shall be issued without the required zoning permit." Section 33-23(d)(3)(a) defines "change of use" in the context of the zoning permit requirement. It provides that "[a]s used herein, 'change of use' shall be deemed to include any change in the utilization of a building or lot or part thereof where the resulting use is subject to bulk, dimensional, special or other zoning regulations which are different than those impressed upon the prior use." The "family room" addition was approved exclusively as a "permitted principal use" for a single-family detached dwelling under Section 33-24(a)(1). As a House of Worship, the "family room" addition is now subject to the "conditional use" requirements of Sections 33-24(a)(3)(d) and 33-25. To the extent there is any doubt as to whether a permit is needed for this apparent change of use, we

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<sup>1</sup> The petition was signed by 78 residents living in the vicinity of the Property. We have served as the contact people for the petitioners to the township.

respectfully request that the matter be referred to the Zoning Board of Adjustment as provided for in Section 33-23(d)(3)(e).

We need to emphasize that our concern is not that individuals wish to meet for religious services in our neighborhood but that, as part of the standard process for the creation of a House of Worship, we, as interested parties, be allowed to express our reservations and protect our interests relating to the change of use.

#### **I. The Family Room Addition**

The Property was acquired on October 30, 2007 by the Corporation. The deed is attached as Exhibit 2. The Corporation is organized as a not-for-profit under New Jersey's Not for Profit Corporation Act. The Certificate of Incorporation for 554 Queen Anne Road, Inc. is attached as Exhibit 3.

When it acquired the Property, the Corporation also planned to construct an addition to the house at the Property. In October 2007, it applied for a permit to construct an addition to the existing building. That application and related documents are attached as Exhibit 4. The Building Subcode Plan Review Report dated October 22, 2007 in Exhibit 4 states: "Plan is for a family room addition." Exhibit 4 also contains an October 19, 2007 permit restricted to work on the driveway that characterized the proposed "approved use" as "construction of a one (1) story addition [and] conver[s]ion of an attached garage into living space." There is no mention made in Exhibit 4 of any intention to use the "family room" addition for religious services. The only document referencing a House of Worship is the architect's *Rescheck* Compliance Certificate dated October 31, 2007 that calls its computer data file for the document "Teaneck Temple."

On November 2, 2007, the Corporation supplemented its application, attached as Exhibit 5. In the section on proposed use, the application stated only "family room addition." The Corporation certified "that all information contained herewith is true and complete and accurately describes the existing and proposed uses of the subject property." It did not disclose to the town any intention to use the proposed "family room" addition for religious services.

These application documents sought authorization from the township for building, electrical and plumbing work in connection with the "family room" addition. They show that the addition would double the footprint of the house. The existing building's footprint was 1,552 square feet. With the addition, the proposed building would now have a footprint of 3,116 square feet. The application requested permission to build two water closets and lavatories. Finally, the application indicated that the addition would have 22 lighting fixtures, 26 receptacles and 11 switches or a total of 59 electrical items.

On November 9, 2007, the township issued a construction permit, authorizing the requested building, electrical and plumbing work. The construction permit is attached as Exhibit 6. The permit confirmed that the authorized work related to construction of an addition and conversion of a garage into living space. It made no mention of authorizing the “additions and alterations” for use as a House of Worship.

Shortly after the construction permit was issued, we began corresponding with the town about whether Etz Chaim needed a variance to use the “family room” as a House of Worship. That email correspondence is attached as Exhibit 7. On November 14, 2007, Ms. Fall identified you as the person responsible for answering the question but qualified that at the time the issue appeared to be “hypothetical.” On April 16, 2008, Ms. Fall said that you and the township attorney, Mr. Turitz, would review the issue and on May 5, 2008, Ms. Fall said that you and Mr. Turitz were having continued “consultation” on the matter. We contacted the township again on July 3 and July 16 but did not receive an answer to our question about the use variance.

Now that Etz Chaim has announced its intention to use – and is using – the “family room” addition as a House of Worship, we contend that the question is no longer hypothetical. We believe that a change of use has occurred in the “family room” addition at the property and that the change of use permit procedures of the Teaneck Code should be enforced.

## **II. Etz Chaim of Teaneck**

The Corporation’s Certificate of Incorporation states that its purpose is to: “build a community that provides spiritual and social activities.” While 554 Queen Anne Road, Inc. is the official name of the Property’s title holder, the Corporation represents itself and does business as Etz Chaim of Teaneck. Etz Chaim has been holding regular religious services at 554 Queen Anne Road each and every Friday evening and Saturday since November 2007. These services appear to have taken place up until this weekend in the living room of the existing house.

Etz Chaim has now moved the services to the “family room” addition. The Etz Chaim weekly announcements for July 18-20, 2008 declared that the “family room” addition would from now on be used for religious services on the Sabbath and Jewish holidays. “It is with great joy that we announce that beginning this week, davening on Shabbos and Yom Tov will be in the family room. Everyone is asked to enter through the door off the driveway.” These announcements are attached as Exhibit 8. Indeed, this past weekend, neighbors observed people coming to the “family room” apparently to attend those services as is evidenced by the pictures attached as Exhibit 9.

Etz Chaim is identified on the Teaneck/Bergenfield eruv map as an “RCBC affiliated shul.” <http://tberuv.org/Map.html>. Etz Chaim charges its members an annual membership of \$750 and a building fund of \$5,000. The membership application, attached as Exhibit 10, contains a section called “Synagogue Services.” It is our understanding that Etz Chaim employs a rabbi, who resides at the Property. Etz Chaim plans to hold high holiday services this year in “the family room” at 554 Queen Anne Road and is seeking “\$85 per reserved seat.” The Etz Chaim High Holiday Reservation Form is attached as Exhibit 11.

### **III. The “Family Room” is a House of Worship**

Etz Chaim apparently believes it does not need a permit to change the use of the “family room” addition into a House of Worship on account of the Property also being used as a residence. We maintain that is incorrect. Sometimes properties or parts of properties can be used for more than one purpose and the change of use can concern whole or parts of properties. As Section 33-23(d)(3)(a) provides, a “change of use” occurs when there is “any change in the utilization of a building or lot or part thereof.” It is our understanding that, as a general rule, where a religious organization dedicates a property or even a part of that property as its regular “House of Worship,” a variance is needed.<sup>2</sup>

It is specifically the “family room” at the Property that appears to have been planned, designed and built with use as a House of Worship in mind. The permit applications were not submitted by the current residents of the house but by members of the Corporation, whose purpose is to build a spiritual community. As noted above, the architect identified the computer data file for his *Rescheck* compliance certificate for the “family room” addition as “Teaneck Temple.” Indeed, it is rather unlikely that a “family room” that doubles the Property’s footprint and that is authorized to include two lavatories and fifty-nine electrical items is meant simply to be used as a “family room.”

Etz Chaim cannot deny that religious services are now being held in the “family room” addition. It announced this past weekend “with great joy” that “davening” or synagogue services would be held from now on “in the family room.” Etz Chaim is planning to hold its High Holiday services in the “family room” as well and has requested contributions of “\$85 per reserved seat” to attend

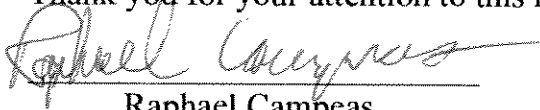
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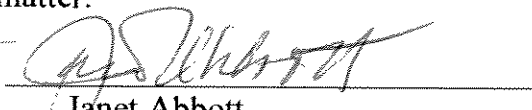
<sup>2</sup> This is not a situation of an informal prayer group meeting in someone’s home for prayer meetings. Etz Chaim of Teaneck was formally created as a not for profit religious organization for the stated purpose of building a spiritual community and it has purchased the Property and built the “family room” addition for use as its principal place of worship. This is also not a case of an existing congregation temporarily using a room in a congregant’s home while it awaits construction of its authorized House of Worship.

those services. The Teaneck/Bergenfield eruv map confirms to the public that the Etz Chaim shul is located at 554 Queen Anne Road, which now means the “family room addition at the Property.

We contend that there is ample evidence demonstrating that Etz Chaim of Teaneck is using the “family room” addition as a House of Worship. That is not one of the uses it identified in applying for a permit to build and use the structure nor is it one of the uses authorized by the township in granting a permit to build and use the room. We, therefore, request that the township implement enforcement procedures requiring the issuance of permit for a change of use with respect to the family room. In the event there is doubt about whether a permit should be granted, we respectfully request that the matter be referred to the Zoning Board of Adjustment.

We are eager for this matter to be resolved calmly and respectfully to all parties involved and await a response from you on how the township will proceed. Thank you for your attention to this matter.

  
Raphael Campeas

  
Janet Abbott

*On behalf of the 78 residents who signed the November 1, 2007 Petition*

Attachments

cc: Ms. Helene Fall, Township Manager  
Zoning Board of Adjustment  
Township Council