

MISSION STATEMENT

CHABAD OF PROSPECT

Through the Chabad Lubavitch philosophy of Ahavat Yisrael - unconditional love and concern for every Jew, regardless of religious background or affiliation. Chabad of Prospect Inc. provides synagogue services, spiritual guidance, community outreach and education to inspire all Jews to discover their common bond of Jewish faith and observance.

Chabad of Prospect's numerous programs and activities provide the education and means to promote Jewish knowledge, awareness and practice to experience our Jewish heritage connecting us to our past, present and future.

Chabad of Prospect Inc. encourages positive action on the part of each Jew and offers its educational programs to all Jewish organizations, synagogues and groups in its efforts to increase Jewish knowledge and observance.

Chabad of Prospect
6900 Transylvania Avenue
Prospect, Ky 40059
502-882-0770
Tax ID # 82-3246334

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Chabad of Prospect Inc.
6900 Transylvania Ave.
Prospect, KY 40059.

9/4/18

In a Chabad house, the rabbi and his wife host programs, activities, and services for the local Jewish community. Many times, as is the case over here, the Chabad house is both the Rabbi's personal home as well as the synagogue.

These centers exist today around the world, and serve as Jewish centers that provide educational and outreach activities serving the needs of the entire Jewish community, regardless of degree of observance. Each center aims to provide a cozy and informal place to learn about and observe Judaism, and provides an atmosphere such that all Jews feel comfortable at Chabad events.

Chabad of Prospect is there to serve the unaffiliated of Prospect and immediate surrounding areas. We are a small congregation that serves on average 10 families. Our constituency is mostly made up of Israeli families.

Chabad of Prospect's on site activities include

- a Jewish day camp which had a total of 14 campers
- Communal Sabbath services 2x Friday nights a month from 7pm to 9pm. Our sanctuary is set up in a way that the maximum amount of people is 28
- Holiday services and programming (as Jewish holidays arise)
- Chabad Hebrew School- a Sunday bible School. We meet on Sunday from 10am-12pm
- Adult bible study once a week 8pm-9pm average attendance is 5 people

The property although very large has its limitations. There were concerns voiced that we plan to expand and build on the property, this is untrue since the property is under a historic preservation easement, forbidding building or expanding. We aren't even allowed to change the interior floor plan, hence limiting our capacity.

There were also concerns voiced that the street can't handle the traffic we bring in. I assure you there is no issue with the amount of cars that come down the street due to communal participation. There used to be several other houses on Transylvania Ave. that were demolished by the state in order to build the I-265 bridge. These properties that were demolished created the same amount of traffic if not more than what we typically have.

If there are any further questions please don't hesitate to contact me.

Thank you for your kind consideration,



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Neighborhood Meeting Notification Letter

4/24/18

To the Adjoining Property Owners, Neighborhood Group, Representatives expressing interest in this area and Metro Councilperson for 16th District.

Boruch & Chaya Susman plan to submit a development proposal to request a Conditional Use Permit for 6900 Transylvania Avenue.

Conditional Use Permit for Worship and Bible Study for children and adults.

In accordance with the procedures of Louisville Metro Planning and Design Services, we have been directed to invite you to discuss this proposal before an application can be filed. This will be an informal meeting to give you the opportunity to review the proposed plan and discuss the proposal with Boruch and Chaya Susman. This meeting will be held in addition to the established public meeting procedures of the Board of Zoning Adjustment.

The meeting to discuss this Conditional Use Permit will be held on:

5/14/19 @ 8 pm

at

6900 Transylvania Ave, Prospect Ky 40059

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Summary of Neighborhood Town Hall Meeting on 5/14/19

The neighbors discussed their concerns with the traffic on Transylvania Ave. Their concern being that the amount of traffic is disruptive. Part of the discussion was that the majority of the traffic is not coming to our institution; rather people turning around at the dead end, admiring the historic structure, taking pictures or in search of bald eagles.

The second concern was a fear of property values plummeting due to a religious institution & House of Worship in the neighborhood. Neighbors are worried they will not be able to sell their homes. We mentioned that the house values changed due to the building of the Bridge (before we moved in) which is how we got the building for 20% of its appraised value at the time. In addition, when we moved in there were two houses for sale on the block; one on the market since 2009 and one since 2016. At the time of the meeting, these houses were still actively for sale with no pending offers.

Neighbors are afraid if the CUP is granted we will develop and build buildings on the property. We explained that it is a historic property with building restrictions and it is unlikely for us to build or get approved to build.

No definitive resolutions were put in place. Attendees at the meeting made it clear that they were not interested in having our religious interests here.

We acknowledged their concern of traffic not abiding by the speed limit and agreed that it is unsafe and we will ask people who visit our property to abide by the limit if they do not already do so.

Attached to this document is an official transcription of a recording of the meeting.

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Minutes of Neighborhood Meeting 5-14-19

(Introductions, pleasantries exchanged)

Boruch: I have no idea who's coming, I have required letters that I sent out, and the city sends out notices to another 500 people on the list.

Patricia: Yes, you're exactly right.

(Pleasantries exchanged, talk about weather.)

Boruch: Do you know if anyone else is coming from the neighborhood?

Nancy: I didn't talk to anybody so I don't have any idea.

Elizabeth: I know that the Isaac's are out of town.

Patricia: Okay and so this might be -

Elizabeth: Did anybody call Barbara?

Mike: Lindsay called Barbara and she's not going to make it. (Indistinct 7:06) as well, she's out of town and he's working late.

Patricia: Okay, so basically we're waiting on the utility company.

Elizabeth: Water company.

Jon: Water company. I'd say we can get started.

Patricia: Yea, water company could take days.

Jerry: Did anybody talk to Isaacs?

Patricia: They already said they're not coming.

Jon: Here we go again.

Patricia: Can I ask some questions?

Boruch - Yes, please.

Patricia: Because I have not been available, I've been recovering from surgeries and blah blah blah - what is your goal?

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Boruch: My goal?

Patricia: Here.

Boruch: This is our - first and foremost our private residence -

Patricia: Okay.

Elizabeth: But do you own it?

Boruch: I do own it.

Elizabeth: You personally own the property?

Boruch: Yes. In the next few weeks you'll see that the property's been transferred to a personal name.

Elizabeth: That's news.

Patricia: I don't understand. Why -

Mike: (6:07) so when you say transferred that means you don't own it at the moment, is that what you're saying?

Boruch: What?

Mike: Transfer means change.

Boruch: It's two transfers. We just had them file - the filings will go through probably in the next seventy-two hours.

Patricia: Okay, I'm ignorant. Explain to me what is it that I don't know how you own this property or don't own it.

Boruch: I - there's me personally, and then there's the synagogue-entity that owns it. So-

Elizabeth: So Chabad of Kentucky purchased the property.

Boruch: Chabad of Kentucky never purchased the property. Chabad of Kentucky has no authority over this property. Chabad of Prospect and Chabad Chai Center.

Elizabeth: Oh, Okay.

Boruch: Chabad of Kentucky is a totally separate entity.

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Elizabeth: So Chabad of Prospect purchased the property.

Boruch: Correct.

Elizabeth: And now you're purchasing it from them as a couple.

Boruch: Correct.

Elizabeth: As an individual or as a couple?

Boruch: As an individual.

Patricia: Oh okay, okay. So this is going to be your family home.

Boruch: Correct, this has been our family home for the past year.

Elizabeth: Well but no, it's been a business.

Boruch: It -

Patricia: Kind of, it kind of has.

Elizabeth: It has been a business and you advertise it as a business. We've got all kinds of tracking on it.

Boruch: You can track whatever you want. This is advertised as a synagogue. What we use for a synagogue is these two rooms, the rest of the house is being used as my personal residence. You guys can see-

Elizabeth: Mine, not ours.

Boruch: Are we playing semantics?

Elizabeth: No, we're not.

Boruch: I feel like we're backing over (indistinct 7:47)

Elizabeth: No, I'm curious to know -

Boruch: It's mine and my wife's personal residence, we both live here together. We're a married couple. What's mine is hers, what's hers is mine.

Elizabeth: But it's in your name only.

Boruch: It's going to be in my wife's name only. I'm not sure why-

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Elizabeth: What is the name of the property you're going to be moving into?

Boruch - Chaya.

(People enter greetings exchanged)

Jon: So is that transfer is that why we're going through this loop again?

Boruch: No we're going through this loop for a two reasons. One is I had a lot of issues I was dealing with, (indistinct 8:20) I didn't file on time, and some or all of you have hired counsel so the process has to start over again.

Jon: It expired.

Elizabeth: No the process expired, because the paperwork wasn't done in the proper ninety days.

Patricia: That's what I read, yeah exactly.

Elizabeth: So the follow-through in the ninety day period was not followed through but I'd still like to get a clean and clear answer to the question: Chabad of Prospect purchased the property initially - it's now being transferred into what name?

Boruch: It's going to be transferred to my wife's name.

Elizabeth: Not your name?

Boruch: Not my name.

Elizabeth: That is completely different from what you said a minute ago.

Boruch: There's a camera recording this entire thing -

Patricia: Good.

Boruch: All of you will get a copy.

Jon: Awesome. Speaking of that we didn't get notes from the last meeting either.

Boruch: Correct.

Jon: Why is that?

Boruch: They weren't put up.

Jon: Well apparently not.

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Boruch: I didn't get them in on time-

Jon: You know it sounds to me like there was never any intention to.

Boruch: I - that's your opinion.

Jon: It is my opinion, it's also my experience.

Elizabeth: So tell us what your intention was.

Boruch: My intention was - I didn't get to it. Procrastination happened, I had -

Jon: I'm really disappointed that this is not important to you.

Elizabeth: And we're now here another time because of your inability to follow through on paperwork.

Boruch: Okay. You're here because you want to be here.

Elizabeth: You're right. We do want to be here because -

Patricia: We are concerned about our area. It is sacred to us.

Boruch: And I understand that.

Patricia: It is our home and I'll be honest with you: I've got no issue with who does what in their property. What I don't like - and I'm at the top of the street, *everybody* has to go past me.

Boruch: Correct.

Patricia: And it's unpleasant sometimes. More than unpleasant. It is - I mean one day I'm sitting in my sunroom and I see six or eight black utility vehicles like the g-ddamn FBI is going down the road and I'm like, is there a problem? It alarmed me! And this is where they came and I don't know that you get that we are upset because you're not forthcoming. Its kind of been lots of grey areas and we're not sure who's coming from where and this is a residential area. It's not a religious, it's not a retreat, it's not a commercial. I cannot bring my business out there. This is a very quiet, rural area. We choose to be here because we enjoy the pastoral views, not a lot of traffic, not a lot of hubbub. And from what I've read and I've done a little bit of research, not a lot, and what it seems to me that you were trying to do is turn this into a religious sect and with that comes lots of things like buildings and people and traffic and observances that your culture needs - just like we all have ours, but we keep ours very private - and you're trying to basically shove it down our throat.

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Boruch: Absolutely not. Listen, everything is partaking in this house. No one is parading anything or passing out fliers, or proselytizing.

Patricia: I've seen advertisements though, that's what I don't understand.

Boruch: In your mailbox?

Patricia: Honey.

Boruch: Personally to you?

Patricia: You put it on Facebook. It's out there. That is for the world to see.

Boruch: Facebook has numerous filters and the only way you can see it is if you look to find it and it's not -

Patricia: No, because I'm not even on Facebook and I've seen it.

Boruch: I don't understand how that's even possible.

Patricia: Okay well, its there. Anybody else want to join in with that one?

JD: (indistinct) My name is JD Taylor. I'm the adjoining property about ten-twelve acres over on Mayfair behind the Kitchen's property.) My concern here is this is a one-lane road. I don't know how many parishioners you have now; let's say you get thirty. You're not going to turn down any parishioners. Let's say if you have fifty, then fifty-one to one hundred you know, I mean this is a one-lane road. If you're willing to make the improvements on the road I would say you might have a go here, but you're trying to turn an old estate into a church and that's not going to happen.

Boruch: Well that's what we're here for. The Departmet of public works will decide whether the street is sufficient or the street has to be expanded if we can continue the-

Elizabeth: Well this neighborhood doesn't want the street expanded. This neighborhood- everybody in this room - JD, all of us, decades, we've all lived in this neighborhood for decades. There's not anybody in this room that isn't - hasn't loved this neighborhood, doesn't call this neighborhood home, hasn't lived here anywhere from anywhere from ten to twenty to thirty to forty to fifty years. And this disruption, including the vehicles that go too quickly, and the advertisement of services and events and whatnot, it is not what a residential neighborhood is about.

Jerry: And the value of our homes.

Elizabeth: The value of our homes-

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Patricia: That's a huge thing.

Boruch: So hold on. I pulled up all that information. The value of your homes dropped in 2012. The house next to yours has been on the market since 2009. Denny's has been on the market-

Patricia: They didn't always want to sell that house. That doesn't count.

Boruch: Denny's on the market since 2016-

Shana: She's tried to sell her house twice. Two people backed out of her home because they didn't know what was going on here.

Patricia: Yes. Exactly. And they don't want - people don't generally want to be in and this would become commercial. It's not private.

Boruch: This will not become commercial under-

Patricia: Oh my G-d!

Shana: Maybe it's not the zone for commercial but it kind of is - even if the zone for religious kind of

Patricia: Why did you choose this place, sincerely?

Boruch: I chose it because I was able to buy it from the state for a very fair price.

Elizabeth: Exactly.

Patricia: Because you needed big and you needed property because you wanted to start a church. Well, when you want to do a community - I mean sincerely I don't feel like you were really truthful when - because I read what you put out. I've got it filed away somewhere - you, your wife, your children and that was it.

Boruch: What did I-

Patricia: Yes, that is what the initial thing - you, your wife your children and there was no school, there was no church, temple, there was nothing. Just like we all live - we have our families in. We have parties. We do those things. I can't remember the last time I rented a port-a-potty to put in my yard for my family to come for an event.

Boruch: I've never rented a port-a-potty.

Patricia: Oh yes they did, I saw them deliver them.

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Chaya: I never rented a port-a-potty. I've had some guy clean out my septic tank twice but I've never had a port-a-potty.

Boruch: You can draw your own conclusions -

Kitch: You know your septic tank, everything here is designed for a single family dwelling.

JD: You know that's another issue. We were just talking about this the septic tanks.

Kitch: The water company's been here. They're concerned about it going to the reservoir.

Elizabeth: They basically - we're repeating a conversation - I'm so glad to have more neighbors here, thank you guys for coming - but we're repeating a conversation that we had because you guys, in your ninety-day window didn't do your proper paperwork, so now we're bringing everybody out again, we're rehashing all these same issues, we feel the same way. We love our neighborhood. We're all coming from a place of love of our neighborhood and protection of our property values and we are seeing this place getting turned upside down by your presence - your inability to get the curb appeal, you just - I mean its amazing just walking up the steps all the trash on the curb, I mean it's kind of crazy that you think this is a residence and that you think the neighbors would be happy with the constant traffic, the back and forth vehicles and the you know, I know walking my dogs I - people have gone flying past me in vehicles that I -

Patricia: I almost had my head taken off bending over.

Boruch: Yes, Kitch.

Kitch: I'd like for you to expand on exactly what you're going to do.

Elizabeth: With the transfer into your wife's name, which is different from what you started with - I agree Kitch, what's the question of what you're going to do now.

Boruch: The transfer of property is really just a financial issue. We had to refi our property and refinance the company. (Indistinct 6:00)

Elizabeth: So is there a price that would move you out of here, speaking of refinancing?

Boruch: When we bought it someone offered us 1 million dollars on the contract which we turned down. At that time PVA had it at 1.6 million

Jon: That's not what you had a minute ago. (Indistinct 6:15)

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Boruch: No.

Catherine: You just said that it was affordable and that's why you chose to purchase the property. You said the right price for you, correct?

Boruch: Correct.

Elizabeth: But Chabad of Prospect lost their financing?

Boruch: No.

Elizabeth: Tell me, explain the - what you were saying as far as it was a financial decision to put this house into your wife's name.

Boruch: This house was purchased with a one-year balloon mortgage.

Elizabeth: Oh there you go.

Boruch: This is all details that are none of your business, but it's all public knowledge.

Patricia: No, actually it's public knowledge. It's everybody's business 'cause it's the world.

Jerry: I said it the last time and I'll say it again - maybe you should have checked with the neighborhood and kind of saw if this was going to work before you just came in here and -

Patricia: No-one cares if they live here, we don't care if you live here. You can't run a church here!

Catherine: We second that.

Patricia: I mean we're not afraid for you or upset that you're living here. We welcome you, do you understand? We're not running our churches whatever our belief is out of our homes because that'd be - excuse the language, but it's a clusterfuck!

Boruch: That's enough. Let me finish talking. Kitch asked me a question and you all cut Kitch off so let me get to Kitch. Sorry, again?

Kitch: What is the scope of the activities that you all-

Boruch: The scope of the activities are right now twice a month we gather for Sabbath dinner as a community. We do holiday programs that arise on our calendar, and we have a Bible camp and a Bible school. The Bible school is around 4 2019

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10 students large. It comes for two hours on Sunday morning, and the Bible camp is going to be at a max 15 campers.

Kitch: 15?

Boruch: Campers.

Nancy: Do they spend the night?

Boruch: They do not spend the night. Camp hours are-

Elizabeth: How many days over the course of the summer?

Boruch: It's four weeks five days a week.

Chaya: Nineteen days.

Boruch: Nineteen days.

Kitch: And the Bible school is concurrent with that or separate?

Boruch: It's separate.

Chaya: It runs on JCPS' schedule. It runs from August to June.

Kitch: So you would have school here every day?

Chaya: No, no. Sunday morning. Once a week.

Boruch: The Bible school is two hours on Sunday morning during JCPS calendar.

Jon: And those are happening now.

Boruch: Yes.

Jon: Okay. Don't you need a conditional use permit to do things like that since this is a single-family residence?

Elizabeth: It's not run until tackle - it shouldn't be.

Jon: I'm curious that all these things are happening without the proper zoning change and that brings me to my question that I started into before what's different now than it was one hundred and fifteen days ago?

Boruch: When we bid on this property the CUP was not necessary for religious institutions-



Jon: But it is now so-

Boruch: Correct-

Mike: It's necessary (Indistinct 9:26)

Elizabeth: And it's necessary today and its necessary for the campers coming whatever day the campers are coming. It's necessary for whenever they arrive.

Kitch: It was R4 when you bought it.

(Indistinct)

Boruch: What is it now?

Kitch: That's a good question.

Boruch: It will always remain R4. The zoning will never change on this property.

Kitch: It's certainly not a conditional R4.

(Indistinct)

Patricia: He might be brought there. He might be

Boruch: I'm not-

Nancy: Did you get your non-profit certification?

Boruch: We have indeed.

Nancy: Okay.

Boruch: We're a 501C3, you can Google Chabad of Prospect, the IRS and all that information will roll up.

Nancy: That's fine but I just was curious. What's your day span on the second CPU - CUP? Excuse me.

Boruch: When it will happen I can't tell you, I will-

Nancy: No but I mean don't they give you parameters? You apply, you have to do XYZ and then you have this time period.

Boruch: Everything will be filed in the next ten days.

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Patricia: It's not going to.

Elizabeth: And when will you provide us whatever's being filmed on camera?

Boruch: When would you like it?

Jon: We went through this last time-

Elizabeth: Yeah, last time you were going to provide it and you never did.

Boruch: We can dwell on last time, or we can move forward and accept my apology and let's finish this meeting.

Patricia: Okay we accept your apology and we expect the film within 5 days.

Elizabeth: I didn't even hear an apology.

Patricia: Well a vague.

Boruch: I will submit the film to the city along with written notes. Once the city has approved the film and the notes you will have it and I'm going to assume that will be in less than 2 weeks.

Elizabeth: So will you respect their decision with - you are obviously moving ahead with programming that is not allowed.

Patricia: Yes!

Elizabeth: You are breaking the - if you (Indistinct 11:30) you are already moving ahead with the programming that is not allowed in this space. Is there a reason that you can give to us for that?

Boruch: Not at this second. When the final decision comes from BOZA, from the Board of Zoning.

Elizabeth: You know that's not the way the law works. The law does not work with run until tackle. The law works that you should abide by the law unless - if and when your permit is approved.

Patricia: There is proper procedure.

Elizabeth: It is wrong. It's just plain wrong.

Jerry: Then you set a precedent for it.

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Elizabeth: You already know the neighbors don't care for it and you know it's against the regulations.

Boruch: I know that the number one complaint that I hear from you all is the amount of traffic that comes down the street.

Elizabeth: And that's not the number one complaint. The number one complaint is property values and-

Boruch: If you pull up the last ten years of the PVA-

Jerry: That doesn't matter.

Boruch: The PVA makes the property value.

Patricia: Do you understand that this it makes this an undesirable property when there is something occupied other than just a private residence? And it's going to affect all this. It already has affected all of this.

Boruch: So let me ask you-

Patricia: I don't care what religion it is! I don't care!

Boruch: Let me ask you a question.

Patricia: Yes, ask me.

Boruch: If I put up a fence, a privacy fence, whatever, eight feet tall compounded brick wall. Nobody will see the property .it will have no - it's the last street of the block. Nobody will see it until you get to Nancy and Kitch's house.

(Overtalk)

That doesn't change the regulations.

Chaya: He's not saying he's doing it.

Boruch: I'm talking hypothetically. I'm not going spend a quarter of a million dollars on a red brick wall or whatever.

Elizabeth: And it doesn't change the rules that you're breaking.

Jerry: It's the zoning. It's land. It doesn't apply to what you can see or cannot see. It applies to what you're zoned for and that is what you can do with a piece of property and nothing else.

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Boruch: You're saying that our occupation on this property is creating your property values to dwindle.

Collective: Yes!

Boruch: Not- can I get a sentence out?

Elaine: Not your occupation. Your activities.

Boruch: My activities.

Jerry: In the PVA the only thing shown is basically what you paid for your home is what the PVA-

Patricia: It's never- you would never sell your house for what PVA says its worth.

Jerry: And we wont know how it affects us until we put a house up for sale.

Overtalk

Boruch: I know Dennys house on the market since 2016. I know the house next to you has been on the market since 2009.

Nancy: We understand.

Overtalk

Patricia: Listen, Elaine has actually experienced this firsthand since you've moved.

Boruch: Do you want to speak?

Patricia: Let Elaine talk.

Boruch: Yes.

Elaine: I had two people interested, two separate entities interested in my house were going to - one of them we had a contract with and then they questioned what was going on here. They saw online, you know they went online, and looked up and saw that it was advertised that you know camp was happening and Torah school and activities like that and they got out of my contract because of the activities here. They felt it was a business, not simply a residence. Okay, the second person comes, makes an offer on the house and then asks me what is next door? What kind of activities are they doing? What business are they conducting there? And I said you'll have to go to the website and look at what they offer. And they said is there zoning, are they zoned for that? And I said no, there's a conservation easement on that property that clearly states simply that its for single family residential use only. And

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I said so the neighbors around here are distressed because it appears to all of us that there is a business going on here. It is a religious business but still a business. It's not simply - I know they live there and that's their residence - I'm not arguing that. I'm arguing the business aspect that is conducted out of that house. And so I had two people who were going to buy my house not buy it because of what was going on here so that's where my property has been affected greatly by what you've done.

Boruch: I'm sorry to hear that.

Elaine: I really am too.

Patricia: It's the truth though. Do you understand?

Elaine: One of them asked me, they said so, I said he's filing for conditional use permit so he's going to be hoping to expand his activities and they said, so potentially he could add to and expand his business where there's more activity there rather than simply the residents it was intended to be.

Boruch: I'm not looking to expand or grow. Filing a permit is not so I can get bigger and bigger. This side thing that I do is a full time job and I'm not looking for more ot fill it up. I don't take a salary from Chabad. We put a lot of our own personal money into Chabad. This is one hundred percent not a business. It's not commerce.

Elaine: How can you say it's not a business?

Nancy: Do you charge for your camp?

Boruch: We charge for the camp and we operate on a loss.

Patricia: Doesn't matter if you make or not, you charge.

Elizabeth: But you shouldn't charge for the camp because you don't have the proper permits. You shouldn't be doing anything because you don't have the proper permits and you didn't even from a business perspective, if you are business people, you didn't even file your paperwork, so it seems to me that you don't have the intention, the ninety days that you had that brought us all back here again. You know we don't love coming to do this. We don't love this anxiety. We don't want to be here in conflict. We want our neighborhood to be our neighborhood that we have loved for decades and there's no - we have no desire to be in this conflict. We want you guys if you want to be here as a family. We do not want you guys to be here as a business with all these vehicles coming and going and all these activities that you're charging for. It's not legal, it's not right, and it's not neighborly.

Catherine: And it doesn't seem truthful. You don't seem truthful.

Patricia: You truly aren't being a good neighbor.

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Catherine: It seems like you're telling a lot of stories is what I'm thinking and I just want you to be truthful to everyone in this room.

Elizabeth: 'Cause just right off the bat you said its changed to your name and then we find out no it's changed to your wife's name.

Catherine: Just speak the truth. I mean can you not speak the truth?

Elizabeth: You started off with a mistruth, the very first thing.

Kitch: The last meeting you made a comment relative to the Historical Council.

Elaine:The Heritage Council.

Kitch: And have you talked to them and one you said they raised Cain about the handrail out there and tell you where that's going or not going.

Boruch: It hasn't gone anywhere. I haven't heard back from them. They were supposed to send me a report on the visit. They still haven't sent me any report about the visit and they're due back in October so we'll see what comes first, them or the report.

Kitch: So you were expecting them to bless or not bless whatever was going up around.

Boruch: They know, the Historical Council knows about the operation of the synagogue here. The Historical Easement states that a commere can't be held and (Indistinct 7:05) here and a house of worship does not fall under that-

Jerry: So basically to cut to the chase here, you're going to do what you want to do.

Mike: Wait a minute you said house of worship (Indistinct7:21) is a single family residence

Patricia: I know. I don't understand what he just said.

Boruch: I'm very confused. Maybe we have a disconnect. The Historical Society in their easement forbids commerce to operate here. A House of Worship does not fall under their term of commerce.

Kitch: Okay, and my point is, is this a House of Worship or is it a single family residence?

Boruch: It is both.

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Patricia: But see it can't be.

Elizabeth: At least at this point it cannot be.

Jerry: I mean we're wasting our time here. You're set in your ways you're going to do what you want to do. I'm not trying to make you nervous here, but you
(Indistinct 8:00)

Overtalk

Patricia: I feel like there's not honesty here.

Shana: I think he's being honest. He's telling us this is how it is.

Patricia: He's going to do what he wants to do.

Overtalk

Elizabeth: The question was, which I think was a valid one, when you're applying when you're going to now - you say you now will submit for the permit that you didn't submit for prior, the line that you fill in is what are you going to say? House of Worship?

Boruch: Private residence, House of Worship.

Elizabeth: You don't have to put in private residence, it's already a private residence.

Boruch: Yes, they want to know what the building is going to be used as. I'm going to tell them exactly what it's going to be used as.

Patricia: The additional use being beyond residents.

Jon: It's what it's being used as, I mean how long have you been here a year and a half now?

Boruch: A little over a year.

Elizabeth: Do you not have any - does it not bother your conscience that you're working against the regulations and you're already doing things that are not allowed in a private residence? Does that bother your conscience at all? I have to ask that. For a religious family?

Boruch: I don't know-

Man (9:15) : It's definitely going on

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Elizabeth: You're breaking the rules and regulations. Does that not bother your conscience that your neighbors are upset, property values are being lost, and I just have to ask yes or no, does it bother your conscience that you're doing things against the rules and regulations?

Boruch: I am working through the process-

Jon: No, you're literally filing the process. This should have been done a year ago.

Elizabeth: It's a yes or no question: does it bother your conscience?

Boruch: No.

Elizabeth: Well there you go.

Patricia: Okay.

Jon: That frees us up. Thanks for cleaning out front for the visitors.

Patricia: Yes, because if you're not willing to be honest and, what discussion do we have here?

Jerry: What you're doing basically is disrespectful to the neighborhood.

Patricia: Yes, it truly is.

Boruch: No, what's going on over here is you've come with the pitchforks-

Elizabeth: We've come what?

Boruch: With the pitchforks, it's an expression.

Elizabeth: No we have not.

OVERTALK

Elizabeth: You are twisting our words.

Patricia: My daughter-in-law is Jewish. We love her. We have got no issue with any of this. You are not being honest

Elizabeth: Mr. and Mrs. Susman, we have come here a second time though we did not want to because you have not done your proper paperwork, and we had asked you in good conscience if you feel poorly about the way that you're treating this neighborhood, about the fact that you're breaking the rules and regulations of this

neighborhood and you start off with a lie saying the house is going to put in your name and it's not it's going to be put in Mrs. Susman's name. You've started off with a lie, and now you're saying that you don't have any remorse, any regrets about the way that you're breaking the rules and the regulations by proceeding with things that are not allowed in this residence, in this private residence? So how are we in any way doing anything other than just wanting to speak truth to find out your intentions and it seems to me your intentions are not upright. They're not forthright.

Patricia: No, he's not being forthright!

Boruch: Well if your belief is that I am here to manipulate and lie and deceive, then why are you here?

Elizabeth: That is not what I asked you! I never asked you that question. The question was in good conscience-

Patricia: We are beseeching you to be honest with us and you're not.

Jerry: You're trying to slide something by.

Patricia: Exactly.

Boruch: I'm not trying slide to anything by anybody

Patricia: I'm done. (walks out)

Boruch: Regardless of how you feel. I'm not trying to deceive anybody or (Indistinct 11:43) anybody.

Jerry: But you're going to basically, just tell the truth - you're going to try to do everything you can to make this work for you, correct?

Boruch: Correct.

(Jerry leaves)

Jon: Does that mean you won't file the CUP this time too?

Boruch: I will file the CUP this time. I will file and we'll have to go through all the proofs and everything that the Board of Zoning wants. I believe there's two hearings afterward and another community meeting. I have to get an easement.

Elizabeth: I just want to repeat on behalf the neighborhood, we welcome you as a family, we do not welcome you as a business. Period, and I think the fact that you

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have zero hesitations that you're moving forward and doing things that do not follow the rules of the residence, that just-

Shana: That's where the hostility's coming from. We're frustrated, that's the only reason there's hostility. That's why it's looking hostile

Elizabeth: And we're all back here again because you didn't have, because you procrastinated, in your own words, because you didn't follow through.

Boruch: Yes. One hundred percent.

Elizabeth: But at the same time you haven't stopped having classes. You haven't stopped advertising for camps. You haven't stopped having services, but you've procrastinated on the proper channels for which to even - those things should not be allowed, they're not allowed right now. Right now they're not allowed.

Jon: And that's frustrating.

Elizabeth: And you somehow think we shouldn't be frustrated? How is that?

Boruch: I understand your frustration.

Elizabeth: Okay, then I think you need to retract your comment about the pitchforks because that was completely and totally hyperbolic and out of line.

Boruch: I do apologize. I'm certainly not here to create any more unease than I have already or to fight with anybody.

Elizabeth: Well you've certainly done it with your words.

Mike: You made a reference something about an easement (Indistinct 1:05 video 4) couple weeks after the hearing.

Boruch: Not an easement, what's that thing called where they have to measure the boundary lines? I have to submit all that.

Nancy: Oh survey, property survey.

Boruch: The survey, correct. I have to submit a survey and have an architect draw up exterior drawings and measurements and also part of it is financial reasons which I haven't filed in you know, but

Elaine: All that's after the conditional use permit paperwork?

Boruch: That's part of the paperwork that has to be filed.

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JD: Let me ask you a question. If you're denied the permit, what are you going to do?

Boruch: If I'm denied the permit? I haven't gotten that far, but I'll probably go through the appeals process.

JD: Well you don't think the permit's going to fly through.

Elizabeth: Well if you're denied the permit you have to stop the classes. I'm sorry go ahead.

JD: I don't see this anticipation - first you got to get through the permit process. I don't see that happening when you've got so much community here especially on the street that you're living on here with - it appalls me! It's a one-lane street. You're not going to open a church here on a one-lane street.

Elizabeth: And you're not even supposed to be doing what you're doing now.

Boruch: At the last meeting you asked me if after all the appeals and everything I lost what would I do and I told you I'd put the property up for sale and move on and I'd probably have no choice if it gets that far. I think we're allowed x amount of appeals, but as far as traffic goes what humors me a little is the amount of traffic that comes down this road, an excess of twenty cars a day that come down, make a U-turn in my driveway - ever since we got the dog no one comes into my driveway - but they go you down Transylvania (points to side street) you know there's been numerous times where there's suspicious activity at two-three o'clock in the morning where there was five or six motorcyclists smoking pot in the corner over there. A few months ago I ran someone off dumping trees over there and somehow you associate every vehicle and every moron on the road as mine. And I know you guys are smarter than that, you've been here for years.

Elizabeth: We've been here for a lot of years, before you moved in, we've been here for decades. That's not true. That's an inaccurate assessment.

Nancy: There have been-

(Overtalk)

Elizabeth: We've already been through a lot with the bridge coming through we have - we've already been through a lot.

Boruch: I know you have.

Elizabeth: And now this is just insult to injury that you guys are proceeding against the rules and regulations, you don't care that you're breaking what is allowed and continuing on with the classes and inviting kids and doing your services even

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though you know it's not right. You know it's not right yet you stand on some higher ground that while teaching others what's right and wrong.

JD: I don't see it getting past the (Indistinct)

Elaine: The conservation easement that you said that the Heritage Council was aware that you were having a synagogue here.

Boruch: Correct.

Elaine: How can they say that that's okay when they are the guaranter of the conservation easement that says this is single family?

Boruch: I don't know how the conservation, how the historical society does things. I know that we waited nine months from the auction for everyone to review paperwork from the governor, from the city of Louisville, the Historical Society to approve this.

Elaine: But did they approve it as a residence? Or they approved it as a synagogue?

Boruch: When we purchased it we were very clear with the state and anyone that asked what we do here -

Elaine: Do you have paperwork that says it's approved to be a synagogue?

Boruch: The paperwork from the Historical Council?

Nancy: Well from the government entities whichever that passed on it .

Boruch: At the time of the auction one of the news reporters were there and they reported on it asking us what we were going to do with it they reported-

Jon: But is it in the documentation? The news report is irrelevant it's about the documentation.

Boruch: The news reporter was in the auction room with all the government officials that asked questions and answered them. We were pursuing this property for two years before it went to auction. What's the guy in the transportation? Mark.

Elaine: Well, if you have nothing in writing that says it's okay for it to be a synagogue then we have an issue because the writing that's still on the book doesn't reflect that at all. The writing that's on, that the Kentucky Heritage Council has put out about the easement, the easement clearly states it's single family only. Single family residence only.

JD: Are you talking about the old subdivision?

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Elaine: No, I'm talking about the conservation easement on the Heritage Council's website for this property. It does show the old subdivision but it clearly states when this house was landmarked it is not intended for any commercial use, it is single family whatever you want to call it and I want to know, I want to see documentation from the Heritage Council that granted you an okay to have a synagogue here. That's what I'm going to see.

Boruch: I think you have to contact them.

Elaine: You have to contact them.

Jon: No.

Elizabeth: The onus for you - the onus to operate the way you've been operating is on you. It is not on us and if you're surprised why we've got legal counsel now, I don't understand that because you're not being truthful with us. More than once you have not been truthful with us.

Boruch: I do not believe that I have been untruthful.

Elizabeth: You were not truthful the very first words out of your mouth today! The very first words out of your mouth was that it was being transferred to your name, and that's not true. It's your wife's name.

Boruch: Yes in the state of Kentucky her name on the title means I own it equally because a spouse has equal rights, so you want to play semantics; you want to say I said my name it doesn't matter.

Elizabeth: No I just want to speak truth.

Boruch: You know the state of Kentucky has equal ownership.

Elizabeth: If you would have said our name it would have made more sense.

Boruch: Yeah you want to know exact documentation so I apologize for misspeaking or saying my name instead of her name but that was not untruthful and that's insignificant.

Elaine: That doesn't matter to me at all. I want to know about who told you you could have a synagogue and I want to see where they wrote it out. And that's not my responsibility to get. I'm a resident living next door and if you want some other function to go on here then you have to obtain you're responsible for the CUP and all the things necessary to have something else here besides a residence. It's not my responsibility to go to the Heritage Council and find out if they told you you can have a synagogue. It's your responsibility to get that paperwork and show it to me.

That's what I want to see. So then, if somebody comes to purchase my house I can say, oh it's a synagogue next door. Do you see my point?

Boruch: I do.

Elaine: Okay. I don't care what name's on your, you know that's not my issue. I want to be able to tell a potential buyer what's going to happen here. And the law currently, the rules and regulations and the law currently states very clearly that this property is single-family residence only. It doesn't say oh we told that guy he could have a synagogue. It simply states that. And that is in the deed and that's the only business that can be conducted here is a single-family residence until you get a conditional use permit. The neighbors feel that you've got the cart before the horse. You've started your business with no permit and then had to backtrack to go get a permit. And then the ninety days lapsed and there was no permit and now we go ninety days again and then at the end of that ninety days or at the end of your filing you have thirty days to file an appeal and that's all. And the neighbors have thirty days to file an appeal if they grant you that. So I'm concerned about time.

Boruch: So we will get these minutes filed immediately and file all the procedures.

Elaine: And will you find out who told you you could have it as a synagogue and get me a copy of that statement please?

Boruch: I will scour my e-mails,

Jon: You need a document. It's got to be a document. A conversation, email something like that maybe, but there's got to be a document.

(10:33): It will be written.

Yeah, it has to be.

Boruch: I'll start again. I worked on before this went to auction we were trying to-

Elaine: it doesn't matter. I want to know who told you and when and I want to see it in writing and I don't think that's asking too much. I'm not trying to be a pitchfork carrier. I don't care who lives here. I'm happy to have you here. I just don't want a business next door. Any kind of business. Religious or otherwise, it's all business. The business aspect affects the neighborhood. Not necessarily the number of cars or who comes in and out of here. It's a business and I didn't plan to live next door to a business and people who want to buy my house don't want to live next door to a business. And that's the bottom line.

Mike: And 501C3 is filing as a business.

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Jon: And Elaine's exactly right. We're happy to have you all here it's that activity beyond the residence and its just that, and its frustrating when we're back doing this same process again with you and it's, you know the experience is that you're filing the process that you're not concerned about the expectation that you play by the rules, but we do care because its impacting us.

Boruch: It's not that I'm not concerned. If you make it (Indistinct12:07) when I purchased this property there was no CUP-

Jon: I know all that. But you've been doing what you came to do since you've been here. It's now been fifteen months and the CUP still isn't filed. I mean we're restarting this process. I'll believe it when I see it and I'll be grateful, but you know you knew this had to be done. We talked about it last time. It just hadn't been done for more than a year.

Elizabeth: And conditional use permits are not unique to Jefferson County. Or to this area, so I don't know.

Boruch: They are unique as of last fall to Houses of Worship. Before that there was no - we could talk in circles all day.

Elizabeth: We prefer not to. We'd all prefer not to be here a second time quite frankly but you didn't do your jobs the first time.

(everyone leaves)

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