

Mutiny at Sea Cliff

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Rob Ehrlich: The snacks king holds a sign touting his referendum campaign outside his shuttered cafe on Roslyn Avenue. (Photo by Judy Walker)

A businessman embroiled in a nearly 20-year battle with a Long Island village is embarking on a crusade to put more oversight on local government and give its residents a bigger say in how their community is run.

The effort, spearheaded by Rob Ehrlich, is centered on a little-used state law that paves the way for citizens to challenge government actions via referendums, a tool that Ehrlich claims could change the balance of power in municipalities throughout the state.

An inventive entrepreneur who founded the Pirate's Booty line of snacks and sold it to B&G Foods for \$195 million in 2013, Ehrlich has been wildly successful in the snacks sector. A year after he sold Pirate's Booty, Ehrlich founded a new snack line called Vegan Rob's, which had more than \$20 million in sales in 2018.

Though he's been a dynamo in the snacks world, Ehrlich hasn't had the same good fortune in his two-decade-long quest to open a restaurant in Sea Cliff, where village officials and the courts have thwarted him at every turn.

While Ehrlich claims his attempts to operate an eatery have been quashed by the village unfairly, officials say he just refuses to play by their rules.

That struggle is the main impetus for Ehrlich's just-launched campaign to gather enough signatures to hold what's known as a permissive referendum, which if successful, could force the village government to reverse course on specific actions. The state law requires a petition signed by 5 percent of the registered voters from a municipality who voted in the last gubernatorial election in order to hold a referendum in a special election that would be held within 60 days to overturn or uphold a specific decision of the local governing body.

"The village only exists at the discretion of the residents and we can change anything by local initiative," Ehrlich says.



Photo by Judy Walker

Ehrlich's long-running battle with the village began soon after he purchased two vacant buildings on Roslyn Avenue for about \$525,000 in 2000. He set up offices for Pirate's Booty in the larger 5,000-square-foot building and sought to open a cafe called the Sea Cliff Coffee Company in the smaller 1,200-square-foot building next door.

In 2003, village officials informed Ehrlich that a covenant restriction put on the property about a dozen years earlier prohibited cooking on the premises and they also required him to close the cafe by 3 p.m. every day.

Ehrlich installed a stove and exhaust system in 2004, and despite the earlier covenant, the village's zoning board granted Ehrlich permission in Dec. 2004 to occupy 810 square feet of the building "as a coffee bar, lounge and restaurant with storage and utility facilities."

Around the same time, Ehrlich says the village required him to prepare an environmental impact statement "for adding a toaster oven" at the cafe, a move he called capricious and arbitrary.

In 2006, Ehrlich added a sushi concept called the Sea Cliff Sushi Company, which operated after the coffee bar's hours. He was forced to shut both in 2008 for lack of current permits.

Village officials ordered Ehrlich to remove the stove and cap the exhaust in 2009, which, he says, came with the promise of a permit and a certificate of occupancy for a restaurant within 30 days. But while he disconnected the stove, the village never issued the permit or certificate of occupancy.



The dormant cooking equipment that the Village of Sea Cliff wants removed from Rob Ehrlich's building. (Photo by Judy Walker)

In 2007, Ehrlich was on the losing side of a federal lawsuit he filed claiming he was

being unfairly persecuted and discriminated against because of his faith. U.S. District Judge Leonard Wexler called Ehrlich's claims "groundless" and found "no evidence whatsoever of unlawful or discriminatory conduct" by the village.

As a result of the court's ruling against him, Ehrlich was forced to pay village officials and their law firms more than \$900,000 in legal fees and expenses. Overall, Ehrlich estimates that the debacle cost him more than \$2 million. He also lost a subsequent state lawsuit against the village a couple of years later.

Undaunted, Ehrlich tried once again to open a restaurant called Vegan Rob's Cafe at the same location in 2016. The village continued to pepper him with a blizzard of summonses and hauled him into village court where he has appeared more than two dozen times. The restaurant remains closed.

Though Ehrlich claims the village has it in for him, Sea Cliff Village Administrator Bruce Kennedy says that's not the case, insisting that Ehrlich simply won't follow the rules that other businesses in the village have to abide by.

"Nobody has a problem with him or his business," Kennedy told LIBN. "He has to make an application. There's a process that every single business in the village, every single restaurant that's ever opened went through."

Kennedy disputed Ehrlich's claim that he's formally applied for permits several times over the years.

"I just know that Rob Ehrlich basically harasses me and everyone at village hall on a regular basis, coming in and slapping a napkin down on the counter and saying here's my building permit," Kennedy says. "And then coming in and saying that he's no longer part of the village, he's established his own little hamlet and doesn't want to pay taxes anymore. Very strange, strange things."



A sampling of snacks offered by Sea Cliff-headquartered Vegan Rob's. (Photo by Judy Walker)

Kennedy served as Sea Cliff's mayor from 2009 through Dec. 2016, when he resigned and was replaced by then Deputy Mayor Edward Lieberman during a closed-to-the-public executive session. The village board then appointed Kennedy to the position of village administrator at a salary of around \$150,000, according to published reports.

Mayor Lieberman has since been re-elected twice after running unopposed.

Not surprisingly, Ehrlich says the first referendum he hopes to hold will be to reverse the village board's appointment of Kennedy, since there was no input from residents

on the action.

“He was illegally appointed,” Ehrlich says. “The village has gone off the rails. We’re forging new paths here.”

Towards that end, Ehrlich launched a website SeaCliffgov.org, where residents can sign up to support ongoing referendums that will challenge village rulings.

And while he’s likely to encounter strong headwinds in the struggle, Ehrlich has the support of some friends and business associates in the 2-square-mile village who view Sea Cliff’s government as a closed clique.

Arthur Adelman, a Sea Cliff resident and former trustee in the Village of Roslyn Harbor, said he’s rooting for the referendum challenge to succeed.

“I would love to see it come to fruition,” Adelman said. “It’s a terribly difficult uphill battle. Politics is not friendly to strangers and outsiders have a difficult time. It’s very frustrating.”

Long-time Sea Cliff resident Joan Accolla, a former employee of Kennedy’s window treatments business, called Ehrlich a “creative visionary” who’s been punished for too long.

“I feel what Rob has to offer the community is something great and I’ll be the first person to sign up,” Accolla said. “Our community is based on fellowship and bringing together different groups of people. How can we be a community if there’s no forgiveness? It’s water under the bridge.”



Photo by Judy Walker

Meanwhile, Ehrlich may be tilting at windmills by trying to employ a referendum to reverse the village administrator’s appointment. Gerald Benjamin, director of the Benjamin Center for Public Policy at SUNY New Paltz, who has studied the use of referendums in the state, couldn’t recall an instance where a referendum ousted someone from an administrative position.

“A better course would be to capture the government by election and pass a resolution that eliminates the job or changes the salary,” Benjamin said.

Indeed, Ehrlich and some of his associates have tried running candidates for the village board twice in the past several years, only to lose by narrow margins each time.

However, Ehrlich, who must return to village court next month to be resentenced for operating a restaurant without a valid permit, remains optimistic that his referendum crusade will result in a new beginning for those who feel their local officials have failed them.

“It’s a hidden secret that the residents have the power,” Ehrlich said. “We’re changing the paradigm. If I lose, I’m willing to accept that. But it’s worth starting the conversation.”