

Gordon - 6/20/19

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

June 20, 2019
7:47 p.m.

APPLICATION:

Gordon
1600 Sunset Road
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. STEPHEN MARTIR, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

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CHAIRMAN KEILSON: Okay. Good evening, ladies and gentlemen. Welcome to the Lawrence Board of Zoning Appeals. Please turn off your cellphones. Please no conversations here. If you have to converse, please step out into the hallway. Thank you very much.

Mr. Castro, proof of posting?

MR. CASTRO: Mr. Chairman, I offer proof of posting and publication.

CHAIRMAN KEILSON: Okay. We also want to express a Mazel Tov to Mr. Castro on a daughter who was born yesterday. 6:30 a.m.?

MR. CASTRO: 6:30 a.m.

CHAIRMAN KEILSON: And her name is --

MR. CASTRO: -- Maria Anna.

MR. GOTTLIEB: And he is here anyway.

CHAIRMAN KEILSON: I think we have a matter first on a request for an extension.

MR. CASTRO: Yes, we do. 1600 Sunset Road, Mr. Gordon.

CHAIRMAN KEILSON: And what's the request?

MR. CASTRO: Is for side-yard setback and side-yard setback ratio.

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2 CHAIRMAN KEILSON: And he wants to get
3 an extension on his variance?

4 MR. CASTRO: Two years.

5 CHAIRMAN KEILSON: What's the reason?

6 MR. CASTRO: There was an unfortunate
7 passing in the family. He had to attend to
8 that.

9 CHAIRMAN KEILSON: Okay.

10 MR. CASTRO: Two years.

11 CHAIRMAN KEILSON: They haven't begun.
12 He was going to ask for several months. I
13 told him --

14 MR. GOTTLIEB: We need to speak good and
15 loud. People in the back can't hear.

16 CHAIRMAN KEILSON: Mr. Felder?

17 MEMBER FELDER: For.

18 CHAIRMAN KEILSON: Mr. Hiller?

19 MEMBER HILLER: For.

20 CHAIRMAN KEILSON: Mr. Gottlieb?

21 MEMBER GOTTLIEB: For.

22 CHAIRMAN KEILSON: Mr. Moskowitz?

23 MEMBER MOSKOWITZ: For.

24 CHAIRMAN KEILSON: Okay. We approve two
25 years.

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MR. CASTRO: Thank you.

(Whereupon the hearing concluded at 7:49 p.m.)

Certified that the foregoing is a true and accurate
transcript of the original stenographic minutes in
this case.


YAFFA KAPLAN

Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

June 20, 2019
7:49 p.m.

APPLICATION: Mermelstein
128 Cumberland Place
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. STEPHEN MARTIR, ESQ.
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Yaffa Kaplan
Court Reporter

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CHAIRMAN KEILSON: Okay. The first matter this evening that we are going to treat is the matter of Mermelstein, and the address is 128 Cumberland Place. Will they or their representative please step forward. And I ask you to please -- we have a large audience tonight so project.

MR. FLAUM: Good evening, members of the Board. My name is Shmuel Flaum, residing at 194 Wanser Avenue, Inwood, New York 11096. Architect of record representing my clients Mr. and Mrs. Mermelstein for the proposed variances on their altered new construction for a one-family dwelling. We are seeking several variances from code regulations. I am going to enumerate them and read them out loud.

CHAIRMAN KEILSON: Just one point of order. We have additional chairs if you want to bring in additional chairs so no one has to stand.

MEMBER GOTTLIEB: Before you begin with the variances, can you tell us the reasons for the request?

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MR. FLAUM: The primary reason for the request is the existing residence that's currently there is already existing noncomplying based on its current footprint in several areas. Even if they were doing an alteration addition of a lesser scope, they would still be triggering a number of variances simply because the property is undersized for the zoning regulations for the specific property, but in purchasing the house, there is a lot of defective conditions in the house that needs to be redone, so in doing that work, there is some minor enlargement they are doing at the rear of the property off the back of the house but primarily staying within the existing footprint. So the majority of variances being sought are just to maintain the existing nonconformances but that are triggering some new ones.

MEMBER GOTTLIEB: Just that you are asking for some new variances which I understand, but I don't see any need or any reason or anything that's a want. Is there --

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2 they just purchased the house recently?

3 MR. FLAUM: They purchased the house a
4 few months ago as their current house isn't
5 large enough for their current needs or family
6 is growing. They were living in a slightly
7 similar-sized house, just not one that could
8 be expanded, so they are looking to enlarge
9 the house to accommodate their family.

10 CHAIRMAN KEILSON: Where were they
11 living?

12 MR. FLAUM: They were living in Far
13 Rockaway. I believe now they sold that,
14 purchased this, and are renting currently an
15 apartment.

16 CHAIRMAN KEILSON: How many children do
17 they have?

18 MR. FLAUM: Four children.

19 MEMBER GOTTLIEB: That's what I mean.
20 Now I understand why they need four bedrooms
21 or six bedrooms.

22 CHAIRMAN KEILSON: In general, if you
23 could put more information in the petition,
24 that would narrow the questions we have at the
25 hearing and expedite that.

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2 MR. FLAUM: Got it.

3 MEMBER HILLER: You also in the
4 introduction said it's new construction.

5 MR. FLAUM: It's the new construction
6 based upon the discussion we had in the past
7 that you don't like my calling it anything
8 other than that.

9 MEMBER HILLER: No. A new construction
10 would entail a new set of circumstances for us
11 to judge. Is this new construction or an
12 expansion of a present construction?

13 MR. FLAUM: So I am going to explain
14 what it is, and you are going to tell me it's
15 not an existing house. It's an existing house
16 that they are taking down the second story,
17 gutting the first story, and rebuilding the
18 second story.

19 CHAIRMAN KEILSON: It's an expansion and
20 alteration.

21 MR. FLAUM: There we go. That works for
22 me. Okay. So the different code reliefs that
23 we are seeking tonight are Section
24 212-17.D(1). Minimum side-yard setbacks
25 permitted at 10 feet, existing at 4.10,

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proposed at 4.88. Section 212 --

CHAIRMAN KEILSON: There is no change there. 4.10. Gerry, is that no change?

MR. CASTRO: Correct. That would be the east side-yard setback. I don't think -- I mean, the foundation is remaining.

MR. FLAUM: No, I think it's getting a little bit larger. They are taking something out, so it's getting slightly enlarged, going from 4.1 to 4.8.

MR. CASTRO: So the existing yard projected out further.

MR. FLAUM: I am going to find it and just clarify that. It's at the backside of the garage. I would look for it but the dimension is 4 -- .4 inches on my drawing. You see that on the top right so that's 4.88.

CHAIRMAN KEILSON: Let me just -- again, those of you who come in, there are additional chairs that can be brought in from the side room.

MR. MARTIR: It's the same 4 foot 10.

CHAIRMAN KEILSON: All right. Why don't you continue?

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MR. FLAUM: Saying there is no change here could be a numerical error. I don't know what happened. Section 212-17.D(1), minimum front-yard setback. Permitted at 25 feet, existing 19.8 feet. No changes proposed. So 19.71. Round it. Section 212-17.D(1) minimum side-yard aggregate. Permitted at 25 feet, existing 15.67. No change proposed. 15.67.

Section 212-17.D(1) minimum rear-yard setback. Permitted at 30 feet, existing 25.67, no change proposed. 25.67. Section 212-17.D(2A), maximum front-yard setback ratio. Permitted at .88. Existing 1.16. Proposed 1.13.

CHAIRMAN KEILSON: So it's not no change.

MR. FLAUM: Right. I think it's no enlargement. That's what it should say.

CHAIRMAN KEILSON: We would appreciate more precision in your numbers on code reliefs rather than us having to investigate each time.

MR. FLAUM: Not a problem. I will look it over next time.

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2 CHAIRMAN KEILSON: Thank you very much.

3 MR. FLAUM: So I am going to preempt the
4 next one where it says no change too. Section
5 212-17.D(2C), maximum side-yard setback.
6 Permitted at 2.2, existing at 4.75. 4.75.

7 CHAIRMAN KEILSON: That's not correct.
8 Existing is not 4.75.

9 MR. FLAUM: I know. I am going to look
10 it up in a second. Existing is 4.73.

11 CHAIRMAN KEILSON: No.

12 MR. CASTRO: East-side height setback
13 ratio, it's got to be less. Because there was
14 no second story of the first. I have it close
15 to like a 3.

16 MR. FLAUM: We don't really draw the
17 existing, so I am not sure where that came
18 from but I am looking right now. That's --
19 oh, that's because there is two pieces of the
20 side yard so to the closer part, which is the
21 garage sticking forward, it's 4.73. To the
22 right house, it was 2.2. So it's the more
23 restrictive you see on the front elevation.

24 MR. CASTRO: Page 2, A-200?

25 MR. FLAUM: Yes. There is that

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2 one-story garage being built on top of it's a
3 two-story. 4.73. I think the 5 is just a
4 typo.

5 MR. CASTRO: No. That's proposed. We
6 are talking about existing.

7 MR. FLAUM: Is probably 2. --

8 MR. CASTRO: -- 8 or something.

9 MR. FLAUM: Yes. So it's right there.

10 CHAIRMAN KEILSON: So I would reiterate
11 my caveat, please.

12 MR. FLAUM: Yes. Okay.

13 CHAIRMAN KEILSON: Going from 2.8
14 approximately to 4.75 and that's attributable
15 to the additional floor above the garage.

16 MR. FLAUM: Right. Section
17 217-17.D(2B), maximum rear-yard height
18 setback. Permitted is .74, existing 1.1,
19 proposed 1.1. Check that. Yes, 1.1. Next
20 section, 212-27.C(3), one-car garage.
21 Permitted 10 by 20, proposed 8.3 by 14.42
22 feet. I believe that's an existing garage
23 that ended up being decreased in size but
24 being maintained as is.

25 CHAIRMAN KEILSON: Being decreased in

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size?

MR. FLAUM: It's existing being maintained.

CHAIRMAN KEILSON: Maintained. Okay.

MR. FLAUM: Correct.

CHAIRMAN KEILSON: It was not useable as 8.33 either.

MR. FLAUM: Right.

CHAIRMAN KEILSON: It could be nay inaccessible because of the stairway.

MR. FLAUM: Next item on the code relief, pervious surface coverage. Permitted is 723.75. Actually it's not being relieved. It's existing 54.68. Proposed amount complying. And then impervious surface, that's the one that needs code relief. Permitted at 1,881.24 square feet. The proposed is 2,338.72 square feet with an overage of 19 percent.

MEMBER GOTTLIEB: What's the existing on the impervious, please?

MR. FLAUM: I am looking for that. Existing impervious, which is 2,291.52, so it's a little bit less than 149 plus 38 is 45

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2 square feet more on the impervious surface
3 coverage.

4 MEMBER GOTTLIEB: Where is that
5 additional coverage coming from since we are
6 basically keeping the footprint currently?

7 MR. FLAUM: At the rear of the house
8 there is a small extension, so on the first
9 floor you will see -- continue. A-100, A-101.
10 Right there. You have it right there. If you
11 turn the page more, right there on the back.
12 In the back of the house.

13 MEMBER GOTTLIEB: Oh, this, over here?

14 MR. FLAUM: Yes.

15 CHAIRMAN KEILSON: Okay. I see it.

16 Thank you.

17 MEMBER MOSKOWITZ: Is the roof pitched
18 or is it flat?

19 MR. FLAUM: So the roof is pitched but
20 the clients are seeking to do a more modern
21 design, so the front of the hall, the gable
22 end comes up so it looks like it's a modern
23 house from the front but it's actually a
24 pitched roof. You can see it on the roof plan
25 and it's dashed in on the elevations, so it's

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actually a normal pitched roof.

MEMBER MOSKOWITZ: Can you comment how that would fit in with the character of the block because the houses, at least looking at A-200, appear to be quite different in terms of their style than this one.

MR. FLAUM: It's a different style. It's a little bit more modern, but we are trying to keep with the similar materially. They are stucco asphalt shingle so trying to intergrate with the existing context but we just know it's more modern and we had the BBD hearing conference yesterday, and they did approve it on condition of the hearing tonight. So they were okay with the more modern asthetic.

MEMBER HILLER: Are they married to the modern aesthetic because really this is an eyesore in the face of the block.

MR. FLAUM: So they really are married to this but they can speak --

MEMBER HILLER: I would strongly suggest that they divorce.

CHAIRMAN KEILSON: On this matter only.

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2 Let's hear what the neighbors have to say.

3 MR. FLAUM: So I asked my client to
4 provide any signatures from neighbors in
5 support to his application. I have supporting
6 from the four adjoining neighbors. I don't
7 know which ones they are.

8 CHAIRMAN KEILSON: We are most concerned
9 about the one on the east side.

10 MEMBER HILLER: The Greenbergs.

11 MEMBER GOTTLIEB: Whoever is to the
12 east.

13 MR. MERMELSTEIN: Ehrenberg.

14 MEMBER HILLER: It says on your
15 notification the house to your right,
16 Greenberg.

17 CHAIRMAN KEILSON: Please identify
18 yourself for the court reporter.

19 MR. MERMELSTEIN: Jack Mermelstein.

20 CHAIRMAN KEILSON: With your address.

21 MR. MERMELSTEIN: 128 Cumberland,
22 Lawrence, New York.

23 CHAIRMAN KEILSON: Okay.

24 MR. FLAUM: What are the four names you
25 had listed?

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2 MR. CASTRO: 124 Cumberland Place. Is
3 that the house to the right is Ira Erenberg.

4 MR. MARTIR: Greenberg is at 130 to the
5 east. Greenberg is 130.

6 MEMBER HILLER: That's the one that's
7 going to be affected by the height of the
8 second story. You have a letter from them?

9 MR. CASTRO: I do. It's actually Katz
10 is the last name.

11 MR. MERMELSTEIN: Katz is to the right.

12 CHAIRMAN KEILSON: Are they renters?

13 MR. MARTIR: Is it not correct then?

14 MEMBER HILLER: On your radius map it
15 says the person to your right is Nechama
16 Greenberg.

17 MR. FLAUM: It could be that it's her
18 maiden name and it's never changed because her
19 name is Nechama Katz.

20 MR. CASTRO: We have the letter in
21 support.

22 MEMBER GOTTLIEB: Is she here tonight by
23 any chance?

24 MR. FLAUM: She is not. I actually know
25 who she is.

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2 CHAIRMAN KEILSON: You were about to
3 explain to my colleague here why you are
4 married to the look.

5 MR. MERMELSTEIN: Married to the look?
6 Well, I am up to suggestions. I am up to any
7 suggestion. You know, just trying to do
8 something, a little something that we like.

9 MEMBER HILLER: You are asking for a
10 fairly substantial amount of variances as we
11 see. Some of them you are grandfathered in
12 already in a way. But one thing that we try
13 to do is maintain the look of the block. It
14 would be very helpful if you have conformity
15 across the block rather than have the one
16 house stand out.

17 MR. MERMELSTEIN: Well, there is a
18 pitched roof.

19 MEMBER HILLER: Behind the facade.

20 MR. MERMELSTEIN: So if you want, we can
21 change that if that's what you want. But
22 that's it.

23 MEMBER GOTTLIEB: You haven't met us
24 yet.

25 MR. MERMELSTEIN: This is my Far

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2 Rockaway showing up.

3 MEMBER GOTTLIEB: The rear-yard issues
4 don't bother me. You back up on the train
5 tracks. I don't think the MTA has an issue.
6 It was really just the front -- it appears
7 it's 1.13. Front ratio setback. And it was
8 previously .88, but previously the .88 was
9 only at a certain slope and position but when
10 you are putting up a two-and-a-half story
11 vertical facade, it's more imposing than it
12 may necessarily sound at the 1.13. However,
13 you have already agreed. You already said yes
14 so we are going to stop.

15 MR. MERMELSTEIN: Yes. On record.

16 CHAIRMAN KEILSON: So the only height
17 setback ratio that's an issue really is the
18 one to the east because you raise -- I think
19 you are up to 26 feet or something along those
20 lines. But examining the layout, I understand
21 that's the master suite. Okay, so we want you
22 to have matrimonial harmony so we want the
23 master suite to be everything you always
24 dreamt of. Any other comments? Questions?

25 MEMBER GOTTLIEB: If we are agreeing to

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change the facade, the 1.13, we need to know what's being changed, how it's being changed.

MR. FLAUM: I think what he said very cryptically before was that he is willing to cut back the pieces that go beyond the gable.

MEMBER HILLER: So just conform to the back of the house, the back will conform to the front.

MR. FLAUM: Well, it would be pointless doing it at the back than doing it at the front but yes.

MEMBER HILLER: I don't need your sarcasm.

MEMBER GOTTLIEB: So is that called a gabled front?

MR. FLAUM: Yes. Gabled front and gabled rear.

CHAIRMAN KEILSON: Does the Building Department understand what they are alluding to?

MR. CASTRO: One hundred percent.

CHAIRMAN KEILSON: Anyone in the audience want to speak to the matter for or against?

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MS. MANDEL: We are for.

CHAIRMAN KEILSON: We are not voting.

MEMBER GOTTLIEB: It was a good try.

CHAIRMAN KEILSON: Okay. We are about to vote and we realize the statutory criteria which weighs the benefit to the applicant as opposed to any detriment, health, safety, welfare of the neighborhood. There are five criteria that I will not enumerate. I think we are all aware of them. We will start the voting with Mr. Moskowitz.

MEMBER MOSKOWITZ: With the amendments stated on the record, for.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: For.

CHAIRMAN KEILSON: Mr. Hiller?

MEMBER HILLER: For.

CHAIRMAN KEILSON: Mr. Felder?


MEMBER FELDER: For.

CHAIRMAN KEILSON: And I vote for. We give you two years. Is that adequate? You went to the Board of Buildings Design already. So it's really very good. Thank you very much.

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(Whereupon the hearing concluded at 8:07 p.m.)

Certified that the foregoing is a true and accurate transcript of the original stenographic minutes in this case.



YAFFA KAPLAN

Court Reporter

1 15 Martin Lane LLC - 6/20/19
2 INCORPORATED VILLAGE OF LAWRENCE

3 BOARD OF APPEALS
4

5 Lawrence Country Club
6 101 Causeway
Lawrence, New York

7 June 20, 2019
8 8:07 p.m.

9 APPLICATION: 15 Martin Lane LLC
10 15 Martin Lane
Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
Chairman

13 MR. EDWARD GOTTLIEB
Member

14 MR. DANIEL HILLER
Member

15 MR. AARON FELDER
16 Member

17 MR. ELLIOT MOSKOWITZ
18 Member

19 MR. STEPHEN MARTIR, ESQ.
Village Attorney

20 MR. GERALDO CASTRO
21 Building Department

22 MR. DANNY VACCHIO
Building Department

23
24 Yaffa Kaplan
25 Court Reporter

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2 CHAIRMAN KEILSON: Okay. The next
3 matter this evening is 15 Martin Lane LLC.
4 They or their representative please step up.
5 So who is representing.

6 I am going to ask the audience to
7 restrain yourself from any support or
8 nonsupport. Okay. Please continue.
9 Introduce yourself for the record.

10 MR. FLAUM: Good evening again, members
11 of the Board. My name is Shmuel Flaum,
12 residing at 194 Wanser Avenue, Inwood, New
13 York 11096.

14 CHAIRMAN KEILSON: Before you begin, I
15 just want to offer a preamble. Again, I need
16 you to be quiet, please. One of the laws that
17 will govern tonight's discussion -- and I
18 think it's very important that everyone
19 understands is what's called RLUIPA, which is
20 the National Religious Land Use and
21 Institutionalized Persons Act, which was
22 passed by Congress in the year 2000 and signed
23 into law by President Clinton. The RLUPA says
24 as follows: "No government shall impose or
25 implement a land use regulation in a manner

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2 that imposes a substantial burden on the
3 religious exercise of a person, including a
4 religious assembly or institution, unless the
5 government demonstrates that the imposition of
6 the burden on that person, assembly, or
7 institution is in furtherance of a compelling
8 government interest and it is the least
9 restrictive means of furthering that
10 compelling government interest.

11 "The tests of RLUPA are number 1, is the
12 restriction a substantial burden on religious
13 exercise. Number 2, is there a compelling
14 religious interest in restricting use which
15 has been interpreted by the United States
16 Supreme Court as a substantial threat to
17 public safety, peace, or order. And lastly,
18 is the restriction the least restrictive means
19 of furthering compelling government interest."

20 And one of the other things that will be
21 discussed tonight is that the Board is always
22 concerned and sensitive to neighbors'
23 legitimate concerns about the health, welfare,
24 and safety of the neighborhood and community
25 and whether the proposed variance will have an

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2 adverse effect or impact on the area's
3 physical environmental condition. The Board,
4 as I indicated, is aware of and supportive of
5 the constitutional and legal protection of
6 religious freedom. The primary concern with
7 granting a requested variance of this nature
8 rests with issues of traffic congestion,
9 traffic flow, availability of parking, and
10 vehicle and especially pedestrian safety. It
11 is also ever present in our minds that we have
12 to be concerned about the residentiality of
13 the community, and that will also have some
14 impact in terms of the decision tonight.

15 Without further ado, Mr. Flaum.

16 MR. FLAUM: I am here tonight
17 representing my clients for the -- I forgot
18 the acronym for the synagogue -- Bais Medrash
19 of Lawrence, which was a purchase of the
20 existing split-level brick-and-frame
21 structure. They are seeking to convert it
22 from a single-family residential dwelling into
23 their new synagogue for religious use.

24 We are seeking several code relief
25 items. I am going to enumerate them now.

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2 Section 212-12.1. Maximum building coverage
3 permitted at 3,073 square feet. The existing
4 is 3,278.6 square feet. The proposed is
5 3,421.6 square feet, an overage of 11.3
6 percent. Section 212-12.1, maximum impervious
7 surface coverage. Permitted at 3,606.2 square
8 feet, existing at 6,003 square feet. Proposed
9 at 6,146 with an overage of 70.4 percent.

10 Section 212-12.1, minimum rear-yard
11 setback. Permitted at 40 feet, existing at
12 24.5 feet, proposed at 18.75 feet. Section
13 212-12.1, maximum rear-yard height setback.
14 Permitted at .55, existing at .98, proposed at
15 1.3 with an overage of .75 it says. Which is
16 actually inaccurate. I believe it's over by
17 1.32.

18 Section 212-27.C, enclosed garage.
19 Permitted one-car garage. Proposed no garage
20 at all. Section 212-27.B, require one parking
21 space for each five persons. We have proposed
22 here 51 that are required. The proposed
23 number says four, but we are actually showing
24 six on the site back plan that you have in
25 front of you. I am sure it will be a point of

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2 discussion moving forward.

3 Pervious surface coverage. Permitted at
4 1,215 square feet, existing at 600. That's
5 supposed to be -- give me one second. I think
6 there is a number missing. It's 664 square
7 feet. Proposed at 664 square feet and it
8 complies with the allowed pervious surface
9 coverage. Then impervious surface coverage is
10 3,606, existing 6,003 square feet, proposed at
11 6,146, an overage of 66.4 percent.

12 MEMBER MOSKOWITZ: There is an ambiguity
13 in the application that I think is an
14 important question to clarify at the outset,
15 and that is does the application contemplate
16 that the premises will be used during the week
17 or will it just be used on Friday nights and
18 Saturdays?

19 MR. FLAUM: So I believe that the
20 intention is that this will be used all week
21 long. Primarily on the weekends but there
22 probably will be a usage in the relatively
23 early morning hours as is typical for a
24 synagogue of this nature. Maybe not right
25 away, but in an eventuality it probably will

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2 have a form of them meeting at least once or
3 twice in the morning during the week in
4 addition.

5 MEMBER MOSKOWITZ: Should we view this
6 as a request for a full-fledged Shul with
7 services every day of the week, morning,
8 afternoon, and night just in terms of what we
9 have to consider?

10 MR. FLAUM: So afternoon/evening I think
11 is debatable because people have very
12 infrequent schedules so I don't know about
13 that. I can't say with certainty, but the
14 morning I am certain there will be one meeting
15 or one Minyan for lack of a better word, but
16 in regards to the afternoon and evening, that
17 has to be brought up I think at the hearing
18 because I don't know what their intention is.
19 It wasn't discussed.

20 MEMBER MOSKOWITZ: You don't know what
21 your client's intention is with respect to
22 that aspect of the application?

23 MR. FLAUM: Correct.

24 MEMBER MOSKOWITZ: Do you want to
25 consult with them?

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2 MR. EISENBERGER: Josh Eisenberger, 47
3 Causeway, Lawrence, New York 11559.
4 Treasurer, Bais Medrash of Lawrence, and I am
5 the project head.

6 MR. MANDEL: Moishy Mandel, 160
7 Harborview North, Lawrence, New York, and I am
8 the president of the Bais Medrash.

9 MR. EISENBERGER: As contemplated and
10 obviously up for discussion as Mr. Flaum laid
11 out, as contemplated we would like to request,
12 even if it's not immediate, the ability to
13 have a congregation in the morning for a
14 Minyan in the morning. It obviously would
15 conform with all other restrictions placed on
16 all other house Shuls in the neighborhood. To
17 Mr. Flaum's point, we would not be seeking an
18 afternoon congregation as no one is around and
19 none of our members are around to actually
20 have an afternoon service if there were, and
21 if there were an afternoon/evening service as
22 many of you are aware, it would probably be
23 later in the evening. It would not take place
24 until it got late enough where it made sense.
25 So call it 7:00 or 7:30 or 8:00. We wouldn't

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2 be able to field ten men before that hour. So
3 that wouldn't be a contemplation in this
4 petition.

5 MEMBER MOSKOWITZ: Just so we are clear,
6 because we have to know what we are
7 considering, so the application is not to have
8 any services other than one service in the
9 morning, or is the application to have more
10 than that? That's the question.

11 MR. MANDEL: I believe the -- the list
12 of restrictions on synagogues that -- I don't
13 know the exact problems. There is a list that
14 we saw that has certain restrictions regarding
15 catering and things like that, and it
16 contemplates one service in the morning and
17 one service in the evening and that was what
18 we were contemplating.

19 MEMBER MOSKOWITZ: So then to clarify,
20 so the application is for one service in the
21 morning, a service in the afternoon, and a
22 service in the evening as contemplated by the
23 stipulations that you are referring to?

24 MR. MANDEL: I don't recall if it had a
25 service in the afternoon.

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2 CHAIRMAN KEILSON: That won't bear on it
3 once we move away from just Sabbath and
4 holidays. Then there is a whole other area
5 that we have to take into consideration
6 obviously because that's when the driving
7 takes place, and therefore whether today you
8 are considering an afternoon or evening
9 service, whether today you are considering
10 having evening classes, we have to review
11 based on the assumptions that once there is a
12 weekday usage, we will have to evaluate it on
13 that basis.

14 MR. EISENBERGER: I would also submit
15 that it was our intention not to bag anybody
16 with hey, we came for a variance and now we
17 are back, you know, in three years when maybe
18 we do want to have one and everybody says
19 well, they already have a service so you
20 should let them have it. And we wanted to be
21 as transparent and honest with the members of
22 the Board and our neighbors and the rest of
23 the community as possible because we felt that
24 that was the best policy to come forward with
25 and not try to bag anybody or hide something

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2 that may eventually come to fruition.

3 CHAIRMAN KEILSON: I would say from the
4 perspective of the Board, we would not have
5 viewed it as being bagged because we
6 understand it's a growth cycle in any
7 synagogue. We have lived through many of them
8 here so we actually appreciate that, but
9 obviously it's less challenging to the Board
10 if it's solely a Sabbath and holiday
11 situation. And then there is an experiential
12 factor where one gets to live with the
13 neighbors and the neighbors see exactly how
14 people have conducted themselves and attitudes
15 change. So if we are really coming -- and
16 again I don't view it negatively if you
17 recognize that at this point in time, you
18 don't need the weekday services, then we will
19 be viewing it differently. If once we are
20 viewing it we have to contemplate weekly
21 services, then the approach is a totally
22 different one. Then the parking situation
23 presents itself, and I think everybody would
24 understand that of the requests, parking is
25 the most challenging.

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2 So you have to bear in mind that the
3 petition means Sabbaths and holidays. It does
4 not say anything about weekday services.
5 That's paragraph 3, "Newly purchased premises
6 centrally located, et cetera, et cetera, and
7 will allow congregants to attend Sabbath and
8 holiday services".

9 MR. EISENBERGER: I apologize if it said
10 that. I didn't read through the petition, and
11 maybe there was a misunderstanding.

12 MEMBER MOSKOWITZ: Yes. That's why I
13 said it was an ambiguity.

14 MR. EISENBERGER: I think we have
15 sufficiently clarified it at this juncture,
16 and to the extent that we would like to
17 discuss it and it will -- and we are not
18 opposed to different variations or different
19 thoughts on the matter and I think -- but I
20 think that at the outset that is certainly
21 something we would like.

22 CHAIRMAN KEILSON: So in terms of being
23 transparent, it would be a lot easier for the
24 Board if at the inception you would be seeking
25 only Sabbath and holidays and we not look

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2 askance at the fact that you come back after
3 having been there for a period of time and you
4 request an expansion of the situation.
5 Because we have letters from neighbors
6 already, and overall that's their greatest
7 concern what's going to be in terms of parking
8 congestion, safety, things of that nature.
9 Those things don't necessarily rear their ugly
10 head if it was discussing the Sabbath and
11 holidays.

12 MEMBER MOSKOWITZ: Just in terms of the
13 needs of the congregation right now, how long
14 has the Shul been in existence for in its
15 current form?

16 MR. MANDEL: Six years. Five years.

17 MEMBER MOSKOWITZ: And in its current
18 location, has it ever had a weekday Minyan?

19 MR. EISENBERGER: We have Sunday morning
20 every Sunday, and we do have a Saturday night
21 father-son learning program, and I believe I
22 am sure that you could ask any of the
23 neighbors that are currently around where we
24 congregate and none of them have ever had an
25 issue. We definitely have at least one

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2 neighbor here tonight that lives on Lawrence
3 Avenue and can attest to our being respectful,
4 respectable, not blocking driveways, not
5 causing undue congestion, and never being a
6 nuisance or causing an issue with the
7 community.

8 MEMBER MOSKOWITZ: But that's just for
9 -- you are not actually having daily services.

10 MR. EISENBERGER: We do have Sunday
11 morning when there are more drivers on the
12 streets than other days.

13 MEMBER MOSKOWITZ: But not on Monday?

14 MR. EISENBERGER: Correct.

15 MEMBER MOSKOWITZ: Or Tuesday?

16 MR. EISENBERGER: Correct.

17 MEMBER MOSKOWITZ: Or Wednesday?

18 MR. EISENBERGER: Correct. I
19 understand. I also would point to -- you
20 mentioned the growth of the congregation. I
21 think you can see from what you see here
22 tonight and these are just the parents of
23 families --

24 CHAIRMAN KEILSON: I think they were
25 left over from Horowitz.

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2 MR. EISENBERGER: And we are a growing
3 congregation and when I moved into the area
4 four or five years ago, there were 30 families
5 in this Shul, and as the person who keeps the
6 records I can tell you we are now at 70
7 families and we -- there is -- absolutely
8 there is a need and we are growing and it's
9 only going to become an increasing need.

10 MEMBER MOSKOWITZ: Mr. Castro, when the
11 determination was made that there were 51
12 spots required, what assumption was used with
13 respect to the number of families?

14 MR. CASTRO: Based on square feet and
15 the gross square footage of the building,
16 which ultimately it was also a factor of
17 whether there is tables and chairs versus
18 affixed seating, and I think it was just a
19 combination.

20 CHAIRMAN KEILSON: If I may interject,
21 because we had a conversation about it, the
22 first floor would have 158 potential people.
23 The second floor 91, so more or less 250
24 people.

25 MR. CASTRO: And five -- I think for

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2 every five occupants it's one car.

3 MR. EISENBERGER: Numerically that bears
4 out. I would comment, I think it's apparent
5 to the people here, the only time that would
6 ever be maximized, many of those seats are
7 actually designated for children and groups
8 and so they are clearly not driving, and the
9 only time it would fully be occupied is
10 probably on the High Holidays. We don't even
11 have 70 member families on Sabbath today but
12 even that people don't drive. So you are
13 talking about the maximum occupancy needed for
14 a weekday Minyan which I don't know. We
15 struggle to get a Minyan on Sunday mornings,
16 so if we have 20 people or 22 or 23 people,
17 that would be heroic and a great
18 accomplishment for us.

19 MEMBER MOSKOWITZ: Then why the need to
20 press -- you heard what the chairman said with
21 regard to the feasibility or the ease with
22 respect to this application. If it's just for
23 what's basically going on right now, which is
24 a Shabbos Shul, why, especially if you are
25 even struggling to get a Minyan together on

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2 your Sunday morning, ask for permission right
3 now sitting here today to do even much more
4 than that? It's just going to be more
5 difficult because of the concerns.

6 CHAIRMAN KEILSON: And if we want to
7 guide ourselves by the experience in the
8 community, since I was there when the
9 Harborview Bais Medrash was contemplated, and
10 you find that once you establish yourselves in
11 your own premises, I think growth will reflect
12 itself okay? And pardon the French, but Zeh
13 HaKatan Gadol Yihiyeh. There is going to be
14 growth. And I think we all recognize that you
15 will grow because of the vibrance and vitality
16 of the group that's here tonight. So the fact
17 that you can't field a Minyan easily on a
18 Sunday presently, I think that might change.
19 But as my colleague explained, it may be a way
20 to start off, and then -- I mean, we have met
21 with Harborview Bais Medrash seven times going
22 back to 1998.

23 MR. MANDEL: I would say that that sort
24 of informed our decision in that we didn't
25 want to have to come back seven times, and if

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2 we all knew where it was headed, it would make
3 sense to go there, but you know, I totally
4 understand where you are coming from. You
5 know, the sense I am getting is that you are
6 telling us that it will be very much an uphill
7 battle if we decide to go for -- if we keep
8 the full application for a weekday Minyan.
9 Tell me if I am reading that wrong.

10 MEMBER GOTTLIEB: I wouldn't say it's so
11 much an uphill battle. It's just we have a
12 lot more to consider and that's parking and I
13 think generally when it's opposition, it's
14 typically because people don't like to hear
15 car doors slam at 6:00 in the morning or 7:00
16 in the morning. I think that's more or less
17 the largest issue.

18 MEMBER MOSKOWITZ: I would say beyond
19 that, there is a whole spate of safety
20 concerns when it comes to vehicular traffic on
21 a residential block especially one like this
22 where there is school bus traffic. It's not
23 particularly wide so that's why it's a very
24 different proposition, and you weigh that
25 against the need if the Shul right now doesn't

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2 have a significant need or any need for a
3 weekday Minyan -- it may have it in the future
4 at which time we will have the discussion, and
5 as the chairman said and I would say it on the
6 record, we will not look askance at a
7 subsequent application simply because it's a
8 subsequent application. Just depends on the
9 circumstances at the time.

10 MR. EISENBERGER: Without one running an
11 illicit weekday Minyan, how does one prove
12 that they have a need? Because in previous
13 situations people may have been running a
14 Minyan without being previously permitted and
15 yet they use that as the proof that there is a
16 need. If you don't have that ability to run
17 that, how can you ever prove a need?

18 MEMBER MOSKOWITZ: I think it's -- well,
19 I will give my observation but you can comment
20 as well. So it's not just -- it is need but
21 it's also other things as well. So in terms
22 of the need, you know, you will be on the
23 block for a while. Apparently the Shul is set
24 for growth. People are getting older in the
25 Shul. I think it's a young congregation right

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2 now, and so the needs of a congregation that's
3 five years more mature than it is right now
4 might be different. Sure, we won't have the
5 evidence of, you know, oh, we are running it
6 illicitly right now, and so therefore, we need
7 it but you can present evidence that right now
8 we have been on the block for five years.

9 It's been running smoothly so far. We have
10 abided by all the contingencies and
11 restrictions that have been put in place. We
12 have a good track record with the neighbors.
13 Neighbor opposition has diminished at this
14 point to a weekday Minyan, and so it's a whole
15 set of circumstances that might be different
16 than what they are right now.

17 MR. EISENBERGER: Why would you think
18 that any person that's opposed to a weekday
19 Minyan now might warm to the idea of a weekday
20 Minyan in five years?

21 (Discussion off the record.)

22 CHAIRMAN KEILSON: Don't respond. It's
23 not on the record. Don't respond. Let's keep
24 focused.

25 MEMBER FELDER: The answer is you don't.

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2 You don't. But at the end of the day, when
3 you actually do need it and really need it,
4 it's probably better to do then, and you
5 probably will be heard in a very fair way I
6 would think based on previous cases.

7 MR. MANDEL: Okay.

8 CHAIRMAN KEILSON: You want to caucus?

9 MR. MANDEL: No. Listen, we frankly --
10 we tried to meet with as many of the neighbors
11 who live around us --

12 CHAIRMAN KEILSON: You want to take a
13 five-minute caucus?

14 (Recess taken.)

15 CHAIRMAN KEILSON: We would like to
16 reconvene, please. Gentlemen, we are back on
17 the record.

18 MR. MANDEL: Yes. So we do want to
19 state for the record that we did canvas as
20 many of the neighbors as we could. We met
21 with -- we sat down with several of the
22 neighbors.

23 CHAIRMAN KEILSON: We are going to get
24 to all of that. Just what do you want us to
25 consider?

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2 MR. EISENBERGER: We are open to
3 removing the everything but Saturday and
4 Sunday, which is what we currently have. So
5 we currently have Sunday morning, so it would
6 be Sunday morning and the Saturday night
7 father-and-son program. We don't want to
8 ditch anything that we have. I would like to
9 state for the record that none of us really
10 want to be part of a Saturday weekend club and
11 we are all a unit and we are striving to
12 become a greater unit and the only way to
13 create unity and become a cohesive
14 congregation is by having more than that, but
15 that said, you know, we certainly don't want
16 to diminish what we have today. So we are
17 willing to consider removing the petition for
18 the rest of it. So Sunday morning to be clear
19 and the regular Friday night, Saturday, and
20 Saturday night father-son program.

21 That said, in echoing what Mr. Mandel
22 said, we did meet -- I personally met and with
23 Mr. Mandel numerous of the neighbors, spoke
24 with them, heard their concerns, and assured
25 them that we were willing to do everything

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2 that they asked of us. So we would like to
3 hear -- before we remove the petition, we
4 would like to hear the opposition, and we
5 would like to understand exactly what it was
6 that we didn't consider. I know we didn't
7 meet with all the people. We may not have met
8 with all the people in the room tonight.

9 One of the neighbors that we did speak
10 with said they spoke on behalf of one of the
11 neighbors that is in the room tonight and said
12 this was a primary concern of theirs. We said
13 that would not be a problem and we would
14 accommodate it, and I do want to stress with
15 every consideration, we said we will be as
16 accommodating as possible. We don't want to
17 ruin anybody's lifestyles and anything they
18 ask within our powers we are willing to try
19 and accommodate, so with that, before we do
20 withdraw the petition, we would like to hear
21 what the opposition is.

22 CHAIRMAN KEILSON: Any other questions
23 from the Board before we open the floor for
24 discussion?

25 MEMBER FELDER: No.

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2 CHAIRMAN KEILSON: No questions right
3 now. Okay. Thank you. Okay. Anyone who
4 wants to speak on the matter? Please identify
5 yourself for the record.

6 MR. MANN: David Mann, M-A-N-N. I live
7 at 19 Martin Lane, Lawrence, New York. Next
8 door to the proposed synagogue. Do I start
9 now? Great. I just want to make it clear to
10 begin with that I love living in Lawrence and
11 I love having the accessibility to the various
12 facilities that we have that enable me and my
13 family to live the Orthodox lifestyle that we
14 have chosen to live. So anything else I say,
15 I think it's a great place, and I have nothing
16 against having more synagogues.

17 So I just want to go down a quick list.
18 Not necessarily in order of importance. I
19 will say that Josh and Moishy and Rabbi
20 Fordsham did come to my house recently. We
21 sat around the dining room table. They showed
22 me the plans, they asked what my concerns
23 were, and they sounded very straightforward,
24 honest, and accommodating.

25 Structurally they agreed that it would

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2 look like a house, continue to look like a
3 house. There would be no signage and that the
4 main entrance would not be on Martin Lane.
5 They would change where the garage doors are
6 now and that would be the main entrance and
7 that would be on Broadway.

8 One thing before I get to the parking
9 issue that's concerning to us personally is
10 that there is -- we have I think a chain-link
11 fence and some bushes on our side that abuts
12 them. And on their side there is a very
13 dilapidated wooden fence. We brought it up,
14 and again they agreed that there should either
15 be a fence as high as it could be or a new
16 fence or maybe trees or something for several
17 reasons: A, for privacy, B, for safety. I
18 don't want the kids running around getting
19 splinters in their hands from the wooden
20 fence, but also we have a pool in the backyard
21 and during the season we don't have an
22 automatic covering so it's open, and for
23 safety purposes, I don't want kids to be able
24 to come through from their yard into our
25 backyard. Also we brought this up to them.

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2 They said no problem. And we bring it up now
3 because it's not just one family living there.
4 It's going to be very different. Top floor in
5 the back there are some windows, which can
6 look straight down into our backyard pool
7 area. One would guess that we are not always
8 fully clothed in this manner that we are right
9 now, and they agreed that they would at least
10 frost the windows or do something of that
11 nature so that you wouldn't be able to look
12 out of those windows into our backyard.

13 No catering during the week, no Brissim
14 during the week, et cetera. They said no
15 problem. I know people have brought up the
16 fact that Rabbi Horowitz has received their
17 variance, and they only have three parking
18 spaces instead of the required -- we assume to
19 be required 52. The one point I would make
20 about this and I would also address what Josh
21 said in terms of, you know, being respectful
22 to your neighbors on Lawrence Avenue, Martin
23 Lane is not Broadway. And Martin Lane is not
24 Lawrence Avenue and Rabbi Horowitz's
25 synagogue, which is the corner of Broadway and

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2 Lawrence Avenue, those are two much wider
3 streets with much more accessability to
4 parking. So I don't think it's a fair
5 comparison.

6 In terms of parking, we have discussed
7 -- and again I have heard no opposition to
8 this -- that there should be no parking on one
9 side of the street on Martin Lane. If that's
10 the case, we feel that the side that there
11 should be no parking is the -- what would be
12 the west side of Martin Lane. The side where
13 our house is the front of it.

14 CHAIRMAN KEILSON: No parking on the
15 west side?

16 MR. MANN: On the west side, the house
17 side. Right across from us -- right across
18 from us are not houses. It's the backyards of
19 Manor Lane with the double lot, so it's our
20 side where our houses are. And yes, there
21 would be no parking and that -- I'm sorry. No
22 parking on the side of Martin Lane where our
23 house fronts. That is I believe the west side
24 of Martin Lane. No parking. And various
25 reasons. You know, I don't want to hit

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2 somebody coming out of my driveway not being
3 able to see, et cetera, et cetera. Now, it's
4 been suggested that maybe you don't need no
5 parking at all times on our side.

6 MEMBER FELDER: That would preclude you
7 as a resident from parking on the side of the
8 street as well.

9 MR. MANN: Yes, I know.

10 CHAIRMAN KEILSON: You will have ample
11 opportunity to speak.

12 MR. MANN: I will be able to park in my
13 driveway, but people wouldn't be able to park.

14 MEMBER FELDER: Guests coming to your
15 home would only be able to park --

16 MR. MANN: Or the other side of the
17 street. Then the other side of the street
18 there would be parking. The other suggestion
19 was made that there would be full parking on
20 the other side of the street, the east side.

21 CHAIRMAN KEILSON: East side will have
22 parking, west side no parking.

23 MR. MANN: Exactly. The other
24 suggestion was from 7:00 to 10:00 a.m. and
25 from some period of time in the evening that

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2 that would be the times of no parking and
3 during the week. And that I guess that's open
4 for discussion. But I think we have all
5 experienced Martin Lane. Even when they have
6 functions at the Rock Hall Museum, you know,
7 you can barely walk down the street, let alone
8 drive down the street, and it really is a
9 safety issue.

10 Another issue that was brought up is to
11 have a certain space from the corner of Martin
12 Lane and Broadway I guess that way south --
13 no, actually west -- on the south side of
14 Broadway that way west from Martin Lane that
15 there should be enough distance between the
16 corner and where you can park on Broadway so
17 that you can see coming around there is not a
18 car right up to the corner. You follow with
19 what I am saying? I am sure other people will
20 bring that up.

21 And last thing I will say is they
22 brought up the weekly services, et cetera,
23 whether it's services, whether it's weekday
24 Shiurim, classes, get-togethers, whatever. I
25 don't want to be the guy who is happy

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2 attending a synagogue two minutes away from
3 me, but I am going to make a big stink if it's
4 next door to me. I think the safety issues
5 are real. I think that the potential for, you
6 know, candy wrappers being all over the place
7 is real. And I want to just make it clear
8 they have come to me sounding very
9 accommodating. I am taking them at their
10 word, I am putting it to you and --

11 CHAIRMAN KEILSON: What do you see as
12 the safety issues?

13 MR. MANN: The safety issues would be if
14 the parking is allowed on both sides of the
15 street, you can't see, and there is a lot of
16 opportunity for problems there. Something
17 that Bruce Franklin, my next-door neighbor on
18 the other side has brought up is the idea of
19 potentially putting speed bumps at intervals
20 on the --

21 CHAIRMAN KEILSON: They don't allow it
22 in Nassau County.

23 MR. MANN: Okay. So then maybe a stop
24 sign. Like they have on Herrick at one point.
25 Maybe a stop sign because sometimes people

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2 come down Martin Lane very fast, and again, I
3 am not accusing anybody of anything but if
4 there are weekday services or classes and
5 somebody feels he is late getting to the
6 service, and you know, zips down Martin Lane,
7 you know, it's potentially a safety issue.
8 The other safety issue is related to my
9 backyard and fence, et cetera.

10 MEMBER FELDER: You would want a stop
11 sign where?

12 MR. MANN: Halfway down Martin Lane.

13 MEMBER FELDER: In the middle of the
14 block?

15 MR. MANN: That way they can't generate
16 too much speed before they slow down.

17 MEMBER MOSKOWITZ: Mr. Mann, I place
18 great weight on your words because I think you
19 are the neighbor most affected.

20 MR. MANN: I am right next door.

21 MEMBER MOSKOWITZ: So and I appreciate
22 your thoughtful comments. I guess my question
23 is about what your view is as what the
24 ultimate resolution should be. If the
25 concerns that you stated on the record and the

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2 solutions that you proposed or something like
3 them were adopted, are you in favor of the
4 application including weekday services?

5 MR. MANN: As long as the weekday
6 services are limited to a specific narrow
7 hourly period in the morning and a specific
8 period ending by a certain time at night, I
9 don't know that I would be thrilled, but I
10 wouldn't be unhappy, and maybe I would daven
11 there sometimes. And by the way, I am a Levi
12 so if you need somebody to wash somebody's
13 hands.

14 All kidding aside, I don't want to
15 minimize the concerns because they are real
16 concerns, and as other people have said, we
17 didn't -- no aspersions being cast on any
18 other neighborhoods, but we don't want our
19 neighborhood in Lawrence to be what somebody
20 referred to as Boro Park, and you know, this
21 is why we moved here and this is why they pay
22 for the houses what they pay for the houses.

23 CHAIRMAN KEILSON: Thank you very much.
24 Anyone else want to speak to the matter?

25 MR. FRANKLIN: Bruce Franklin, 21 Martin

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2 Lane, Lawrence, New York.

3 CHAIRMAN KEILSON: Where are you?

4 MR. FRANKLIN: Next door to David Mann.

5 Just brought up the fact about having services
6 during the day, during the week. I am totally
7 opposed to that, and I will give you a reason
8 why. I am out running in the village of
9 Lawrence every morning early. You go to
10 Herrick and Central Avenue, okay, there is a
11 Shul right on the corner. It's amazing I am
12 standing here tonight alive because they go
13 down that street, blow the stop sign, which
14 they put in so people can walk across the
15 street and go to the Shul right there. Well,
16 that's going to be Martin Lane.

17 They have no consideration for anybody.
18 For anybody walking at that hour in the
19 morning. So you are talking about having
20 services during the week. Totally opposed to
21 it. And you know, I know it's a law, anybody
22 can turn their house into a house of worship,
23 that it's federal law.

24 CHAIRMAN KEILSON: There are
25 limitations.

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2 MR. FRANKLIN: Is the house going to
3 have all the necessary, you know, sprinklers
4 that are involved when you have all those
5 people in there?

6 MEMBER FELDER: Yes.

7 MR. FRANKLIN: If they are going to have
8 a hundred families like this gentleman said, a
9 hundred families, do the math. How many kids
10 is that? Where are the kids going to hang
11 out? They are not going to hang out inside
12 the whole time.

13 CHAIRMAN KEILSON: They will be on your
14 lawn.

15 MR. FRANKLIN: Of course. And I got to
16 tell you something. Now when there is a party
17 on the block or Manor Lane, I just see all the
18 trash that's on Martin Lane after that party.
19 People just -- or you know what? I will take
20 it another step further. Go to Lawrence
21 Junior High School or whatever they call it
22 now. And when there is a Little League game
23 in the back afterwards, I don't understand the
24 parents. They just let their kids throw the
25 garage and don't pick it up.

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2 CHAIRMAN KEILSON: Please address the
3 Board.

4 MR. FRANKLIN: Those are the families.
5 Because we love the neighborhood and I have
6 been living here since 1958. Walk down
7 Central Avenue in Lawrence and look at the
8 trash. I mean, people just don't have any
9 consideration for anybody else. All right. I
10 said my piece.

11 MEMBER MOSKOWITZ: Mr. Franklin, I
12 appreciate the passion of your comments and
13 just to understand your position and test the
14 bounds of it. So in your view, you clearly
15 are opposed to services on the weekdays. Are
16 you also opposed to any -- are you opposed to
17 any services going on at that location ever?

18 MR. FRANKLIN: Look, you know, I am at
19 the federal government and I understand you
20 are allowed to turn any house into a house of
21 worship, but if every house in the Village of
22 Lawrence was a house of worship, who is going
23 to pay the taxes? I am assuming that you are
24 not going to pay taxes.

25 CHAIRMAN KEILSON: Mr. Franklin --

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2 MR. FRANKLIN: Okay. I am assuming they
3 are not going to pay taxes. I don't know but
4 why wouldn't anybody turn their house into a
5 house of worship? He don't have to pay real
6 estate taxes so yes, I mean --

7 MEMBER MOSKOWITZ: You care not so much
8 about the taxes.

9 MR. FRANKLIN: I don't know what to
10 think. I just don't know why every block has
11 to have a house of worship.

12 MEMBER MOSKOWITZ: You are entitled to
13 your perspective, but I just want to make sure
14 I understand your perspective. You don't want
15 this house to be used as a house of worship.

16 MR. FRANKLIN: If I had my say, I don't.
17 I would say yes, I would say that I don't. I
18 don't know. I don't think the Village of
19 Lawrence needs one more house of worship but
20 what do I know?

21 MEMBER GOTTLIEB: We understand you are
22 saying that, but unfortunately other people
23 think it's necessary.

24 MR. FRANKLIN: Right. There is a need.

25 MEMBER GOTTLIEB: What I understand my

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2 colleague is asking you if you have to have a
3 balance, are you categorically against a house
4 of worship, or would you be okay with a
5 Saturday/Sunday, Sabbath only or Sabbath and
6 Sunday?

7 MR. FRANKLIN: I can live with it. Like
8 you said, I would rather have a family live
9 there, rather have a house be a residential
10 house as opposed to being a house of worship,
11 but if they are making it a house of worship
12 and you are allowed to have it during the
13 Sabbath, be what it may. I am certainly
14 opposed to having, you know, on Saturday
15 nights more people coming there Saturday
16 night. It just creates issues on a Saturday
17 night. Strangers walking around the
18 neighborhood. You know, one thing leads to
19 another.

20 MEMBER GOTTLIEB: They are probably
21 going to be your neighbors because they are
22 within walking distance. They are not going
23 to come Saturday night if they are not there
24 Saturday morning.

25 CHAIRMAN KEILSON: The father-son

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2 learning program.

3 MEMBER GOTTLIEB: But it's typically
4 from the same congregants.

5 CHAIRMAN KEILSON: Yes. Yes but --

6 MR. FRANKLIN: But nobody is going to
7 know who they are. So right now it's a very
8 quiet block. The only people that go down the
9 block are the people who live on Martin Lane
10 or Juniper Circle.

11 MEMBER GOTTLIEB: Or the speeders that
12 you talked about earlier and that's without
13 the Shul being there.

14 MR. FRANKLIN: So the neighborhood is
15 going to definitely change. That's a fact and
16 all my neighbors are going to have to change
17 their lifestyle so --

18 CHAIRMAN KEILSON: That's the
19 evolutionary nature of the community.

20 MR. FRANKLIN: Exactly right. Things
21 change, okay but if I had my say, keep
22 everything the way it is for another 50 years.
23 I will be long gone. Okay. There you go. I
24 caught an alligator on Harborview West in
25 1958. It was swamps out there before the

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2 houses were built.

3 CHAIRMAN KEILSON: Nothing has changed.

4 MR. FRANKLIN: Nothing has changed.

5 That's what I am saying.

6 CHAIRMAN KEILSON: Did you want to

7 speak?

8 MRS. BRAUN: No. I agree. Beatrice
9 Braun, B-R-A-U-N. 29 Martin Lane. I know
10 Rabbi Fordsham and Rebbetzin Fordsham for a
11 very long time. Very happy. The parking
12 situation is scary on a weekday. Buses have
13 to pick up children, and thank God Martin Lane
14 Juniper Circle is full of little children
15 going to school in the morning. The buses
16 coming down, buses coming up, and there is
17 going to be cars parked on both sides of the
18 street, it's impossible. You can't leave your
19 house, so I would say no parking on the
20 backyard of Martin Lane. Stop and people
21 should find on Broadway places to park and
22 whatever. If that would be okay, if you can
23 block Martin Lane one side, it's fine during
24 the week. I don't know how that's going to
25 work.

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2 MEMBER FELDER: Do you agree with your
3 neighbor, Mr. Mann, his suggestions?

4 MS. BRAUN: Yes but he wants to park
5 somewhere else.

6 MEMBER FELDER: You don't want any
7 parking?

8 MS. BRAUN: I don't want even I should
9 park there. I should park in front of my
10 house, he should park in front of his house,
11 but the backyard of Manor Lane should not have
12 anybody parking there so we can get out.

13 MEMBER FELDER: That's the opposite of
14 what your neighbor said. So you want to
15 permit the Shul membership to park on your
16 side of Martin Lane?

17 MS. BRAUN: Yes, sure. Why can't they
18 park? I just think it's going to be too many
19 cars to park on this tiny Martin Lane.

20 MEMBER FELDER: So you want no parking
21 other than resident parking on Martin Lane?

22 MS. BRAUN: What's that supposed to
23 mean?

24 MEMBER FELDER: Other than people who
25 live there.

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2 MS. BRAUN: You can come. I don't know
3 where you live. You can come on Martin Lane.
4 I invite you all to park on Martin Lane if you
5 can find a spot.

6 MEMBER MOSKOWITZ: Mrs. Braun, it sounds
7 like there is some formulation of parking
8 restrictions that could be imposed on the
9 block that would make you not opposed to the
10 application.

11 MS. BRAUN: Yes. I don't oppose the
12 application. It's good. It's good. But the
13 cars are a problem.

14 MEMBER GOTTLIEB: The cars come with the
15 application. They are not exclusively -- they
16 are not mutually exclusive.

17 MEMBER MOSKOWITZ: In other words, it
18 sounds like there is a framework that would be
19 satisfactory to you that would allow the Shul
20 to have services during the week.

21 MS. BRAUN: Shabbos, Sunday, or not.

22 MEMBER MOSKOWITZ: Let's say Wednesdays.
23 Are you okay with Wednesdays?

24 MS. BRAUN: Listen, it's going to happen
25 no matter what because everybody -- it's going

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2 to grow and everybody is going to want another
3 Shul. Eventually it will be even if during
4 the beginning it might not be. So as long as
5 people find a place to park the car, I don't
6 know where but it's okay with me. My
7 driveway. I don't know. But otherwise I wish
8 them good luck.

9 MEMBER MOSKOWITZ: Thank you.

10 MR. BARON: Ezra Baron, 23 Martin Lane.
11 I would be remiss if I didn't say anything. I
12 listened to my neighbors. They all have valid
13 concerns. I would like to represent I believe
14 the other side. They are close friends of
15 mine. Many of the congregants are part of the
16 synagogue. I can attest that they are all
17 responsible, very caring people. But I do
18 wear a different hat as a neighbor three doors
19 down from the synagogue.

20 I did have a chance to meet with Josh.
21 I -- again, I will restate that he is a very
22 responsible, honest, and upfront human being,
23 so I do take him for his word. I know the
24 rabbi. Several times praying at the
25 synagogue. As a concerned neighbor, I think

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many of the points have been stated so I don't feel necessary to, you know, rediscuss them and restate them again. I want to wear a very neutral hat of finding a perfect balance among both parties, and I think that would be the winning formula. Again, I am not the expert to do that, so I defer to the Board and I defer to the other side as well. I would be very open to finding amenable terms that makes sense for both sides.

I will say as a father of two kids and, God willing, more, I am a tad bit concerned with additional traffic sometimes in the morning, which I did publicly state to Josh and I am very transparent about this. I do want to see the Shul succeed. I do pray there as well as I mentioned, but I am concerned about additional traffic.

I am concerned -- I had my folks over for the weekend, and you know, if there is something going on and I have to worry about parking even myself or additional family members. These are things I think about. I didn't think about before. I definitely think

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2 about now but my biggest concern was
3 potentially, you know, adding a speed bump.
4 You said that's not possible. So I would love
5 to find some middle ground again with my child
6 playing ball in the morning, having the ball,
7 God forbid, go in the street, these are not
8 scenarios I want to think about or dream
9 about, but it is a reality of when you have a
10 very narrow street and you have additional
11 cars going down the street. These are
12 legitimate things you have to think about.
13 And I think, you know, the overall aesthetics
14 of the block keeping really what's in line I
15 very much respect, and my neighbors, they are
16 wonderful people. I have gotten to know them
17 or will continue to get to know them.

18 Garbage on the street, things like that,
19 these are all things I mentioned to Josh. I
20 do trust them in their word to say they will
21 supervise and oversee many of these items, but
22 I think there is also things out of their
23 control, so again I stated my position.

24 I am very much in favor of the Shul
25 moving on the block. They are wonderful,

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2 responsible people, but there has to be a
3 proper balance. Again, I defer to the Board
4 as representatives really of what's right in
5 the community to make the best decisions.
6 Thank you.

7 CHAIRMAN KEILSON: Thank you very much.

8 MR. EISENBERGER: Chairman Keilson, so
9 Mrs. Evelyn Mehl who lives next door to the
10 Shul on Broadway wanted to be here this
11 evening but she could not. I think she had a
12 doctor's appointment. So I have a letter from
13 her that she asked me to read, and as Mr.
14 Moskowitz pointed out, these are the most
15 impacted. I won't read all of them. I want
16 to read Mrs. Mehl's, but for the record, I
17 also have letters from Mr. and Mrs. Wolowitz
18 who live directly across Broadway from the
19 Shul, from Mr. and Mrs. Karfunkel who live
20 down Martin Lane. Mr. and Mrs. Auerbach who
21 live across the middle school on Broadway.
22 Dr. and Mrs. Koppel who also live directly
23 across from the Shul on Broadway. Mr. and
24 Mrs. Blaivas who live on the corner of
25 Broadway and Lawrence Avenue, Mr. and

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2 Mrs. Wolf whose backyard and driveway and
3 garage back the Shul. So if there are four or
4 five direct neighbors, I would say it's Mr.
5 Mann, Mrs. Mehl, Mr. and Mrs. Wolf, the
6 Koppels, and the Wolowitzes are the direct
7 neighbors on that scope. I have a letter from
8 Mr. Yaron Reich who lives also further down on
9 Martin Lane.

10 CHAIRMAN KEILSON: You have the same
11 letter from Yaron Reich that I have?

12 MR. EISENBERGER: Yes.

13 CHAIRMAN KEILSON: So his letter goes
14 into a whole series of recommendations.

15 MR. EISENBERGER: Correct. I saw the
16 same letter. I was cc'd or bcc'd on the
17 e-mail. Mr. and Mrs. Reisman who live on
18 Lawrence Avenue. These were all people we
19 tried to reach out to as many people on the
20 list of people who were impacted.

21 Mrs. Mermelstein who lives also on Martin
22 Lane, I think she is next door to Mr. and
23 Mrs. Baron. And I will submit all these to
24 Gerry afterwards.

25 Rabbi and Rebbetzin Horowitz who are

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also directly across from the Shul and they all are aware of the scope of the -- they are also well aware of the scope we were requesting for a full synagogue and Mr. and Mrs. Frisch who are actually neighbors of ours currently on Lawrence Avenue but are also on the schedule of people that needed to be reached out to. Now, if I may, I will just read Mrs. Mehl's letter.

CHAIRMAN KEILSON: I don't want to diminish the importance of letters, but I think we all recognize who is really being impacted. As a courtesy, a lot of these people -- let me finish. A lot of these people have no bearing whatsoever. They live right next to Rabbi Horowitz's Shul already. Mr. and Mrs. Wolf's house has a backyard with a big fence. The people whom you have spoken to, I think these are the ones who really understand their lifestyle is going to be changed by the appearance of the Shul on the block so just want to make sure that's clear.

MR. EISENBERGER: Would the chairman agree that Mrs. Mehl and Mr. and Mrs. Mann are

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2 probably the most impacted as next-door
3 neighbors to the proposed synagogue?

4 CHAIRMAN KEILSON: It's not your purview
5 to be asking me questions. That's not how it
6 works. You don't want to hear some of my
7 answers.

8 MR. EISENBERGER: I will just read the
9 letter then.

10 "Chairman Keilson and members of the
11 BZA. My name is Evelyn Mehl, and I live at
12 211 Broadway, next door to the proposed
13 synagogue, AKA 30 under 30. I am a relative
14 newcomer to these parts."

15 CHAIRMAN KEILSON: Can you clarify what
16 "30 under 30" is?

17 MR. EISENBERGER: It alludes to a
18 nickname that has been given to the Shul.
19 When it started, there were 30 only under 30.

20 CHAIRMAN KEILSON: Is that still the
21 case?

22 MR. EISENBERGER: Definitely not.

23 CHAIRMAN KEILSON: It's not a
24 restrictive membership?

25 MR. EISENBERGER: Open arms. Let me

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2 know where to send the invoice.

3 "I am a relative newcomer to these
4 parts, having moved here from Forest Hills,
5 Queens in 2010, right about this time of year.
6 There have been many changes since then.
7 Rabbi Asher Stern and his lovely family moved
8 next door to me. I used to be able to walk to
9 his Shul but it seems God had different plans
10 for me. Out of nowhere, I tore my meniscus in
11 my knee, and due to my pain, I was no longer
12 able to walk to his shul on Shabbos. Prior to
13 that, I used to make the 17-minute walk to the
14 Agudah in Far Rockaway, but now that is all in
15 the past.

16 "So now I want to tell you how thrilled
17 and delighted I am about the Shul moving in
18 right next door, literally 'next-door
19 neighbors" to me and what wonderful neighbors
20 they are. A nicer group of young men and
21 their families I couldn't ask for. Both Rabbi
22 and Mrs. Fordsham and the members of the Shul
23 and their respective families have been so
24 warm and welcoming to me. Everyone is
25 extremely polite and treats me with the upmost

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2 respect.

3 "I look forward to each Shabbos that I
4 have the chance to join them for davening.
5 They are always extremely careful to make sure
6 that I have a seat and I am comfortable. I am
7 not sure that I make the 30 under 30 anymore,
8 but they seemed to have looked the other way.

9 "In a nutshell, I know that with God's
10 help, this synagogue will enhance this
11 community and will attract many more fine
12 young families to make us all proud. Thank
13 you for listening, Evelyn Mehl."

14 CHAIRMAN KEILSON: Thank you very much.

15 MEMBER GOTTLIEB: Can I ask you a
16 question? Is there an elevator to the women's
17 section?

18 MR. EISENBERGER: There is no elevator
19 to the women's section, but if you have a
20 question to further that --

21 MEMBER GOTTLIEB: The question is how is
22 Mrs. Mehl going to get a seat?

23 MR. EISENBERGER: So one of the
24 variances being requested tonight is for a
25 staircase on the south side, I believe

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2 southeast side, and in conjunction with that
3 staircase, which will go up to the second
4 floor and down to the first floor is a ramp,
5 an accessibility ramp that will allow her to
6 get into the first floor where, if you have
7 the plans, we actually put in for Mrs. Mehl
8 and numerous other neighbors that do attend
9 services an auxiliary ladies section that will
10 be accessible on the first floor and will be
11 available for those women or other people, but
12 men will be able to sit on the first floor or
13 so for women that won't be able to ascend the
14 stairs to the second floor.

15 MEMBER GOTTLIEB: So the other question
16 is there is no women's room on the first
17 floor?

18 MR. EISENBERGER: There is a women's
19 room on the first floor. There is a multi-use
20 ADA-compliant bathroom next to the men's
21 bathroom.

22 MEMBER GOTTLIEB: I think I am looking
23 at the men's room. The ADA bathroom.

24 MR. EISENBERGER: So that was done.

25 MEMBER GOTTLIEB: You furnished her

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2 need. Thank you. Nothing to do with the
3 parking.

4 MR. EISENBERGER: We had her in mind
5 clearly. I will submit these to Gerry for the
6 record.

7 MEMBER GOTTLIEB: Are they all
8 different?

9 MR. EISENBERGER: Many of them.

10 MEMBER GOTTLIEB: Sometimes it's the
11 same letter. It's amazing. Sometimes people
12 write identical letters.

13 MR. EISENBERGER: I will say some of
14 them look different. Some of them may look
15 the same. This one is handwritten. A couple
16 of them is on letterhead.

17 CHAIRMAN KEILSON: He is just teasing
18 you.

19 MR. EISENBERGER: Just being honest.

20 MEMBER MOSKOWITZ: One more question I
21 think is more a request of Mr. Flaum. One of
22 the suggestions made in Mr. Reich's letter I
23 think if I am remembering it from earlier
24 today was that possibilities being explored to
25 have even more parking on the site. Is that

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2 discussion exhausted?

3 MR. FLAUM: It's a double-edged sword
4 because currently the existing impervious
5 surface is much larger what would be permitted
6 if we develop the site anew. So to
7 accommodate more parking, you have to create
8 the amount of impervious or pervious surface
9 and we also actually discussed this in the
10 past with Danny that the funny thing is by
11 providing more pervious surface you actually
12 minimize the water run-off from the site into
13 the street, thereby also mitigating the need
14 to have a trench drain by the driveway
15 entrances and making the permeability of the
16 site better than if you just have impervious
17 surface.

18 So again, I know the Variance Board is
19 very much against double-digit variances and
20 we are already seeking a variance to increase
21 the size of the building simply because we are
22 providing a second means of egress on the
23 other side of the building so that it's
24 compliant.

25 That being said, I don't think we even

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2 thought about providing more parking on the
3 site because it would just create more
4 impervious surface coverage and more overages.
5 That would just be anti the Variance Board's,
6 you know, typical mode of thinking.

7 MEMBER MOSKOWITZ: Thank you.

8 CHAIRMAN KEILSON: I think one of the
9 other concerns tonight and challenges is that
10 we heard a number of suggestions put forward
11 as to how to ameliorate any concerns in terms
12 of parking. I am not sure that this Board is
13 equipped with the expertise to make a decision
14 as to whether parking prohibited on one side
15 of the street, be it Martin Lane or be it
16 Broadway, is the preferred method in order to
17 deal with a potential concern about safety and
18 pedestrian traffic. Normally, in these
19 situations -- in fact, I think without
20 exception we have had traffic studies provided
21 by the applicant in order to deal with such
22 testimony as this evening. So that's one of
23 the things I think we are going to be talking
24 about with the Board is number 1.

25 Number 2, I think it will be worthwhile

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2 for at least us to discuss the conditions that
3 you had already expressed that you are
4 comfortable with so that in the event that we
5 have to pass judgment and know where the
6 synagogue stands on the conditions that have
7 previously been imposed on other weekday
8 synagogues. Do you people have a copy?

9 MR. EISENBERGER: Yes.

10 CHAIRMAN KEILSON: So let's just run
11 through it. "Objection number 1, no
12 on-premises catering Saturday nights through
13 Friday prior to the Sabbath. Number 2" -- by
14 the way, if you want to discuss any one of
15 them as we go along, feel free to interject.
16 "Number 2, no catering trucks other than for
17 deliveries. Number 3, no Brissim, circumcision
18 ceremonies, or collations Sunday through
19 Friday prior to the Sabbath. Number 4, no bar
20 mitzvah or bat mitzvah ceremonies or
21 collations Sunday through Friday prior to the
22 Sabbath. Number 5, no community lectures or
23 public gatherings Saturday night through
24 Friday prior to the Sabbath with the exception
25 of father-son learning program on Saturday

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2 night. Number 6, one morning Minyan Sunday
3 through Friday with attendant classes. Number
4 7, one afternoon/evening Minyan Sunday through
5 Friday with attendant classes."

6 I will just comment even though your
7 plan right now is that you cannot field a
8 Minyan for that period of time, there may come
9 a time and we don't have to go back and
10 discuss it here again.

11 "Number 8, services not to begin earlier
12 than 7:00 a.m. or to end later than 10:30 p.m.
13 Sunday through Friday prior to the Sabbath.
14 Number 9, no recreational activities on
15 premises. Number 10, location must be brought
16 up to code to the satisfaction of the Building
17 Department."

18 I think we already discussed and I think
19 Mr. Flaum's plans incorporate some of those
20 aspects. I assume; is that correct, Gerry.

21 MR. CASTRO: That's correct.

22 CHAIRMAN KEILSON: Okay. "Location will
23 have a maximum" -- I think we discussed 250
24 seats.

25 MR. EISENBERGER: Yes. I don't think we

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2 have all the --

3 CHAIRMAN KEILSON: "Number 12, a public
4 commitment by the petitioners that subsequent
5 lay leaders of 15 Martin Lane as well as the
6 property owners", which I guess is the LLC,
7 "will comply with all conditions and
8 restrictions. And 13, that the exterior of
9 the proposed premises shall remain consistent
10 with the residential character of the
11 neighborhood as shall all aspects of the
12 structures. Number 14, onsite garbage shall
13 be covered and stored in a shed at a site
14 approved by the Building Department. Number
15 15, there shall be full compliance with all
16 state and village regulations including
17 sprinklers, smoke detectors, et cetera.
18 Number 16, there shall be no outdoor signage
19 of any kind on or near the proposed site." I
20 would add number 17 which is actually that
21 there will be no Mikvah on site unless you
22 receive permission in the future.

23 What I would like to do at this moment
24 in time is go into executive session with
25 counsel, and then we will hopefully reappear

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2 relatively quickly.

3 MR. EISENBERGER: Can I just make one
4 comment? Perhaps to accommodate those that
5 have said buses become an issue, I know it
6 states 7:00 a.m. We might be willing to move
7 that to 6:30 or 6:45 a.m. so as to be gone by
8 the time buses actually became an issue if
9 that is something that the Board and neighbors
10 are open to.

11 CHAIRMAN KEILSON: In my experience, 30s
12 under 30 don't get up that early.

13 MR. EISENBERGER: I get up at 6:10 every
14 morning.

15 CHAIRMAN KEILSON: I understand. You
16 are the exception.

17 MR. EISENBERGER: If that would be
18 something that would be accommodating, we will
19 be willing to do that.

20 CHAIRMAN KEILSON: You want to build a
21 synagogue, you don't build it by having a
22 Minyan at 6:30.

23 MR. EISENBERGER: You want to build it
24 by people going to work and being willing to
25 pay for it.

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2 (Recess taken.)

3 CHAIRMAN KEILSON: Ladies and gentlemen,
4 thank you all for attending. We appreciate
5 the testimony from those who are present. We
6 understand the varying conditions on all
7 aspects of the question that's presented
8 tonight. The Board has had exhaustive
9 discussions on it, but we feel that we are not
10 prepared this evening to render a decision.
11 We will be reserving decision. Okay?

12 We will not be requesting a traffic
13 study from the congregation so that you will
14 not have that expense, and we will hopefully
15 be able to take into account all the equities
16 governing the concerns of the neighbors which
17 was expressed tonight very clearly and
18 passionately.

19 MR. MARTIR: I'm sorry, Mr. Chairman.
20 I'm sorry to interrupt.

21 (Discussion off the record.)

22 CHAIRMAN KEILSON: Sorry. Let's just
23 finish up.

24 So once again, we will be reserving
25 decision, which in essence means we are

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closing the hearing. There will be no further testimony accepted on this matter. We are going to take into consideration all the testimony, everything presented on the record this evening. And we will be rendering a decision hopefully at the next hearing. It has to be done in the public forum, and we will at that time go on the record in terms of our decision.

Any question before we close? Okay.

Then we adjourn this evening.

(Whereupon the hearing concluded at 9:45 p.m.)

Certified that the foregoing is a true and accurate transcript of the original stenographic minutes in this case.



YAFFA KAPLAN

Court Reporter