

## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Village Hall  
4 196 Central Avenue  
5 Lawrence, New York

6 June 23, 2016  
7 7:43 p.m.

8 APPLICATION: Krausman  
9 7 Rolling Hill Lane  
10 Lawrence, New York

## 11 P R E S E N T :

12 MR. LLOYD KEILSON  
13 Chairman

14 MR. EDWARD GOTTLIEB  
15 Member

16 MS. ESTHER WILLIAMS  
17 Member

18 MR. DANIEL HILLER  
19 Member

20 MR. ELLIOT MOSKOWITZ  
21 Member

22 MR. KENNETH A. GRAY, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: Good evening, ladies and  
2 gentlemen. Welcome to the Lawrence Board of  
3 Zoning Appeals.

4 Do we have proof of posting?

5 MR. CASTRO: Yes, Chairman, I offer proof of  
6 posting and publication.

7 CHAIRMAN KEILSON: Thank you very, very much.

8 We'd like to take note of the presence of  
9 Mr. Elliot Feit, a strong force on this Board of  
10 Zoning Appeals for many, many years. He had  
11 tremendous impact, and it's nice to see you in  
12 good health.

13 MR. FEIT: It's a pleasure to see you, give  
14 you a mazel tov, which I haven't had a chance to  
15 do.

16 CHAIRMAN KEILSON: Okay, keep it off the  
17 record.

18 We'd also like to welcome Elliot Moskowitz  
19 who is joining us. Again, Elliot Moskowitz, thank  
20 you very much for joining us, and we look forward  
21 to many years of success in torturing the local  
22 residents.

23 Okay. All right, the first -- we have the  
24 matter of Krausman and they've asked for an  
25 adjournment. On the issue of the adjournment?

1 MR. CAPOBIANCO: Krausman, I'm representing  
2 them. They just wanted to find out if -- because  
3 they're working something out with the neighbor  
4 next-door, the Foxes, and they might do a little  
5 exchange of property.

6 CHAIRMAN KEILSON: Do you want to put  
7 yourself on the record.

8 MR. CAPOBIANCO: Yes. John Capobianco,  
9 architect, 159 Doughty Boulevard, Inwood,  
10 New York.

11 So I talked to them this morning and he told  
12 me about the adjournment.

13 CHAIRMAN KEILSON: Right.

14 MR. CAPOBIANCO: And what happened was he's  
15 -- you know, because Fox was my client also and  
16 they had concerns about the fence and the  
17 cul-de-sac side, and so on, but they may be doing  
18 a little like a reapportionment of land. So that  
19 I'm meeting the two of them and I'm going to  
20 adjourn this for another night, and hopefully I  
21 can resolve their issues this week coming, and I  
22 don't know if we can make the next meeting or have  
23 to go till September because I think you're closed  
24 in August, right? I'm not sure. Are we meeting  
25 in August?

1 CHAIRMAN KEILSON: Why don't we just try to  
2 get on July?

3 MR. CAPOBIANCO: Do you think we could get on  
4 next July? That's what I'm saying.

5 CHAIRMAN KEILSON: No, this coming July.

6 MR. CAPOBIANCO: This coming July, that would  
7 be fine.

8 CHAIRMAN KEILSON: So we're adjourning it at  
9 this moment for the July hearing.

10 MR. CAPOBIANCO: Okay, thank you.

11 CHAIRMAN KEILSON: Very good. Thank you.

12 MR. CASTRO: Does he have to do the  
13 remailings?

14 MR. GRAY: No, because we're adjourning it to  
15 a date certain.

16 (Whereupon, the hearing concluded at  
17 7:45 p.m.)

18 \*\*\*\*\*

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

22

23

Mary Benci

24

MARY BENCI, RPR  
Court Reporter

25



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## 2 BOARD OF APPEALS

3 Village Hall  
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6 June 23, 2016  
7 7:45 p.m.

## 8 APPLICATION:

9 Gordon  
10 16 Sunset Road  
11 Lawrence, New York

## 12 P R E S E N T :

13 MR. LLOYD KEILSON  
14 Chairman

15 MR. EDWARD GOTTLIEB  
16 Member

17 MS. ESTHER WILLIAMS  
18 Member

19 MR. DANIEL HILLER  
20 Member

21 MR. ELLIOT MOSKOWITZ  
22 Member

23 MR. KENNETH A. GRAY, ESQ.  
24 Village Attorney

25 MR. GERALDO CASTRO  
Building Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: Mr. Gray, would you like  
2 to give a preamble?

3 MR. GRAY: I'm Kenneth Gray. I act as  
4 counsel to the Zoning Board. The Board wants you  
5 to know that they are very familiar with your  
6 applications. They have reviewed them, they have  
7 been to the site, most likely all of them at some  
8 point in reviewing your applications. They're  
9 very familiar with the relief being sought. They  
10 are what's known as a hot Board. They will ask  
11 you very pointed questions. They're not going to  
12 interfere with your ability to present your cases,  
13 but just be aware that they are very familiar with  
14 the issues and they will ask very pointed  
15 questions, and they're not going to cut you off,  
16 but they just don't need repetition of items that  
17 are obvious from the application or, you know,  
18 already before them.

19 So with that said, Mr. Keilson.

20 CHAIRMAN KEILSON: The matter of Gordon of  
21 Sunset Road. Will they or their representative  
22 please step forward.

23 MR. SAVALDI: Yes, good evening. My name is  
24 Amiel Savaldi, One Meadow Drive, Woodsburch,  
25 New York.

1 I'm here representing Mr. and Mrs. Gordon.  
2 They've lived in their house for more than  
3 20 years, and they have married children and they  
4 have a need for more space. So we are proposing,  
5 if you look at the plot plan on the first sheet  
6 A1, we are proposing to have an addition, a  
7 second-floor addition on top of the north portion  
8 of the house that currently has a bedroom above  
9 the garage under a roof and we -- in lieu of that  
10 we are going to have a full second floor, and  
11 adding a second floor on top of the existing first  
12 floor in the back. In the front, we are almost  
13 squaring off in front of the garage a two-story  
14 addition.

15 If you look at the plans, the plan A3 would  
16 show the plan of the first floor and we're showing  
17 that the garage is shifted forward a bit. We are  
18 modifying the dining room and enlarging it and  
19 creating in back of the garage a library. The  
20 breakfast area is also increased and that's an  
21 addition in the back of five feet to the back.  
22 And on the side the addition is in line with the  
23 existing garage. So that's the minimal changes on  
24 the first floor.

25 On the second floor, if you look at drawing

1 A4, you will see the additional bedrooms that we  
2 are creating. On top of the garage we're creating  
3 a new master suite with a bathroom and walk-in  
4 closet. And we are enlarging the bedrooms and  
5 adding bedrooms.

6 The impact we feel on the north side is  
7 minimal, keeping the existing line. And we sat  
8 with Mr. Gordon and the neighbor, Mr. Kappel, in  
9 my office. We went over the shadow studies,  
10 et cetera, and he was willing to accept it and he  
11 signed a consent letter. It was with a few  
12 conditions having to do with the garbage cans,  
13 with the tree that is there, and that they will  
14 not add more windows on their side.

15 CHAIRMAN KEILSON: We'll get to those  
16 conditions shortly.

17 MR. SAVALDI: Pardon me?

18 CHAIRMAN KEILSON: I said we'll come to those  
19 conditions shortly.

20 MR. SAVALDI: Okay.

21 CHAIRMAN KEILSON: The height/setback ratio  
22 on his side is significant, right? It's going  
23 from 2.1 to 3.2. It's fairly significant.

24 MR. SAVALDI: If I may go through the  
25 variances, the relief that we are seeking. You

1 referred to the --

2 CHAIRMAN KEILSON: The last one.

3 MR. SAVALDI: -- last one. The north side  
4 height/setback ratio, right. Yeah, the permitted  
5 is 2.2 and we are currently at 2.1 that is  
6 existing.

7 CHAIRMAN KEILSON: Right.

8 MR. SAVALDI: So the change is we're going up  
9 to 3.2. We went over this with the neighbor that  
10 is being affected, and we showed him that the  
11 impact is minimal.

12 CHAIRMAN KEILSON: I think it's important to  
13 point out that the screening between the two  
14 residences is very, very thick. So you really  
15 will not be able to discern at least during the  
16 spring and summer.

17 MEMBER GOTTLIEB: I believe those are  
18 deciduous trees. So when you pointed it out to  
19 the neighbor, during this time of year everything  
20 looks terrific, and if you did the same report in  
21 November it might take a different viewpoint,  
22 being that the side yard is I think nine feet  
23 between the houses? The side yard is -- it's  
24 right on the report.

25 MR. SAVALDI: It's 9-foot-3. No, that's to

1 the property line is 9-foot-3.

2 MEMBER GOTTLIEB: Right.

3 MR. SAVALDI: And so I didn't follow the  
4 issue. Are you talking about the trees, the  
5 separation, that it would make a difference in  
6 November?

7 MEMBER GOTTLIEB: The Chairman was pointing  
8 out that it doesn't seem to be a problem now  
9 because the trees are certainly a buffer.

10 CHAIRMAN KEILSON: They're in bloom.

11 MEMBER GOTTLIEB: In bloom there would be a  
12 buffer between the houses. During the season when  
13 it is not spring or summer and you don't have  
14 leaves on the trees it will look a lot more  
15 substantial than it does today.

16 MR. SAVALDI: Mr. Kappel was concerned about  
17 the privacy. He has an office that is looking  
18 there, and we showed him that we have one window  
19 which is in the bathroom. It's a high window and  
20 it's going to be frosted anyway, and we assured  
21 him that there would be no other windows looking,  
22 and he was satisfied with that privacy.

23 MEMBER GOTTLIEB: Okay. So you've satisfied  
24 Mr. Kappel's interests?

25 MR. SAVALDI: Correct.

1 MEMBER GOTTLIEB: I still think that a  
2 side-yard ratio of three or above is very strong,  
3 and that's just one of actually ten variances that  
4 I guess you're going to go through all of them one  
5 by one, but there are ten requests, some are  
6 pre-existing.

7 MR. SAVALDI: I will briefly --

8 CHAIRMAN KEILSON: Go through all of them.

9 MR. SAVALDI: I'll go through briefly, if I  
10 may. So let me point out, Mr. Gottlieb, that the  
11 addition that we are doing on the north side is on  
12 top exactly on the line that is currently  
13 existing.

14 MEMBER GOTTLIEB: Yes.

15 MR. SAVALDI: And we are at nine feet. The  
16 building coverage is going up from -- we are  
17 allowed 2,188, and we are going up from 2,118 to  
18 2,514, which is less than 15 percent overage. The  
19 surface coverage is not a variance.

20 MEMBER GOTTLIEB: Right, that's okay.

21 MR. SAVALDI: That's okay. The front yard,  
22 the 23 feet is only at the portico and it's very  
23 limited the encroachment there, the change. It's  
24 only a very small portico, so it's really -- it's  
25 not --

1 CHAIRMAN KEILSON: Go ahead, go ahead.

2 MR. SAVALDI: It's not major. The rear yard  
3 currently is 23. We're going up 22 by 10 inches  
4 less; that's what the difference from what we  
5 currently have.

6 CHAIRMAN KEILSON: De minimis. Go ahead.

7 MR. SAVALDI: The next one for the deck, the  
8 deck is 18 inches. For all effective purposes,  
9 it's a patio.

10 CHAIRMAN KEILSON: That's not a patio, it's  
11 18 inches high.

12 MR. SAVALDI: I know. If that would be an  
13 issue, we can lower it to eight-inch and it would  
14 become --

15 MEMBER HILLER: Why can't you lower it to  
16 ground level so it won't count?

17 MR. SAVALDI: I think if that is a problem  
18 for the Board --

19 MEMBER HILLER: I think that's a problem. I  
20 think it's a problem.

21 MR. SAVALDI: Then it would not be a deck  
22 then.

23 MEMBER HILLER: Okay.

24 MR. SAVALDI: It will be lowered.

25 MEMBER GOTTLIEB: So that would eliminate one



1 of our variances right there.

2 MR. GRAY: Maybe two.

3 MEMBER GOTTLIEB: Two?

4 MR. GRAY: Just one.

5 MR. CASTRO: Just one.

6 CHAIRMAN KEILSON: Just one. Continue.

7 MR. SAVALDI: The side-yard aggregate remains  
8 the same; it's 16.3 currently and it's 16.3  
9 proposed. The north side variance 9-foot-3 is  
10 remaining 9-foot-3. The south side seven foot is  
11 remaining seven foot. The front yard  
12 height/setback is 0.74 is going up to 0.97 and  
13 it's mainly because we are adding a dormer in the  
14 front which is also very limited impact, we feel,  
15 and if we need to make it smaller, that's  
16 something that we would -- I believe it's --

17 MEMBER GOTTLIEB: Can you just tell me what  
18 dormer. You're talking about the reverse gable at  
19 the --

20 MR. SAVALDI: Correct, right. It's in the  
21 front over the entrance.

22 MEMBER GOTTLIEB: Right over the front door.

23 MR. SAVALDI: I believe that's where the --  
24 it's drawing A8 or A9.

25 CHAIRMAN KEILSON: Let's leave it alone.

1 It's fine.

2 MEMBER GOTTLIEB: Now that I understand that  
3 that's your front yard height back -- setback  
4 ratio, I'm okay with that.

5 MR. SAVALDI: Elevation on A9.

6 MEMBER GOTTLIEB: That's really not changing  
7 the overall height of the house.

8 MR. SAVALDI: No, not at all. It's really  
9 just an aesthetic feature.

10 CHAIRMAN KEILSON: Right.

11 MR. SAVALDI: The rear-yard setback is going  
12 up from 0.8 to --

13 CHAIRMAN KEILSON: 1.1.

14 MR. SAVALDI: -- to 1.1. And the last thing  
15 is the north side that we, Mr. Kappel --

16 CHAIRMAN KEILSON: We already discussed.

17 MR. SAVALDI: Pardon me?

18 CHAIRMAN KEILSON: You already discussed  
19 that.

20 MR. SAVALDI: Correct.

21 CHAIRMAN KEILSON: Correct. Any further  
22 questions from the Board?

23 MEMBER GOTTLIEB: No. I just wanted to hear  
24 what Mr. Kappel was requesting as the neighbor.

25 CHAIRMAN KEILSON: Yes. Where is the letter

Gordon - 6/23/16

1 with Mr. Kappel's requests?

2 MR. CASTRO: (Handing.)

3 CHAIRMAN KEILSON: I have a copy here.

4 MEMBER GOTTLIEB: That was fast.

5 MR. GRAY: He e-mailed it to him.

6 CHAIRMAN KEILSON: Mr. Savaldi, I have a  
7 copy.

8 MR. SAVALDI: Oh, you have a copy.

9 CHAIRMAN KEILSON: Let's just go through the  
10 items and see if we can move this along. The  
11 requests are as follows: There's a shed in the  
12 rear of the house which is on the property line  
13 which doesn't belong there. What's the story with  
14 the shed?

15 MR. SAVALDI: We agreed to relocate it.

16 CHAIRMAN KEILSON: You're shedding the shed?

17 MR. SAVALDI: Yes, we're shedding the shed.

18 MEMBER HILLER: No, the shedding means no  
19 shed. It doesn't mean move it.

20 MEMBER WILLIAMS: Destroy it.

21 CHAIRMAN KEILSON: What's in there, old  
22 newspapers?

23 MR. SAVALDI: I didn't look, but Mr. Gordon  
24 said that he has a succah there, parts of the  
25 succah there.

Gordon - 6/23/16

1 CHAIRMAN KEILSON: I see parts of the succah.

2 MR. SAVALDI: If I --

3 CHAIRMAN KEILSON: Hang on one second.

4 MEMBER HILLER: Is there room in the garage  
5 for the succah? Where my succah is, and two cars.

6 MR. SAVALDI: Mr. Gordon is not here. I  
7 don't know the answer to that.

8 CHAIRMAN KEILSON: It's unfortunate that your  
9 client is not here. He must have had something  
10 very important tonight.

11 MR. SAVALDI: I think that anyway we need to  
12 file a new application for the location, for the  
13 correct location of the shed, and I think we can  
14 leave it.

15 CHAIRMAN KEILSON: Mr. Castro, will he need a  
16 new application?

17 MR. CASTRO: Correct.

18 MR. SAVALDI: We'll file an application to  
19 relocate it.

20 MEMBER GOTTLIEB: Fine. Does that change the  
21 building coverage? If you're picking it up and  
22 moving it, do they have to come back for another  
23 variance because you're over on your surface  
24 coverage?

25 MR. CASTRO: Right now it's included.

Gordon - 6/23/16

1 CHAIRMAN KEILSON: Right now it's in the  
2 building coverage.

3 MR. SAVALDI: It's included, so if we will be  
4 able to find a legal location for it, that is with  
5 the same size.

6 CHAIRMAN KEILSON: Maybe you could put it on  
7 Mr. Oliner's property behind you.

8 MR. SAVALDI: I'm not sure the Mayor would  
9 appreciate it.

10 MEMBER GOTTLIEB: If we could remove the shed  
11 we could reduce the surface coverage -- the  
12 building coverage.

13 MEMBER HILLER: Usually, we don't grant  
14 variances of 15 percent building coverage. The  
15 shed, even though it won't bring you totally  
16 under, would do a lot towards making it easy for  
17 us to favor your application.

18 CHAIRMAN KEILSON: Ameliorating.

19 MR. SAVALDI: Again, if Mr. Gordon agreed to  
20 relocate it and we knew we have to file new plans,  
21 so we will file new plans for the shed and address  
22 it another time.

23 MEMBER MOSKOWITZ: Do you know if the  
24 relocated shed is going to be the same size or  
25 maybe it's going to be a little smaller than the

Gordon - 6/23/16

1 current shed?

2 MR. SAVALDI: Mr. Gordon wanted to relocate  
3 the same shed, but again, the shed is not --  
4 anyway, we are relocating it, so perhaps we will  
5 find -- and we have to file a new application. So  
6 I think we can remove it for now. We can shed it,  
7 like you said, for now.

8 MEMBER WILLIAMS: They're going to have to  
9 apply to put in a shed.

10 MEMBER HILLER: But if you're going to move  
11 it you have to make a new shed anyway, so you  
12 would have to apply. As of now the shed is there  
13 and it's leaving regardless.

14 MEMBER WILLIAMS: Yes.

15 MR. GRAY: If you grant this variance based  
16 upon the representation that they're going to  
17 remove the shed, when he files his new application  
18 for a shed he's going to have to come back for a  
19 new variance.

20 MEMBER HILLER: He has to come back anyway.  
21 Didn't you just say if he's moving the shed he has  
22 to --

23 MR. GRAY: No, no. He has to file a building  
24 permit to move the shed, but not come back to the  
25 Zoning Board. If you approve it based upon the

Gordon - 6/23/16

1 removal of the shed, and then he files for a shed,  
2 he's going to need a variance.

3 CHAIRMAN KEILSON: Let's just hypothecate.  
4 When we come back, we'll put him through the  
5 rigors of going through another variance.

6 MEMBER GOTTLIEB: And maybe he won't want the  
7 shed at that point.

8 MEMBER WILLIAMS: There he is. You can ask  
9 him.

10 MR. SAVALDI: Mr. Gordon.

11 MEMBER WILLIAMS: Just in time.

12 MR. SAVALDI: You're just in time.

13 CHAIRMAN KEILSON: First of all, go on the  
14 record, that's Mr. Larry Gordon.

15 MR. GORDON: Hi, yes.

16 MR. SAVALDI: The issue right now is the  
17 shed.

18 CHAIRMAN KEILSON: The illegal shed.

19 MR. SAVALDI: You have agreed --

20 MR. GORDON: We bought it legally, legally  
21 and properly, and the funds were taxable income.

22 CHAIRMAN KEILSON: Do you have a receipt?

23 MR. GORDON: So you know, as far as my  
24 understanding, it was legal and proper. What are  
25 you referring to?

Gordon - 6/23/16

1 MR. SAVALDI: You have agreed to relocate it  
2 based on Mr. Kappel's request.

3 MR. GORDON: We're considering that, yes.

4 MR. SAVALDI: Are you considering or that was  
5 part of the condition that Mr. Kappel wrote? So  
6 we have to relocate the shed.

7 MR. GORDON: Okay.

8 MEMBER GOTTLIEB: We have another idea, which  
9 is to remove the shed and shed about 72 square  
10 feet from your overage and the building coverage,  
11 bringing you down to about 250 square feet over,  
12 which is more palatable than 325 square feet over.

13 MR. GORDON: Okay.

14 MEMBER HILLER: All right? Is that okay?

15 MR. GORDON: That makes sense. It takes care  
16 of two matters then.

17 MEMBER HILLER: Correct, correct.

18 MEMBER WILLIAMS: Excellent.

19 MEMBER HILLER: It makes it easy.

20 MEMBER WILLIAMS: Reasonable man.

21 MR. SAVALDI: The other issue that I accepted  
22 was the deck. The deck currently is 18 inches  
23 high, and I agreed to lower it by 10 inches so it  
24 would not become a deck.

25 MEMBER HILLER: That's not what the Board



Gordon - 6/23/16

1 said. The Board asked to you lower it to the  
2 ground.

3 MR. SAVALDI: To the ground.

4 MEMBER WILLIAMS: I think by law it's eight  
5 inches; is that correct, Gerry?

6 MR. CASTRO: Eight inches or less.

7 MEMBER WILLIAMS: Eight inches or less is  
8 considered ground.

9 MR. GORDON: And what's it now?

10 MR. SAVALDI: The plan calls for it to be  
11 18 inches, which is three steps, so it will be one  
12 step. I mean, you will have -- just build a patio  
13 in less than eight inches which is part of  
14 coverage, surface coverage, but that's --

15 MR. GORDON: Okay.

16 MEMBER HILLER: It's also setback. It would  
17 solve two problems.

18 MR. SAVALDI: It resolves the coverage and  
19 the setback.

20 MR. GORDON: Okay, no problem.

21 CHAIRMAN KEILSON: Okay. So let's see if we  
22 can summarize. We have a letter from Mr. Kappel  
23 e-mailed today where he indicates the following  
24 items have been agreed to.

25 Number one, that the shed will be relocated,

Gordon - 6/23/16

1 which is now moot. The garbage cans will be  
2 placed forward and fenced in.

3 MR. GORDON: It's currently fenced in.

4 CHAIRMAN KEILSON: Okay. Fenced in garbage  
5 cans, okay.

6 There will be no other windows or openings  
7 facing 14 Sunset except the very high bathroom  
8 window which will be frosted, okay.

9 MR. SAVALDI: It will be covered all the  
10 time.

11 CHAIRMAN KEILSON: And finally, the large  
12 tree between the two properties is not to be cut  
13 down or severely pruned.

14 MR. GORDON: Yes.

15 CHAIRMAN KEILSON: Very good. Okay, so we're  
16 going -- is there anyone else in the audience who  
17 wants to speak to this matter?

18 (No response.)

19 CHAIRMAN KEILSON: Evidently not. So we're  
20 going to just summarize what we're approving.  
21 Building coverage is now?

22 MR. CASTRO: 2,440.

23 CHAIRMAN KEILSON: 2,440, the proposed, and  
24 the overage is?

25 MR. CASTRO: 11.5 percent.

Gordon - 6/23/16

1 CHAIRMAN KEILSON: 11.5 percent, okay. The  
2 front yard as indicated, the rear yard as  
3 indicated, the side-yard aggregate, the north side  
4 yard and south side yard and setback ratios as  
5 indicated. And there's no longer the request for  
6 the deck, so that's a moot point, okay.

7 So we're going to assess it based on the  
8 benefit to the applicant as opposed to any  
9 detriment to the neighborhood and the like, and  
10 we're going to ask for a vote and we'll begin with  
11 Mr. Hiller.

12 MEMBER HILLER: I want to thank Mr. Gordon  
13 for his gracious compliance with the Board, and I  
14 vote yes.

15 CHAIRMAN KEILSON: Mr. Gottlieb.

16 MEMBER GOTTLIEB: I will vote for.

17 CHAIRMAN KEILSON: Mrs. Williams.

18 MEMBER WILLIAMS: Same. Thanks for being so  
19 reasonable.

20 CHAIRMAN KEILSON: And for your virgin vote,  
21 Mr. Moskowitz.

22 MEMBER MOSKOWITZ: Yes.

23 CHAIRMAN KEILSON: And the Chair votes yes,  
24 and let's say two years just for the heck of it.

25 MR. SAVALDI: Yes.

Gordon - 6/23/16

1 CHAIRMAN KEILSON: Okay.

2 MR. SAVALDI: Thank you very much.

3 MR. GORDON: Thank you very much.

4 CHAIRMAN KEILSON: Thank you very much for  
5 joining us.

6 MR. GORDON: Yes, I came as quickly as I  
7 could.

8 CHAIRMAN KEILSON: Does it have to go to the  
9 Board of Building Design? Hold it, Mr. Savaldi,  
10 one second.

11 MR. CASTRO: Yeah, it's got a proposed second  
12 story in the front, I would send it.

13 (Whereupon, the hearing concluded at  
14 8:07 p.m.)

15 \*\*\*\*\*

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

19

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*Mary Benci*

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MARY BENCI, RPR  
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall  
4 196 Central Avenue  
5 Lawrence, New York

6 June 23, 2016  
7 9:00 p.m.

8 APPLICATION: Bais Medrash of Harborview  
9 210/214/218 Harborview South  
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON  
13 Chairman

14 MR. EDWARD GOTTLIEB  
15 Member

16 MS. ESTHER WILLIAMS  
17 Member

18 MR. DANIEL HILLER  
19 Member

20 MR. ELLIOT MOSKOWITZ  
21 Member

22 MR. KENNETH A. GRAY, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: Please, no conversations.  
2 Please turn off your cell phones. The matter of  
3 Bais Medrash of Harborview. Would they or their  
4 representative please step forward.

5 MR. AVRUTINE: Good evening, Mr. Chairman,  
6 members of the Board. Appearing for the  
7 applicant, Howard Avrutine, 575 Underhill  
8 Boulevard, Syosset.

9 This is the application of Bais Medrash of  
10 Harborview for renewal of its variance approval  
11 which was issued on July 23, 2015 and to make that  
12 approval permanent. I would request at this time  
13 that the record of the hearing held on April 29,  
14 2015 be incorporated into the record on this  
15 renewal application because that is the  
16 application which we are seeking to have renewed  
17 this evening.

18 The premises under application --

19 CHAIRMAN KEILSON: As well as the corrected  
20 decision that was rendered.

21 MR. AVRUTINE: Yes, that's going to be part  
22 of my presentation. I'll get into all those  
23 chronological issues just to make the record  
24 complete.

25 CHAIRMAN KEILSON: Thank you. Go ahead,

1 please.

2 MR. AVRUTINE: The premises under application  
3 is located on the westerly side of Harborview  
4 South, south of Harborview East. The premises is  
5 known as 210, 214 and 218 Harborview South and has  
6 a tax map designation of Section 40, Block 205,  
7 Lots 11, 12 and 13. The shul operates from the  
8 buildings situated on 214 and 218 Harborview,  
9 which are located on tax lots 11 and 12.

10 In November 2014, the applicant acquired  
11 premises at 210 Harborview, which is located on  
12 tax lot number 13. There are several previous  
13 Board of Zoning Appeals cases and decisions with  
14 respect to this property. I will not go through  
15 the previous history other than to say that the  
16 shul operates legally, pursuant to the Board's  
17 prior approvals issued in both December of 2005  
18 and February 2010. Those decisions contain  
19 numerous conditions and the shul has complied with  
20 all of them.

21 As the Board may recall, in 2015 the  
22 applicant applied for further relief from this  
23 Board as follows: The first, to construct a  
24 three-foot by ten-foot bump-out, quote unquote,  
25 addition on the new shul building at

1 214 Harborview, which is on lot 12, in order to  
2 accommodate an expanded Aron so that the Torahs  
3 can have adequate storage space.

4 The second part of that application was to  
5 rescind the previous condition and restrictive  
6 covenant required by the Board precluding use of  
7 the shul buildings at 214 and 218 Harborview on  
8 weekdays. The previous approvals limited use of  
9 the shul to Sabbath and on other days of religious  
10 observance when driving is not permitted.

11 The applicant sought permission to have daily  
12 minyans, meetings and events typically associated  
13 with a shul on a daily basis.

14 Lastly, the applicant sought approval to  
15 demolish the existing home located at  
16 210 Harborview on lot 13 and create an accessory  
17 parking area with 23 parking spaces.

18 The Board held a public hearing in connection  
19 with that application on April 29, 2015;  
20 thereafter, the Board issued a decision on  
21 June 24, 2015, as well as a corrected decision  
22 dated July 23, 2015.

23 Essentially, in its July 23, 2015 corrected  
24 decision, the Board granted the request to  
25 construct the three-foot by ten-foot bump-out.



1           The Board denied the request for the parking  
2           lot, but determined that the applicant may reapply  
3           for the parking lot use after one year if it so  
4           chooses.

5           And thirdly, the Board granted the request to  
6           authorize weekday activities for a period of one  
7           year subject to various conditions which are set  
8           forth in the corrected decision.

9           Of course, I'm sure the Board has reviewed  
10          the corrected decision on numerous occasions, but  
11          for the record I'd like to submit a copy of it at  
12          this time (handing).

13          CHAIRMAN KEILSON: Fine.

14          MR. GRAY: Thank you.

15          MR. AVRUTINE: One of the conditions  
16          contained in the corrected decision was that the  
17          applicant petition the Village Board of Trustees  
18          for legislation which would prohibit all street  
19          parking during the period of authorized services  
20          and classes on Harborview South between Lawrence  
21          Avenue and Harborview East, as well as on  
22          Harborview East between Harborview South and  
23          Harborview North, with the exception of the  
24          on-street parking spaces on the north side of  
25          Harborview South in front of the three synagogue

1 properties.

2 By letter dated July 27, 2015, my office sent  
3 a letter to the Mayor and Board of Trustees  
4 requesting that those parking restrictions be  
5 implemented. I'd like to submit a copy of my  
6 July 27, 2015 letter for the record (handing).

7 By letter also dated July 27, 2015,  
8 Mayor Oliner acknowledged receipt of the letter  
9 that I just submitted and indicated that the  
10 Village would study the request. I'd like to  
11 submit a copy of Mayor Oliner's July 27, 2015  
12 letter for the record (handing).

13 In addition, by letter dated also July 27,  
14 2015, my office advised Chairman Keilson that the  
15 applicant submitted the request to the Mayor and  
16 the Board of Trustees as required by the corrected  
17 decision and that Bais Medrash would use its best  
18 efforts to comply with the proposed restrictions  
19 on a voluntary basis until such time as the Board  
20 of Trustees acts on the request. I'd like to  
21 submit a copy of that letter and enclosures for  
22 the record as well (handing).

23 To my knowledge, as of this date the Board of  
24 Trustees has not acted on that request. By  
25 letters dated March 18, 2016, and May 10, 2016, I

1 requested advice regarding the status of those  
2 requests, and I'd like to submit copies of my  
3 March 18, 2016 and May 10, 2016 correspondence  
4 addressed to the Mayor (handing).

5 CHAIRMAN KEILSON: Did you get a response?

6 MR. AVRUTINE: I did, I got a response. I  
7 believe -- is the response there also, Ken?

8 MR. GRAY: The May 16th response.

9 MR. AVRUTINE: The May 16th response from the  
10 Mayor indicating -- actually, it's not from the  
11 Mayor; it's from the Village Administrator,  
12 advising that no action was taken on the request  
13 and that it has been taken under advisement is  
14 what the letter says, and I'd like to submit a  
15 copy of that letter for the record as well  
16 (handing).

17 By the application before the Board this  
18 evening --

19 CHAIRMAN KEILSON: Do you have any idea as to  
20 why they did not act? Independently, did you  
21 inquire?

22 MR. AVRUTINE: Other than to send the  
23 correspondence, I did not ask for a reason. I  
24 didn't think it would be appropriate on my part to  
25 do that. I did make the requests and I did follow

1 up asking the status, and I presumed for whatever  
2 reasons the Board of Trustees may have they have  
3 opted not to act on the requests at least up until  
4 this time.

5 CHAIRMAN KEILSON: As I understand it, they  
6 did not act on it initially because they stayed  
7 anything until the decision on the Article 78 that  
8 was referred by Mr. Septimus. So I think they  
9 used that as an opportunity to shelf it until such  
10 time as they might have to act on it.

11 MR. AVRUTINE: I have no independent  
12 knowledge of that, Mr. Keilson. It may very well  
13 be the case, and as you indicated there was an  
14 Article 78, and I'll just put that in for the  
15 record as well, commenced by one of the opponents  
16 to the application contesting the validity of the  
17 corrected decision. The Supreme Court in Mineola  
18 upheld the Board's decision and dismissed that  
19 Article 78 proceeding, and no further appeals were  
20 taken from that decision.

21 So by the application before you tonight, the  
22 applicant seeks reapproval of weekday activities  
23 authorized by this Board's corrected decision and  
24 to make those approvals permanent. I think the  
25 intention here from the Board was to create a

1 one-year period by which the conditions could be  
2 observed and see how things work, essentially.  
3 The Board was very thoughtful in crafting the  
4 original decision with conditions, and I believe  
5 the intention here and, of course, I'm not  
6 speaking for the Board, but my understanding was  
7 anyway that the intention was to observe the  
8 situation for a year and have the applicant come  
9 back in a year's time to extend and have a  
10 reapproval of the application, and that is exactly  
11 what we are here for this evening. So we are here  
12 to request that those approvals be made permanent.

13 I would like to at this time offer testimony  
14 from Mr. Jeffrey Petrie of Schneider Engineering.  
15 The Board was furnished a copy of a report that  
16 was done by Schneider Engineering, and what I  
17 essentially charged Mr. Petrie and Mr. Schneider  
18 to do was to observe conditions starting in  
19 February, two days a month February through June,  
20 observe conditions in terms of the parking, in  
21 terms of the activity at the premises during the  
22 morning and evening minyans on Sundays, on  
23 weekdays, and to compile their data and to present  
24 that to the Board for review and consideration,  
25 and I have Mr. Petrie here who can expand in a

1 narrative style upon his report and address any  
2 concerns and questions that the Board may have  
3 regarding parking conditions at the premises.

4 CHAIRMAN KEILSON: If I may, I just wanted to  
5 help focus the discussion tonight. I think as the  
6 Court supported the decision validating the  
7 decision of the Board and wrote that the Board had  
8 said or declaring itself unpersuaded by either  
9 side's argument that evening, you know, the  
10 seven-hour marathon evening, and I think it was  
11 focused on two major issues: the traffic issue,  
12 the congestion that might arise from the  
13 introduction of weekday services, plus any safety  
14 issues that might arise. So I think tonight's  
15 discussion will focus on that.

16 MR. AVRUTINE: That makes sense,  
17 Mr. Chairman.

18 CHAIRMAN KEILSON: I think also one of the  
19 questions I had, did you provide a copy of the  
20 traffic study to the opposition?

21 MR. AVRUTINE: Well, I did not, primarily  
22 because I did not know whether this time around  
23 they were represented by counsel. So I did not  
24 provide it with the mailing. But I have a copy,  
25 extra copy, if anyone would like to see it.

1 CHAIRMAN KEILSON: It would have been nice  
2 for them to study it in advance, rather than for  
3 them to come here and try to absorb it.

4 MR. AVRUTINE: I understand that,  
5 Mr. Keilson, but it was a little bit of an unusual  
6 situation in terms of providing a report. As I  
7 indicated, if they had counsel like they did last  
8 time it would have been rather simplistic, but  
9 this time it was a little bit different. It was  
10 part of the file. I don't know whether any of the  
11 folks who are interested in the application had a  
12 chance to come down and review the file before,  
13 but I imagine that since I filed -- I submitted  
14 it, it would have been made part of the file and  
15 available for review.

16 CHAIRMAN KEILSON: But it came late.

17 MR. AVRUTINE: I believe it was furnished  
18 last week. But regardless, it is available if  
19 anyone wants to see it. Thank you.

20 I'll submit another copy of the June 16  
21 report for the record, although it is already part  
22 of the file.

23 MR. GRAY: We have it.

24 MR. PETRIE: My name is Jeffrey Petrie,  
25 P-E-T-R-I-E. I'm a traffic engineer with

1 Schneider Engineering.

2 We collected parking data on the roadways on  
3 either side of Harborview, and the way I did it,  
4 approached it, was we took every segment between  
5 driveways, we measured those segments and we  
6 figured out how many parking spaces on the street  
7 were in between each segment based on a 25-foot  
8 per vehicle space. I can usually go a little bit  
9 down from there, people park a little bit closer,  
10 but that's the standard.

11 So we collected data two days, on a Sunday  
12 and on a weekday, and on the weekdays we did a.m.  
13 and p.m. These are during activity periods at the  
14 shul.

15 CHAIRMAN KEILSON: What time were the  
16 activity periods?

17 MR. PETRIE: They varied depending on the  
18 time of year, but they were generally in the a.m.  
19 we started our counts around 6:30 or 7:30 to  
20 capture those periods, and in the evening we  
21 started between 6 and 7 p.m. On Sunday I believe  
22 we started at 7 a.m.

23 MEMBER HILLER: What time at night again?

24 MR. PETRIE: In the evenings I think we did  
25 between 6 and 7 p.m. we started our counts; we



1 did our counts for two hours.

2 CHAIRMAN KEILSON: Did you verify that  
3 services were being conducted at that time?

4 MR. PETRIE: Those are the times that we were  
5 given that there would be activities.

6 Basically, what we did is we had people there  
7 that just walked the road and counted every  
8 15 minutes how many cars were in each space. As  
9 you can see in the report of the total of 21  
10 segments, it's 1,600 some odd linear feet really  
11 what you're interested in I think.

12 What we found was that in the sections  
13 directly in front of the synagogue and across the  
14 street was where the majority of the parking was  
15 taking place, and on Table 1 -- on Table 1 you can  
16 see the available length of each segment, how many  
17 spaces were in each, and then the three columns to  
18 the right indicate what the occupancy of each of  
19 those areas were, and the highlighted blue  
20 sections are those immediately adjacent to the  
21 property.

22 CHAIRMAN KEILSON: So you observed cars  
23 parked across the street?

24 MR. PETRIE: Yes.

25 CHAIRMAN KEILSON: Are you aware that under

1 the decision they were precluded from parking  
2 across the street?

3 MR. PETRIE: Well, I don't know that those  
4 cars were associated with the synagogue. We  
5 collected all the cars on the street at that time.  
6 So we can't -- we can tell you what the available  
7 space is, but I don't know if that car parked  
8 across the street was residential. We even  
9 counted landscaping vehicles, whatever was there  
10 at the time.

11 CHAIRMAN KEILSON: Landscaping vehicles at  
12 6:00 at night?

13 MR. PETRIE: Or 7:00 in the morning or night.  
14 We were there until --

15 CHAIRMAN KEILSON: 7:00 in the morning,  
16 they're not allowed to landscape at 7:00 in the  
17 morning.

18 MR. PETRIE: Okay. We were there for two  
19 hours. So if it was from seven, it could have  
20 been till nine. I'm saying we counted every  
21 vehicle on the road; we have no way of knowing.

22 CHAIRMAN KEILSON: Your testimony will be  
23 that there were violations of the agreement and  
24 that people were parking across the street.

25 MR. PETRIE: I don't know that those people

1 parking if they had an agreement. I don't  
2 understand. We counted the vehicles that were  
3 there.

4 CHAIRMAN KEILSON: Well, the decision that  
5 Mr. Avrutine he actually read it in terms of where  
6 people were prohibited from parking. They were  
7 prohibited from parking across the street and down  
8 the rest of the street.

9 MR. PETRIE: I understand, but the vehicles  
10 that were parked on the other side of the street,  
11 I don't -- as I'm observing on the street I can't  
12 tell, I don't know who parked it there.

13 CHAIRMAN KEILSON: Did you see the drivers  
14 going into the synagogue?

15 MR. PETRIE: I don't have observations on  
16 that. We had observed where people were walking  
17 without vehicles.

18 CHAIRMAN KEILSON: Okay.

19 MR. AVRUTINE: I think just to clarify for  
20 the record, I think Mr. Petrie's point is that  
21 what they observed were available spaces to park  
22 and numbers of vehicles, not necessarily whether  
23 they -- because any resident, obviously, has the  
24 right to park wherever they want to park  
25 notwithstanding the shul. So it would include

1 those cars as well, and there was no way to  
2 discern whether a particular parked car was there  
3 because a resident parked there or because someone  
4 drove there to the shul. The purpose of the  
5 report was really to gauge the availability and  
6 whether the existence of the shul was creating a  
7 situation where there would be insufficient  
8 available parking.

9 MR. SCHNEIDER: Excuse me. Steven Schneider  
10 of Schneider Engineering. Just a quickie to make  
11 it easier for you.

12 CHAIRMAN KEILSON: Welcome back.

13 MR. SCHNEIDER: How are you? I think it was  
14 like three years ago, but it was only one year  
15 ago.

16 CHAIRMAN KEILSON: This has been going on for  
17 14 years.

18 MR. SCHNEIDER: Really? One bar mitzvah plus  
19 a year, okay.

20 What I want to make mention here, which is in  
21 the report, is that the people who actually walked  
22 into the synagogue, who are walkers, meaning  
23 pedestrians, we took a count of those people. So  
24 we do know how many people actually went into the  
25 synagogue who actually walked from their, I guess,

1 homes, versus the other individuals who the cars  
2 were there, they were there maybe before we  
3 started, they were maybe there after we started.  
4 We wouldn't know where they went, but we do know  
5 that the people -- the people were counted only  
6 who walked in as pedestrians, not coming out of  
7 these cars, so I think that will clarify it for  
8 you, I hope.

9 CHAIRMAN KEILSON: No, but continue.

10 MR. SCHNEIDER: Okay.

11 MEMBER GOTTLIEB: Mr. Petrie, can I ask you a  
12 question about Table 1 so I understand it.

13 MR. PETRIE: Certainly.

14 MEMBER GOTTLIEB: If I'm reading this right,  
15 spaces from 12 through 21 are the spaces on  
16 Harborview South across the street from Bais  
17 Medrash? Spaces 12 through 21; is that correct?

18 MR. PETRIE: Yes, sir. The 10 and 11 are on  
19 the other side of the street as well.

20 MEMBER GOTTLIEB: I didn't count 10 and 11  
21 because they're around the corner. So if I'm  
22 reading this correct, spaces 12 through 21 it  
23 looked like there was very heavy usage of cars  
24 parked on the opposite side of the street on all  
25 three examinations, weekday a.m., weekday p.m. and

1 Sunday a.m., just if I'm reading it correctly. I  
2 know you have the percentages there, but it looks  
3 like it was pretty well utilized that side of the  
4 street during the --

5 MR. PETRIE: Yes. Let's say in 12 there were  
6 two -- there's two available spaces. One car was  
7 parked there.

8 MEMBER GOTTLIEB: So 50 percent usage.

9 MR. PETRIE: Yeah. It's 50, sometimes it was  
10 100 when there's only one space there and one car  
11 was parked, obviously.

12 MEMBER GOTTLIEB: What I mean to say is it's  
13 -- there are virtually no zeros in spaces 12  
14 through 21 on the times that were examined.

15 MR. PETRIE: That's correct.

16 MEMBER GOTTLIEB: Okay. It sort of gets to  
17 the point that cars are parked on both sides of  
18 the street during all the times that were checked,  
19 and that of course reverts back to health and  
20 safety. Safety is part of health.

21 CHAIRMAN KEILSON: Yes.

22 MR. PETRIE: These, by the way, were averages  
23 through the five months, so it might have been  
24 lower.

25 MR. SCHNEIDER: I want to make one other

1 note, I'm sorry. But, yes, except that the people  
2 who were parked there, if they were parked  
3 illegally, okay, which is their problem, not our  
4 problem, if they were there overnight, for  
5 example, they all have driveways. It's not like  
6 they were parked out there to be illegally parked.  
7 There was plenty of parking spaces in their  
8 driveways to park if they were there illegal. I  
9 don't know if people knew it was illegal or not.  
10 I have not been there recently. Are there any  
11 signs up that says it?

12 CHAIRMAN KEILSON: It's announced constantly  
13 in the notices sent out by the synagogue by  
14 Dr. Jeret, repeated just about every week or every  
15 day.

16 MR. SCHNEIDER: So therefore, the presumption  
17 is that our people from the synagogue did not park  
18 across the street but in fact parked there.

19 CHAIRMAN KEILSON: I was at the services and  
20 they had to advise people --

21 MR. SCHNEIDER: But didn't --

22 CHAIRMAN KEILSON: Let me finish.

23 MR. SCHNEIDER: I'm sorry, I'm sorry, you're  
24 right.

25 CHAIRMAN KEILSON: They had to advise people

1 that they were illegally parked across the street,  
2 so they were in violation of the agreement.  
3 That's not the focus. You're showing us exactly  
4 how much traffic it was.

5 MR. SCHNEIDER: Did they announce that  
6 though?

7 CHAIRMAN KEILSON: Absolutely.

8 MR. SCHNEIDER: That's wonderful. Thank you.

9 MEMBER WILLIAMS: You're claiming that it's  
10 the people who live there. The people who live  
11 there who were probably going to be at service  
12 would be in their driveways.

13 MR. SCHNEIDER: I understand that, but there  
14 still were quite a number of parking spaces  
15 available in that vicinity, let alone away from  
16 the vicinity.

17 MEMBER HILLER: Mr. Petrie, Mr. Avrutine  
18 indicated that you were there two days a month.

19 MR. PETRIE: Yes.

20 MEMBER HILLER: One day during the week and  
21 one day on a Sunday?

22 MR. PETRIE: One weekday, period. So it  
23 might have been a Tuesday in the a.m. we were  
24 there and a Thursday in the p.m., but combined it  
25 was one weekday.



1 MEMBER HILLER: One weekday and one Sunday a  
2 month?

3 MR. PETRIE: One Sunday morning.

4 MEMBER HILLER: Is that generally what's  
5 acceptable as a good survey on traffic?

6 MR. PETRIE: Yeah. I mean, typically, if we  
7 were doing a shopping center or something of that  
8 order, we would do a morning peak and an afternoon  
9 peak, and then maybe a Saturday afternoon. So  
10 Sunday morning would be the higher activity in  
11 this case, so we studied that, and then the  
12 morning and afternoon activities.

13 So out of all the available parking there we  
14 found that approximately 41 percent was utilized  
15 between the 21 segments of varying length. And  
16 the highest demand we observed was 24 spaces.

17 MEMBER GOTTLIEB: Mr. Petrie, once again,  
18 you're using all the available spaces as if both  
19 sides of the street were permitted for parking.

20 MR. PETRIE: That's true.

21 MEMBER GOTTLIEB: And I know that there are  
22 no signs and it could be anyone who was parked  
23 there.

24 MR. PETRIE: Yes.

25 With regard to pedestrian observations, the

1 average -- on average it was about -- during the  
2 weekdays it was about seven people we observed  
3 walking there, seven fewer vehicles. And at  
4 maximum there were 14 during the a.m., 17 during  
5 the p.m., and on Sunday we observed ten people not  
6 using vehicles and walking.

7 Once again, I just noted that these parking  
8 -- the parking that was taken was pretty far down  
9 the road with available spaces. We observed in  
10 between those spaces, let's say down at 21 and the  
11 site, so presumably anybody parked or attending  
12 the synagogue would park as close as possible. If  
13 there were empty sites in between there and the  
14 end of the road the assumption would be that it's  
15 not associated with the site.

16 MEMBER WILLIAMS: It would have been  
17 interesting to see a study of the cars not during  
18 those times and to see how that correlated,  
19 because based on your presumption that there may  
20 be other people or not be the synagogue people  
21 then that number would be equal to this number,  
22 correct?

23 MR. PETRIE: Well --

24 MEMBER WILLIAMS: Correct?

25 MR. SCHNEIDER: I'd like to answer that

1       though, if you don't mind. Steve Schneider again,  
2       I'm sorry.

3               MEMBER WILLIAMS: It's okay. It's a question  
4       I have.

5               MR. SCHNEIDER: What we did was we did two  
6       hours. If you look at the end of the beginning of  
7       each of those two hours the numbers were lower.  
8       What that means is that there were less people  
9       there during other times. So that your answer is  
10      really there, okay. The peak was the peak. I  
11      mean, the numbers are really the numbers. We  
12      didn't do anything else except give you the  
13      numbers. And if you look at it --

14              MEMBER WILLIAMS: So then the presumption is  
15      that those people were coming to the synagogue.

16              MR. SCHNEIDER: I don't care where they were  
17      coming. The point is that there were parking  
18      spaces available next to the synagogue. To me,  
19      that means that there was parking spaces available  
20      next to the synagogue. And the other thing I want  
21      to mention to you --

22              CHAIRMAN KEILSON: Hold it. Next to the  
23      synagogue means on the north side or south side?

24              MR. SCHNEIDER: That particular area that we  
25      considered close to the synagogue when I say next

1 to it. We have it highlighted in the report the  
2 exact location of what we considered close to the  
3 synagogue. You know, we're not taking cars  
4 400 feet away. We're not using those spaces.

5 CHAIRMAN KEILSON: I understand. Isn't it  
6 material to know that it was prohibited to park  
7 across the street?

8 MR. SCHNEIDER: Our congregants knew, that's  
9 all I can tell you. As you indicated, they were  
10 notified again at the services.

11 I also want to mention one other item before  
12 I forget, and as you get older you forget things.  
13 In this particular case these were taken between  
14 February and June, okay. In the summer, people  
15 tend to walk more than the winter. So that the  
16 summer months, especially with vacations and  
17 everything else, summer months will be less cars  
18 going and more people walking because of weather  
19 conditions. Just a general point, that's all,  
20 nothing negative or positive, that's what that is.  
21 Thank you.

22 MEMBER MOSKOWITZ: Mr. Schneider, if we did  
23 want to get a sense of the level of activity  
24 outside the hours of the services, that is  
25 something that you looked at at least in some

1       respect the last time around; is that right?

2               MR. SCHNEIDER: Yes, we were there last time  
3       when we had done that, and we actually because of  
4       the questions about cars, how many cars are there,  
5       so we said let's just do it. And it was mentioned  
6       earlier, normally, when we do a traffic study  
7       almost anywhere it's a morning, an afternoon peak  
8       or an evening peak, depending on what time of use  
9       it is. If it's a shopping center you don't care  
10      about 7 to 9 in the morning, you care, you know,  
11      12 to 2 and 4 to 6 at night, and of course on  
12      weekends.

13              In this particular case, we did it when we  
14      thought the synagogue had its peak, which it did.  
15      Usually, we take one count each. Here we took  
16      February, March, April, May and June, five months  
17      worth of counts. I'm willing to bet you that  
18      there's nobody else that has done that in the last  
19      ten years for a small synagogue like this, but we  
20      thought it was important to show you and to go  
21      overboard to give you those numbers.

22              MEMBER HILLER: Out of five months it's  
23      basically ten days.

24              MR. SCHNEIDER: Yes. Nine days more than we  
25      usually do, that's correct.

1 MEMBER HILLER: So basically, ten days.

2 MR. SCHNEIDER: Absolutely.

3 CHAIRMAN KEILSON: Mr. Schneider, I made a  
4 similar study. I was there every evening for a  
5 period of time. And the side, the north side of  
6 the street was fully parked up in the permitted  
7 areas. So the data that I observed is at variance  
8 with what is being presented here tonight. The  
9 fact that there's no cars parked further down was  
10 consistent with the fact that they were prohibited  
11 from parking further down. I also observed that  
12 on east the street was parked up. So the overflow  
13 from the north side, you know, carried over to  
14 east. On the other side of the street, the south  
15 side, where there was supposed to be no parking,  
16 almost every evening there was an issue with  
17 people who parked there.

18 MR. SCHNEIDER: How long were they parked?

19 CHAIRMAN KEILSON: For the full-time of the  
20 services.

21 MR. SCHNEIDER: They were not or they were  
22 parked on the south side?

23 CHAIRMAN KEILSON: Yes, the north side was  
24 fully parked up.

25 MR. SCHNEIDER: No, I'm saying the south

1 side.

2 CHAIRMAN KEILSON: On the south side there  
3 was sporadic parking, and then on east there was  
4 parking on both sides which also was prohibited.

5 MR. SCHNEIDER: Was there any space available  
6 near the synagogue within this area that we looked  
7 at?

8 CHAIRMAN KEILSON: Again.

9 MR. SCHNEIDER: We highlighted a zone that we  
10 considered, you know, reasonable walking distance,  
11 and my question to you is whether any openings,  
12 any availability at all for any cars to park  
13 within that zone.

14 CHAIRMAN KEILSON: Which zone are you  
15 referring to, the permitted zone or the prohibited  
16 zone?

17 MR. SCHNEIDER: No, that's not the zone. I'm  
18 talking about the zone that we picked out that's  
19 on --

20 MR. PETRIE: Figure 1.

21 MR. SCHNEIDER: -- Figure 1, I'm sorry. We  
22 showed you the areas we picked and used the number  
23 of parking spaces that could fit, and that blue  
24 zone that's there that's the zone I'm talking  
25 about, very close to the synagogue.

1 MR. GRAY: Well, Mr. Schneider, I believe.

2 If I may --

3 CHAIRMAN KEILSON: Please.

4 MR. GRAY: -- the zone that you're  
5 identifying as being premium parking for the shul  
6 are what you have identified as location numbers  
7 5, 6, 7, 14, 15 and 16.

8 MR. SCHNEIDER: Correct.

9 MR. GRAY: And I believe what the Chairman is  
10 trying to point out is based upon the prior  
11 decision of this Board and the agreement with the  
12 applicant to adhere to the restrictions, locations  
13 number 14, 15 and 16 were off -- were out of  
14 bounds. They were not allowed to be parked there.

15 MR. SCHNEIDER: But people were parked there.

16 MR. GRAY: What you're identifying as premium  
17 spots were in conflict with the decision and the  
18 agreement with your clients.

19 MR. SCHNEIDER: Yeah, but it has nothing to  
20 do with our clients. It has to do with the people  
21 in the neighborhood parking illegally. If there's  
22 no sign in play, by the way, I don't think it's  
23 illegal. There has to be a sign placed in order  
24 for it to be illegal. If there's no sign there --  
25 because somebody from outside the neighborhood can



1       come and park and not know that they can't park  
2       there, there must be a sign in place in order to  
3       restrict it.

4               MR. GRAY: This Board is well aware of the  
5       VTL regulations with respect to parking and not  
6       parking. They don't need to be lectured on that.

7               MR. SCHNEIDER: I'm not lecturing. I'm just  
8       making a point.

9               MR. GRAY: What is being pointed out here is  
10      that the spirit of the agreement with your client  
11      was not adhered to, I believe.

12              MR. SCHNEIDER: And I disagree.

13              CHAIRMAN KEILSON: There's nothing to  
14      disagree with. You are testifying that they  
15      violated the agreement, that's all. You're  
16      supporting the position that they parked  
17      illegally, and to that point there were  
18      announcements and people were admonished for doing  
19      so.

20              MR. SCHNEIDER: And we don't know who "they"  
21      is.

22              MR. AVRUTINE: I'd just like to make a point  
23      at this point in time. I think what the report  
24      shows is just a snapshot of what occurred. The  
25      Board will reach conclusions as to what that

1 actually means. The conditions, and I just want  
2 to also clarify for the record --

3 CHAIRMAN KEILSON: We have to stop the  
4 conversation, Mr. Schneider.

5 MR. AVRUTINE: Steve, quiet.

6 When the decision was issued, the corrected  
7 decision was issued and the conditions associated  
8 with that, as the Board will recall, there was a  
9 requirement that we petition for parking  
10 restrictions, and we did that. There was also a  
11 requirement and an agreement I should say that we  
12 use our best efforts to get people to comply.  
13 I'll submit and there will be testimony by  
14 Dr. Jeret regarding those efforts and what they  
15 were, unfortunately, sometimes maybe best efforts  
16 didn't result in what was intended from those  
17 efforts. So that may be the case. You may have  
18 had instances, and Chairman Keilson, you observed  
19 what you observed and you were there and you see  
20 it, so you know. And if people chose not to  
21 adhere to the admonishments of the shul, that does  
22 not mean that best efforts were not made.

23 CHAIRMAN KEILSON: I wholeheartedly agree and  
24 I want to make the record clear that best efforts  
25 were made by the leadership of the synagogue, and

1 I think from the discussion the question was  
2 whether short of real legislation is it possible  
3 to get the people to adhere to commitments. So  
4 all I'm pointing out is that the traffic study  
5 works to show that in fact that we have an issue  
6 in terms of meeting commitments.

7 MR. AVRUTINE: Well, I can tell you on behalf  
8 of the shul, and Dr. Jeret can speak further, I  
9 know the shul would be amenable to an alternate  
10 side of the street.

11 CHAIRMAN KEILSON: We'll get into those  
12 details, and I agree with you that I think  
13 certainly from the conversations to date I think  
14 they recognized the need for it to be legislated,  
15 rather than left to the proclivities of people who  
16 decide whether they're going to adhere or not  
17 adhere, and it shouldn't be the burden of the  
18 leadership of the synagogue to go around  
19 admonishing people.

20 MR. AVRUTINE: I would agree with you.

21 MR. PETRIE: One final point. With respect  
22 to seeing what the off-use times were, we do have  
23 traffic counts that were taken. They show us --  
24 they would show us the ebb and flow of traffic in  
25 the area, and I think that was presented in the

1 last report. I have the data here if you wanted  
2 to hear it, but it's pretty low. It's maybe ten  
3 vehicles, three vehicles an hour, ten vehicles an  
4 hour. It's extremely low.

5 MEMBER WILLIAMS: Compared to during these  
6 times?

7 MR. PETRIE: I could grab the data for you.

8 MEMBER WILLIAMS: No.

9 CHAIRMAN KEILSON: No, please.

10 MEMBER WILLIAMS: My only question is --

11 MEMBER MOSKOWITZ: You wouldn't have that  
12 because I think that the measurements that you're  
13 talking about were taken in connection with the  
14 last traffic report. At that time there were no  
15 services during the week, so you wouldn't have any  
16 comparison. That's fine.

17 MEMBER WILLIAMS: It's okay.

18 MR. PETRIE: Thank you. If there's any other  
19 questions?

20 CHAIRMAN KEILSON: Not at the moment. If we  
21 need to, we'll recall you.

22 MR. PETRIE: Thank you.

23 MR. AVRUTINE: I'm sure there are folks who  
24 want to speak, and we'd just like to reserve the  
25 opportunity to respond.

1 CHAIRMAN KEILSON: Oh, absolutely.

2 Okay, maybe Dr. Jeret.

3 DR. JERET: Joseph Jeret, 164 Harborview  
4 North in Lawrence.

5 So just to clarify, as far as the parking, I  
6 did not do formal parking counts except once on  
7 the Fast of Esther, no relation, and I was the  
8 first person to arrive in the synagogue and there  
9 were already eight cars parked in front of the  
10 synagogue from residents on the block, some of  
11 which were from on the south side of that block.  
12 So a lot of the counts that we're getting I think  
13 are really distorted numbers. I don't think we  
14 can actually figure out the reality of what's  
15 going on. Again, there were eight or nine cars  
16 before I got there, and I was the first person in  
17 the synagogue, it certainly wasn't the synagogue  
18 applicants. So I'm not sure that the data that  
19 we're presenting now is -- it's the best  
20 scientific data we can present, but I'm not sure  
21 whether it's giving a complete feel for the  
22 reality of what's going on.

23 CHAIRMAN KEILSON: Having brought up that  
24 date, the Fast of Esther, which is the day before  
25 Purim, we also recognize that there was an issue

1 of parking on Purim which was somewhat mitigated  
2 by the fact that the Village put out cones on the  
3 north side of the street and people did observe  
4 that restriction. The south side was fully parked  
5 up. I visited several times, and had it not been  
6 for the cones on the north side it would have been  
7 totally impassable as it has been in the past on  
8 that holiday.

9 DR. JERET: There are several holidays and  
10 special occasions where there's going to be a  
11 large traffic flow to the synagogue. When you're  
12 a community synagogue and you serve the community,  
13 one cannot always predict some unusual situation,  
14 and these things will happen, and whatever efforts  
15 the Village can make and the administration of the  
16 synagogue can make to try to keep things as safe  
17 as possible certainly is our top priority. I'm  
18 sending out the e-mails and I'm certainly doing a  
19 yeoman's job. I'm trying to correct the people  
20 who park in the wrong place on occasion. And  
21 certainly, we're very cognizant of this and very  
22 sensitive of this issue. We have not reached  
23 perfection yet.

24 CHAIRMAN KEILSON: We can always aspire.

25 DR. JERET: We sure can.

1 CHAIRMAN KEILSON: We applaud your efforts  
2 and recognize the fact that you've gone beyond and  
3 the repetition always helps.

4 DR. JERET: One hopes, one hopes.

5 I also want to just mention that the  
6 president and Chairman of the Board are not  
7 available today so I will also try my very best to  
8 answer any questions that come up or clarify  
9 additional situations, and they asked me to  
10 represent that. Thank you.

11 CHAIRMAN KEILSON: Thank you.

12 So now we have the opportunity for the  
13 audience, anybody in opposition who wants to  
14 present at this time.

15 (No response.)

16 MR. GRAY: Seeing none --

17 CHAIRMAN KEILSON: No discussion.

18 Mrs. Septimus.

19 MS. SEPTIMUS: Bonnie Septimus.

20 CHAIRMAN KEILSON: Ladies and gentlemen,  
21 please. Mr. Mayor, Mr. Mayor-elect.

22 MS. SEPTIMUS: Basically, I have a question.  
23 The shul had a one-year trial period. During that  
24 time the restrictions placed on it were violated  
25 on many occasions. For example, the shul was

1 restricted to one mincha and maariv minyan. They  
2 sent out numerous e-mails that they were having a  
3 second minyan a good part of the year.

4 No catering was to be allowed, and yet they  
5 held almost in the beginning of this trial period  
6 a melava malka; it was last summer in the catering  
7 facility, with music and food and entertainment.

8 No public gatherings were to be held, yet  
9 they had two speakers attracting an audience of I  
10 would say well over 100 people.

11 There were two funerals; one, understandably  
12 a prominent member of the shul, but the other  
13 supposedly was totally unauthorized. There was a  
14 unilateral decision made by someone to have a  
15 funeral of a family member held at the shul, and  
16 cars were parked illegally every which way on both  
17 sides of the street.

18 And we spoke about this. Daily parking it  
19 was to be limited to only the three spots in front  
20 of the shul. Cars are always parked on both sides  
21 and on Harborview East, and I don't care what the  
22 traffic study says, I live there so I see what  
23 goes on.

24 And so the question I have is whatever is  
25 decided upon tonight, I'd like to know from the



1 Board how you plan to enforce restrictions, and  
2 what is our guarantee as residents of the street  
3 that our safety and the residential nature of the  
4 street will be protected. That's all.

5 CHAIRMAN KEILSON: Okay. I'll respond to  
6 some extent. It's not within the purview of this  
7 Board as far as enforcement. Enforcement  
8 ultimately has to come from the Village and from  
9 the policing authorities.

10 By my observation and my experience I've seen  
11 where there have been restrictive signs, be it on  
12 Lord Avenue or be it in Sutton Park for the period  
13 of time that there was a synagogue in a house.  
14 For the most part those restrictions were  
15 observed. Certainly on Lord Avenue they were  
16 observed, and I know from people who live on  
17 Lord Avenue when it becomes an egregious situation  
18 they do call the police and they do ticket. We've  
19 had numerous occasions even when people have held  
20 private parties and people parked up both sides of  
21 the street; the police enforcement has been  
22 effective. So I think if there is legislation and  
23 we get support from the Village and from the  
24 incoming administration I think there's a very  
25 good, strong possibility that there will be

1 enforcement, and I think people will observe it.

2 It's vastly different than being on the honor  
3 system. We recognize there's only so much you can  
4 expect from people on the honor system, people  
5 coming late to synagogue, they're taking advantage  
6 of the opening on the street for parking purposes.

7 As far as the violation that you allude to, I  
8 think you have to sort of create a strata in terms  
9 of which are really the egregious ones and which  
10 are, you know, the less egregious, let's call it.  
11 The introduction of a second minyan we can discuss  
12 whether that really affected anything.

13 I think the greater concerns are in terms of  
14 the parking and in terms of safety issues, and I  
15 think it's more on the safety issues because that  
16 was always one of the concerns that we couldn't  
17 weigh a year ago in July as to what the effect of  
18 this weekday service would bring. And I think  
19 it's important for the Board to hear tonight if  
20 there were safety issues and what are the findings  
21 after a year's experience.

22 There have been all kinds of discussion about  
23 speed bumps and the like, which we can't initiate  
24 apparently in the Village, and I think there could  
25 be some creative ideas to ameliorate problems if

1       there is a presentation to the Board as to the  
2       nature of the problems. We can't work in a  
3       vacuum. We can only work by what's presented here  
4       tonight. So it's extremely important in terms of  
5       the experience of the year as to, you know, what  
6       can be done.

7               I can tell you one thing we can't do and  
8       that's what the Court on the appeal said. The  
9       Court closed by saying, conversely, that a flat  
10      refusal by the BZA that would have the effect of  
11      prohibiting the synagogue from offering those  
12      services, which is weekday services, would not be.  
13      The Court flatly ruled that under RLUIPA, the  
14      Religious Land Use and Institutionalized Peoples  
15      Act, that we are basically precluded from  
16      reversing any thought of not having weekday  
17      services. So with that admonition from the Court,  
18      which was actually intuitively what we felt all  
19      along, we recognized that the weekday services  
20      have to go forward. The question is how to make  
21      it tolerable for all parties. And that's really I  
22      think to a great extent what we want to hear  
23      tonight.

24              If anybody from the Board wants to add a  
25      comment.

1 MEMBER MOSKOWITZ: My only question was,  
2 Mrs. Septimus, are you in fact -- in light of  
3 that, in light of that, are you in fact asking at  
4 this point in your opposition, are you maintaining  
5 the position that you had last time which is that  
6 the services should not occur during the weekdays?

7 MS. SEPTIMUS: No, I am not. I just want  
8 whatever restrictions in place to be adhered to  
9 and for the neighbors' safety and quality of life  
10 to be respected.

11 CHAIRMAN KEILSON: Okay.

12 MR. GRUNBERGER: Herbert Grunberger,  
13 225 Harborview North. I've been living here quite  
14 many years, gratefully. I've been living here  
15 quite many years, and I too have observed, just  
16 like others have observed what's been going on,  
17 and I think that the safety has become much better  
18 because of the shul because everybody is more in  
19 tune since this issue has come up to the problems  
20 that we might be getting if we would not be  
21 attuned.

22 The shul has made every possible effort for  
23 every member to adhere to those rules. Dr. Jeret,  
24 as he said before, has -- I don't think it's the  
25 word admonished anybody, but very gracefully has

1 informed everybody what the Village requires us to  
2 do, and therefore we adhere to it. It's only  
3 become better. It's not become worse.

4 CHAIRMAN KEILSON: So I would ask you, just a  
5 couple of months ago there was an accident on  
6 Lawrence Avenue just near Harborview North. The  
7 police were called. The byproduct of that was  
8 they sat and observed that car after car proceeded  
9 through the stop sign of Harborview South and  
10 Lawrence Avenue, and there was a cascade of cars  
11 parked because they were ticketing all these cars.  
12 It's my observation that nobody observes that stop  
13 sign. As there is more traffic on that street  
14 there's more people not observing the stop sign.  
15 To suggest that the safety has improved I think is  
16 difficult to support. More cars bring more  
17 issues.

18 There's a resident in Harborview South who  
19 was pulling out of her driveway not during  
20 services time and somebody rushing down Harborview  
21 South going eastward slammed into her car. Now,  
22 that accident could have occurred irrespective of  
23 whether there was weekday services or the like,  
24 but the fact of the matter is I think, and again,  
25 I'm waiting to hear from anybody from Harborview

1 South who is prepared to discuss it, but I think  
2 that we still have to be very concerned about the  
3 safety issue. There's no sidewalks. Kids are  
4 being let off on school buses to walk down  
5 Harborview South. Towards evening the lighting is  
6 poor. To suggest that safety has improved by  
7 having more cars on Harborview South I think is  
8 difficult to support.

9 MR. GRUNBERGER: I'm suggesting that those  
10 issues that you mentioned about the cars avoiding  
11 the stop sign has been there before. There has  
12 not been any significant increase of traffic  
13 because of the minyan.

14 CHAIRMAN KEILSON: How could you testify to  
15 that when there are so many cars parked on the  
16 street?

17 MR. GRUNBERGER: Because there are not that  
18 many people coming to minyan at those times.

19 CHAIRMAN KEILSON: Please, please. I don't  
20 know --

21 MR. GRUNBERGER: I hope we can get more.

22 CHAIRMAN KEILSON: Each additional person who  
23 is coming to a weekday service is an additional  
24 person coming to Harborview South who heretofore  
25 did not come. If I drove around the corner from

1 Harborview North and parked on Harborview South  
2 for services, I'm an additional driver and an  
3 additional car, and the fact is there's just more  
4 traffic.

5 MR. GRUNBERGER: I'm not denying that there's  
6 more traffic. I'm saying that because of an issue  
7 that has come to fore we are much more aware of  
8 it, and therefore, all the residents are taking  
9 every precaution necessary to make sure that this  
10 doesn't happen, and therefore, it's become more  
11 safe. I'm not saying that it cannot -- sure, it  
12 can be a case that you have increased traffic and  
13 more instances come about, but that's not really  
14 happening.

15 The case that you mentioned about what  
16 happened, the accident, I don't know what happened  
17 then. I don't think it was because of the  
18 services that it was an accident.

19 CHAIRMAN KEILSON: No, I just said it wasn't  
20 during the weekday services time, so it could have  
21 happened at any time, granted.

22 MR. GRUNBERGER: But that's the case you  
23 brought up.

24 CHAIRMAN KEILSON: No, now I'm just using it  
25 as symptomatic of the way people drive in

1 Harborview. If you sit on Harborview North on the  
2 corner, you can't tell me that people are rushing  
3 into east and swinging around Harborview North are  
4 observing the speed limits or stop sign. The stop  
5 sign at the corner of south and east is not  
6 observed, please.

7 MR. GRUNBERGER: No, that hasn't been  
8 observed, but not because of the synagogue.

9 CHAIRMAN KEILSON: Logic dictates if there  
10 are more cars going up east to go around south to  
11 the synagogue, obviously there's a greater chance  
12 of a safety issue.

13 MR. GRUNBERGER: I haven't observed that  
14 happening, that's all I'm saying.

15 MS. NATHAN: I am not a resident of the  
16 street.

17 CHAIRMAN KEILSON: Please identify yourself  
18 for the record.

19 MS. NATHAN: I'm Hope Berger Nathan. I'm not  
20 a member -- I'm not a resident of the street. I'm  
21 a victim of someone who has been killed by  
22 carelessness in this community. I am fortunate  
23 enough to have family living on the street with  
24 grandchildren visiting that street.

25 I do remember when there wasn't a stop sign



1 on the corner that you're referring to. There is  
2 now a stop sign and, unfortunately, people in our  
3 community do not follow regulations. They avoid,  
4 they'll do anything to just go and do what they  
5 want to do. I have seen, I have stopped and I  
6 have taken pictures of people not stopping at that  
7 stop sign.

8 The other morning after 6:30 in the morning I  
9 dropped off my children -- my grandchildren on  
10 that street to their grandparents, and I promise  
11 you that the traffic on both sides were -- it was  
12 car after car. Furthermore, there was a garbage  
13 truck that was trying to get through. Traffic was  
14 held up. There was a bus, a school bus coming  
15 from the other direction. The mistake that would  
16 be made here would be endangering the lives of  
17 children and people. That's your responsibility  
18 as well when you take the position that you boys  
19 and young lady has taken. You are responsible for  
20 the lives of people, and I ask you take into  
21 consideration morning and late -- early afternoon  
22 minyan come wintertime when the school buses are  
23 trying to come in and out of that street.

24 CHAIRMAN KEILSON: Thank you.

25 MEMBER MOSKOWITZ: I just want to say it

1 would be helpful for my own sake, and everyone is  
2 free to organize the presentation as they wish,  
3 but is there anyone else that wishes to speak in  
4 opposition to the application? Because I think it  
5 would just be helpful to complete that perspective  
6 first, although it's subject to the desires of the  
7 Chairman.

8 MEMBER WILLIAMS: Sounds good.

9 CHAIRMAN KEILSON: That sounds good,  
10 Mr. Moskowitz.

11 MR. DEUTSCH: Ron Deutsch, 205 Harborview  
12 North, Lawrence. In response to the shul's  
13 attorney revisiting the parking lot issue, I know  
14 you mentioned it, sir, so I'm just here to speak  
15 based on that and that alone.

16 CHAIRMAN KEILSON: You're not requesting it?

17 MR. DEUTSCH: I think he said it was part of  
18 the --

19 CHAIRMAN KEILSON: No, they're not requesting  
20 it.

21 MR. DEUTSCH: They're not requesting it,  
22 okay, so I can go home. Excuse me.

23 Well, I just want to say one thing, that  
24 safety is a concern, as this nice lady has said,  
25 and that's why I'm here tonight as well, and I

1 just want compromise and safety for everybody in  
2 the area. I love it. Mr. Keilson is my wonderful  
3 neighbor. We want to see everybody being safe,  
4 okay.

5 CHAIRMAN KEILSON: Mr. Klahr.

6 MR. KLAHR: Hello, I'm Jonathan Klahr,  
7 190 Harborview South. I'm not speaking in  
8 opposition. I'm just speaking as a neighbor on  
9 the block who wants -- you know, mainly who wants  
10 safety for the people on the block. And you know,  
11 as has been said but I think needs to be  
12 reinforced, despite the, I think, good efforts of  
13 the shul, the fact is that often when you're  
14 trying to drive down the block there's parking on  
15 both sides and that immediately creates a  
16 dangerous situation. And as was noted, when  
17 there's a garbage truck coming, when there's a  
18 school bus coming, when there are garden trucks  
19 coming, which is very common especially when  
20 minyans are during school hours, you've created a  
21 very unsafe situation. And I think it's incumbent  
22 on us to find a way to create safety. So that's,  
23 you know, that's one comment.

24 The second comment was in terms of -- in  
25 terms of the shul adhering to the agreement. I

1 think somebody, you know, Dr. Jeret said he is  
2 speaking for the shul. When the shul has violated  
3 the agreement, such as when they have affairs  
4 after hours or when they have speakers after  
5 hours, I think somebody should speak for the shul,  
6 how did those things happen, who will be in charge  
7 and who will make sure it doesn't happen again,  
8 and who made those decisions that allowed that to  
9 happen, because I think the shul has a  
10 responsibility to keep to its agreement.

11 CHAIRMAN KEILSON: Thank you.

12 All right, Dr. Jeret, would you like to  
13 address the questions.

14 DR. JERET: If you want me to address it,  
15 yes, I would be glad to.

16 CHAIRMAN KEILSON: We would like you to.

17 DR. JERET: If there is anyone else, you tell  
18 me whichever order you want.

19 CHAIRMAN KEILSON: I'd like you to address  
20 the concerns about the violations.

21 DR. JERET: So to my knowledge, there were  
22 three times when there were gatherings in the  
23 synagogue that were not directly related to prayer  
24 services. One of them was related to the funeral  
25 of the former president of our synagogue. He was

1 a man who was instrumental in building the  
2 synagogue, in the growth of our neighborhood and  
3 building our neighborhood, in building other  
4 schools in the neighborhood, and it is customary  
5 among Orthodox Jews that we gave a state funeral  
6 to someone who has served the community so  
7 faithfully, of course for no compensation. And  
8 the appropriate thing for a community synagogue to  
9 do is to honor that community. And anybody who is  
10 a member of that community understands that and  
11 certainly would be in favor of it. I can't fathom  
12 that anybody would possibly think that that was an  
13 inappropriate use of the synagogue. I think that  
14 inherent in the creation of a community synagogue  
15 is to serve that community and honor the members  
16 of that community who commit selflessly to that  
17 community, who serve that community. And they  
18 create parking issues, it's true, but even --  
19 there may be difficulties with it, but we have to  
20 accept those as rare and uncommon situations.

21 The second situation --

22 CHAIRMAN KEILSON: Let me just interject.  
23 The fact of the matter is Mrs. Septimus understood  
24 that.

25 DR. JERET: No, but you asked me to address

1 the issues.

2 CHAIRMAN KEILSON: Number two, the Village  
3 did make every effort to mitigate the issues.  
4 There was no parking on the street that day and  
5 they were supposed to cut off traffic and consider  
6 parking in the country club parking lot. So I  
7 think that particular event, which hopefully will  
8 never be repeated, is somewhat understandable.  
9 But we don't understand the other funeral.

10 DR. JERET: I will address the other two as  
11 well. The second was a funeral held approximately  
12 three weeks ago for an elderly Holocaust survivor  
13 with no children. He had several nephews and  
14 nieces in the community. Every other synagogue  
15 that they potentially could have used for that  
16 funeral was having a breakfast reception for  
17 different organizations, that includes Mesivta  
18 Ateres Yaakov, Congregation Shaaray Tefila, and  
19 there were really very, very few options.

20 MEMBER WILLIAMS: A funeral parlor?

21 DR. JERET: Pardon me?

22 MEMBER WILLIAMS: A funeral parlor where most  
23 people have funerals.

24 DR. JERET: I was not involved in the  
25 decision.

1 MEMBER WILLIAMS: I'm asking you.

2 CHAIRMAN KEILSON: I just don't think you  
3 should bring up that there were breakfasts in the  
4 community when the most logical thing is to go to  
5 a funeral parlor.

6 MEMBER WILLIAMS: That's where people usually  
7 go.

8 DR. JERET: By the way, it may have been felt  
9 that it would be very appropriate for this  
10 90-something-year-old Holocaust survivor.

11 MEMBER WILLIAMS: Was he a member of the  
12 community?

13 DR. JERET: His family is a member of the  
14 community. I've cared for him as well. I believe  
15 he lived on Central Avenue. It was something that  
16 the community sort of accepted among themselves.  
17 He had been a former member of Congregation  
18 Shaaray Tefila. They still sent out a death  
19 notice, which is something they usually don't do  
20 for non-members.

21 MEMBER WILLIAMS: But they didn't have a  
22 funeral?

23 DR. JERET: They had a breakfast reception  
24 that morning. So that was a venue that was  
25 certainly not available to them.

1 I believe the decision was made sometime  
2 around midnight on Saturday night for a Sunday  
3 morning funeral. I don't know the availability of  
4 the other things, of the other venues.

5 I think this was one of those rare events,  
6 you know, the perfect storm where something  
7 happened. If we had time to sit down and, you  
8 know, think about this for several hours in  
9 between 1 and 2 a.m., we might have been able to  
10 figure something out. I completely acknowledge  
11 that. It was something that was done out of  
12 generosity and kindness. I think that generation  
13 is not going to be filling up our synagogue with  
14 funerals. I don't know how many are left.

15 CHAIRMAN KEILSON: I think you're better off  
16 not defending the indefensible because your  
17 president is on record as saying that he was not  
18 consulted.

19 DR. JERET: That is correct.

20 CHAIRMAN KEILSON: And the Chairman of the  
21 Board was not consulted.

22 DR. JERET: That is correct.

23 CHAIRMAN KEILSON: Otherwise, every  
24 explanation you have given thus far we could find  
25 for a future event. The neighbors and the Board



1 don't want it to be repeated, and we want to  
2 understand how it happened so that it should not  
3 be repeated, otherwise you can rationalize away  
4 everything.

5 DR. JERET: No, I understand that, I  
6 appreciate that. But again, I think this is such  
7 a rare event that something like that should  
8 happen. Even if the system were not in place, and  
9 we certainly are going to put a system in place  
10 more carefully, but even if a system were not in  
11 place, I can't imagine this would happen more than  
12 once in a decade. It's again really the Hurricane  
13 Sandy, and had it not been, you know, on a  
14 Saturday night with a Sunday funeral, you know,  
15 Monday, Tuesday and Wednesday, many other  
16 synagogues with available parking would have been  
17 available, or we might have been able to do  
18 this in a funeral -- they could have been able to  
19 do that in a funeral parlor. I think there were  
20 several things that coalesced to make that exist.

21 And again, I completely acknowledge in  
22 retrospect there might have been better choices.  
23 The choice was made unilaterally by one or two  
24 members of the synagogue, and that's what  
25 happened, and what could I tell you, it happened.

1 I found out about it shortly after midnight,  
2 and it was not something that could have been --  
3 and there were no other options to try to repair  
4 that.

5 The third time that we got together, and I'd  
6 like to submit some pictures, as a community  
7 synagogue we serve people who help serve our  
8 community. And there was a young woman in our  
9 community who had taken in four foster children.  
10 We're talking about homeless, basically functional  
11 orphans; had fed them, changed them, educated  
12 them, cooked for them and served 5,000 meals to  
13 these youngsters. A woman who had served in her  
14 children's elementary school and high school, a  
15 woman who unfortunately was stricken with a  
16 malignant brain tumor, and the decision was made  
17 to have a prayer service one evening.

18 And I took some pictures of what happened on  
19 that evening, and I'd like to submit that for  
20 people to look at just so people can see  
21 (handing). I'd like you all to take a very close  
22 look at the pictures of what was going on that  
23 evening. I will submit one to the Board as well.  
24 What you have in front of you is the MRI of this  
25 woman who had served our community. In the left

1 temporal lobe you see a four and a half centimeter  
2 large malignant brain tumor. Everyone in the  
3 community saw that malignant brain tumor. If you  
4 expect them to think rationally and try to think  
5 do we have another venue, this was another  
6 impromptu decision that was made on short notice.  
7 There were approximately 80 or 90 people who came  
8 to a prayer service.

9 Again, this is hopefully something that will  
10 not be repeating itself, but it was also something  
11 that was done on short notice. Brain surgery is  
12 not something that's scheduled for the next  
13 convenient Wednesday.

14 A second prayer service was held several  
15 weeks ago; that was planned for in advance. It  
16 was held in a different venue at Congregation  
17 Shaaray Tefila where the parking and the venue  
18 would be more appropriate.

19 But when you're a community synagogue and you  
20 serve the community you do what that community  
21 needs, and sometimes it's going to be a little bit  
22 painful. There are going to be occasions where we  
23 may have to get together for different things, be  
24 it for a prayer service that cannot be planned.  
25 These are events that over the last year had

1 occurred two or three times. I can't imagine that  
2 it's going to become something more frequent.  
3 It's something that we're very sensitive to, that  
4 we try not to do routinely and we try our best to  
5 avoid when it's possible. This is what a  
6 community synagogue does.

7 Mrs. Septimus is undoubtedly familiar with  
8 this; she made a party in our catering hall.  
9 Mr. Septimus is familiar with it; he's at services  
10 and attended Talmud classes there. So this is a  
11 community synagogue that serves our community and  
12 serves all of our community. We are  
13 all-inclusive, everybody is welcome, and we have  
14 to just make this work for our community, and I  
15 trust the Board will do that, and I thank you for  
16 your time.

17 MEMBER GOTTLIEB: Dr. Jeret, I just am  
18 listening to what you're saying, and clearly, the  
19 shul does beautiful things for our community.  
20 There's the occasional and there is the daily.  
21 And no matter where you live in the Village,  
22 occasionally there are fundraisers, bar mitzvahs,  
23 weddings; we all have to deal with once in a while  
24 our streets are clogged with evening events,  
25 daytime fundraisers, what have you. The

1 occasional I kind of can understand that.

2 My concern is with the daily and this is -- I  
3 have no opinion per se. I'm just sort of airing  
4 what I'm thinking, if you will. The daily issue I  
5 have is you guys have been -- when I say you guys,  
6 the congregants, the members have been on good  
7 behavior because you knew you had to come back  
8 here. At some point you'll get approved for  
9 whatever you're going to get approved, and then  
10 there's no more good behavior. And my concern is  
11 the free-for-all. If the Board of Trustees is  
12 unwilling or unable to regulate parking, how much  
13 can the residents who oppose this, or rather are  
14 living in pain, how can they go on with this every  
15 day? I don't think you have an answer. I'm just  
16 sort of expressing my concern.

17 DR. JERET: No, I agree with you, I agree. I  
18 think that's the major concern. I was asked to  
19 address the three exceptional situations, which I  
20 think that was a fair explanation. The daily  
21 problems are a problem. And occasionally I've  
22 asked people to move their car because I think  
23 it's inconsiderate, and I'm in complete agreement  
24 that it has not been perfect. It's been very  
25 good, but it has not been perfect; that certainly

1 is the case. Again, it's going to require a  
2 creative solution that's going to be best for the  
3 community.

4 I think we have to accept that this is a  
5 community synagogue that's going to continue. I  
6 think that's been the ruling that's already been  
7 decided. So now we all have to get together and  
8 figure out which is going to be the least bad  
9 option to make it continue and to maintain the  
10 safety. Because I'm in complete agreement, it has  
11 to be safe and it has to be with peace, and that's  
12 going to require a creative decision; you know,  
13 alternate side parking I think would be a good  
14 idea. It's sort of worked in Sutton Park for a  
15 while. I don't know if that's an option.

16 MEMBER GOTTLIEB: I know that we had made a  
17 suggestion to the Board of Trustees or asked them  
18 to act on this.

19 CHAIRMAN KEILSON: The reality is that  
20 administration which is now completing its term  
21 was non-sympathetic to resolving it. I think the  
22 presence of the Mayor-elect here tonight I think  
23 is evidence of a willingness to have an open mind  
24 to deal with this because it has to be resolved,  
25 otherwise, we can't go on without it being

1 resolved. So I think the fact that he hears  
2 what's being presented tonight will go a long way  
3 I think in working with the new administration in  
4 terms of addressing these issues.

5 Obviously, we wish the patient a full  
6 recovery and all the best.

7 DR. JERET: Much appreciated. Thank you,  
8 Mr. Chairman.

9 CHAIRMAN KEILSON: I understand the  
10 exceptions. I don't think that we can live with  
11 too many exceptions, and the question is who would  
12 be making the decision on the exceptions, and then  
13 it becomes how you handle the exceptions. If  
14 people only park on one side of the street, then  
15 it goes a long way towards ameliorating the  
16 problem. If there are other restrictions that we  
17 may interpose, it would be helpful, and again,  
18 mitigating it isn't making life more tolerable.

19 Mr. Hiller and I had sat with residents of  
20 Harborview South, and they expressed their dismay  
21 in terms of some safety issues. I think we have  
22 to be sympathetic to that.

23 The Court decision recognized that we have to  
24 evaluate after the year exactly what the  
25 experience of the year has been, and we have to

1 find a balance in the equities in terms of coming  
2 up with something that all parties will either be  
3 satisfied with or dissatisfied with which will be  
4 indicative if we did the right decision.

5 DR. JERET: So I was trying to define it, my  
6 title in the synagogue is that of gabbai,  
7 G-A-B-B-A-I, I guess, and I'm not quite sure  
8 exactly what that means. It's an appointed person  
9 who is trusted often with raising funds or  
10 handling funds. It's a traditional term that's  
11 been used for over 2,000 years. I guess the best  
12 way to refer to it is the chief operating officer  
13 of the synagogue, and I certainly will offer to  
14 work together with Chairman Keilson or his  
15 designee to monitor those exceptions, to put up  
16 cones when it's necessary for those exceptions.  
17 As long as he doesn't mind a 1 a.m. phone call to  
18 be able to discuss these things, I have no problem  
19 being a committee of one as a liaison together  
20 with the Village to make things safe and make  
21 things appropriate.

22 CHAIRMAN KEILSON: Hopefully, both of us will  
23 retire in due order and someone will work with the  
24 Village Administrator who is really responsible  
25 for seeing to it that these types of things get



1 addressed. For example, when we had the funeral  
2 of the president, so I made a call to the  
3 Administrator, I said it's got to be addressed,  
4 and he was pretty resourceful in trying to get  
5 auxiliary police, regular police, et cetera. So  
6 where there's a will there's a way.

7 DR. JERET: I wouldn't even know where to  
8 begin. I'm willing but not able.

9 MEMBER MOSKOWITZ: It would be helpful to  
10 clarify one thing. So as I understand it, the  
11 application is to make permanent the exact same  
12 conditions that have previously existed on a  
13 temporary basis.

14 DR. JERET: Yes.

15 MEMBER MOSKOWITZ: Is part of the application  
16 though also to add to those conditions the types  
17 of things that you're mentioning now, which are  
18 the -- and by the way, I'm very sympathetic to  
19 what you're saying in terms of the needs for these  
20 things. I'm just asking a question, which is, is  
21 part of your application to add to the exceptions?

22 DR. JERET: That's a legal question.

23 MR. AVRUTINE: The answer is yes. Any  
24 conditions that we can agree to or have imposed  
25 that go to that would certainly be fine and

1 appropriate.

2 I'd just like to also point out I think in  
3 hearing everything this evening, I think there's  
4 really two separate and distinct issues. You have  
5 the parking issue, which in and of itself may not  
6 cause a safety issue but more just an  
7 inconvenience and annoyance type situation.

8 MR. KLAHR: No.

9 MR. AVRUTINE: Excuse me.

10 CHAIRMAN KEILSON: Dr. Klahr, please.

11 MR. AVRUTINE: And then you have the speeding  
12 or disobeying the stop sign, that type of thing,  
13 which bears --

14 CHAIRMAN KEILSON: Gives rise to the safety  
15 issues.

16 MR. AVRUTINE: -- more directly to that.

17 CHAIRMAN KEILSON: Right.

18 MR. AVRUTINE: And I would be happy to work  
19 with Village Counsel, with Board Counsel. I know  
20 you mentioned before, Chairman Keilson, about  
21 speed control devices such as speed bumps actually  
22 they're called, and my knowledge is, and I could  
23 be wrong, that they are permissible  
24 speed-regulating devices on public roads, and we  
25 can talk more about that.

1 CHAIRMAN KEILSON: Today I've been told  
2 repeatedly by officials of the Village that  
3 they're illegal in Nassau County. I don't know if  
4 it is.

5 MR. AVRUTINE: It's my understanding as well  
6 that they are legal, so that's something that  
7 certainly can be explored and that is the speed  
8 limit on the road is 30 miles per hour. The speed  
9 limit, a potential change in the speed limit and  
10 prominent posting certainly would alert people to  
11 the speed issue. We all drive, we all know how it  
12 works. If the posted speed is 30, you drive 45.  
13 If the posted speed is 20, you drive 30.

14 CHAIRMAN KEILSON: Again, one of the issues  
15 you may not be familiar with but those of us who  
16 come late to the synagogue, people rush to get  
17 there as best on time, as best late as they can.  
18 And therefore, there is -- forget about whatever  
19 is posted. They're going to do whatever they can  
20 in order to get there at whatever point in time.  
21 So I think that's inherent in the system, and  
22 we're not going to re-educate the masses at this  
23 point in time.

24 We were exploring a lot of different ideas,  
25 and maybe Mr. Hiller would just put them out,

1       you know, just so it's on the record, so to speak.

2               MEMBER HILLER: We had informal discussions  
3 both with members of the synagogue and the  
4 leadership of the synagogue and concerned  
5 neighbors, and we had many suggestions we put  
6 forward. We can't implement those suggestions,  
7 but we think with a new administration coming into  
8 the mayoralty and the Village perhaps something  
9 can be done which would aid the safety which is  
10 our number-one concern, and allow the synagogue to  
11 continue to function in an orderly way. I'm not  
12 saying these are the definitively last word, but  
13 that some of the things we discussed were and your  
14 input will be welcome when the appropriate time  
15 comes, one, making South Harborview a one-way  
16 street so that when children come after school  
17 there's more clearance on either side of the one  
18 vehicle that's coming through, rather than having  
19 two vehicles coming through, having no parking --

20              CHAIRMAN KEILSON: By the way, that's from  
21 Lawrence Avenue going eastward to east, and east  
22 would also be one way funneling down or going  
23 north basically.

24              MEMBER HILLER: And also appropriate signs  
25 for no parking at times when services are being

1 conducted. And we got other suggestions really  
2 enforcing the stop sign on that corner. Which one  
3 young lady had come and actually taken videos of  
4 people leaving the shul and just flying through  
5 the stop sign at the end of the block, and I'm  
6 sure that it wasn't just because they were members  
7 of the shul. I'm sure all of the neighbors  
8 probably do the same thing but really having no  
9 enforcement of that. And these things we can  
10 suggest and the Administration of the Village can  
11 sit down both with the leadership of the  
12 synagogue, with the neighbors who seem both  
13 interested, and what I'm happy to see tonight  
14 also, all sides are interested mainly in the  
15 safety of the children, the safety of the  
16 community, and allowing the synagogue to operate  
17 in a safe and functional way.

18 So I think, Mr. Mayor-elect, this is a new  
19 assignment for you. We can't implement. We will  
20 gladly sit in for the suggested planning, but it's  
21 something that really has to be addressed before  
22 we can comfortably give a permanent -- you know, a  
23 permanent --

24 CHAIRMAN KEILSON: Premature.

25 MEMBER HILLER: Thank you very much. On the

1 functioning of the synagogue, I think all sides  
2 are interested in that.

3 MR. AVRUTINE: And just I will echo what  
4 Dr. Jeret said, and my charge here tonight on  
5 behalf of the synagogue was to say that we will  
6 participate very integrally in all of those  
7 discussions and to come to a viable solution that  
8 works for everyone.

9 CHAIRMAN KEILSON: Now, in terms of the  
10 restrictions which were interposed last time,  
11 other than the parking, are there any further  
12 requests or modifications?

13 For example, Mrs. Septimus brought up the  
14 fact that there was a commitment for one minyan;  
15 if there's going to be a change in that it should  
16 be stated on the record.

17 MR. AVRUTINE: Understood.

18 DR. JERET: Only one concomitant adult  
19 services or was it just one service?

20 CHAIRMAN KEILSON: No, the commitment was as  
21 follows: One morning minyan Sunday through Friday  
22 with attendant classes, one afternoon evening  
23 minyan Sundays through Friday, with attendant  
24 classes.

25 MR. AVRUTINE: So two per day.

1 CHAIRMAN KEILSON: Presently, there was a  
2 minyan before the class in the evening sometimes,  
3 and there was a minyan after. So if that's  
4 something that's going to be modified and  
5 requested, we should hear about that or anything  
6 else that's on the list.

7 DR. JERET: We would request to modify that.  
8 Again, keep in mind during the winter we do not  
9 have evening services at all. So instead of  
10 having three services -- instead of having three  
11 services, we only have two. There's no afternoon  
12 services.

13 CHAIRMAN KEILSON: You want credit for one?

14 DR. JERET: Well, I think it's going to  
15 average out to, you know, three times, you know,  
16 as many days of the year that are not Sabbath or  
17 festival, so it's pretty close to that. Even what  
18 we have done I think has been in the spirit pretty  
19 much of the agreement. But if we could formally  
20 request that if there would be an additional  
21 service so that would be included that would be  
22 preferred.

23 CHAIRMAN KEILSON: I think also the record  
24 should be made clear that it was brought up about  
25 the malava malka. It's really not the proper

1 venue for such an event. As I said, under the  
2 agreement it's not the proper venue.

3 DR. JERET: Understood.

4 CHAIRMAN KEILSON: Whatever was obtained  
5 before in terms of Hoshana Rabbah, in terms of  
6 Tisha B'Av is no longer in effect. This is the  
7 agreement that now is in effect, okay. People  
8 seem to forget that there is a new agreement. So  
9 whatever we're doing now is trying to make it  
10 livable under the new agreement. If there are any  
11 changes, you know, you want to have made, now is  
12 the time to espouse it. That's all I'm saying.

13 DR. JERET: So then I would humbly suggest  
14 that if we were to limit the number of exceptions  
15 in a calendar year, that would sort of provide a  
16 safety for the people on the block and the  
17 neighborhood, and then the administration of the  
18 synagogue would have to decide how they want to  
19 use those exceptions. So if we were to say that  
20 you could have eight exceptions per year, that  
21 could be eight funerals, that could be --

22 CHAIRMAN KEILSON: I don't think that's the  
23 way to go, I really don't think. I think that the  
24 public gatherings were the issue. Whether it was  
25 a gathering for a funeral or a gathering for a



1 malava malka, that's when we run into the issues  
2 of the congestion and the parking and safety.  
3 It's not a venue for funerals, it really isn't.

4 DR. JERET: Well, I think a funeral for the  
5 president of a synagogue, it would be the  
6 correct --

7 CHAIRMAN KEILSON: We already addressed that.  
8 The other one with the Holocaust survivor, your  
9 own administration leaders admitted that it was  
10 inappropriate.

11 DR. JERET: I'm not disagreeing.

12 CHAIRMAN KEILSON: So I don't think we should  
13 go beyond that. I don't think there should be  
14 exceptions.

15 DR. JERET: I'm not sure that a community  
16 synagogue doesn't have exceptions. I'm not sure  
17 any organization doesn't have exceptions.

18 CHAIRMAN KEILSON: A community synagogue in  
19 an appropriate area can't have exceptions, that's  
20 the problem.

21 DR. JERET: I think that's -- I think that's  
22 a difficult task.

23 CHAIRMAN KEILSON: It's been agreed to, sir.

24 DR. JERET: No, no, I understand that.

25 CHAIRMAN KEILSON: We have agreements, that

1 people should adhere to the agreements. We're  
2 trying to put something on paper so we don't have  
3 neighbors saying how come this is happening.

4 MEMBER MOSKOWITZ: I don't think we should  
5 reject that offhand, the exception idea, if it's  
6 limited in number of events. So in other words,  
7 let's just take an extreme example. If it was --  
8 this is not what you're asking, but if it was once  
9 a year or a one-time exception, I mean, probably  
10 everyone here has more than -- perhaps has more  
11 than one gathering in their home in a given year.  
12 So I'm just saying, and that would give people in  
13 the community I think the knowledge and the  
14 security that if something realistic was built  
15 into the rules then they would know it would not  
16 exceed that.

17 If I were given -- I guess if I were given --  
18 and I'm just thinking aloud. If I were given a  
19 choice between a set of restrictions that were not  
20 ultimately realistic, and everyone just understood  
21 that they could be violated at any time possibly  
22 going forward, versus a set of restrictions that  
23 were realistic, and because of the fact that they  
24 allowed for the once-in-a-blue-moon exception,  
25 whether it's one time or two times a year, or

1       whatever, because it sounds like in this past year  
2       it was for unfortunate occasions at least three  
3       times.

4             DR. JERET:   It was four, the malava malka is  
5       four.

6             MEMBER MOSKOWITZ:   We're not making a  
7       decision right now anyways, but I wouldn't reject  
8       that offhand.

9             DR. JERET:   And again, I think for the people  
10       on the block who are concerned that there are  
11       going to be widespread exceptions, I think that  
12       would put, you know, a maximum.   You know, it's  
13       sort of an insurance policy for maximum out of  
14       pocket.

15            MEMBER HILLER:   It's not really an insurance  
16       policy because there's no predictability to  
17       exceptions.   Let's say they gave you ten  
18       exceptions, which is outrageous -- that's why I  
19       respectfully disagree with my colleague -- and you  
20       use them up, then all of a sudden right before the  
21       new year begins there's a chas v'shalom, another  
22       terrible exception.   So you say, I'm a community  
23       synagogue, I have to do what I have to, I'm going  
24       to do it.   You can't.   I understand and my  
25       sympathy, I was a Holocaust chairman for five

1 years here and ten years in Queens, so I have  
2 great sympathy for Holocaust survivors, and that  
3 gentleman we should all go where he's going for  
4 being a Holocaust survivor, but that was an  
5 inappropriate choice for that funeral, and I, as  
6 my heart goes out to him, and as I sympathize with  
7 the way you presented it very effectively, that  
8 was an inappropriate choice for the synagogue in  
9 lieu of what the synagogue agreed to. So  
10 exceptions can come at any time. There's no  
11 predictability in exceptions; therefore, let's try  
12 and just abide by the agreement. Let's try to  
13 make the area safer for the synagogue, for the  
14 neighborhood, and sit down together and carve out  
15 a good plan, and we'll worry about exceptions as  
16 they come, because you can't give a number to  
17 them.

18 MEMBER MOSKOWITZ: How are we going to worry  
19 about exceptions as they come up?

20 MEMBER HILLER: I don't know.

21 MEMBER MOSKOWITZ: I would be curious. I  
22 would rather -- I think I would suggest that  
23 actually for -- and maybe this is subject to  
24 debate, but I think that actually it would give  
25 the situation much more stability and

1 predictability if rather than just say we'll leave  
2 it to the discretion of the synagogue to violate  
3 the rules in the future because inevitably  
4 something will come up, inevitably, if you  
5 actually put something down on a piece of paper  
6 that says if something that comes up should be  
7 limited to twice a year, I think actually that  
8 would lead to more adherence to the rules versus  
9 less, versus just making it unrealistic. That  
10 would be my thought as I think aloud.

11 CHAIRMAN KEILSON: I could live with an  
12 exception to malava malka on an annual basis, I  
13 understand, but I think leaving the door open with  
14 other exceptions is going to be abused.

15 DR. JERET: Unless we're capped.

16 MEMBER HILLER: That's not part of the  
17 discussion now.

18 DR. JERET: No, I understand, I understand.

19 MEMBER HILLER: There is an agreement. The  
20 agreement has to be abided by, and that's --

21 DR. JERET: The question as posed to me was  
22 is there anything else we would like in the new  
23 agreement, and that's when I brought this up. So  
24 I thought that was the appropriate time to bring  
25 it up.

1 CHAIRMAN KEILSON: It absolutely was.

2 DR. JERET: It may be a generous ask when I  
3 mentioned six to eight, albeit that's true, but  
4 this is the time to bring it up. Again, if I were  
5 living on the block, my concern is that there  
6 shouldn't be a breakfast reception every other  
7 day, and if you limit it to zero, as anyone who's  
8 ever raised children, I mean they're following  
9 nothing if you make things too strict. You have a  
10 greater chance of adherence if it's something that  
11 is just more reasonable and livable.

12 So, again if I were on the block, which I'm  
13 not, I would feel a little bit more reassured by  
14 that, rather than, you know, violating it and you  
15 keep violating it, and eventually you just feel  
16 that the rules don't count, which would not be  
17 what we're looking for either.

18 CHAIRMAN KEILSON: Thank you.

19 MS. HIRSHAUT: I would like to --

20 CHAIRMAN KEILSON: Your name on the record.

21 MS. HIRSHAUT: I would like to --

22 CHAIRMAN KEILSON: Your name and address.

23 MS. HIRSHAUT: Perie Hirshaut, 99 Harborview  
24 West in Lawrence.

25 CHAIRMAN KEILSON: She's a senior person in

1 Harborview in terms of seniority, having lived  
2 there the longest time.

3 MS. HIRSHAUT: The one question is in terms  
4 of the safety and the clogging of traffic at the  
5 curve between Harborview East and Harborview  
6 South. I do have to say it's not only exclusively  
7 an issue for the shul. It's an issue if someone  
8 -- and it has happened several times that people  
9 have simchas and they make a vort, which is an  
10 engagement party, or they make sheva brachot,  
11 which is the wedding event, and the traffic is  
12 horrendous right at that curve. Possibly, anyone  
13 who is making an event at that time should put up  
14 cones. That was very effective on Purim.

15 CHAIRMAN KEILSON: I think it may be a  
16 suggestion for, again, the new administration that  
17 there's a system, that people know they can call  
18 the Village and explain they're having an event,  
19 be it a parlor meeting, be it an engagement party  
20 or the like, and the Village will be open to  
21 address it.

22 MEMBER WILLIAMS: That is, by the way, the  
23 policy of the Village. I know when my husband was  
24 sitting shiva and my father-in-law was sitting  
25 shiva we called the Village, they put up the

1 cones. They're very accommodating in that way,  
2 and people have to know that's something they  
3 should do.

4 MS. HIRSHAUT: And if there's an issue with a  
5 stop sign, have a policeman give out tickets.  
6 That's appropriate too and nothing to do with the  
7 shul.

8 CHAIRMAN KEILSON: Another thing for the  
9 Village, yes.

10 MS. HIRSHAUT: Okay. They have to raise the  
11 taxes.

12 CHAIRMAN KEILSON: Good idea.

13 MR. WEINSTEIN: Can I make a comment?

14 CHAIRMAN KEILSON: Yes, Mr. Weinstein. Your  
15 name and address.

16 MR. WEINSTEIN: David Weinstein,  
17 128 Harborview East. Just a short comment.  
18 Joseph was saying he had a tremendous difficult  
19 time talking to lots of people about when they  
20 made violations. All I know is I went down the  
21 block many, many times. Every time I took down  
22 the license plate numbers of these people, and it  
23 turned out to be that every single day it was the  
24 same several people that parked on the other side  
25 of the street.



1 CHAIRMAN KEILSON: That's Harborview East  
2 you're referring to?

3 MR. WEINSTEIN: No, I'm talking about in  
4 front of the shul.

5 CHAIRMAN KEILSON: On the south side?

6 MR. WEINSTEIN: The south side. So I think  
7 you have to come up with creative solutions. If  
8 you publish the license plates and the names of  
9 these people or you did something to let these  
10 people be aware of what's going on, it's the same  
11 exact people every time, and therefore, I think  
12 you could possibly solve that problem.

13 And the last thing I wanted to make a comment  
14 on, they're asking for a perpetual continuation;  
15 is that right?

16 CHAIRMAN KEILSON: Permanent.

17 MR. WEINSTEIN: Permanent. So since many of  
18 these things have not worked out that well, and we  
19 spoke about many wonderful ideas that came from  
20 the Board, I can't see how you can give a  
21 perpetual, a continuous continuation. Why not try  
22 it for one more year and see if many of these  
23 difficulties which people spoke about are going to  
24 be resolved during that time, and maybe next year  
25 at this time we could go in for that more lengthy

1 continuation of what we are talking about tonight.

2 CHAIRMAN KEILSON: The problem is we don't  
3 get paid enough to have to do this again.

4 MR. WEINSTEIN: Last year you had six hours  
5 of listening to us; tonight you only had about one  
6 hour.

7 CHAIRMAN KEILSON: Okay. I don't think  
8 there's anything more that you want to comment on  
9 the record at this point?

10 MEMBER MOSKOWITZ: No.

11 CHAIRMAN KEILSON: So obviously, we're going  
12 to reserve decision.

13 MR. AVRUTINE: I just have a question.

14 CHAIRMAN KEILSON: Please.

15 MR. AVRUTINE: I presume upon the Board  
16 reserving decision is it the intent to set up some  
17 sort of a committee or a liaison situation so that  
18 discussions can ensue?

19 CHAIRMAN KEILSON: I think part of the  
20 decision coming forth will be that in the context  
21 of whatever our sentiments are in terms of the  
22 decision, we're mindful of the fact of the  
23 July 23rd deadline, so we have to -- something has  
24 to come forward before that date.

25 Mr. Gray, correct?

Bais Medrash of Harborview - 6/23/16

1 MR. GRAY: That is correct, yes.

2 CHAIRMAN KEILSON: So I think the next  
3 hearing date is July 23rd?

4 MR. CASTRO: 27th.

5 CHAIRMAN KEILSON: We'll have to see what we  
6 can do about it. We will address it though.

7 MR. AVRUTINE: Thank you very much,  
8 Mr. Chairman.

9 CHAIRMAN KEILSON: Thank you everybody, and  
10 we're going to adjourn.

11 (Whereupon, the hearing concluded at  
12 10:30 p.m.)

13 \*\*\*\*\*

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

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Mary Benci

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MARY BENCI, RPR  
Court Reporter

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## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Village Hall  
4 196 Central Avenue  
5 Lawrence, New York

6 June 23, 2016  
7 8:07 p.m.

8 APPLICATION: Kohler  
9 95 Washington Avenue  
10 Lawrence, New York

## 11 P R E S E N T :

12 MR. LLOYD KEILSON  
13 Chairman

14 MR. EDWARD GOTTLIEB  
15 Member

16 MS. ESTHER WILLIAMS  
17 Member

18 MR. DANIEL HILLER  
19 Member

20 MR. ELLIOT MOSKOWITZ  
21 Member

22 MR. KENNETH A. GRAY, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Kohler.  
2 Would they or their representative.

3 MR. SAVALDI: Amiel Savaldi. Good evening  
4 again.

5 CHAIRMAN KEILSON: Proceed.

6 MR. SAVALDI: Mrs. Kohler is here. Her  
7 husband stepped aside for a second, but he has a  
8 couple of things he would like to add, but let me  
9 begin.

10 The Kohlers purchased the house recently, in  
11 the last several months, and they moved in and  
12 they started -- they obtained a permit to do  
13 interior alterations, and we are here requesting a  
14 few additions. The largest addition -- or the  
15 only addition that we are asking is a front  
16 addition moving the garage forward, and the area  
17 that we're moving forward is 20 feet by 16 feet.  
18 That's the amount of the one-story addition that  
19 we are proposing. The other changes or the other  
20 work -- I'll go through the plans in a minute.

21 In the back there is an existing screened  
22 porch that is the same size as going to be  
23 converted into habitable space. And on the second  
24 floor -- on the existing first floor we are  
25 proposing to build a master bedroom. So again, if

1 we begin at drawing A3 we see that the --

2 CHAIRMAN KEILSON: I would not bother going  
3 through all of the details. I think let's just  
4 get to the heart of what's being requested.

5 MR. SAVALDI: The big picture is that the --  
6 the big picture is that the -- is that the  
7 important part of this addition is to  
8 accommodate --

9 CHAIRMAN KEILSON: Proceed.

10 MR. SAVALDI: -- is to accommodate  
11 Mr. Kohler's father --

12 MR. KOHLER: That's correct.

13 MR. SAVALDI: -- who is handicapped, and they  
14 want to accommodate a special area for him with a  
15 bathroom, no kitchen, a bathroom and a bedroom on  
16 the main floor, and the whole design is that it  
17 would be on the ground with everything on one  
18 level so he can move about.

19 MEMBER GOTTLIEB: Mr. Savaldi, just because  
20 you're mentioning the parents, how does your  
21 client buy a house three months ago and  
22 immediately apply for a variance when the house  
23 that was applied for doesn't fit their needs?

24 MR. SAVALDI: I would --

25 CHAIRMAN KEILSON: Please, your name and

1 address.

2 MR. KOHLER: Sure. Joseph Kohler, and  
3 95 Washington. When I purchased the house, we  
4 thought that since the sunroom has a CO on it that  
5 we could use the sunroom as a bedroom, but we  
6 found out that the sunroom couldn't be expanded  
7 the five feet because somebody overbuilt in that  
8 area, it's already grandfathered in. So we  
9 couldn't use the sunroom. So now the only place I  
10 could use is part of the garage to make the room.

11 CHAIRMAN KEILSON: So you have a variance  
12 request, right? They wanted to modify the sunroom  
13 and build in the back.

14 MR. CASTRO: To expand on it.

15 MR. KOHLER: We decided not to increase the  
16 area of building since it's already overbuilt in  
17 that area. What we'd do is just incorporate the  
18 garage to make the room.

19 MEMBER HILLER: What do you mean it's  
20 overbuilt? You're requesting a variance anyway to  
21 overbuild.

22 MR. KOHLER: Right, but we don't want to run  
23 into problems.

24 MEMBER HILLER: Instead of having that extra  
25 den back there that could have been a bedroom.

1 MR. KOHLER: Right. We didn't want to run  
2 into the problems with the backyard neighbor  
3 because we're going to be too close to the  
4 backyard neighbor; we're not going to be 40 feet  
5 away. In the front there really isn't an issue  
6 that would affect anyone because we're going to  
7 match up to the next-door neighbor, it would be  
8 basically the same distance that he is from the  
9 street because we're set back the same way.

10 CHAIRMAN KEILSON: The issue is -- I want to  
11 cut to the chase.

12 MR. KOHLER: Sure.

13 CHAIRMAN KEILSON: We are very reluctant to  
14 give front-yard encroachments. We have all  
15 visited the property, and we applaud the fact that  
16 you're going to take an eyesore and you're going  
17 to improve it, so we're very sympathetic and we're  
18 sympathetic to the situation with the parent. At  
19 the same time, an encroachment in the front is a  
20 big, big problem for us.

21 I will also, just to help Mr. Savaldi, the  
22 existing house is already over on building  
23 coverage and so you're actually -- you're not  
24 asking for that much more. You're asking for  
25 325 square feet rather than the 670. You're



1 actually asking for a 12 percent addition. So we  
2 want to work with you, but we can't work with you  
3 in terms of the front. I mean, it's based on our  
4 discussion, but a front-yard encroachment is a  
5 very egregious issue for us.

6 MR. KOHLER: Even if we're just going to  
7 match our next-door neighbor?

8 CHAIRMAN KEILSON: There's no matching. When  
9 we look at the street, there's a curvature at the  
10 street. We all visited the site.

11 MEMBER GOTTLIEB: Mr. Kohler, when you  
12 mentioned that you didn't want to go five feet  
13 further, you mean five feet deeper in the yard or  
14 five feet wider than the existing porch, if you  
15 will?

16 MR. KOHLER: Well, what I'd have to do in  
17 back is I'd have to then expand much more than  
18 that because now I'd have to incorporate it. If I  
19 were to keep the garage the way it is I would just  
20 have to build that in the back.

21 MR. SAVALDI: I spoke with my clients, and I  
22 would like to suggest if you look at drawing A3  
23 for that matter and you see that on the top we  
24 have 20 feet of the garage, then we have the guest  
25 room, which is the parent room and the bathroom,

1 and then the kitchen and breakfast, and what I'm  
2 suggesting is that we'll shift this whole block  
3 back six feet and eliminate or almost reduce  
4 dramatically the encroachment in the front. So  
5 push --

6 CHAIRMAN KEILSON: Everything back.

7 MR. SAVALDI: -- push everything back six  
8 feet on the right side.

9 MEMBER HILLER: Onto the paved patio? Things  
10 are moving back onto the paved patio?

11 MR. SAVALDI: Exactly.

12 MEMBER GOTTLIEB: You'll be squaring off the  
13 back of the house.

14 MR. SAVALDI: Not squaring. We'll be going  
15 just six feet.

16 MEMBER GOTTLIEB: Oh, I see, the patio is  
17 12 feet.

18 MR. SAVALDI: Yeah, if we move six feet, then  
19 we will eliminate the 23 -- we'll be almost at  
20 30 feet or about that.

21 MEMBER WILLIAMS: So it will be a smaller  
22 patio or just pushing the patio further?

23 CHAIRMAN KEILSON: I don't think we're in a  
24 position now without having a drawing to evaluate  
25 it.

1 MEMBER GOTTLIEB: Mr. Savaldi, let me explain  
2 what I'm not following. You asked for a 16-foot  
3 encroachment in the front, correct, but you're  
4 only asking for six feet in the back, so you're  
5 losing ten feet somewhere.

6 CHAIRMAN KEILSON: No.

7 MEMBER GOTTLIEB: It was 16 by --

8 CHAIRMAN KEILSON: No.

9 MEMBER GOTTLIEB: Was it 16 by 20, or was it  
10 6 by 20?

11 MR. SAVALDI: May I show you the drawing?

12 CHAIRMAN KEILSON: Please come forward.

13 Mary, we're off the record.

14 (Whereupon, a discussion was held off the  
15 record.)

16 CHAIRMAN KEILSON: Back on the record.

17 MEMBER HILLER: Give us the new number for  
18 the front-yard setback, because you're moving it  
19 back six feet.

20 MR. SAVALDI: It's going to be --

21 MR. GRAY: Subtract six.

22 MR. SAVALDI: It's going to be 29.4.

23 MEMBER HILLER: 29.4 instead of 30.

24 MEMBER GOTTLIEB: The garage is going ten  
25 feet out; instead of 16 it's going out ten.

1 MEMBER HILLER: No.

2 MR. CASTRO: Yeah.

3 MEMBER HILLER: But the encroachment was --

4 MR. CASTRO: Six inches now.

5 MEMBER HILLER: It's now six inches in  
6 violation.

7 MR. CASTRO: Uh-hm.

8 MEMBER HILLER: It's only six inches.

9 CHAIRMAN KEILSON: Let's just run down the  
10 requests, okay.

11 MR. SAVALDI: Yes.

12 CHAIRMAN KEILSON: Building coverage remains  
13 the same.

14 MR. SAVALDI: Correct.

15 CHAIRMAN KEILSON: 607 at 22 percent.

16 MR. SAVALDI: Right, and the surface remains  
17 the same and it's not a variance.

18 CHAIRMAN KEILSON: No variance request.

19 The front-yard request you have an  
20 encroachment of?

21 MR. SAVALDI: Currently, it's an encroachment  
22 of 6 foot 6 inches; eight inches.

23 CHAIRMAN KEILSON: Again, the encroachment  
24 is?

25 MEMBER HILLER: Look at the permitted.

1       You're not looking at the permitted.

2           MR. SAVALDI: Oh, no, I'm looking at --

3           CHAIRMAN KEILSON: Permitted is 30.

4           MR. SAVALDI: Permitted is 30 and we propose  
5       23.4.

6           MEMBER HILLER: But now it's going to be --

7           MR. SAVALDI: Now it will be 29.4.

8           CHAIRMAN KEILSON: Again, permitted is 30,  
9       you're asking for 29.4.

10          MR. SAVALDI: Correct.

11          CHAIRMAN KEILSON: Very good. Side-yard  
12       setback, rear setback remains the same.

13          MR. SAVALDI: Correct.

14          CHAIRMAN KEILSON: Garage width  
15       modification --

16          MEMBER WILLIAMS: Stays the same.

17          CHAIRMAN KEILSON: -- stays the same.

18          MR. SAVALDI: Correct, 19 feet instead of 20.

19          CHAIRMAN KEILSON: Okay. Is there anyone in  
20       the audience who wants to speak to the matter?

21                (No response.)

22          CHAIRMAN KEILSON: Okay. Using the statutory  
23       criteria and weighing the benefit to the applicant  
24       as opposed to any detriment to the community, and  
25       taking into consideration the modifications that

1 have just been offered, Mr. Moskowitz, we'll begin  
2 with you on a vote.

3 MEMBER MOSKOWITZ: Yes.

4 CHAIRMAN KEILSON: Okay. Mrs. Williams.

5 MEMBER WILLIAMS: For.

6 CHAIRMAN KEILSON: Mr. Gottlieb.

7 MEMBER GOTTLIEB: For.

8 CHAIRMAN KEILSON: Mr. Hiller.

9 MEMBER HILLER: For.

10 CHAIRMAN KEILSON: And I vote for. Thank you  
11 very, very much for your cooperation.

12 MR. SAVALDI: Thank you very much.

13 CHAIRMAN KEILSON: We wish you luck. Two  
14 years we'll give you, but I'm sure you'll do it  
15 before. Any other questions?

16 MR. SAVALDI: He's asking about the circular  
17 driveway.

18 MR. KOHLER: Is that a variance or is that  
19 just something --

20 MEMBER GOTTLIEB: The circular driveway?

21 MR. KOHLER: We have a problem when we're  
22 trying to back up, it's like playing the game  
23 farther. You look to the left and to the right,  
24 but before you know it there's no --

25 MEMBER GOTTLIEB: That's Washington Avenue

1 south.

2 MR. KOHLER: Right. So if we had a circular  
3 driveway that would help us out a lot.

4 MEMBER GOTTLIEB: Was that included in the  
5 surface coverage?

6 MR. CASTRO: Yes. So the Board of Building  
7 Design would have to approve the circular  
8 driveway.

9 MR. KOHLER: Thank you.

10 MS. KOHLER: Thank you.

11 (Whereupon, the hearing concluded at  
12 8:20 p.m.)

13 \*\*\*\*\*

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

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Mary Benci

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MARY BENCI, RPR  
Court Reporter

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## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Village Hall  
4 196 Central Avenue  
5 Lawrence, New York

6 June 23, 2016  
7 8:20 p.m.

8 APPLICATION: Schwartz  
9 12 & 16 Margaret Avenue  
10 Lawrence, New York

## 11 P R E S E N T :

12 MR. LLOYD KEILSON  
13 Chairman

14 MR. EDWARD GOTTLIEB  
15 Member

16 MS. ESTHER WILLIAMS  
17 Member

18 MR. DANIEL HILLER  
19 Member

20 MR. ELLIOT MOSKOWITZ  
21 Member

22 MR. KENNETH A. GRAY, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

Mary Benci, RPR  
Court Reporter



1 CHAIRMAN KEILSON: The next matter is  
2 Schwartz on Margaret Avenue.

3 MR. BROWNE: Good evening, Chairman, members.  
4 Christian Browne, the law firm of Sahn, Ward  
5 Coschignano, 333 Earle Ovington Boulevard,  
6 Suite 601, Uniondale, appearing for the Schwartz  
7 family tonight. Good evening again.

8 We are before you tonight, as you know, on an  
9 application that stems from the requests of the  
10 family to effect a lot line adjustment between two  
11 properties that they hold as a family on Margaret  
12 Avenue, 12 Margaret Avenue and 16 Margaret Avenue.

13 So the proposal would be to transfer ten feet  
14 of property along the driveways of these  
15 properties between them so that 16 Margaret Avenue  
16 would gain 1,320 square feet for a total lot size  
17 of 11,822 square feet, and 12 Margaret would lose  
18 that amount of square footage and would be reduced  
19 from a lot of 15,248 square feet down to a lot of  
20 13,728 square feet.

21 If this Board approves the variances that  
22 result from the flip flopping of this ten feet,  
23 the application would then proceed to the Planning  
24 Board where we would need final approval to  
25 actually move the lot line. It's not within the

1 jurisdiction of Nassau County, by the way; it's  
2 solely a Village matter.

3 The purpose of this application is really  
4 quite simple. As you can see, the driveway on  
5 16 Margaret is a bit on the narrow side, and the  
6 family has four cars and four drivers. The idea  
7 here is to optimize the use of both of these lots  
8 by giving the ten feet over to 16 Margaret and  
9 allowing easier access to the rear of that  
10 property, as well as more room to park the cars  
11 that the family has.

12 We would consent to make the addition to the  
13 driveway which is in total 156 square feet of  
14 additional coverage of a pervious nature, gravel  
15 or some design such as that which Mr. Capobianco,  
16 I believe, has already discussed with the Building  
17 Department so as not to negatively address  
18 drainage and so forth that would result from --  
19 potentially result, I should say, from the  
20 additional coverage of the property.

21 So just as I know the Board is familiar with  
22 the case, I'll just move quickly through the  
23 variance issues. Just as a final matter with  
24 respect to the size of the lots, the lot sizes  
25 will remain conforming. The frontage of

Schwartz - 6/23/16

1 12 Margaret will go from 100 feet on the street --

2 CHAIRMAN KEILSON: Why don't we just attack  
3 the variance requests lot by lot.

4 MR. BROWNE: Fine. I just wanted to mention  
5 that overall the frontages that would be created  
6 are consistent with the frontages on the street  
7 which are also all between about 70 and 100, and  
8 here you would have 90 and 80 so they wouldn't be  
9 in any way out of character with the general  
10 street frontage that you find along Margaret  
11 Avenue on both sides.

12 CHAIRMAN KEILSON: Okay.

13 MR. BROWNE: With respect to the variances  
14 lot by lot, if we look at 16 --

15 CHAIRMAN KEILSON: That's where the family is  
16 residing?

17 MR. BROWNE: That is where the family is  
18 residing, correct, and has resided for the last  
19 five years. So the increase in the lot size, plus  
20 the increase in the size of the driveway results  
21 in an additional surface coverage variance, I  
22 believe, that it would be now 13 percent over what  
23 is allowed. It's already nonconforming. This  
24 would somewhat increase that nonconformity,  
25 obviously; but again, we would offer the condition

Schwartz - 6/23/16

1 that that increase be mitigated by only having a  
2 pervious surface, a gravel type driveway. That's  
3 the only --

4 CHAIRMAN KEILSON: Can I get a clarification?

5 MEMBER HILLER: Can you wait one moment,  
6 because we --

7 CHAIRMAN KEILSON: If it's pervious, then  
8 it's not counted?

9 MR. CASTRO: No, it still is counted towards  
10 surface coverage.

11 CHAIRMAN KEILSON: So that's -- okay. So  
12 let's just go through the numbers, because there's  
13 some discrepancy. The permitted surface coverage  
14 is 4,633; the existing is 4,720. The proposed is  
15 5,365. The overage is 13.6 percent.

16 MR. BROWNE: That is accurate by the numbers  
17 I have as well.

18 MEMBER HILLER: Now we have the right one.

19 CHAIRMAN KEILSON: Are you on the same page?

20 MEMBER HILLER: Same page.

21 MR. BROWNE: Excellent. The only other  
22 variance triggered here on 16 is the --

23 CHAIRMAN KEILSON: That's the one that we  
24 don't understand.

25 MR. BROWNE: -- interesting 75-foot circle --

Schwartz - 6/23/16

1 infamous 75-foot circle variance. I would just  
2 say that, obviously, the building footprint is not  
3 changing. The house is not being added to or  
4 anything of that nature. So I would submit to  
5 you --

6 CHAIRMAN KEILSON: Nobody on this side  
7 understands it anyway.

8 MR. BROWNE: We need not detain you with that  
9 variance.

10 CHAIRMAN KEILSON: Fine.

11 MR. BROWNE: So that takes care of 16.

12 Moving to 12, with respect to surface  
13 coverage on 12, 12, again, is a noncompliant lot  
14 with respect to surface coverage already. We're  
15 actually reducing the noncompliance on this  
16 application somewhat. The surface coverage is  
17 going down from 6,800 square feet to 6,630 square  
18 feet, so that is actually improving the situation.

19 I would submit to you the most notable  
20 variances on that lot relate to the reduction in  
21 the side yard. We have a 20-foot side yard now.  
22 Obviously, by exchanging the ten feet that side  
23 yard would be reduced at its one most narrow point  
24 to ten feet. If you look at your plan, you will  
25 see that the house has a one-story bump-out on the

1 southerly side. That abuts the family's home at  
2 16. In that area the setback would be reduced to  
3 ten feet. I believe the rest of the building  
4 actually complies or comes very close to complying  
5 with the 20. So it's just in that one area and  
6 the only neighbor affected by that is the  
7 applicant, the applicants themselves. So I would  
8 submit to you that there's no detriment to anybody  
9 else except the applicant, who obviously accepts  
10 whatever detriment that causes.

11 MEMBER HILLER: Can you explain to me --  
12 maybe I'm not picking up on something -- how is it  
13 that you give away property from one property to  
14 the other, but the surface coverage on the  
15 property which lost property is reduced?

16 MR. BROWNE: Because the driveway -- the  
17 driveway is actually -- the driveway on 12 is  
18 actually getting a little bit smaller. It's  
19 losing about 200 square feet in the exchange.

20 MEMBER HILLER: The driveway on 12 is losing  
21 200 square feet.

22 MR. BROWNE: So if you look at the numbers on  
23 12 --

24 CHAIRMAN KEILSON: The lot line is moving  
25 over.

Schwartz - 6/23/16

1 MEMBER HILLER: I understand.

2 MEMBER GOTTLIEB: Isn't it losing a thousand  
3 square feet? You're going from a 20-foot wide  
4 driveway to a 10-foot wide driveway.

5 MR. BROWNE: Well, the total -- the existing  
6 driveway is 16 -- 1,634. The proposed driveway on  
7 12 is 1,464, and I believe that ends up being --

8 MEMBER GOTTLIEB: The existing is only 16?

9 MR. BROWNE: 1,634, correct. So it's going  
10 down, and that is how I guess it --

11 MEMBER GOTTLIEB: Can you just tell me what  
12 page you have that shown on.

13 MR. BROWNE: That would be on site plan N1.

14 MEMBER HILLER: That's this. I may be  
15 missing something. What am I missing?

16 MEMBER GOTTLIEB: I don't see where on -- oh,  
17 here it is, on the side of N1.

18 MEMBER HILLER: This is N1. The shaded area  
19 is going to the property on the --

20 MEMBER WILLIAMS: Right.

21 MEMBER HILLER: -- on the right.

22 MR. BROWNE: Correct.

23 MEMBER HILLER: It was formerly on the  
24 property on the left.

25 MR. BROWNE: Correct. And the driveway on

Schwartz - 6/23/16

1 the property on the left is going to actually be  
2 shaved down slightly.

3 MR. CAPOBIANCO: Shaved down.

4 MEMBER HILLER: Oh, because that was the  
5 whole total driveway. On the other side of that  
6 you're increasing the driveway on the property on  
7 the right?

8 MR. CAPOBIANCO: Yes.

9 MR. BROWNE: Right. The proposed increase on  
10 the property on the right for the driveway is  
11 156 square feet of additional driveway space.

12 MR. CAPOBIANCO: Right.

13 MEMBER HILLER: Okay.

14 MEMBER GOTTLIEB: How is it only 156 square  
15 feet when it looks like the driveway is about, I  
16 don't know, 80 feet deep, 75 feet deep?

17 MR. BROWNE: But I think we're talking about  
18 the bump-out portion.

19 MR. CAPOBIANCO: The bump-out portion is --

20 MR. BROWNE: That's just the additional  
21 width. The whole piece --

22 MEMBER HILLER: It looks to me like it's a  
23 thousand feet.

24 MR. BROWNE: The whole piece is 1,300 square  
25 feet. The additional -- that measurement of 100



Schwartz - 6/23/16

1 is just the square footage of the additional width  
2 of the driveway, not the whole length.

3 MR. CAPOBIANCO: Because we're leaving some  
4 grass.

5 MEMBER HILLER: I understand, okay.

6 MEMBER GOTTLIEB: How much grass are you  
7 leaving or space are you leaving between the two  
8 driveways?

9 MS. ADLER: We don't have to count --

10 CHAIRMAN KEILSON: Sorry, we don't know who  
11 you are.

12 MR. BROWNE: Esther from John Capobianco  
13 Architect.

14 MS. ADLER: Hi, I'm Esther. In the code you  
15 don't have to count the square footage if you have  
16 a driveway that's -- if you have a garage that's  
17 separate and that's in the rear yard, you don't  
18 have to count from the -- you don't have to count  
19 for surface coverage from the front of the house  
20 up till the driveway, a 10-foot width.

21 MEMBER GOTTLIEB: So based upon what you  
22 said, which we understand, shouldn't it be a lot  
23 less than 170 square feet less since now you're  
24 counting any part of that driveway?

25 MS. ADLER: You just have to count the front

Schwartz - 6/23/16

1 and you can only count a 10-foot width, so  
2 whatever is over 10 feet has to be counted.

3 MR. BROWNE: Towards the rear property line.

4 MS. ADLER: Right.

5 MEMBER GOTTLIEB: But you're talking about  
6 104 feet times 10 feet.

7 MS. ADLER: Total.

8 MEMBER GOTTLIEB: Right.

9 MS. ADLER: In addition to what was there  
10 before.

11 MEMBER GOTTLIEB: What I mean is the  
12 reduction of surface coverage on lot 12 I would  
13 think that now that you've only got a 10-foot,  
14 unless you were counting the 10 feet previously in  
15 the prior calculation.

16 MS. ADLER: No, it was not counted.

17 MEMBER GOTTLIEB: I guess I just want to know  
18 that it's apples to apples, and that if you  
19 weren't counting it before you're not counting it  
20 now.

21 MS. ADLER: We didn't count it before and not  
22 counting it now.

23 MEMBER GOTTLIEB: So that's why the  
24 difference is only 170 feet and not 10 feet by a  
25 140 feet, okay. Right, Gerry?

Schwartz - 6/23/16

1 MR. CASTRO: Yes.

2 MR. BROWNE: So just concluding, on the  
3 side-yard issue I touched on the 10 feet, it also  
4 triggers a near variance for the aggregate, which  
5 is also reduced 10 feet, the same issue as I  
6 discussed earlier, and again, that's only at one  
7 point.

8 Then we have the 75-foot circle variance  
9 which also is applicable to lot 12.

10 And the final issue would be the garage.  
11 There's a detached garage in the rear of the  
12 property. The setback is going down there from  
13 eight feet to two feet. We recognize that's a  
14 small setback; however, if you look at these  
15 properties, the garage is set way in the back of  
16 the property, it doesn't border anybody's house,  
17 even the applicant's house in the back, it doesn't  
18 encroach on any living space or cause any kind of  
19 invasion of privacy in that respect. That's just  
20 driveway that's back there. So I would submit to  
21 you, again, that not only is it the applicant's  
22 property that is being affected, but even if it  
23 weren't there's really no negative effect there  
24 because, again, it encroaches only into open space  
25 that's not used for living, and I don't think ever

Schwartz - 6/23/16

1 conceivably could be.

2 So that's the list of variances that are  
3 triggered by the flip flop, if you will, of this  
4 10 feet. I've given you the reasons why it would  
5 optimize the use of both properties for the  
6 applicant, to allow them to have a wider driveway  
7 on the house that they're living in and the cars  
8 that they -- it would accommodate their cars.

9 The intention, I believe, is to have members  
10 of the Schwartz family also occupy 12, and they're  
11 aware of this change, potential change, and  
12 therefore, there's really no detriment to the  
13 wider neighborhood certainly, and the only  
14 property affected would be that of the applicant.  
15 Otherwise, no one would notice any substantial  
16 change whatsoever to the character of the  
17 neighborhood. And for those reasons we'd ask you  
18 to look favorably on the application.

19 CHAIRMAN KEILSON: Any further questions of  
20 the Board? Is there anyone in the audience who  
21 wants to speak to it?

22 Mr. Feit, please step forward.

23 MR. FEIT: Elliot Feit, 15 Margaret Avenue.  
24 I live across the street. I just want to pick up  
25 where Mr. Gottlieb let off. Right now between the

Schwartz - 6/23/16

1 two houses there are bushes. From what I just  
2 heard, if they take down the 10 feet there are  
3 going to be no bushes, so it's going to look like  
4 two driveways next to another with two houses. Is  
5 this going to go to Building Design to take up  
6 this issue if anything is going to go between  
7 them?

8 MEMBER GOTTLIEB: Mr. Feit, great question.  
9 Let me ask the applicant at this point.

10 Mr. Capobianco.

11 MR. BROWNE: Yes, the applicant would submit  
12 to a condition either before this Board,  
13 hopefully, or before any other Board that it be  
14 fenced and be landscaped.

15 MEMBER GOTTLIEB: Fence and landscaping is  
16 fine. According to these plans, is there any  
17 buffer between the two driveways? Is there any  
18 space?

19 MR. BROWNE: We didn't call any out.

20 MR. CAPOBIANCO: This plan doesn't show it,  
21 but we are proposing to put like a  
22 two-and-a-half-foot strip of buffering, possibly,  
23 a fence and buffering.

24 MS. SCHWARTZ: We want to --

25 CHAIRMAN KEILSON: We don't know who you are.

Schwartz - 6/23/16

1 Please come up.

2 MS. SCHWARTZ: We would like --

3 MR. BROWNE: Put your name and address on the  
4 record.

5 MS. SCHWARTZ: Gyla Schwartz, 16 Margaret  
6 Avenue. We would like -- our goal is for it to  
7 look the same exact. It looks pretty. We would  
8 like it to continue looking the same exact way.

9 CHAIRMAN KEILSON: We have to quantify for  
10 the record what we're doing.

11 MS. SCHWARTZ: So we would like to --

12 CHAIRMAN KEILSON: Pretty is not a  
13 description.

14 MS. SCHWARTZ: A similar look, gate with  
15 greenery.

16 MEMBER GOTTLIEB: So is there currently two  
17 feet of greenery between the two driveways?

18 MS. SCHWARTZ: No.

19 MEMBER GOTTLIEB: Three feet, four feet?

20 MS. SCHWARTZ: It's overgrown.

21 MR. CAPOBIANCO: Well, it's probably more,  
22 but we wanted to -- the whole concept here was to  
23 widen the driveway so we can get the two cars in  
24 side by side, but there would be a strip of about  
25 two and a half, three feet that is before, you

Schwartz - 6/23/16

1 know, the property line that we can put planting,  
2 evergreens, a row of buffering and screening,  
3 along with a fence.

4 MS. SCHWARTZ: And whatever is --

5 CHAIRMAN KEILSON: Well, we can't have  
6 multiple conversations, one spokesperson. John,  
7 do you want to just for the record tell us what  
8 you're doing.

9 MS. SCHWARTZ: I would want to --

10 MR. BROWNE: Mr. Capobianco, can you just  
11 repeat that for the record.

12 MR. CAPOBIANCO: Yes. My client was saying  
13 that whatever the property has now she wants to  
14 kind of repeat that look. However, it can't be  
15 that wide; it has to be narrower. It's going to  
16 be about three-foot wide against the fence, and  
17 we're going to plant evergreen or, you know,  
18 plants that will stay green all year round and  
19 create a nice buffer, because they want to  
20 maintain that same kind of look they have now.

21 MR. SCHWARTZ: Correct.

22 MEMBER WILLIAMS: Mr. Feit, was the question  
23 answered?

24 CHAIRMAN KEILSON: Okay.

25 MEMBER GOTTLIEB: Did Mr. Feit say yes, he

Schwartz - 6/23/16

1 was okay with it?

2 CHAIRMAN KEILSON: He didn't hear.

3 MEMBER GOTTLIEB: Mr. Feit, does this answer  
4 the question that you posed?

5 MR. FEIT: Yeah, yeah, that was the question.  
6 Just as long as we have some type of green buffer  
7 there, it's fine. I have no problems.

8 CHAIRMAN KEILSON: Thank you for your  
9 insight, as always.

10 MR. FEIT: Thank you very much, Mr. Chairman.

11 MR. GRAY: Just to clarify, Mr. Browne and  
12 Mr. Capobianco, the vegetation and/or fence that  
13 you just described, that would have to be on the  
14 property which is known as 16 Margaret Avenue,  
15 because otherwise the 12, number 12 Margaret  
16 Avenue already would only have a 10-foot wide  
17 driveway. You're not going to go much -- you  
18 can't go much smaller than that.

19 MR. BROWNE: No, we would keep it on the  
20 16 property and we would be happy to have that as  
21 a condition.

22 CHAIRMAN KEILSON: Thank you, Mr. Gray.

23 MR. CASTRO: Can we elaborate on that and say  
24 a minimum of a three-foot buffer; is that fair to  
25 say?



Schwartz - 6/23/16

1 MR. CAPOBIANCO: Again, that would be between  
2 two and a half and three feet. Just that I need  
3 to plant a bulb, an arborvitae or a red cedar or  
4 something like that.

5 CHAIRMAN KEILSON: Thank you, Mr. Browne, for  
6 a very compelling presentation.

7 MR. BROWNE: Thank you.

8 CHAIRMAN KEILSON: We're not predisposed to  
9 move lot lines as it impacts on other houses. I  
10 think your argument was very, very persuasive.  
11 We've been to the houses and visited the site and  
12 recognize that the existing driveway on 16 is  
13 really not visible, and so I can fully appreciate  
14 the fact that they want to expand it and allow for  
15 movement of cars.

16 So having said all that, taking into  
17 consideration that the buffer will be between two  
18 and a half, three feet, all right, and taking into  
19 consideration the benefit to the applicant as  
20 opposed to any detriment to the community, we are  
21 going to call for a vote. We'll start with --


22 MR. CASTRO: I just want to make one more  
23 comment. If a fence is to be put into place, I  
24 would recommend that a fence be put on the side  
25 closest to 12 so that the bushes don't overgrow

Schwartz - 6/23/16

1 8:39 p.m.)

2 \*\*\*\*\*

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

6  
7 -----

8 MARY BENCI, RPR  
9 Court Reporter

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## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Village Hall  
4 196 Central Avenue  
5 Lawrence, New York

6 June 23, 2016  
7 8:39 p.m.

8 APPLICATION: Schechter  
9 220 Ocean Avenue  
Lawrence, New York

## 10 P R E S E N T :

11 MR. LLOYD KEILSON  
12 Chairman

13 MR. EDWARD GOTTLIEB  
14 Member

15 MS. ESTHER WILLIAMS  
16 Member

17 MR. DANIEL HILLER  
18 Member

19 MR. ELLIOT MOSKOWITZ  
20 Member

21 MR. KENNETH A. GRAY, ESQ.  
22 Village Attorney

23 MR. GERALDO CASTRO  
24 Building Department

25 Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: Shechter, 220 Ocean Avenue  
2 Would they or their representative.

3 MR. YOON: Young Yoon, PAU Architects,  
4 499 Chestnut Street, Cedarhurst, New York.

5 CHAIRMAN KEILSON: Mr. Yoon, on a  
6 going-forward basis, the code relief chart was  
7 filled out improperly and it's very challenging.  
8 You know that we spend an awful lot of time on  
9 these matters, our own time, not being compensated  
10 like you are, all right, so when you fill out a  
11 code relief without any information and inaccurate  
12 information it becomes very challenging.

13 MR. YOON: Many apologies. I will do better.

14 CHAIRMAN KEILSON: You better do better.

15 MR. YOON: I spoke with my client this  
16 morning and I really expressed to him that the  
17 variances that we're seeking is very difficult.  
18 So I'd like to present -- I got him to reduce his  
19 numbers, reduce his square footage, and we'd like  
20 to hand these out with new numbers (handing).

21 CHAIRMAN KEILSON: We will look at it, but  
22 generally speaking, coming at this eleventh hour  
23 and proposing, it's very unfair to the Board,  
24 again.

25 MR. YOON: I apologize.

1 From the previous submission, we didn't  
2 change the building area coverage and we're  
3 permitted 3,800 square feet, we're proposing  
4 4,361 square feet, which is an overage of  
5 561 square feet, which is 14.7 percent.

6 And where we changed was the surface area  
7 coverage. We reduced the pool. We have  
8 originally proposed a 20-by-40 pool; we reduced it  
9 down to 18 by 40. We also eliminated the pool  
10 patio, therefore eliminating -- reducing  
11 314 square feet. And we also reduced the patio  
12 around the pool cabana, therefore reducing it by  
13 485 square feet. So we're now requesting a  
14 proposed surface coverage of 8,676 square feet,  
15 which is an overage of 766 square feet, and  
16 9.7 percent overage.

17 CHAIRMAN KEILSON: But if you were not given  
18 the grace of the 900 square feet of the driveway,  
19 right, which we're not counting --

20 MR. YOON: Correct.

21 CHAIRMAN KEILSON: -- your overage would  
22 still be significant.

23 MR. YOON: Yes.

24 CHAIRMAN KEILSON: So when we're evaluating  
25 the effect of the surface coverage, even though

1 it's not being counted as 900 square feet, but  
2 that's reality. So what's the effect of that,  
3 Mr. Castro; do you have a calculator? It's 766  
4 plus the 900; is that what it is?

5 MR. CASTRO: What's the length of the hatched  
6 area, Mr. Young?

7 MR. YOON: The hatched area is --  
8 unfortunately, I do not have that information on  
9 me right now, but I would say approximately about  
10 90 feet.

11 MEMBER GOTTLIEB: What was 90 feet, the  
12 length of the driveway?

13 MR. GRAY: The hatched.

14 MR. CASTRO: 1,666.

15 MR. YOON: Which would put it at an overage  
16 of 21 percent.

17 CHAIRMAN KEILSON: Now, the building coverage  
18 is affected, I understand, by the covers over the  
19 barbecue and the patio; is that still the case?  
20 That would give rise to the excess building  
21 coverage.

22 MR. YOON: Correct.

23 MEMBER GOTTLIEB: Can I go back to the  
24 permitted proposed revised code relief. There is  
25 something I don't -- where you have building area

1 coverage and it has 17.4 percent and then you see  
2 overage of 14.7 percent.

3 MR. YOON: The 17.4 percent is the 4,361 in  
4 relation to the overall lot size.

5 MEMBER GOTTLIEB: So that would be total  
6 coverage as opposed to percentage of the zoning  
7 permitted?

8 MR. YOON: Correct.

9 MEMBER GOTTLIEB: Okay.

10 CHAIRMAN KEILSON: We have a problem with the  
11 building coverage.

12 MR. YOON: My client is willing to -- there's  
13 a portion that is covered that's right in front of  
14 the cabana that's approximately eight feet in this  
15 area right here (indicating).

16 MEMBER WILLIAMS: Can you hold that up so we  
17 can see that.

18 MR. YOON: I'm sorry. There's almost like an  
19 eight-foot coverage, 8 by 18 feet coverage right  
20 in front of the cabana that's almost like a porch  
21 like, and he's willing to forego that if the  
22 building area coverage presents an issue. And he  
23 would also forego the roof over the barbecue.

24 MEMBER WILLIAMS: This exists now, this whole  
25 thing you just pointed to?

1 MR. YOON: This whole area does not exist  
2 now.

3 MEMBER WILLIAMS: This is proposed?

4 MR. YOON: Yes.

5 MEMBER WILLIAMS: That entire area.

6 MEMBER GOTTLIEB: So the cabana is 22 by 18,  
7 roughly?

8 MR. YOON: Correct.

9 MEMBER GOTTLIEB: Plus the extra on the --

10 MR. YOON: Yes.

11 MEMBER GOTTLIEB: And I'll ask Mr. Castro,  
12 10 feet for an accessory structure as a cabana  
13 that meets code, 10 feet?

14 MR. CASTRO: In a BB zone, yes.

15 MEMBER WILLIAMS: Both side and rear, yeah.

16 MR. CASTRO: Correct.

17 MEMBER GOTTLIEB: Were there trees back here?

18 MR. YOON: No, there are no trees.

19 MEMBER GOTTLIEB: Were there trees?

20 MR. YOON: Honestly, I don't really recollect  
21 completely, but I know that a lot of it was open.  
22 He would be willing to screen, I did discuss this  
23 with him, around the properties.

24 MEMBER HILLER: If you got rid of that  
25 covered patio and covered grill and the area of



1 the 8 foot by 18 and a half feet area, how many  
2 square feet do you lose?

3 MR. YOON: I believe -- I was doing the math  
4 earlier. I believe the porched area equals to  
5 approximately 192 square feet, and then the  
6 barbecue is approximately 42 square feet.

7 MEMBER HILLER: So you have 230 something,  
8 and what about that 18 by 8 in front of the  
9 cabana?

10 MR. YOON: That's what I was talking about  
11 was that porch area. This porch area here would  
12 be 192 square feet, and this would be roughly  
13 approximately 42 square feet.

14 MEMBER HILLER: That's about 230 square feet.  
15 That would make a difference. What would that  
16 bring it down to if we reduced 230 feet off the  
17 covered areas?

18 CHAIRMAN KEILSON: Can I express my  
19 exasperation. You come in here with new plans and  
20 now we're going to plan C and plan D, and I'm -- I  
21 mean, this is not Let's Make a Deal.

22 MR. YOON: I apologize.

23 MR. GRAY: 8.6 percent.

24 MEMBER HILLER: 8.6. Is that acceptable?

25 MR. YOON: That would be acceptable.

1 MEMBER HILLER: Now it's down to 8.6 percent.  
2 I have just questions on why is everything moved  
3 so far back up against the neighbor's -- even if  
4 it's permissible, why is so much of the property  
5 in the middle being used instead of moving  
6 everything closer to the house.

7 MR. YOON: He has children; he wants to  
8 maximize the area that they could play.

9 MEMBER HILLER: They could play in back. Why  
10 should the neighbor have to look and, you know,  
11 see a pool and a cabana? And since I understand  
12 that a lot of trees were removed from along the  
13 back line, if those trees were put in again, if  
14 everything was moved a little closer to the house,  
15 I think it would make a difference to the  
16 neighbors.

17 MEMBER GOTTLIEB: I would agree with what  
18 you're saying. I'd also like to see a landscape  
19 plan as part of this. Because right now the way  
20 that I'm looking at it the neighbor to the rear,  
21 your pool and cabana are in her front yard, or at  
22 least the cabana is in the front yard.

23 CHAIRMAN KEILSON: I think it's worthy of  
24 note that we did receive a note from the neighbor,  
25 Linda Levi; it reads as follows: "For over

1 25 years the property had so many trees we could  
2 not see the house from our home. While the new  
3 owners have built a beautiful addition, they've  
4 removed all the trees and our privacy. We went  
5 from not being able to see the house to seeing  
6 what programs are on their television."

7 MR. YOON: I know that my client would be  
8 open to putting trees along the perimeter of the  
9 property to provide that screening and the  
10 privacy.

11 MEMBER HILLER: What about moving things up  
12 so they're not in the neighbor's face?

13 MR. YOON: That I would have to discuss with  
14 him.

15 MEMBER HILLER: And we need a landscaping  
16 plan, as Mr. Gottlieb mentioned. I think we can't  
17 -- I don't see how we can rule on this,  
18 personally.

19 MEMBER GOTTLIEB: I'd like to see that.

20 MEMBER HILLER: Mr. Chairman, I don't see how  
21 we --

22 MEMBER WILLIAMS: I find this very disturbing  
23 from beginning to end. We had a plan. We did our  
24 work and spent a lot of time on a plan. You show  
25 up now with a new plan and now we're handing over

1 the new plan.

2 MEMBER HILLER: Hondling is H-O-N-D.

3 MEMBER GOTTLIEB: Mrs. Williams, we do not  
4 hondle.

5 MR. YOON: I understand the frustration and I  
6 apologize. I'd like to request an adjournment,  
7 and we'll provide you with the landscape plan.

8 CHAIRMAN KEILSON: That is the best idea  
9 you've put forth tonight.

10 MR. YOON: Thank you.

11 MEMBER HILLER: Don't forget the landscape  
12 plan.

13 MR. YOON: And this will be my last pool  
14 application ever.

15 MEMBER GOTTLIEB: Really?

16 MR. YOON: Oh, yeah.

17 MEMBER WILLIAMS: We don't need the old  
18 plans?

19 MR. YOON: You don't need them. I guess you  
20 don't need anything because they're no good.  
21 We'll submit new plans with what we discussed.

22 MEMBER WILLIAMS: You'll submit everything  
23 new from scratch?

24 MR. YOON: Yes, thank you very much.

25 CHAIRMAN KEILSON: Thank you.

Shechter - 6/23/16

1 (Whereupon, the hearing concluded at  
2 8:53 p.m.)

3 \*\*\*\*\*

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

7  
8 Mary Benci

9 MARY BENCI, RPR  
10 Court Reporter  
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