

1 INCORPORATED VILLAGE OF LAWRENCE
2 BOARD OF APPEALS
3
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5 Village Hall
6 196 Central Avenue
7 Lawrence, New York

8 August 18, 2015
9 7:30 p.m.

10 APPLICATION: Mesivta Ateres Yaakov
11 131 Washington Avenue
12 Lawrence, New York

13 P R E S E N T :

14 MR. LLOYD KEILSON
15 Chairman

16 MR. EDWARD GOTTLIEB
17 Member

18 MR. MARK SCHRECK
19 Member

20 MR. DANIEL HILLER
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Okay. Good evening,
2 ladies and gentlemen. Welcome to the Lawrence
3 Board of Zoning Appeals. I'll ask you to please
4 turn off any cell phones, and if there's any
5 conversation, please have it outside the room. We
6 have a large crowd. We have an important matter.

7 And proof of posting, Mr. Ryder?

8 MR. RYDER: Mr. Chairman, I offer proof of
9 posting for the record.

10 CHAIRMAN KEILSON: Thank you very much.

11 The matter is Mesivta Ateres Yaakov. The
12 application was continued from two meetings, I
13 guess. This is the third meeting on the matter.
14 Does the attorney for the applicant have anything
15 to add to the record at this point?

16 MR. HOPKINS: I do not, Mr. Chairman. The
17 last time that this was on, there was a request by
18 the neighbors to adjourn it. So that's really
19 where the presentation starts this evening.

20 CHAIRMAN KEILSON: Okay.

21 MR. HOPKINS: I'm sorry, sir?

22 CHAIRMAN KEILSON: On behalf of the
23 neighbors, would you like to?

24 MS. PUGLIESE: Sure. I'm going to sit, if
25 that's okay.

1 CHAIRMAN KEILSON: It's more than okay.

2 MS. PUGLIESE: Good evening, members of the
3 Board. We reconvene here today to discuss whether
4 the applicant should be granted a variance for the
5 proposed one-story gymnasium that's going to be
6 built in a Residence F Zone on Mulry Lane.

7 In making your decision, you have a duty to
8 take into consideration the benefit to the
9 applicant if the variance is granted as weighed
10 against the detriment of the health, safety and
11 welfare of the neighborhood by such a grant.

12 Based on your recommendations, we met with
13 Dr. Gary Schall, and the Lawrence-Cedarhurst Fire
14 Department and both are here tonight to comment.
15 The meeting with Dr. Schall was very productive.
16 We explained to him the issues on having the buses
17 come down Mulry Lane, and we came up with a
18 solution. Dr. Schall has a very efficient way of
19 staging the buses off of Mulry, he will tell you
20 where, and making the drop-off and pickups as
21 quick as possible so the buses do not idle. Our
22 solution is to have the drop-off and pickup of the
23 students on Washington Avenue, and Dr. Schall will
24 speak further about that, how he thought, you
25 know, that would be -- where it is now should

1 remain on Washington Avenue.

2 We met with the fire department, and they
3 offered an opinion on safety issues. I invited
4 Chief McHugh here today to comment. I don't
5 believe he was invited to the previous meetings.
6 And Mark Gold commented for the fire department at
7 the June 4th meeting and said the fire department
8 does not have any objection to the proposed
9 building and, you know, they're concerned about
10 Washington Avenue, but we'll have Chief McHugh
11 comment on that, you know, when he can.

12 So since the eighteen-wheelers of delivery
13 trucks, UPS, Snapple trucks are allowed to park on
14 Washington Avenue, we can't make a blatant, like a
15 blanket statement that the buses can't be on
16 Washington Avenue due to this issue. Washington
17 Avenue is a commercial street. There's no law
18 stating that drop-offs and pickups can't be on
19 Washington Avenue. It will alleviate the concerns
20 of the residents of Mulry Lane to have -- to
21 continue to have a pickup and a drop-off of the
22 students of the MAY school on Washington Avenue.

23 I also want to let the record reflect that I
24 called the Village several times to make an
25 appointment to meet with the Mayor, and he's never

1 gotten back to me. I spoke to his assistant
2 Allison a couple of times. She said he would get
3 back to me. So I still would like to reserve the
4 right to meet with the Mayor. Some of the other
5 residents on Mulry Lane would like to meet with
6 him as well.

7 We have a petition with 36 signatures from
8 the homeowners on Mulry Lane that we submitted to
9 you at the June 24th meeting that opposes this
10 application. You know, we live there, we pay the
11 taxes, we're the ones affected by the issues that
12 will occur if the gymnasium is built. The
13 increase in traffic, noise, parking and safety
14 issues are detrimental to us on Mulry Lane. You
15 know, this petition speaks volumes, you know, over
16 Mr. Hopkins' letters of eleven business owners on
17 Central Avenue. The businesses do not live on
18 Mulry Lane; they're not affected by the proposed
19 building of the gymnasium. Their opinions are
20 completely moot.

21 And then at the first meeting, Mr. Hopkins
22 and the Chairman used RLUIPA -- mentioned RLUIPA,
23 and I know I did not -- I had not ever heard of
24 RLUIPA. I don't do municipal law, and I know a
25 lot of the residents and homeowners on Mulry Lane

1 did not know what RLUIPA was. And after doing
2 research on the law, you know, I realized that
3 it's not a blanket exemption for religious
4 institutions to not abide by the Village codes and
5 ordinances. It's for the members here and the
6 residents of Mulry Lane.

7 RLUIPA is the Religious Land Use and
8 Institutionalized Person's Act. It's a civil
9 rights law that protects individuals and religious
10 institutions from discriminatory and unduly
11 burdensome land regulations.

12 And after doing my research, I found out
13 RLUIPA does not exempt religious assemblies and
14 institutions from the zoning -- local zoning laws.
15 RLUIPA is not a blanket exemption from zoning
16 laws. As a general matter, religious institutions
17 must apply for the same permits, file the same
18 requirements and go through the same land use
19 processes as other land users, and it does not
20 pre-empt or replace the normal zoning code, but
21 rather imposes a number of safeguards and
22 requirements on local governments regarding zoning
23 that impacts religious use by requiring that the
24 zoning law or its application not substantially
25 burden religious exercise without compelling

1 justification pursued through the least
2 restrictive means; the zoning law not treat
3 religious uses less favorably than nonreligious
4 assemblies and institutions; the law not
5 discriminate based on religion or religious
6 denominations; and the jurisdiction not totally or
7 unreasonably restrict religious uses.

8 So as long as a municipality applies for
9 RLUIPA formally and does not impose an unjustified
10 substantial burden on religious exercises, it may
11 apply traditional zoning concerns such as
12 regulations addressing traffic, hours of use,
13 parking, maximum capacity, intensity of use,
14 setbacks, frontage to religious uses just as they
15 apply to any other land uses. So, you know, we
16 can't just use RLUIPA here as a complete exemption
17 for getting this variance. And there's no
18 discrimination here on behalf of the Village
19 denying the MAY school permits.

20 The other issues, you know, that we want to
21 bring up is that, you know, the building -- the
22 proposed building will impede on the quality of
23 life of the residential street. We as the
24 homeowners have a right to quiet enjoyment.

25 By reading the first record and the second

1 record, there's a lot of discrepancies saying that
2 this is just going to be a gymnasium, and then
3 there's certain parts of the record that state
4 there's going to be a social hall. So no one
5 really knows whether it's just going to be a gym
6 or a social hall. I think that we need to know
7 today what it's going to be used for, because that
8 would mean that there will be people coming after
9 school hours, parking on the streets.

10 You know, we're going -- they're going to
11 need additional parking in order for events,
12 instead of parking in front of our houses. So,
13 you know, the building of this 9,000 square-foot
14 gymnasium would be a nuisance to us because if
15 there are going to be events going on, you know,
16 the noise and the parking issues are going to
17 affect us during the evening hours when we are
18 trying to enjoy our quietness.

19 The area that the proposed gymnasium is to be
20 built on is a designated Residence F Zone. By
21 granting this variance, you're essentially turning
22 the residential area into a commercial area. This
23 is the reason the Village of Lawrence has codes
24 and ordinances on building in this Village. So
25 the residents of Mulry Lane can see how this will

1 benefit the applicant, but it does not benefit the
2 people who actually live on the houses on the
3 block.

4 I just want to touch base on the safety
5 issues just really quick. As stated in the prior
6 meeting and recorded on the record, these proposed
7 plans are a safety issue. For example, if an
8 emergency situation occurs and the students and
9 staff are unable to exit the main entrance of the
10 school, the school needs to exit the side and the
11 back of the building which will require more time
12 for the students and the staff to reach a safe
13 location.

14 New York State Education Law Section 807
15 states: It shall be the duty of the principal or
16 other person in charge of a public or private
17 school to train pupils on how to safely, without
18 confusion and panic, exit the school in the
19 shortest time possible.

20 You know, I want to leave a blank in the
21 record today to find out where is the safe
22 location today. There are over 200-plus students
23 and staff at the MAY school. Where do they meet
24 right now for the roll count for fire drills? I
25 know private schools are not exempt from this

1 procedure.

2 Also, the New York State Education Law says
3 that the fire drills must be conducted at least
4 twelve times a school year. Eight of the drills
5 must be held between September and December 1st.
6 Where will the student and staff meet to conduct
7 roll calls at the proposed new plans? If over 200
8 students are exiting the main entrances that you
9 now want to have on Mulry Lane, this does not seem
10 like a safe alternative because they're going to
11 be piling onto our street, and this is an undue
12 burden on the residents of Mulry Lane, once again,
13 you know, causing a safety issue when there's
14 other things going on on the block, where fire
15 trucks need to go down.

16 Another question that the residents have, and
17 you can put a blank in the record, where are the
18 dumpsters going to be? Where is the garbage going
19 to be stored at the proposed structure with the
20 addition? We see where it is now.

21 And then also, we want to know if the
22 applicant consulted with the Nassau County fire
23 marshal about having fire lanes in this new
24 driveway that you want to build, and the capacity
25 in that proposed driveway.

1 I want to touch briefly on the traffic study.
2 As stated on page six of the record from the June
3 4th meeting, you know, one of the major issues is
4 traffic. Mr. Hopkins states on page seven of the
5 record that there's approximately eight buses and
6 vans that are going to come into this new proposed
7 driveway. Once again, Mulry Lane, a very narrow
8 residential one-way street, two-hour parking, and
9 people do park on the right side of the street.
10 The high school/adult school will create more
11 traffic in the proposed main entrance if built on
12 Mulry Lane. Based on the traffic survey, 40
13 percent of the students get picked up and dropped
14 off. With the proposed plan, this will increase
15 Mulry Lane traffic by 20 percent. I'm not sure
16 anyone can say that the school will not create
17 more traffic. In addition, on Sunday the traffic
18 on Mulry Lane will increase by approximately 65
19 percent.

20 The high school hours are not your typical
21 school days at a regular school; it's probably
22 like eight to two. I'm not sure if the residents
23 that are here tonight know that classes are held
24 from Monday through Wednesday from 7:55 to 6:10
25 p.m., on Thursday from 7:55 a.m. to 7:40 p.m. and

1 Friday from 7:55 a.m. to 12:15, and classes are
2 also held on Sunday from 12:55 a.m. to 1 p.m.

3 So if the main entrance is located on
4 Mulry Lane, you're transferring all the issues you
5 have on Washington Avenue onto Mulry Lane, a
6 residential block where residents live and are
7 entitled to quiet enjoyment. The burden is
8 obviously being placed on us. And this will
9 create further noise and disruption and this is
10 nonstop disruption.

11 And then I would like to reserve the right to
12 have our own traffic study conducted when the
13 school resumes in the fall, since as these
14 meetings started school is not in session right
15 now, and we don't have these issues because I
16 don't see anybody there.

17 And then I just want to address the gymnasium
18 and the purpose of the gymnasium. New York State
19 Education Laws says the minimum time devoted to
20 physical education is 120 minutes per week; that's
21 two hours a week. So this school has been
22 operating for approximately five years without a
23 gymnasium.

24 This school knew when choosing to operate the
25 MAY school that it didn't have a gym. So what

1 changed now? The school purchased the three
2 properties on Mulry Lane and now decided they
3 needed a gym. From the proposed plan there's not
4 enough space to accomplish this. The students
5 have been transported to areas close in proximity
6 to participate in their physical education
7 requirement. There has not been an issue with
8 that, and that should continue to be the way it
9 is.

10 The MAY school is not known for its physical
11 education. As Mark Gold, president of the school,
12 states on page 65 of the June 4th record: There
13 are some schools where sports, of course, are a
14 very strong part of what the school stands for.
15 Our students like sports, but we are a yeshiva
16 league where sports is a very low-key thing.
17 Therefore, what is the compelling need to break
18 all these codes and ordinances in order to build a
19 9,000 square-foot gym where sports is not of
20 importance and physical education is only required
21 two hours a week? There seems to be another
22 agenda for the use of the gymnasium. Therefore,
23 the MAY school can continue to send their students
24 to a local gymnasium or to the park, like they
25 have been doing for the past five years to fulfill

1 the requirement.

2 And since Dr. Schall has a special
3 relationship with the MAY school, I'm sure he will
4 be more than accommodating to let the students of
5 the MAY school use the gymnasium at the Lawrence
6 Middle School. This is definitely a solution to
7 their problem. The only other solution is to buy
8 more property on Mulry Lane so they could have
9 room to build their gymnasium and they have
10 appropriate parking facilities to accommodate a
11 structure that size.

12 Parking. You are trying to create a campus
13 on a residential street. I think the word campus
14 was used in the record. This area in this area of
15 Lawrence is overly saturated and there's nothing
16 more you can build, especially on Mulry Lane.
17 There is not enough space for this structure that
18 is going to be 24,000 square feet when you include
19 the school. Proposed 14-space parking is
20 irrational for a structure this size.

21 Also, stated at the last meeting, the
22 proposed addition would be ADA-compliant, but we
23 have not heard yet about how many handicapped
24 spots are going to be added. We don't see it in
25 the proposed plans, and if we could leave a blank

1 in the record, you can tell us how many
2 handicapped spots would be allotted for a
3 structure over 24,000 square feet. If there's 14
4 parking spots allotted, how many of those are
5 handicapped?

6 And then also, you know, the residents have
7 noticed that events have been taking place at the
8 MAY school; one particular was 6/18/2015.
9 Mulry Lane was packed with cars all the way down
10 the block. The bank parking lot was full. And I
11 mean, this is a perfect example of why a proposed
12 facility this size needs a parking lot to
13 accommodate any functions taking place at the
14 site.

15 And another thing I realized, you know, going
16 to school myself, what about a visitor parking
17 lot? There's always a visitor parking lot at
18 every school. Where is this in the proposed
19 plans? I don't see it. I'd like to know if
20 that's going to be included. The MAY school has
21 enough property now to build a parking lot for the
22 existing school, but not enough for the 9,000
23 square-foot gym.

24 So you are the Zoning Board. You know, we
25 know everybody needs to abide by the rules.

1 Mr. Nelson was present at the first meeting
2 on June 4th testifying on the record on how the
3 property values on Mulry Lane will not go down.
4 He didn't present any evidence of this. It was
5 all oral testimony. When I asked again for the
6 information, Chairman Keilson asked whether I
7 wanted to have Mr. Nelson back on the record, and
8 I did; however, he never came back on the record.
9 I object to his testimony.

10 I'd like to qualify myself on the record as a
11 New York State licensed real estate broker. Based
12 on my knowledge and experience, adding more
13 congestion, traffic, noise, safety issues to the
14 neighborhood will bring the property values down.

15 You know, there's a lot of talk about being a
16 good neighbor. Well, bad neighbor can bring down
17 the value of a home possibly by even 10 to 15
18 percent. You know, what qualifies as a bad
19 neighbor is one that has no consideration for the
20 rest of the community. A bad neighbor may also
21 come into the neighborhood, bring -- you know,
22 take up parking spaces, cause more traffic
23 congestion on an overly saturated street. The
24 eyesores on a neighboring property can drop home
25 value by more than five percent to ten percent,

1 according The Appraisal Institute.

2 Another issue was the notice to the neighbors
3 on Mulry Lane. A lot of us didn't know that this
4 gymnasium was -- the proposed gymnasium was even
5 an idea. At the June 4th meeting, Mr. Gold
6 mentioned that multiple meetings were held by the
7 school with the residents of Mulry Lane. I never
8 attended one of them. I didn't know about any of
9 them.

10 Only one meeting was scheduled with the
11 residents of Mulry Lane in April of 2014. I know
12 two of the residents here attended, addressing the
13 proposed plans. The residents objected to those
14 proposed plans now and then objected to these
15 proposed plans today. No additional meetings were
16 requested. If the school wanted to have open
17 communication with the neighbors before it had to
18 go to the Zoning Board, I think you should have
19 had them way before the appeals meetings.

20 Future envisions have already been presented
21 to this Board about the school in the last
22 meeting. Mention of an elevated dormitory on the
23 corner of William and Mulry Lane. I understand
24 the school has to appear before you at a later
25 time, but this should tell you the school wants to

1 grow in the future. The school is purchasing a
2 piece of property in the middle of Mulry Lane, and
3 it doesn't stop here.

4 This proposed variance will also have an
5 adverse effect on the environmental conditions in
6 the neighborhood. On page 95 of the record,
7 Mark Gold states: We told the buses over and over
8 you are not allowed to keep your exhaust on,
9 certainly in the front of somebody's house which
10 it is right now. We don't have control over them.
11 Mr. Gold admits the fact that the buses idle, he
12 has no control over them. This is hazardous to
13 the community and the residents of Mulry Lane.

14 He further states: At the very least this
15 activity will occur on our property and not in
16 front of someone else's house. I live next-door
17 to the proposed gym, and this will still affect me
18 because that exhaust will seep into my adjoining
19 property.

20 On page 53 of the June 24th, 2015 record
21 Mark Gold states: We are trying our best to make
22 sure that the neighborhood is not affected by our
23 activities. Well, Mr. Gold, your activities are
24 very affected by the neighbors on Mulry Lane. You
25 received a petition with 36 signatures objecting

1 to this project on Mulry Lane. For the record,
2 the addresses are as follows: 348, 351, 353, 356,
3 364, 376, 377, 379, 380, 381, 382, 384. Let's
4 call this the effected area of Mulry Lane, which
5 is a lot of Mulry Lane. The residents of Mulry
6 Lane object to the proposed plans. I believe you
7 should need the support of the residents of Mulry
8 Lane to grant this application.

9 I also want to leave a blank in the record
10 for Mr. Hopkins to answer, once again, is this
11 proposed gymnasium only going to be used for
12 physical education. We are hearing different
13 things from the June 4th record to the June 24th
14 record. Mr. Gold states: This is being used to
15 fulfill the physical education requirement, and
16 then he states there's going to be a social hall.
17 We need to know whether there's going to be
18 activity there, you know, all day into the
19 evening. The Zoning Board needs to know that. If
20 this gymnasium becomes a social hall and there are
21 many people coming to gather, causing more
22 traffic, parking in front of our houses, noise
23 after school hours, the Village will be called
24 every time, and this places the burden on the
25 Village to cure these problems. The homeowners

1 pay the Village taxes, and this is where we are
2 going to call. We are not going to always call
3 the school. So we need to know this now. We
4 don't want to know after the gym is built. And I
5 think the Zoning Board needs to investigate more
6 into this matter.

7 And also, you know, we talked about this
8 all-boys dormitory. You know, we joked that it's
9 a fraternity house and that it's being removed.
10 The issue is it's been there for a long time. You
11 know, we joke and call it an eyesore, but since
12 the boys have moved in there's been no maintenance
13 done on the outside of the house. I live
14 next-door to the house. I look at it, I walk by
15 it every day. The weeds are overgrown. The trees
16 and bushes are overgrown. The fence is broken.
17 That alone brings down the property value of my
18 home next-door. Regardless of you knocking it
19 down is proof and proof alone that the MAY school
20 is not a good neighbor. If you were a good
21 neighbor, you would treat that house with respect
22 and realize that people live next-door and across
23 the street. I mean, Mr. Gold, you should be a
24 little bit embarrassed that you could care less
25 about the upkeep of the property. The only time

1 we saw anybody come was after we had the Zoning
2 Board meeting to come and do a little bit of
3 gardening.

4 The property located at William and Mulry is
5 even worse. This shows the block that you do not
6 care about your properties and you have no respect
7 for your neighbors. Mark Gold states that he will
8 buy more properties on block. Is this how you
9 will continue to treat the properties that you
10 will buy on Mulry Lane? The MAY school has not
11 been a good neighbor. It's only because you now
12 want to obtain this variance that you're stating
13 that you've been a good neighbor. Prove it to us.
14 Prove it to us that you've been a good neighbor.
15 So we'll hear from you.

16 And that's my presentation, and this
17 application I believe should be denied.

18 Thank you for your time.

19 CHAIRMAN KEILSON: Thank you very much for
20 your very comprehensive recitation.

21 MS. PUGLIESE: Antoinette Pugliese, 381 Mulry
22 Lane, Lawrence, New York 11559.

23 CHAIRMAN KEILSON: Before I have you respond,
24 Mr. Hopkins, I think let's hear from the
25 professionals. Dr. Schall, I thought I saw him

1 step out. Is he taking a call?

2 MR. FEDER: Mr. Schall had to go to another
3 hearing. I'm representing on behalf of Lawrence
4 Public Schools, Jeremy Feder, assistant
5 superintendent for business operation.

6 So on July 8th, the superintendent,
7 Mr. Schall, extended an invitation to the
8 residents of Mulry Lane to discuss the
9 transportation, particularly the buses that come
10 to MAY on a regular day. There are approximately
11 90 students, and we later found out there are an
12 extra approximately 70 students who will require
13 busing, and which is approximately two buses,
14 three minibuses and a van which come to MAY in the
15 morning and afternoon.

16 The school district is recommending that the
17 buses -- because MAY is together with another
18 school on Frost Lane that the buses go first to
19 Frost Lane and then only come to MAY after a
20 representative from MAY contacts the bus, let's
21 them know all our students are ready, and then the
22 bus comes from Frost Lane to MAY and picks up the
23 students there.

24 In the short term, we're recommending they
25 either pick up, it can either be at the

1 convenience of the fire department, either right
2 in front of the building on Washington, or like
3 right in the corner of Washington and Mulry.
4 Students should quickly get on the bus and depart
5 immediately. As soon as one bus is loaded and the
6 next bus is ready, they will contact, and a
7 representative from MAY has to be constantly in
8 touch at dismissal time with the buses on
9 Frost Lane.

10 CHAIRMAN KEILSON: How many residents were in
11 attendance at that meeting?

12 MR. FEDER: There were two. It was extended
13 through Antoinette Pugliese to all the residents,
14 two of the approximately four residents, I believe
15 two families.

16 CHAIRMAN KEILSON: And what was the -- what
17 was the conclusion of the meeting? Were the
18 residents satisfied with the suggestion?

19 MR. FEDER: I believe most of them were.

20 CHAIRMAN KEILSON: Okay. Thank you very
21 much.

22 MEMBER GOTTLIEB: Can I have Miss Pugliese
23 admit was that acceptable?

24 CHAIRMAN KEILSON: Well, she said that. No,
25 she said it in her presentation. They're

1 introducing now the possibility of Washington
2 Avenue which is something new and, of course, we
3 would like to hear from the fire chief about that.

4 MEMBER SCHRECK: Let's hear from him now. I
5 think he's in the back.

6 CHAIRMAN KEILSON: Thank you very much.

7 MR. FEDER: Thank you.

8 CHAIRMAN KEILSON: Is the fire chief here or
9 somebody from the fire department?

10 If you would like to sit, you're more than
11 welcome to sit.

12 CHIEF MCHUGH: Thank you, I'll sit.

13 CHAIRMAN KEILSON: Please identify yourself
14 for the record.

15 CHIEF MCHUGH: John McHugh, M-C-H-U-G-H. I
16 am the Chief of the Lawrence-Cedarhurst Fire
17 Department.

18 CHAIRMAN KEILSON: Welcome, we're honored to
19 have you. Would you care to comment on what
20 discussions have taken place regarding the
21 proposed transportation issues that the Mulry
22 residents have faced in terms of the idling of
23 buses and the suggestion of staging them on Frost
24 and the like, or any opinion that the fire
25 department has at this point.

1 CHIEF MCHUGH: Yes. Washington Avenue
2 approximately three years ago the signs were
3 changed to prohibit the buses from parking on
4 Washington Avenue. Washington Avenue was a main
5 thoroughfare, not only for the fire trucks, but
6 for the members to get to the fire department,
7 which is complicated by the railroad tracks, the
8 other side of the tracks being Cedarhurst. So we
9 had the Village change those signs so the buses
10 couldn't park there. The buses also can't park on
11 Mulry; that will create the same situation.
12 They're required by law to have their stop signs
13 out when they're loading and unloading. Traffic
14 will back up quite a distance, and we won't be
15 able to get there if we have to. If the buses are
16 not physically on the street on Mulry Lane and on
17 private property, we don't see a problem with
18 that. It doesn't become a safety issue.

19 CHAIRMAN KEILSON: So in terms of the
20 suggestion put forth by the superintendent of
21 having them staged on Frost and bringing them over
22 to that new ingress/egress that they're creating,
23 are you familiar with the new suggested area where
24 they're going to have a cut?

25 CHIEF MCHUGH: Yes.

1 CHAIRMAN KEILSON: So that in a sense would
2 satisfy the needs of the fire department?

3 CHIEF MCHUGH: As long as they're off the
4 road, yes.

5 CHAIRMAN KEILSON: As long as they're off the
6 road.

7 Any questions from the Board for the Chief?

8 (No response.)

9 CHAIRMAN KEILSON: Okay, thank you very much.

10 CHIEF MCHUGH: You're welcome.

11 CHAIRMAN KEILSON: Appreciate it.

12 Okay. Mr. Hopkins, we've raised a number of
13 issues. I don't mind if you sit.

14 In terms of the meeting with the Mayor, okay,
15 every citizen obviously has the right and should
16 make every effort to reach out to the executive of
17 this Village. The Mayor plays no role in the
18 decision of zoning. We're an autonomous Board
19 and, of course, whatever you wanted to entertain
20 with him is most appropriate and I'm sure at some
21 point you'll find him.

22 MR. HOPKINS: Mr. Chairman, yes, I'll try to
23 keep it brief. I do have Mr. Eschbacher again if
24 you have any questions. He, of course, is the
25 person who conducted the engineering study and was

1 qualified as an expert by the Board.

2 I also have Mr. Capobianco here if you have
3 any questions with regard to the plans, which I'm
4 sure you're very familiar with, if in case you
5 have any questions.

6 I point out, of course, that Mr. Nelson has
7 been qualified in numerous Boards as an expert to
8 testify in the area in which he testified, has all
9 the appropriate certifications, licensures going
10 back 30-odd years, and continuously recertified,
11 which nobody else to date has had.

12 Number two, the RLUIPA, I thought I was very
13 clear when we discussed RLUIPA, RLUIPA is not a
14 blanket, that anything a religious organization
15 requests it automatically gets; it wasn't
16 presented that way. I know the Board knows it
17 doesn't stand for that proposition. I never said
18 that it stood for that proposition. Mr. Gray
19 knows it doesn't stand for that proposition.

20 On the other hand, the cases of RLUIPA are
21 very clear about the Board in discharging its duty
22 has to be acutely aware and accommodating to the
23 extent that it can in order to justify the actions
24 of the Board, and that's because RLUIPA
25 fundamentally is referring back to the First

1 Amendment right of religion. And so it's
2 critically important that -- not that we get it
3 because we're a religious institution, ergo we
4 win, but that the fact that it is a religious
5 institution has to be taken into account. That's
6 all it was suggested for.

7 MEMBER GOTTLIEB: Mr. Hopkins, can I
8 interrupt you for one second?

9 MR. HOPKINS: Yes, Mr. Gottlieb.

10 MEMBER GOTTLIEB: Can you speak a little bit
11 louder. There are seven rows behind you that
12 can't hear you.

13 MR. HOPKINS: I certainly will.

14 Some of the issues raised by Ms. Pugliese,
15 these were issues that were actually discussed in
16 our presentation. For example, the utilization of
17 the gym, how frequently it would be utilized, when
18 it would be utilized, under what circumstances it
19 would be utilized, the number of persons in
20 anticipation who would be there. The school days
21 were in the petition that we submitted to the
22 Board. So this --

23 CHAIRMAN KEILSON: Ms. Pugliese already read
24 off the hours of the school. As you raised the
25 question about it, I think it's worthwhile having

1 it reviewed because of the suggestion that there's
2 social activities going on, and she raised the
3 question, and I agree that it was on the record
4 previously, but it would not hurt. You have
5 President Gold.

6 MR. HOPKINS: Well, I have Mr. Gold here, and
7 again, I will ask him to speak when I'm finished
8 speaking, with your permission, Mr. Chairman.

9 CHAIRMAN KEILSON: No problem.

10 MR. HOPKINS: Many of the issues with regard
11 to the Education Law fall within the purview of
12 the jurisdiction of the Commissioner of Education
13 of the State of New York, and so I would point
14 that out as well.

15 The traffic study in my opinion was clear and
16 unambiguous. I want to reinforce that if the
17 status quo remains going forward, the status quo
18 includes the buses, the minibuses and the van,
19 whatever the numbers they were, picking up and
20 discharging from Mulry and Washington. In other
21 words, that which is the cause of many of the
22 current complaints would just simply continue, as
23 a practical proposition. There's no expansion in
24 population. There's no --

25 CHAIRMAN KEILSON: Why would they have to

1 continue as such? If you bought additional
2 property, in theory you could use it to stage the
3 buses.

4 MR. HOPKINS: In theory, I suppose it could
5 go on, but I have to deal with the situation as I
6 currently have it, Mr. Chairman, as you know.
7 What I have is a piece of property that they can
8 use. We've discussed in the prior application
9 about the utilization of some property at a remote
10 site, all of which has been previously addressed.

11 Again, I just simply would say, to be
12 extremely brief, everything that was raised has
13 been addressed and has been discussed. But with
14 your permission, since you've expressed that one
15 question, I'll ask Mr. Gold to speak briefly.
16 Then I'll ask Mr. Eschbacher if he has any further
17 comments, and I'll ask Mr. Capobianco as well,
18 with your permission, Mr. Chairman.

19 MS. PUGLIESE: Can he address the parking
20 situation?

21 MR. HOPKINS: Parking was addressed in the
22 first meeting. I'll stand on what the record
23 reflects.

24 MEMBER SCHRECK: What about the fire drills,
25 that issue that Ms. Pugliese was addressing?

1 MR. HOPKINS: I have Mr. Gold here to talk
2 about the fire drills. I would just simply repeat
3 the issues of the fire drills are a matter of the
4 New York State Department of Education.

5 Having said that, we'll still have Mr. Gold
6 answer the question. Two questions, utilization
7 of the gym and the issue of the fire drills.

8 Mr. Gold.

9 MR. GOLD: Mark Gold. Of course, we have
10 fire drills. We currently, I believe, send the
11 students out towards Central Avenue; is that
12 correct? I'm not there.

13 MR. HOPKINS: What I'll do, Mr. Chairman, at
14 the appropriate time I'll ask the rabbi to stand
15 up and explain how the fire drills work. I
16 apologize.

17 MR. GOLD: So again, we do have fire drills.
18 I do not know how they're run. They're once a
19 month, not when I'm there, and I don't see any
20 reason why if it's possible we can't accommodate
21 our neighbors to not have it where they are.
22 There's lots of ways you can exit the facility,
23 et cetera.

24 As far as a social hall, I don't believe I
25 ever said we're building a social hall. What we

1 are building is a gymnasium, a recreation room for
2 the students, some classrooms, specialized
3 classrooms, a computer lab, the facilities for a
4 locker room, and a couple of offices. So there's
5 no social hall.

6 In previous meetings, I think I submitted a
7 listing of all of the school events that occur
8 outside the school day. Offhand they are pretty
9 much exclusively either on Thanksgiving morning or
10 on Sunday. They include the open house once a
11 year, the school's commencement. We have a
12 breakfast Thanksgiving morning. And on those days
13 we said that we direct our parents to park in the
14 Cedarhurst parking field, which at that point has
15 tons of spaces. So we are more than happy to
16 again remind our parents at every occasion that
17 they should avoid parking on Mulry so as not to
18 disenfranchise the neighbors. So we don't have
19 any plans for a social hall.

20 The gym will be used throughout the day.
21 Because not only is there the gym phys ed
22 requirements and whatever games we have in the
23 evening, which we also give a listing for, but
24 kids use that in recess. Right now the kids go
25 outside in recess. We'd much rather have the kids

1 inside rather than having to deal with the
2 neighbors and have them wandering around outside.
3 So the purpose of the gym is not just for 120
4 minutes a week, or whatever number was put
5 forward, it's to be used throughout the day.

6 CHAIRMAN KEILSON: Fine.

7 MR. HOPKINS: If the rabbi could address the
8 issue of the fire drills.

9 MEMBER GOTTLIEB: Can we go back to the gym
10 for one second. I just want to hear again that
11 the gym is being used as a typical high school
12 gym. You have no plans on using it as a social
13 hall or for other events other than the few events
14 that you mentioned on Thanksgiving morning, and
15 the open house and so forth, but you have no
16 intention of using it for other than the typical
17 gym which is associated or affiliated with a high
18 school?

19 MR. GOLD: No, we're not building any kitchen
20 or food facility, nothing. It's a gym.

21 MR. HOPKINS: With your permission, one of
22 the rabbis, please, address the issue of the fire
23 drills. Rabbi.

24 RABBI YAFFE: My name is Rabbi Mordechai
25 Yaffe. I'm the headmaster of the school. We do

1 have regular fire drills. What we have done until
2 now, and again, no one has every told us that it
3 would be a problem otherwise, is that I've had two
4 grades of the students entering/exiting the door
5 on Washington and going towards Central Avenue.
6 We've had two grades walking on the sidewalk. And
7 again, anybody who was ever there would know that
8 I instruct everybody that they need to stay off
9 our neighbors' property. Whether people believe
10 it or not, that is the truth, and we try and
11 enforce it. And that the two grades walk down the
12 street until they are a significant distance away
13 from the school, and we call them in. On numerous
14 occasions the fire department has been there with
15 us.

16 There are many people who remember that two
17 years ago we had a bomb threat, and the fact that
18 we were able to have everybody safely evacuated
19 out of the building within minutes, we were
20 commended by the police department for the way we
21 handled things.

22 So again, this was a new one. I wasn't
23 expecting this, but that is how we deal with it,
24 as any responsible school.

25 CHAIRMAN KEILSON: Thank you very much.

1 MR. HOPKINS: If I may, Mr. Chairman,
2 Mr. Eschbacher, anything you care to add to the
3 record above and beyond what you've already
4 testified to?

5 MR. ESCHBACHER: Just very briefly.

6 Robert Eschbacher, with VHB Engineering. I'm
7 pleased to hear the comments from the
8 representative of the school district about the
9 interim measures that have been discussed to stage
10 the arrivals and departures of the buses. I think
11 that is a major benefit.

12 The long-term goal here is to eliminate the
13 need for any of the buses to be stopping or
14 parking even for a short period of time on either
15 Washington or Mulry, and that was echoed by the
16 fire chief.

17 CHAIRMAN KEILSON: Right.

18 MR. ESCHBACHER: And the plan that's been
19 presented will do such that. It will provide that
20 separate lane so the buses can be off the street
21 and do that in a more safe manner than what the
22 current conditions provide.

23 CHAIRMAN KEILSON: Thank you.

24 MR. HOPKINS: Mr. Capobianco, anything that
25 you would care to add?

1 MR. CAPOBIANCO: Well, only that the gym --

2 CHAIRMAN KEILSON: The record, John.

3 MR. CAPOBIANCO: John Capobianco, architect
4 for the project.

5 The social hall would not be a social hall.
6 There's a room downstairs next to the locker room
7 area and the classroom and the lab that I think we
8 called a social hall, but that room really is like
9 a meeting room for the kids during school hours,
10 and that's all it would be used for. That's the
11 only thing I wanted to add.

12 CHAIRMAN KEILSON: Okay.

13 MS. PUGLIESE: Mr. Capobianco, when you did
14 these plans did you --

15 CHAIRMAN KEILSON: Please, any questions
16 direct them to me.

17 MR. HOPKINS: Mr. Chairman, do you have any
18 other questions?

19 CHAIRMAN KEILSON: Yes. Mr. Gold, let's talk
20 about the remote property, since it's been raised
21 and obviously a thorn in the side the way the
22 properties have been maintained in the past, and
23 of course one of the thoughts was that with the
24 demolition of that house on that property so
25 there's actually an improved condition for the

1 street, but let's talk about the remote location
2 that's intended for use at some later date.

3 MR. GOLD: We currently use it for parking,
4 but we don't use the entire property. We park
5 eight cars on there now. We actually asked to
6 demolish that property several years ago, but we
7 were not allowed to do so. We were refused the
8 demolition permit pending I'm not sure what, so
9 it's remained.

10 There were some -- we had the meeting in
11 April. Some of the neighbors complained about
12 painting of the facility. Again, the fact is it
13 came -- the condition it was in is exactly how we
14 received it from the prior owner, but we then sent
15 people to paint it, et cetera.

16 I believe recently we have removed extraneous
17 shrubbery, et cetera, from the front of that
18 building. We have no intention of replacing or
19 building a new exterior to an ancient building
20 that has been there forever, and it is our goal
21 either now or in the future to demolish the
22 building.

23 The building is not an asset to us. We store
24 things in it, but we'd much rather put a few more
25 cars there. Again, that was not -- we were not

1 allowed to do so. I'm saying we do park cars
2 there and our neighbors park their cars there at
3 night. And some neighbors do and that's the
4 story.

5 So we try to keep it as clean as possible.
6 And ditto for the other houses. The two houses we
7 demolished already they were just huge messes. We
8 demolished them as fast as we could. We were in
9 the middle of obtaining the permits to demolish
10 the last house now that we're under discussion. I
11 believe we finally got the utilities cut off.
12 There's no sewage or water I think now, and we're
13 on our way to navigating with the utility
14 companies, which takes quite a while.

15 CHAIRMAN KEILSON: John, can you -- there was
16 a question raised as to the ADA parking proposed.
17 I'm sure it's on the plans. How many spots have
18 been allocated for ADA?

19 MR. CAPOBIANCO: Yes. We have one spot
20 dedicated as a handicapped space.

21 CHAIRMAN KEILSON: And that's the
22 requirements?

23 MR. CAPOBIANCO: It would fill the
24 requirement based on the ratio to parking, yes.

25 CHAIRMAN KEILSON: Any further questions from

1 the Board?

2 MEMBER GOTTLIEB: You say it fills the
3 requirement ratio. It's one to twelve or one to
4 thirteen.

5 MR. CAPOBIANCO: It's supposed to be five
6 percent of the total parking area, but the problem
7 is that you have 14 spots, so five percent of that
8 is, you know.

9 MEMBER GOTTLIEB: So whose purview is it that
10 you have enough handicapped parking? Is that a
11 state issue? That's not a zoning issue. We don't
12 govern handicapped parking.

13 MR. CAPOBIANCO: No. It's an ADA state
14 issue. It's a federal issue.

15 MEMBER GOTTLIEB: It's a higher authority
16 that will govern the ADA parking. It's not really
17 our purview.

18 Just for a moment, getting back to the house
19 that you hope to demolish. Should you demolish
20 it, would it just be used as a parking lot, or do
21 you intend to use it as a house, or you don't wish
22 to commit yourself at this time?

23 MR. GOLD: I don't have a particular use for
24 it at this time. You know, it's hard to say. You
25 know, I don't know. I mean, we have no immediate

1 plans. We have not made any applications for it.
2 Frankly, you know, the cost of building our
3 extension now is going to keep us busy for quite a
4 number of years. And we do need -- the spots that
5 we now use on that property are part of our
6 parking requirement to meet the true needs of our
7 staff. We're not planning on getting rid of that.
8 I mean, you know. I mean, again, you know.

9 MS. PUGLIESE: One more question. You know,
10 I live next-door to the all-boys dormitory, and I
11 know the previous owner, he was there for four
12 years, the house was beautiful. He kept it really
13 nice. I just don't know why when the boys moved
14 in they decided not to keep the house up. People
15 were living there. It was still a residential
16 block. Did you already know you were going to
17 demolish the house?

18 CHAIRMAN KEILSON: I don't believe it's
19 important at this point. The house is gone.

20 MS. PUGLIESE: But why -- if they didn't know
21 they were going to get a variance to build this,
22 why would they demolish the house? What was the
23 reason for demolishing the house?

24 MEMBER GOTTLIEB: It sounds to me like there
25 was a lot of opposition to keeping what we call

1 the dormitory but was actually a two-family house.

2 MR. GOLD: That property is required for room
3 to build the gym. That cannot remain in any case.
4 Regardless of what would happen, we would have to
5 demolish the house because it's part of the plan
6 to build the gym. We need that part of the
7 parcel.

8 CHAIRMAN KEILSON: Any other questions from
9 the Board at this point?

10 (No response.)

11 CHAIRMAN KEILSON: If there's anyone from the
12 audience who wants to speak to the matter and has
13 something to add, okay, please. Again, I want to
14 emphasize, we've had long presentations so it has
15 to be something new to add.

16 MR. HYAMS: How are you? My name is Richard
17 Hyams, H-Y-A-M-S. I live at 376 Mulry Lane,
18 Lawrence, which is two houses, and one across the
19 street from the projected whatever.

20 CHAIRMAN KEILSON: Do you want to stand or
21 sit? Everyone seems to want to sit tonight.

22 MR. HYAMS: I might as well stand.

23 CHAIRMAN KEILSON: No problem.

24 MR. HYAMS: First of all, I just want to hand
25 you the RLUIPA. This is from the Department of

1 Justice; this is their interpretation.

2 CHAIRMAN KEILSON: We are familiar with it,
3 fine.

4 MR. HYAMS: Okay, very good.

5 CHAIRMAN KEILSON: Ms. Pugliese already read
6 from it.

7 MR. HYAMS: Also, I would like to go to just
8 one more thing on RLUIPA. On page 76 from the
9 meeting of June 4th, it says here, Chairman
10 Keilson says one of the things that was brought up
11 by Mr. Hopkins there's this overriding RLUIPA law
12 from the year 2000. Why is it overriding? What
13 is it that's overriding anything that we do?
14 Those are your words.

15 CHAIRMAN KEILSON: You're misinterpreting my
16 words, but continue.

17 MR. HYAMS: Also, I have a couple of issues
18 that I would like to talk about. First of all,
19 the school/temple, MAY, says that they're going --
20 you know, a big thing is that they're going to be
21 a place for in case there's another storm like
22 Sandy or something, that that's going to be part
23 of their -- you know.

24 CHAIRMAN KEILSON: They had mentioned that,
25 yes.

1 MR. HYAMS: Yes. Also, they mentioned that,
2 and when we were at -- a few of us were at the
3 local meeting, you know, the one and only meeting
4 there, they mentioned that, and then we asked
5 them, they said -- we said we had no power, and
6 they said, well, we had power, and I said didn't
7 you -- did you think maybe to ask your neighbors,
8 saying you're such a good neighbor, you know,
9 share the power that you had with people that lost
10 it for weeks, and they just, you know, I guess
11 were weren't, you know, on the list, I guess.

12 Also, the fire department, I see something
13 different. All right, I have something
14 interpreted different from the fire department
15 before. When we spoke to the Board with
16 Dr. Schall and the head of the busing, we were
17 told that -- we went on -- we could stage buses on
18 Frost and one on Pearsall at the end of where the
19 tracks are where there's the parking for the --
20 you know, for the school -- excuse me -- for the
21 railroad. And we were told by the -- by the fire
22 department, the chief, when we went to the meeting
23 that, no, you cannot stage buses on a private --
24 on a public street. And he just said yes, you
25 know, that Frost was okay, and he told us no.

1 CHAIRMAN KEILSON: Okay.

2 MR. HYAMS: Okay. Also, as far as I'm
3 disagreeing, you know, with the fact that when
4 there is going to be -- when allegedly when the
5 school is going to move the main entrance from
6 Washington to Pearsall -- excuse me -- to Mulry, I
7 live on Mulry, yes, Mulry, that I think that the
8 area that the buses are -- were in is still going
9 to be an entrance and exit for the school. It's
10 just going to be devoid of the vacuum and is going
11 to be filled up with parents and students dropping
12 people off. You won't have three or four buses,
13 but you'll have, you know, ten and twenty -- I'm
14 estimating ten and twenty, you know, cars that are
15 going to be there, and they're going to be on
16 Washington and they're going to be sitting and
17 dropping off people in no stopping and parking
18 area and that is going to be I believe a problem.

19 Also, it was noted in the last meeting that,
20 you know, to congratulate the Village on them
21 getting the two-way street on William. So people
22 coming from I guess the Seasons parking lot could
23 go there if they so desired to be in that area.
24 Well, trucks can't go there also. So basically,
25 what you're doing is you're saying let's take --

1 you know, great job, we got the cars going down
2 William, not on Mulry, but yet you're making the
3 main entrance on Mulry and all the cars are going
4 to be coming onto Mulry again. That is going to
5 cause a traffic problem, you know. If that's
6 their main entrance and it's not just buses, then,
7 you know, that's going to be a problem.

8 CHAIRMAN KEILSON: Okay.

9 MR. HYAMS: Also, I have an issue with the
10 amount of buses. When we spoke to the
11 superintendent and his --

12 CHAIRMAN KEILSON: Assistant.

13 MR. HYAMS: Yes, his assistant. He told us
14 there were three buses, you know, there. Now, we
15 have it from June -- the June 14 -- June 4th
16 meeting on page eight, Mr. Hopkins says there are
17 eight buses. So we'd like to know is it three or
18 is it eight? And that does make a difference.
19 Because if the parking lot, the entrance --

20 CHAIRMAN KEILSON: I think they clarified in
21 terms of number of vans, buses, and --

22 MR. HYAMS: When you say you have 120 feet of
23 area to go, that's the size of three buses, and I
24 know that they plan on staging them. We don't
25 know where. But you're having just -- you're just

1 going to create a problem, you know. That's the
2 same problem that we're having. I believe that
3 it's just going to -- you know, you're going to
4 move things around and it's going to be exactly
5 the same.

6 And basically, it was mentioned on the June
7 4th meeting on page 96 by Mark Gold, he made a
8 statement saying we spent a lot of money and we
9 need it, and that's in the record. Now, it's in
10 the record. And --

11 CHAIRMAN KEILSON: Go ahead.

12 MR. HYAMS: And --

13 CHAIRMAN KEILSON: What's your point?

14 MR. HYAMS: And our point is if that can be,
15 you know, on the record, I can put on the record
16 we live here, our houses cost money too, and
17 that's money, you know, to us, and if you add up
18 our houses to the three houses that they bought,
19 we probably cost more money. If he wants to say
20 we spent money and money is power, then I would
21 add up our money and it has power.

22 CHAIRMAN KEILSON: You're extrapolating a
23 conclusion that's an inappropriate one.

24 MEMBER GOTTLIEB: Can I address some of the
25 things you said. Not everything that is said to

1 us is taken as gospel or as law.

2 MR. HYAMS: Very good.

3 MEMBER GOTTLIEB: We have our own
4 interpretation of RLUIPA. We listened to what
5 they have to say. It doesn't mean that we agree
6 with everything. So when you say they spent a lot
7 of money, we're not really concerned with how much
8 someone spends on their application or on their
9 school. That's not a concern. So you've heard a
10 lot of stuff, and obviously, it's irritating, but
11 it doesn't mean that we're taking it all at face
12 value.

13 MR. HYAMS: I'm very pleased to hear that,
14 thank you. And that's my statement. Thank you
15 very much for listening.

16 CHAIRMAN KEILSON: Thank you very much.

17 MEMBER GOTTLIEB: Thank you.

18 CHAIRMAN KEILSON: Is there anyone else in
19 the audience who wants to speak to the matter?
20 Again, something new. Please step up here. State
21 your name for the record.

22 MR. PULATANI: Tom Pulatani, 328 Mulry Lane.
23 I would like to know your interpretation of how
24 you see things, because I do think that you would
25 treat this issue seriously. I'm sure the

1 homeowners on Mulry Lane are concerned. We also
2 promote the school and whatever it wants to do
3 with it, but we have to look at safety issues.

4 The gentleman to the left, he's never
5 witnessed the fire drill in his life from what he
6 just said. He turns back to the rabbi to ask him.
7 And that's another concern, because I have nieces
8 and nephews and brothers and sisters, and if that
9 causes a problem on the block and nobody knows
10 what to do, that's an issue in my eyes. I mean, I
11 think there's a lot of questions.

12 CHAIRMAN KEILSON: What is the issue with the
13 fire drill? Every school has fire drills. Every
14 school has fire drills.

15 MR. PULATANI: He doesn't know the procedure.

16 CHAIRMAN KEILSON: What does that have to do
17 with anything?

18 MR. PULATANI: Human life.

19 CHAIRMAN KEILSON: How does that bear on the
20 issues tonight?

21 MEMBER GOTTLIEB: You're not the principal of
22 the school. You're the president of the school.
23 It's the purview of the principal of the school
24 who oversees the fire drills, that's -- someone
25 has to help me out here. By New York State law

1 it's the principal of the school that oversees
2 fire safety, not the president of the school.

3 The president of the school, this might be a
4 part-time job for him, and he may not be there
5 during the day. But I understand you have a
6 concern.

7 MR. PULATANI: Okay. The fire chief sitting
8 here just said that it was going to be an issue if
9 they park on Mulry, if they park on Washington,
10 and all I hear is excuses, which kind of, you
11 know --

12 MEMBER GOTTLIEB: Those are two separate
13 items. One was school buses blocking the fire
14 trucks.

15 MR. PULATANI: But what if there's an actual
16 fire?

17 MEMBER GOTTLIEB: If there's an actual fire,
18 I really can't answer, but I can tell you the
19 school buses are going to move away pretty
20 quickly. I'm not speaking for the school, but I'm
21 just speaking as a --

22 MR. PULATANI: I'm speaking for human life
23 that's in the school and human life that's on the
24 block. That's a concern to me, and I think to a
25 lot of residents. That's number one the biggest

1 issue for us.

2 As far as the school and the gymnasium, by
3 all means you could build it. I mean, if you
4 abide by the laws. Mr. Capobianco is a great
5 architect. I'm a builder. I don't see it
6 feasible to have one handicapped parking spot on
7 that space. I don't see it. Maybe he does, but I
8 don't. I've been building for seventeen years.
9 And if he could show us again, I'd really like to
10 entertain that.

11 CHAIRMAN KEILSON: Well, it's on the plans.

12 MEMBER GOTTLIEB: I think that the
13 handicapped spaces is something we've never
14 addressed, nor is it --

15 MR. PULATANI: When will it be addressed?
16 This meeting, the next meeting, next year?

17 MEMBER GOTTLIEB: Do we address handicapped
18 spaces at the Board?

19 MR. GRAY: The amount of handicapped spaces
20 is not dictated by the Village Code. It's
21 something handled by federal law.

22 MS. PUGLIESE: We need 188 spots for the
23 proposal.

24 CHAIRMAN KEILSON: Ms. Pugliese.

25 MR. PULATANI: 188 spots for that structure.

1 MS. PUGLIESE: You could give us 90, give us
2 half.

3 MR. PULATANI: It doesn't make sense. It
4 doesn't add up. They should add up to you. I
5 know you're trying to be as fair as possible, and
6 so am I. I would love the structure there. I
7 don't see any objection to it, but it has to be
8 safe.

9 CHAIRMAN KEILSON: I think -- I think you're
10 losing sight of the fact that the school has been
11 there for five years or longer, okay. So the
12 situation obtained in terms of the shortage of
13 spaces, that's always been there. They have a CO
14 that they inherited from the existing school that
15 was there previously. So it's certainly within
16 their legal rights to have the school.

17 The question is now adding the gymnasium,
18 which the testimony is will not impact necessarily
19 on traffic. That's been the testimony of the
20 traffic study.

21 MR. PULATANI: I'm living there for 26 years.
22 The traffic has only increased. I almost got hit
23 actually by a building on the left-hand side on
24 the medical center. The gentleman came flying
25 out. I was with my niece and nephew, taking them

1 to the park. Let me just finish. He jumped into
2 the parking lot that's going to be the proposed
3 gymnasium. I mean, that threatened my life, and
4 my niece and nephew. I don't know how important
5 it is to the committee, but it's important to me.
6 I mean, for the record, they should know it's not
7 going to be just me.

8 CHAIRMAN KEILSON: Tom, tom, I don't want to
9 cut you short. The fact of the matter is the
10 traffic has been diminished greatly since the
11 William Avenue thing took place, factually. I
12 mean, I go there all the time. All the traffic
13 that used to feed out of the supermarket, that
14 used to feed into Mulry is greatly -- please let
15 me finish.

16 MR. PULATANI: Yes.

17 CHAIRMAN KEILSON: Okay. So the fact of the
18 matter is this traffic has been diminished. The
19 school has been there five years, nothing has
20 changed. The question is whether the gymnasium
21 will add to that in any which way. That's the
22 discussion tonight, okay.

23 MR. PULATANI: And you don't see that
24 clearly?

25 CHAIRMAN KEILSON: You're not here to

1 question me. You're here to make testimony as to
2 anything you want to add to it. Is there anything
3 further you want to add?

4 MR. PULATANI: I think there's a lot of
5 questions that need to be answered on the
6 committee side. You said you see things in a
7 different way. I'd like you to take a clear look
8 at things on behalf of the committee and be fair
9 to the whole entire block and the members of the
10 school and the students, because it's a safety
11 issue, and we'd like to review these blueprints.
12 Once again, I've never seen them, and I'd like to
13 take a look.

14 CHAIRMAN KEILSON: With all due deference,
15 this is the third meeting, with an adjournment.
16 You've had more than adequate time. There's been
17 meetings with the residents on the street. You've
18 had more than adequate time to review the plans.
19 It's insulting to us to come here tonight to say
20 you haven't reviewed the plans.

21 MR. PULATANI: Absolutely, you're absolutely
22 right. It's insulting to me too that you put
23 human life secondary to --

24 CHAIRMAN KEILSON: I don't put anything, I'm
25 sorry, all right. Is there anything further you

1 want to add?

2 MR. PULATANI: I think I've added enough.

3 CHAIRMAN KEILSON: Okay, thank you.

4 MR. PULATANI: I think you should really
5 think about it.

6 CHAIRMAN KEILSON: I think sit, okay, thank
7 you. That's it.

8 Anybody else in the audience who wants to
9 speak to the matter on something new, please step
10 forward.

11 MS. JACOBS: I'm a parent in the school.

12 CHAIRMAN KEILSON: I'm sorry, you weren't
13 recognized.

14 MS. JACOBS: I'm sorry. How do I approach
15 this?

16 MEMBER GOTTLIEB: Wait your turn.

17 CHAIRMAN KEILSON: Wait your turn.

18 MS. JACOBS: Oh, I'm sorry, I didn't realize,
19 I'm sorry.

20 MR. KERINS: Patrick Kerins, K-E-R-I-N-S,
21 351 Mulry. Couple of questions. One is, do you
22 have permits to start the buildings yet?

23 CHAIRMAN KEILSON: Beg your pardon?

24 MR. KERINS: Do you have the permits to start
25 the buildings?

1 MR. RYDER: Mr. Kerins, it has to go through
2 this process first. To answer your question,
3 we're not at that step.

4 MR. KERINS: Thank you. Another question is,
5 we come here, it's a large room, and the audience
6 is quite a big audience tonight, and you're
7 talking, Mr. Chairman, and as far as I'm
8 concerned, you're talking to the people in the
9 front row. There's no speakers, there's no sound
10 system. You can't hear anything that's happening
11 in the back from any one of you. You catch the
12 words when you get angry or something like that
13 you can hear them, but nobody can hear you. You
14 can't hear what anybody is saying. You read
15 statements and you can't hear them. Why don't you
16 have a podium here so the people can hear you in
17 the room?

18 As regards with Mulry Lane, I'm against it.
19 That's number one.

20 CHAIRMAN KEILSON: You expressed that at the
21 previous meeting.

22 MR. KERINS: I'm against it because I don't
23 live there, but I have my grandkids who live
24 there.

25 CHAIRMAN KEILSON: You expressed that at the

1 previous meeting. I don't want to cut you off.
2 This is a long meeting. Is there something new
3 you want to bring to our attention?

4 MR. KERINS: I would like to be able to hear
5 what you're saying in the back. Why can't you
6 have a mic here? That's all I have to say.

7 CHAIRMAN KEILSON: Fine. Thank you very
8 much.

9 MS. PUGLIESE: I mean, the only reason I read
10 the record, not everybody got the record, and
11 that's why I knew you stated RLUIPA, which I've
12 never heard of before. It takes time to get all
13 this together. We're not experts here. We're
14 homeowners that pay taxes.

15 CHAIRMAN KEILSON: Does anyone else want to
16 speak to the matter? Please.

17 MS. JACOBS: My name is Kayla Jacobs. I'm a
18 parent in the school. I apologize in advance.
19 This is likely irrelevant, but it was brought up
20 the need for the gym. And as my son just finished
21 9th grade, the boys have a very long day. There's
22 Judaic studies as well as English studies. They
23 do desperately need the outlet of physical
24 activity. My son is outside playing, he's
25 cramped. He says the ball goes over the fence and

1 they can't go get it. They really do need the
2 outlet of a gym on a daily basis. I think that it
3 would be very beneficial to him. I speak as part
4 of the parent body for all of the students, and
5 they're also -- even though yeshiva is not well
6 known for their sports teams, the boys are very,
7 very pro the varsity team. They have the
8 football, they have basketball. They go to the
9 games. This is -- they love -- they're very proud
10 of what there is, and it is as far as the yeshiva
11 system goes, it's up there in the schools with the
12 programs that exist for yeshiva boys. So that's
13 all I wanted to say.

14 CHAIRMAN KEILSON: No, we appreciate the
15 comment. And as Miss Pugliese pointed out in her
16 earlier remarks, it's a weighing of the benefit to
17 the applicant as against any detriment to the
18 neighbors, the neighborhood, et cetera. That's
19 the burden on us after hearing all the testimony
20 to weigh those benefits against any possible
21 detriment that's already been outlined by
22 neighbors and the like.

23 Anyone else, please.

24 MS. FIBER: I did not have any -- Esther
25 Fiber, F-I-B-E-R. I'm a parent of three children

1 in the school, and I'm also a neighbor. I live in
2 Hewlett on the same street as a school, as a
3 school that's been expanded upon three or four
4 times in the nineteen years that I'm living on the
5 block of the school.

6 I just want to speak to the neighbors on
7 Mulry Lane. Just for -- just in my humble opinion
8 of being a neighbor of a school for nineteen
9 years, a school is a pretty good neighbor because,
10 number one, the children are inside most of the
11 day. There is a drop-off and there is a pickup,
12 that is true, but 99 percent of the time they are
13 good neighbors. They are mandated by laws of the
14 fire department and alarm companies, and fire
15 drills are done. I don't know about you, but I
16 have no idea what goes on in my neighbors' homes.
17 They demolish their homes. They build two homes
18 where there was one home, and I have no idea
19 what's going on. I have a new neighbor that moved
20 directly next-door to me whose lawn is completely
21 unkempt, and I have no choice. They're our new
22 neighbors and we're trying to give them some time
23 to prove themselves as good neighbors.

24 But I do know that Rabbi Yaffe and the
25 administration do 100 percent of their due

1 diligence whenever possible to make events, you
2 know, making parking available and doing events at
3 certain times so that the neighbors are not
4 disrupted. So that's all I wanted to say.

5 And as far as real estate taxes, my taxes and
6 my property is still worth a lot. As you know, as
7 my taxes and all the houses on the block that have
8 sold, you know, in the last couple of years on my
9 block near the school are comparable to everything
10 else in the neighborhood.

11 MS. PUGLIESE: You're a real estate
12 professional?

13 MS. FIBER: I actually am working on my
14 license.

15 CHAIRMAN KEILSON: Please don't respond.

16 MS. PUGLIESE: When you get a license come
17 back.

18 CHAIRMAN KEILSON: Does anybody else want to
19 comment at this point?

20 MR. LIEBER: Jason Lieber, L-I-E-B-E-R. I
21 just wanted to point out again, obviously, you
22 know, I agree with the need for the gym. But I
23 also wanted to say, particularly Rabbi Yaffe, as a
24 parent I can tell you he is extremely conscious of
25 safety in any way possible, and I've seen that,

1 you know, in many different instances.

2 And in terms of, you know, someone mentioned
3 about, you know, the properties and, you know,
4 this is a school that runs on donations, and
5 there's been a lot of interest on the parents. I
6 don't think there's one school that I know of in
7 the entire Five Towns that doesn't have a gym, and
8 there's a tremendous need. If the kids would be
9 running in here, I don't think we want 190 kids
10 here tonight, but they all are desperate for this
11 gym. And you know, there wouldn't be -- you know,
12 it's not like we could buy and build a huge
13 parking lot. There's no money for that. The
14 parents are donating money for this gym and, you
15 know, it is a tough block. There's a train,
16 there's Gourmet Glatt, we know all that. But you
17 know, we're not adding more kids, and these kids
18 really deserve to have a gym, and I just wanted to
19 say that.

20 CHAIRMAN KEILSON: Again, the question
21 becomes they deserve to have at what expense. So
22 we have neighbors who are very concerned about,
23 you know, their lifestyle over there and that have
24 a legitimate concern. The question is balancing
25 the equity here and seeing if we can achieve

1 something that's satisfactory to all parties.

2 MR. LIEBER: From my understanding they are
3 adding that lane for buses, which is an
4 improvement.

5 MS. PUGLIESE: Why didn't they have a gym
6 five years and now they need it? Mr. Gold, don't
7 shake your head; it's very rude and disrespectful.

8 CHAIRMAN KEILSON: Ms. Pugliese, you've had
9 ample time in your presentation. Thank you. Any
10 further questions from the Board?

11 (No response.)

12 CHAIRMAN KEILSON: We're going to move into
13 Executive Session for five to ten minutes, and
14 then we'll be back.

15 (Whereupon, a recess was taken.)

16 CHAIRMAN KEILSON: Ladies and gentlemen,
17 we're back on the record.

18 Mr. Gray, counsel to the Board.

19 MR. GRAY: I just wanted to clarify that when
20 you made that motion to go into Executive Session,
21 it was to be stated for taking legal advice for
22 counsel, and that's what we did. So I just want
23 to confirm that, that that was the purpose of the
24 Executive Session; is that correct?

25 CHAIRMAN KEILSON: Very much so.

1 MR. GRAY: Very good. I also want to now
2 announce that we are now out of Executive Session,
3 we're into regular session, and I want to state
4 that no action was taken in Executive Session, no
5 vote or action taken by the Board.

6 CHAIRMAN KEILSON: That is correct.

7 Okay. The Board is burdened with evaluating
8 the equities of the situation. As it has been
9 mentioned, we have to review the benefit to the
10 applicant against any potential harm or detriment
11 to the health, safety and welfare of the neighbors
12 and the neighborhood. It's a very difficult
13 balancing test for us. We want to take into
14 consideration all of the aspects in terms of the
15 school, and at the same time all of the
16 evidentiary and testimony presented by the
17 neighbors, and most importantly by the
18 professionals.

19 We've had two very important presentations
20 tonight, both by the school superintendent as well
21 as the chief of the fire department. In light of
22 that, we are not prepared to issue a decision
23 tonight. We're going to reserve decision. And
24 hopefully, we will give due consideration to
25 everything that's been testified to tonight as

1 well as the previous hearings. And so we adjourn
2 the hearing at this point.

3 MR. GRAY: Are you going to close the public
4 hearing?

5 CHAIRMAN KEILSON: We'll close the public
6 hearing. There will be no discussion at that next
7 hearing. It will just be the issuance of a
8 decision. And we will advise both the applicant
9 and people from the opposition or the neighbors as
10 to what date that will be. Hopefully, it will be
11 in time for the September 9th meeting.

12 Okay, thank you very much.

13 MR. HOPKINS: Thank you, Mr. Chairman.

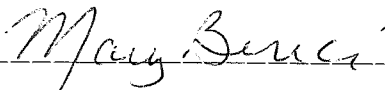
14 (Whereupon, the hearing concluded at
15 8:45 p.m.)

16 *****

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

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MARY BENCI, RPR
Court Reporter

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