

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 July 25, 2012
7 7:34 p.m.

8 APPLICATION: Lawrence-Cedarhurst Volunteer Exempt
9 Fire Department
75 Washington 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. LESTER HENNER
18 Member

19 MR. MARK SCHRECK
20 Member

21 MR. THOMAS V. PANTELIS, ESQ.
22 Village Attorney

23 MR. GERALDO CASTRO
24 Building Department

25 MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Okay, good evening, ladies
2 and gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals. Please turn off any cell phones
4 that you may have. We'd appreciate that, thank
5 you.

6 And Mr. Castro, can we have proof of posting.

7 MR. CASTRO: Yes.

8 MR. RYDER: I offer proof of posting,
9 Mr. Chairman. We do have proof of posting,
10 Mr. Chairman.

11 CHAIRMAN KEILSON: Yes, we have confidence in
12 you.

13 MR. RYDER: Thank you, sir.

14 CHAIRMAN KEILSON: Okay, thank you very much.
15 We'll skip the preamble tonight; there's only two
16 matters.

17 MR. PANTELIS: I was trying to think of
18 something clever to say.

19 CHAIRMAN KEILSON: Okay, go ahead,
20 Mr. Pantelis.

21 The first matter this evening is --

22 MEMBER WILLIAMS: He wants to speak.

23 MR. PANTELIS: No, I really don't.

24 CHAIRMAN KEILSON: -- the Lawrence-Cedarhurst
25 Volunteer Fire Department. Would they or their

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1 representative please step forward.

2 MR. GOLDMAN: Good evening, Mr. Chairman,
3 members of the Board. For the applicant,
4 Ronald Goldman, 17 Auerbach Lane, Lawrence,
5 New York. Good evening, ladies and gentlemen, on
6 behalf of the Lawrence-Cedarhurst Fire Department.

7 I'm joined here tonight by Chief Jack
8 McHugh, Commissioner James McHugh, and we're
9 certainly represented, and I don't believe they're
10 here yet, but the chief of the fire department as
11 well, Joseph Sperber, and we represent, of course,
12 all the members of the Lawrence-Cedarhurst Fire
13 Department, including its chairman Edward Koehler.

14 I'm joined also by the architect on the
15 project, as well as the traffic expert. I believe
16 you have all the materials submitted by those
17 experts, and of course, they're prepared to
18 respond to any inquiry.

19 Obviously, this is a Board that's totally
20 familiar with the application having, I'm sure,
21 reviewed it individually. I know the operation of
22 this Board and, therefore, I won't burden the
23 clock, nor the reporter, nor the time frame in
24 terms of repeating everything that you have before
25 you.

1 CHAIRMAN KEILSON: Mr. Pantelis wanted to
2 point out that we're a hot Board, but he thought
3 it would be inappropriate with the fire
4 department.

5 MR. GOLDMAN: Oh, well, I don't want to throw
6 any cold water on his application, but
7 nevertheless, the reality is that this is a
8 particularly unique application.

9 As we indicated in our position, the basic
10 standard that has to be applied by this Board is a
11 balancing between the detriment to the community
12 if the application is granted, and the benefits to
13 the applicant. And we're in the unique,
14 particularly unique, perhaps unparalleled in our
15 application before you that the applicant here
16 really is the community, not a single family, not
17 a single institution, notwithstanding the validity
18 of those applications this is essentially the
19 community.

20 I submit, obviously, what we want to see is
21 that when we talk about when we prepare a
22 historical commemorative of the Village of
23 Lawrence, a prominent position within the volume
24 in terms of the community and the people who make
25 it so and 100 years of community featured within

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1 that essentially as a defining element was the
2 Lawrence-Cedarhurst Fire Department.

3 Nevertheless, notwithstanding the compelling
4 character of the applicant before you, obviously,
5 there are standards that still need to be applied,
6 and we submit to you that when you apply those
7 standards, notwithstanding the status of the
8 applicant before you, all those elements are met.
9 The key element of course is the fact that because
10 of the peculiarity of the applicant before you, it
11 can't be met in any other way.

12 As I've indicated in the petition, this is a
13 well over a hundred-year-old institution that
14 needs this particular variance and the details
15 within it because of the transformation of the
16 equipment that they need to use. They've made
17 efforts over the years to accommodate the
18 inadequacy of the building by getting specially
19 designed equipment that could fit into this
20 antiquated building. Nevertheless notwithstanding
21 that effort, that's no longer viable both for
22 financial purposes as well as the nature of the
23 equipment itself, as well as the necessity to
24 provide for the safety of the community and the
25 safety of personnel.

1 What has happened, and when I prepared the
2 petition even though I alluded to safety I didn't
3 know there was a specific element where at one
4 point the building is so narrow and the equipment
5 so wide that there was a substantial danger to the
6 personnel within it. And I believe in another
7 fire department suffering from similar ills,
8 someone was injured because it's just too tight a
9 squeeze.

10 Now, even beyond that, currently, the new
11 equipment that has to be ordered and provided for
12 the safety of I think -- how many is it? How
13 many? Hundred thousand people? Whatever the
14 number, I have it in the petition that the fire
15 department services including, obviously, every
16 single resident of the Village of Lawrence, the
17 equipment just can't fit into the current
18 location. The trucks are too high, they're too
19 long. The ambulance even that's being proposed
20 for this particular spot is too long for the
21 current bays.

22 CHAIRMAN KEILSON: In other words, 14,000.

23 MR. GOLDMAN: Okay, thank you.

24 CHAIRMAN KEILSON: You're not prone to
25 exaggeration.

1 MR. GOLDMAN: No, no. Extended families.
2 But nevertheless, the 14,000 --

3 CHAIRMAN KEILSON: When they come to visit.

4 MR. GOLDMAN: All the visitors who come on
5 the other applications. But the 14,000 is
6 contained within the petition. Nevertheless,
7 whether it's 14,000 or one, the fire department's
8 committed, obviously, to the safety and to
9 maintaining the equipment that can provide safety
10 even for one individual.

11 I would note too that the request is not
12 substantial in that there's traffic studies to
13 indicate that it won't be prohibited in terms of
14 contradicting or inhibiting anybody else's use of
15 the area. The way in which it's being designed
16 too, it won't overburden Central Avenue, nor will
17 it overburden Washington Avenue because of the
18 division -- for lack of a better word -- the
19 division of labor of the particular vehicles as
20 they're being used.

21 I should point out, before I forget, that in
22 terms of the most dramatically impacted residents
23 of Lawrence, I have a note from Congregation Beth
24 Sholom in support of the application, as well as
25 from the Hebrew Academy of the Five Towns and

1 Rockaway, which are the institutions within the
2 confines of the Village of Lawrence that would be
3 most impacted by the application, and those are
4 letters of support. I regret I only have one of
5 each, but I would offer them as Applicant's
6 Exhibit 1 collectively.

7 MR. PANTELIS: Okay, we'll have them marked.

8 MR. RYDER: This, I believe, is from
9 Beth Sholom.

10 MR. PANTELIS: Well, let's make it officially
11 part of the record if we can.

12 CHAIRMAN KEILSON: How about the neighbors on
13 the other side of Washington?

14 MR. GOLDMAN: I have not personally heard
15 anything from them. Perhaps they're here this
16 evening. Although I would note that the deputy
17 mayor of the Incorporated Village of Cedarhurst
18 which is, of course, across the street, is present
19 here and I, of course, will leave it to the Board.
20 He may wish to make a comment and, of course, the
21 Board will hear that at the appropriate time,
22 unless you want to do it right now.

23 CHAIRMAN KEILSON: No.

24 MR. GOLDMAN: I've indicated that it's not
25 substantial. It's not having a negative impact

1 certainly on the environment. We've provided
2 proof of that. The Village, of course, always
3 concerns itself now whenever there's any kind of
4 change of status of the location in terms of the
5 impact on the environment, specifically drainage.
6 Interestingly enough, with this particular
7 application, no blade of grass is going to be
8 disturbed because it's being built on what is
9 currently the parking spaces and the paved ground
10 that's already on the premises of the fire
11 department. Notwithstanding that, they have
12 submitted, because Mr. Ryder is conscientious as
13 is Mr. Castro in terms of pursuing that issue, and
14 they provided boring tests and an evaluation and
15 proof, as the architect can attest to, if you so
16 wish, in terms of a drainage plan.

17 So from those perspectives indicating and
18 ultimately the final balancing test, which we
19 believe we've met our burden, and we would
20 respectfully ask the Board to approve this
21 application.

22 MR. PANTELIS: Could you just on the record,
23 I'm sorry, Mr. Chairman, put some of the relief.

24 CHAIRMAN KEILSON: I was about to say. I
25 know you jumped to satisfying the criteria. I

1 think even though we're a hot Board, inasmuch as
2 the calendar is a short calendar, I think it would
3 be helpful. It's a little bit of a complex
4 presentation in terms of the drawing. What
5 exactly are you building and where are you
6 building it?

7 MR. GOLDMAN: Rather than burden you and then
8 you will have inquiry, I would leave that up to
9 the architect to make a presentation in terms of
10 that.

11 MR. QUINTANILLA: Good evening. My name is
12 William Quintanilla. I'm the project architect
13 for Frank Relf Architect.

14 All right, the addition is situated on the
15 south portion of the existing property which is in
16 the parking lot side, and the addition --

17 CHAIRMAN KEILSON: Are you looking at the
18 drawing we have?

19 MR. QUINTANILLA: Do I have it? No, I do not
20 have it. I just have a survey, but I pretty much
21 know the plan.

22 MR. PANTELIS: Can we say that you're making
23 a reference to the sheet A001 Frank Relf
24 Architect, which was prepared in connection with
25 the application?

1 MR. QUINTANILLA: Absolutely.

2 MR. GOLDMAN: That's 001?

3 MR. PANTELIS: 001.

4 MR. QUINTANILLA: I'll work off of the same
5 thing.

6 MR. PANTELIS: That would be the plot plan.

7 MR. QUINTANILLA: That's correct. Okay, so
8 as mentioned, the new addition consists of a
9 two-bay apparatus addition and a partial
10 second-floor addition towards the front portion of
11 the building that houses the chief's office, a
12 conference room and a couple of storage rooms.
13 And what else? I'm sorry? Just the chief's
14 office and assistant chief's. Also, we have a
15 small storage room and a handicapped bathroom.

16 One of the things that I'd like to point out
17 is there's currently an existing elevator addition
18 that we're tying into so we're still maintaining
19 the handicap accessibility into the rest of the
20 spaces. That was one of the reasons why we felt
21 that it made the most sense to put it on the front
22 corner there to still be able to maintain
23 handicapped accessibility to the new addition.

24 Essentially, architecturally, we tried to
25 keep the similar details and features of the

1 existing original firehouse with architectural
2 shingles up on the roof and the stone veneer
3 around the perimeter. Essentially, that's pretty
4 much the addition.

5 MR. GOLDMAN: I was just going to suggest
6 that the Board would probably want to hear one,
7 two, three, four, five different elements of code
8 relief that we're requesting, if you just want to
9 go down one by one.

10 MR. QUINTANILLA: Sure, not a problem. Okay.
11 There's four items that we're impressing code
12 relief on. One of them is the front-yard
13 addition. As mentioned to you previously, there's
14 an existing elevator tower that is set on the
15 property line so there's zero feet setback. The
16 required setback is ten feet. In order to
17 accommodate the entrance and have the handicapped
18 accessibility we had to maintain the zero feet of
19 setback. So that's one of the code relief
20 requirements.

21 CHAIRMAN KEILSON: Which is the front yard?

22 MR. QUINTANILLA: The front yard would be on
23 Washington Drive -- Washington Avenue. I'm sorry.

24 MR. GOLDMAN: I would just also interrupt to
25 note that in reading it, it looks like, of course,

1 it's zero feet in terms of the front yard, but
2 that's only as you will note because of the
3 peculiarities of that small portion of the
4 construction. Otherwise, obviously, it's how many
5 feet?

6 MR. QUINTANILLA: It's actually -- it's set
7 back roughly about 15 feet give or take because
8 it's at an angle. We had to set back the rest of
9 the building in order to accommodate an apron for
10 the vehicles. So the zero feet is actually in the
11 front.

12 CHAIRMAN KEILSON: It's no different than
13 existing?

14 MR. QUINTANILLA: Correct.

15 MR. GOLDMAN: Yes.

16 CHAIRMAN KEILSON: Okay, fine.

17 MR. QUINTANILLA: Also, the other code relief
18 is the rear yard. The permitted is 15 feet.

19 CHAIRMAN KEILSON: And the rear yard in this
20 case is?

21 MR. QUINTANILLA: The rear yard in this case
22 is where -- the proposal is 11 foot 3 with the new
23 addition; the existing is 51 foot 8.

24 CHAIRMAN KEILSON: Where is the rear yard?

25 MEMBER WILLIAMS: The rear yard would be the

1 opposite of Washington Avenue.

2 CHAIRMAN KEILSON: Opposite of Washington
3 Avenue.

4 MR. QUINTANILLA: Correct.

5 MEMBER GOTTLIEB: The rear yard neighbor is
6 HAFTR?

7 MR. QUINTANILLA: The rear yard is -- and the
8 reason it's because the property jogs further back
9 so we're taking the worst case scenario. But in
10 the parking lot side it's much deeper.

11 MR. GOLDMAN: But it's heading toward Frost
12 Lane, right?

13 MEMBER HENNER: Is that the parking lot?

14 MR. QUINTANILLA: That's the parking lot,
15 correct.

16 MEMBER HENNER: That's the rear yard of the
17 parking lot?

18 MR. QUINTANILLA: Yes. And the building
19 height --

20 CHAIRMAN KEILSON: Hold it one second. Which
21 parking lot are you thinking of, Lester?

22 MEMBER HENNER: Isn't there a parking lot
23 right on Washington Avenue between HAFTR and the
24 fire department?

25 CHAIRMAN KEILSON: Yes.

1 MR. QUINTANILLA: There is a parking lot
2 there. That's where the new addition is going.

3 MEMBER HENNER: On HAFTR property. I thought
4 on the fire department isn't there a parking lot
5 there?

6 MR. GOLDMAN: Yes.

7 CHAIRMAN KEILSON: Which one are you thinking
8 of?

9 MEMBER HENNER: Where is Washington?

10 MEMBER GOTTLIEB: Is there not an additional
11 parking lot next to the fire department parking
12 lot?

13 MEMBER HENNER: Right here, isn't there an
14 existing parking lot?

15 MEMBER WILLIAMS: That's what they're
16 building on.

17 MEMBER GOTTLIEB: There's an adjacent lot
18 that belongs to someone else; is that right?

19 MR. RYDER: Correct.

20 MEMBER GOTTLIEB: Lester, there's an adjacent
21 parking lot that belongs to HAFTR.

22 MR. QUINTANILLA: On the west side? Are you
23 referring to the west side parking lot?

24 MR. RYDER: Yes.

25 CHAIRMAN KEILSON: Yes.

1 MR. QUINTANILLA: Yes, that belongs to the
2 adjacent property.

3 MEMBER WILLIAMS: Where it says existing
4 asphalt parking lot.

5 MR. QUINTANILLA: Correct. And as you can
6 see there, there's an existing right of way that's
7 utilized by both properties.

8 The third code relief is the building height.
9 The permitted is 25 feet. The existing is plus or
10 minus 50 feet, and that's the main firehouse.
11 We're proposing 30 feet to the mansard roof. The
12 mansard roof it has like a parapet, and the flat
13 roof is actually a little bit less than that, but
14 we're going to the highest point. So even
15 though --

16 CHAIRMAN KEILSON: That's on the addition?

17 MR. QUINTANILLA: That's in the addition
18 portion. So it's still much lower than the main
19 firehouse.

20 MR. GOLDMAN: And, of course, is the whole
21 purpose here is that the engines and there's a
22 height, not only just a width and a depth, but a
23 height to these engines.

24 MEMBER GOTTLIEB: Doesn't the 50 feet refer
25 to the top of that lookout tower? Or is 50 feet

1 the top of the --

2 MR. QUINTANILLA: Actually, the way we did it
3 was -- let me just double-check before I answer.
4 If you look on page -- if you look on A200, the
5 50 feet is to the ridge of the main firehouse, of
6 the main building. The actual tower itself is
7 actually closer to the 60 feet, but in either
8 scenario the addition is about 30 feet. We're
9 actually slightly less than the 30 feet, but we're
10 just saying 30 feet for argument sake.

11 MR. GOLDMAN: And again, not for aesthetics
12 or whatever, but because of the nature of the
13 apparatus.

14 CHAIRMAN KEILSON: Utility.

15 MR. QUINTANILLA: Right. The apparatus bay
16 is what's actually governing the height. Floor to
17 floor we're allowing 16 feet to accommodate the 13
18 foot high overhead doors, and then the structure
19 itself, you know, that's standard. That's what
20 gives us the 16 feet, and the upper floor goes
21 back down to I think 12 or 13 feet for standard
22 structure and mechanical equipment.

23 MEMBER SCHRECK: Are you building over the
24 bays that are on Central Avenue?

25 MR. QUINTANILLA: No.

1 MEMBER SCHRECK: Why?

2 MR. QUINTANILLA: The only thing that we're
3 doing on that portion is we're providing egress,
4 an egress tower on that side. Currently, there's
5 an exterior metal stair that's -- you know, that's
6 providing egress from the third floor. We're
7 creating an egress tower in that section there.

8 MEMBER SCHRECK: Can you put equipment over
9 those bays?

10 MR. QUINTANILLA: What was looked on -- the
11 problem is, is that they wanted an apparatus bay,
12 you know, to house the vehicles. So by adding
13 over there really wasn't going to help them with
14 the vehicles.

15 MR. GOLDMAN: And even if you had height, you
16 still wouldn't have width and you wouldn't have
17 depth.

18 MR. RYDER: May I ask a question,
19 Mr. Chairman?

20 CHAIRMAN KEILSON: Certainly.

21 MR. RYDER: The overhead doors for the
22 apparatus for the proposed addition is at 11 feet
23 11 inches?

24 MR. QUINTANILLA: I believe it's 13 feet that
25 we went with. The tallest vehicle when we

1 measured it, it was close to 12 feet, I believe,
2 and so we didn't want to go with the 12 feet,
3 'cause, you know, because those couple of inches,
4 you know, it was too close. So we felt 13 feet
5 was a little more comfortable, give a little bit
6 more room.

7 MR. RYDER: If you look at drawing A200, you
8 have overhead door elevation at 11 feet 11 inches
9 on the east elevation.

10 MR. QUINTANILLA: Okay. I apologize. It
11 should be 13 feet. It should be 12 feet wide by
12 13 feet.

13 MR. RYDER: So in comparison it's two feet
14 more than --

15 MR. QUINTANILLA: Yeah, a little bit more.

16 MR. RYDER: -- the proposed. It would be two
17 feet.

18 MR. QUINTANILLA: Correct. It's actually --
19 it's going to be one foot one more.

20 MR. RYDER: Okay.

21 MEMBER GOTTLIEB: But the mansard roof
22 remains at 28.8 or 30 feet?

23 MR. QUINTANILLA: Originally, we had 28.8.
24 Now that we're, you know, in the process of doing
25 the construction documents, we lowered it a little

1 bit more.

2 MR. GOLDMAN: You lowered it, but didn't
3 raise. This change that Mr. Ryder points out has
4 no impact ultimately on the ultimate height.

5 MR. QUINTANILLA: Correct, correct. It's
6 just the size of the door that gets bigger to
7 accommodate the vehicles.

8 MEMBER SCHRECK: Are the vehicles going to
9 have to back in?

10 MR. QUINTANILLA: They always back in, yes.
11 It has to do with the response that they're always
12 ready.

13 MEMBER SCHRECK: Is that going to have an
14 effect on Washington Avenue?

15 CHAIRMAN KEILSON: Why don't we hold that for
16 a second. We're going to get to it, I promise.
17 Let's just finish on what they're building.

18 MR. GOLDMAN: If you're done with building,
19 break down the parking.

20 MR. QUINTANILLA: Now, the fourth on the code
21 relief is the parking. Based on the square
22 footage, based on 15,508 square feet, the
23 permitted as an office would be 200 square feet
24 per -- 200 square feet per stall. It gives you 78
25 stalls. They currently had 18 stalls. And with

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1 the new addition since it's going to be in the
2 parking lot, we're going to go down to seven
3 stalls.

4 MEMBER WILLIAMS: For parking?

5 MR. QUINTANILLA: For parking, correct.

6 MR. GOLDMAN: Now, as we noted in the
7 petition and as the expert will be able to say,
8 that even though the 18 have always been
9 underutilized and that there are only two
10 full-time employees who would be using the
11 facility, and thus the necessity for parking in a
12 traditional sense is not there. Obviously, when
13 they respond to a fire they don't park in those
14 spots anyway.

15 MEMBER HENNER: So where are they parking?
16 There's 18 stalls, and you said they're not
17 utilized.

18 MR. GOLDMAN: They're underutilized.

19 MEMBER WILLIAMS: At any given time there's
20 only two people in the building?

21 MR. GOLDMAN: There's only two people,
22 full-time employees. There are people who of
23 course, the chiefs and commissioners are pretty
24 conscientious, but they don't total more than
25 seven. And that when there is -- and as I

1 indicated in the petition, there are no functions
2 other than a monthly meeting. That monthly
3 meeting takes place at a time where all the other
4 parking spaces in the area are underutilized, or
5 not utilized, and traditionally over the years
6 that's where they've been parking anyway, so this
7 would not be a burden.

8 CHAIRMAN KEILSON: Across the street there's
9 municipal parking.

10 MR. GOLDMAN: Sure, there's municipal
11 parking.

12 MEMBER GOTTLIEB: Certainly, not to
13 contradict you, but this evening I passed the
14 firehouse and the parking lot looked rather
15 occupied.

16 MR. GOLDMAN: That was done simply to
17 undercut my argument and embarrass me.

18 MEMBER GOTTLIEB: And I usually don't go up
19 to Washington to come to this meeting, but I did.

20 MR. GOLDMAN: Well, it's very possible. But
21 then again, I'm sure the time frame too would not
22 be a time when it was imposing on the use of the
23 lot and the lots are available. Now, at this
24 point it may be just a point of convenience.

25 CHAIRMAN KEILSON: Well, I was there at

1 5 p.m., and there were already five cars in that
2 parking area.

3 MR. GOLDMAN: And some of them I think might
4 be stored.

5 CHIEF McHUGH: Three of the vehicles that are
6 in there --

7 CHAIRMAN KEILSON: Identify yourself.

8 CHIEF McHUGH: John McHugh. I'm the first
9 assistant chief. Three of the vehicles that are
10 currently in the lot are maintenance vehicles and
11 different types of vehicles that we use. We have
12 a van, a couple of cars that don't fit in the
13 building. So we have to leave them in the lot.
14 But with the expansion we'll be able to put them
15 inside the building.

16 As far as people there today, we had five
17 calls today. After they get done with the call,
18 at times they have to move their car out of the
19 way in front of the building, they have to pull in
20 there, run inside and then get credit for the
21 alarm and then they can leave. So there's always
22 a flow of people coming in and out.

23 MEMBER HENNER: So when the volunteers
24 respond, they're supposed to park in the lot?

25 MEMBER WILLIAMS: After.

1 MR. GOLDMAN: Not supposed to. To the extent
2 that they return and there's a space they would
3 park there.

4 CHIEF MCHUGH: They're allowed to park on
5 Central Avenue during a fire alarm. When the
6 alarm is over with, to ease up traffic and make it
7 easier to get the trucks in and out, they pull
8 into the lot.

9 MEMBER GOTTLIEB: Otherwise, they would use
10 the municipal parking lot for other uses?

11 CHIEF MCHUGH: Yes.

12 MR. GOLDMAN: And certainly, now, given the
13 situation, given that this is post-emergency,
14 they'd be able to use the municipal lot as well.

15 MR. PANTELIS: Is it fair to say that what
16 the primary reason for the -- for the work is the
17 either addition and/or expansion of your existing
18 bays for apparatus purpose, and is this a function
19 now of modernization and being able to, you know,
20 provide that kind of a service for the community?

21 MR. QUINTANILLA: I would say that's a fair
22 argument, correct.

23 MR. GOLDMAN: That summarizes the whole
24 petition.

25 CHIEF MCHUGH: The main firehouse was built

1 in 1902. There's currently a pumper housed in
2 there, along with the ambulance. The ambulance
3 and pumper were both made custom made to fit that
4 1902 bay. Mr. Goldman, explained the safety
5 factor involved.

6 The pumper is a 1991; it's due to be
7 replaced, it's over 20 years old. The ambulance
8 is 11 years old; that too is getting up there in
9 age. We can't fit as many people on the truck
10 because it's smaller to fit in there and that's
11 what has to be done to get the modern stuff in
12 that part.

13 CHAIRMAN KEILSON: So since 1902 there was no
14 expansion of the building?

15 CHIEF McHUGH: Yes. There was a 1971
16 extension, a one-story extension that has three
17 bays that currently houses four pieces of fire
18 apparatus; a pickup truck, two boats and a fuel
19 cell that are in that three-bay one-story
20 extension. And one truck is parked behind the
21 other, so if that truck is the one that has to
22 respond to a particular alarm, the one in front
23 has to be moved out. The boat is not hooked up to
24 the trailer. There's not enough room. So when
25 we get a water rescue, we have to move the truck

1 out, move the pickup truck up, get it all set up
2 and respond. Then the other truck has to be
3 brought back into the building and secure it, all
4 this while an emergency is taking place.

5 MEMBER GOTTLIEB: What will be housed in the
6 new building?

7 CHIEF McHUGH: The last piece of fire
8 apparatus that leaves the building, which is the
9 oldest pumper, and quite possibly the ambulance.
10 But the size of the bays will give us some
11 flexibility, and we have to study our responses
12 now that we have a little bit more room as to what
13 would be the best piece of apparatus there.
14 Response is relative to making a right going to
15 Lawrence, things of that nature.

16 MEMBER GOTTLIEB: So if those two older
17 pieces, the pumper and the ambulance, would be on
18 Washington Avenue, you will put two other pieces
19 in the 1902 house?

20 CHIEF McHUGH: No, we're not adding any
21 apparatus. We're going to have the same amount of
22 apparatus that we have right now. However, we're
23 going to free up space in that three-bay extension
24 that's existing by moving the pickup truck and the
25 boat to the 1902 bay that it will fit because it's

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1 only a pickup truck and a boat, and the other
2 equipment that I mentioned, the cars and the van,
3 that will fit in the old part.

4 MEMBER SCHRECK: So will you be putting fire
5 trucks in the new extension?

6 CHIEF McHUGH: We'll be putting a pumper.

7 MEMBER SCHRECK: The large fire engine in the
8 new extension?

9 CHIEF McHUGH: Yes, the oldest pumper and the
10 ambulance.

11 MEMBER SCHRECK: I'm saying the large yellow
12 fire trucks, will they be moved to the new
13 extension, or will they remain in the old building
14 but you're just moving an ambulance and something
15 else into the extension?

16 CHIEF McHUGH: Right now the plan is that the
17 two that are squeezed into the 1902 extension --
18 1902 original building will be moved to the new
19 extension.

20 MR. GOLDMAN: And anything else that you get
21 that will be new and so big will have to go in the
22 Washington eventually.

23 CHIEF McHUGH: Or moved into the three-bay
24 extension that currently exist also.

25 CHAIRMAN KEILSON: Okay. The last item is?

1 MR. QUINTANILLA: The last item is the
2 bulkhead, and in this case is a stair addition
3 that I mentioned to you previously. What we're
4 doing is we're providing an egress, an enclosed
5 egress tower on the west side between the original
6 1902 building and the 1970s building addition to
7 provide egress from all three floors. And that
8 one, the permitted height is 35 feet maximum. Our
9 addition to the ridge is 38 feet, so it's an
10 additional three feet higher.

11 And that pretty much consists, you know, in
12 addition to some minor interior renovation work,
13 you know, to accommodate, you know, their needs as
14 well, or to accommodate the new addition.

15 MEMBER GOTTLIEB: I'd like to go back to a
16 question on Washington Avenue. The pumper and the
17 ambulance when they exit, are you -- do you need
18 to remove parking spaces on Washington Avenue on
19 the Cedarhurst side in order for those vehicles to
20 exit?

21 MR. QUINTANILLA: Is that a question for me?
22 I'm sorry.

23 MR. GOLDMAN: One parking space is scheduled
24 to be removed and that, of course, falls under the
25 jurisdiction of the Village of -- of the

1 Incorporated Village of Cedarhurst, and they
2 recognize the necessity of it. This is in fact
3 the Lawrence-Cedarhurst Fire Department, and they
4 understand their obligation to make accommodations
5 so that this can move forward.

6 MEMBER WILLIAMS: That side of the street is
7 Cedarhurst?

8 MR. GOLDMAN: That side of the street when
9 you cross Washington Avenue -- you've never gotten
10 a ticket, obviously -- but when you cross the
11 street that is in fact the Incorporated Village of
12 Cedarhurst.

13 MEMBER WILLIAMS: The other side, the side
14 where the firehouse is on.

15 MR. GOLDMAN: That's Lawrence.

16 MEMBER WILLIAMS: That's Lawrence.

17 MR. GOLDMAN: Correct.

18 MEMBER WILLIAMS: But you have to move a spot
19 on the other side are you saying?

20 MR. QUINTANILLA: Correct. In order to pull
21 out to make the turn, you have to get rid of that
22 parking stall.

23 CHAIRMAN KEILSON: Any more questions to the
24 architect?

25 (No response.)

1 CHAIRMAN KEILSON: Let's go.

2 MR. GOLDMAN: Please, thank you.

3 MR. QUINTANILLA: Thank you.

4 CHAIRMAN KEILSON: Thank you very much.

5 MR. GOLDMAN: To respond to any inquiries,
6 the record should reflect, of course, that the
7 Board has a traffic assessment prepared for the
8 fire department expansion that was done by
9 Cameron Engineering & Associates. We have a
10 representative of Cameron here with us,
11 Miss Goldberg, who can address those issues in
12 terms of parking and the whole flow of traffic, if
13 you will, based on this extension.

14 MS. GOLDBERG: Good evening, Mr. Chairman,
15 members of the Board, everyone else.
16 Rebecca Goldberg, licensed professional traffic
17 engineer with Cameron Engineering & Associates.
18 Our address is 100 Sunnyside Boulevard, suite 100,
19 in Woodbury.

20 Actually, I'll start off by answering a
21 question that I believe one of the members asked
22 already. I took a plot visit to the site before
23 coming here this evening around 7:00 p.m., and
24 there were twelve cars parked in the lot which
25 coincidentally matched the peak parking demand

1 that we referenced in our parking report. So it
2 was --

3 MR. GOLDMAN: Excuse me, can you speak up
4 louder.

5 MS. GOLDBERG: Sure, sure.

6 So just in general, our firm was retained to
7 examine potential impacts on the traffic
8 circulation and the parking with this proposed
9 expansion. Again, it would replace some on-site
10 parking, answer the parking requirement due to
11 enlarging the building, and provide additional
12 storage space and then change the access on
13 Washington Avenue with the possibility for
14 removing a meter on the other side of Washington
15 Avenue.

16 The first thing we did was we coordinated
17 with Chief McHugh right away, and we determined
18 that this expansion is not going to generate any
19 traffic on a regular basis. There would not be
20 any additional people coming into and out of the
21 building. It's just to better serve the existing
22 department.

23 Next, the expansion would increase the
24 required parking, we believe, by 24 spaces, which
25 is, again, one per 200 square feet for 4,650

1 square feet, and we would remove 11 spaces from
2 this 18-stall lot, leaving seven spaces on the
3 site. So the total change in required versus
4 provided is 35 spaces.

5 Realistically speaking, we did our parking
6 study to see if there would be adequate parking in
7 the immediate area around the fire department. If
8 we do the proposed expansion, the configuration
9 changes on the site, what is available in the area
10 now on Washington Avenue and Cedarhurst Avenue --
11 I'm sorry, Central Avenue if people on the site
12 need to park on the area street.

13 So we visited the fire department on a
14 typical weekday from seven to ten in the morning,
15 from eleven in the morning till 2 p.m., and 3 p.m.
16 till 7 p.m., and we saw in fact that there is more
17 than sufficient parking. We saw four to twelve
18 vehicles parked on the site which, again, we
19 confirmed today which corresponds with the
20 personnel levels that the fire department had
21 already communicated to our office. So with seven
22 remaining on-site spaces, there would be at most
23 five fire department personnel who might need to
24 park on one of the two adjacent streets. When we
25 saw with our parking counts there was always room

1 for at least sixteen vehicles on Washington Avenue
2 and Central Avenue. So there's a buffer of an
3 extra eleven spaces and about 50 in the area,
4 which percentage-wise means that it's not one
5 space out of hundreds. These spaces are very easy
6 to find.

7 Next, the proposed site plan contemplates
8 removing a metered space across from Washington
9 Avenue, but again, given the buffer that we have
10 in available street parking this is not expected
11 to affect parking or anyone's use in the immediate
12 area.

13 And unless the Board has any questions, that
14 concludes my presentation. Thank you.

15 MEMBER SCHRECK: I'm saying when the fire
16 engines are backing into the new extension, how is
17 that going to affect traffic on Washington Avenue?

18 MS. GOLDBERG: Well, it will actually not
19 generate any traffic per se, and since the on-site
20 circulation would be simpler it would only improve
21 or maintain the level of traffic that happens
22 today. Because you're changing a one-way site
23 with angled parking into a little wider site with
24 what they call perpendicular parking it's a little
25 bit more open in front of the building. Right now

1 you come in and it feels a little constricted
2 because you have parking on both sides when you
3 come off of Washington Avenue.

4 MR. GOLDMAN: I think that what's concerning
5 the Board it goes, of course, beyond the requested
6 variance because the requested variance, of
7 course, is for parking, and I believe
8 Miss Goldberg is addressing the parking. In
9 terms of the traffic flow within the report that
10 was prepared by Cameron, it shows that in fact
11 there will be a sufficient turning -- I don't know
12 the terms -- but turning radius both coming out,
13 moving, God forbid, the fire is to the left for my
14 purposes, to the left going onto Central, or to
15 the right if the apparatus has to move into
16 Lawrence.

17 Now, of course, what has happened too is that
18 heretofore whatever disruptions there have been
19 have been 100 percent on Central Avenue which is,
20 of course, the major thoroughfare going up and
21 down. Here what would happen is that a certain
22 percentage of the time there would be a reduction
23 of any kind of interruption in terms of Central
24 Avenue, and naturally, it would be now on
25 Washington. But again, it's a limited amount

1 because of the apparatus that's contained. So
2 either way, not to mention the fact that
3 frequently when the machines, when the engines
4 come out of the bays on Central Avenue and they
5 make that right to go into Lawrence, they not only
6 block up Central Avenue while they're doing it,
7 but they come down Washington Avenue anyway. So
8 from the point of view of disruption, et cetera, I
9 can't promise you that it's a 50-50 split, but it
10 certainly doesn't increase things while taking
11 away from one portion, true, it's adding to
12 another, but it's certainly taking away --

13 MEMBER SCHRECK: You have a municipal lot on
14 the Cedarhurst side, you have parking on the
15 Cedarhurst side, and you have HAFTR and a lot of
16 activity, people dropping off kids and people
17 picking them up on the HAFTR side. That sounds
18 like a lot of potential congestion when you add to
19 that a fire engine that's going to be backing in
20 from somewhere. I think that's a lot worse than
21 the situation on Central Avenue.

22 MR. GOLDMAN: In terms of the dropping off
23 and picking up of students of HAFTR, that's been
24 regulated and I'm familiar with it. To the extent
25 that on Washington Avenue I believe it's

1 prohibited to be picking up and dropping off on
2 Washington Avenue, or even parking.

3 MR. RYDER: That's correct.

4 MR. GOLDMAN: So from that point of view.
5 Now, of course, as with anything else there might
6 be some flexibility in terms of enforcement
7 because heretofore it hasn't been necessary. But
8 now, of course, it will be regulated both by HAFTR
9 both by the reality of the fact that the fire
10 department is there.

11 The reality too is that there's hardly any
12 real alternatives to this plan, except -- and
13 that's why it was considered by the fire
14 department. This is not a question of relocation,
15 coming up with a better location or whatever.
16 It's the fire department and it has to make
17 accommodation. The Village of Cedarhurst has been
18 gracious enough to acknowledge that because of
19 issues on their side, and I believe -- oops, I
20 thought I lost you, Mr. Weinstock. Mr. Weinstock
21 is more than capable of speaking on behalf of the
22 Village of Cedarhurst.

23 MR. CASTRO: Will there be a striped area
24 reserved in front of the new addition on
25 Washington Avenue like Central Avenue has, or even

1 a light, like a flashing yellow light installed?

2 MR. GOLDMAN: I don't know the -- I can't
3 speak to that.

4 MR. CASTRO: Is it necessary? I don't know,
5 is it to code?

6 MS. GOLDBERG: You mean the area where you
7 would prohibit parking across Washington Avenue we
8 would recommend hashing that out with diagonal
9 hashing.

10 MR. GOLDMAN: There may be in terms of the
11 same way I don't know whether it's required and
12 it's beyond my purview. But the same way on
13 Central Avenue where there's a notification to the
14 whole wide world that an alarm has been sounded
15 and trucks are about to emerge. My guess is they
16 might want to avail themselves of that as well
17 purely for everybody's benefit. I don't know if
18 it's mandated, but we would inquire. But whatever
19 suits the fire department, the pedestrians and the
20 vehicular traffic to ensure the safety of everyone
21 and to facilitate their quick departure we would
22 make that accommodation.

23 MEMBER HENNER: Is there -- and I don't know
24 if this is for you, but is there an average number
25 of responses on a daily basis or on a weekly basis

1 that the fire department responds with fire
2 trucks, or there's ingress, egress, whatever, is
3 it two a day, one a week? I have no -- I have no
4 clue how busy that is.

5 CHIEF McHUGH: It averages about three a day.

6 MEMBER HENNER: Three a day that the trucks
7 are coming in and out?

8 CHIEF McHUGH: That a truck or two is coming
9 in and out of the existing fire department. The
10 ambulance goes out approximately one out of those
11 three times. The pumper that's going to be stored
12 in the new extension goes out to an alarm, I'm
13 going to say, two times a month. It's the sixth
14 fire engine to leave the building, that particular
15 one.

16 MEMBER HENNER: I was just trying get a sense
17 in terms of traffic. It's not like there's trucks
18 coming in and out of there every hour or something
19 like that.

20 CHIEF McHUGH: No.

21 MEMBER HENNER: It's at most a couple of
22 times a day.

23 CHIEF McHUGH: The ambulance once a day, if
24 the ambulance were to go there, and the pumper --

25 MEMBER HENNER: The other thing I wanted to

1 ask and I was a little confused. I was probably a
2 lot confused, but for purposes of the record we'll
3 say a little confused. But the need for this was
4 because the old bays don't accommodate the new
5 equipment. But are we getting any new equipment,
6 or just taking the old stuff and putting it in the
7 new bays?

8 MR. GOLDMAN: Do you want to confirm the new
9 equipment.

10 MEMBER HENNER: Are we getting new pumpers?
11 Are we getting new equipment that's going in
12 there, or just storing the old stuff?

13 CHIEF McHUGH: I mean, we have three pumpers.
14 As we get a new pumper, that becomes the first one
15 on Central Avenue that goes to all fire alarms.

16 MEMBER HENNER: No, my question was, I was
17 under the impression that the need for the new
18 bigger bays is because new bigger equipment needs
19 the new bigger bays, and not the 1902 bays. But I
20 didn't hear anything, unless I missed it, that
21 we're getting any of the new bigger equipment that
22 needs to go into the new bays.

23 CHIEF McHUGH: Both of those pieces of
24 equipment in the current 1902 building are due to
25 be replaced.

1 MEMBER HENNER: And then they will go into
2 the new bays?

3 CHIEF McHUGH: No, they will not. They will
4 go into the 1971 extension, and the oldest one
5 will move to the newly constructed bay because
6 it's the least used, and the ambulance will move
7 to the newly constructed bay.

8 MR. GOLDMAN: So the ambulance needs the new
9 bay. Eventually, what they're doing as well is
10 there planning for the future. These are trucks
11 that as they become obsolete they have to have a
12 place eventually to go. They're trying to
13 minimize at the moment any intrusion, but they
14 have to be ready when they do replace the trucks.

15 MEMBER WILLIAMS: The first truck coming out
16 is going to be coming out on Central?

17 CHIEF McHUGH: Yes, that will not change.

18 MEMBER WILLIAMS: That's the newest truck?

19 MR. QUINTANILLA: The 1970s addition was
20 actually bigger than 1902.

21 MEMBER WILLIAMS: Where is the 1970s
22 addition? Is it to the right?

23 MR. QUINTANILLA: To the west.

24 CHIEF McHUGH: The one-story building on
25 Central Avenue.

1 MR. QUINTANILLA: To your right, correct.

2 MEMBER WILLIAMS: So you're saying that you
3 move the older trucks down there, but the first
4 truck if there's an alarm is still coming out on
5 Central Avenue, most likely?

6 CHIEF McHUGH: The first two trucks on all
7 fire alarms come out of Central Avenue.

8 MEMBER WILLIAMS: So it is possible that
9 there will be trucks coming out on Central and at
10 Washington at the same time, possibly? It's okay.
11 Unlikely.

12 CHIEF McHUGH: The only -- it's very unlikely
13 because we would need our entire department there
14 to staff all those trucks.

15 MEMBER WILLIAMS: So most of the stuff is
16 still going to be on Central Avenue, the way it is
17 now?

18 CHIEF McHUGH: Our primary response
19 equipment, other than the ambulance, will be on
20 Central Avenue.

21 MEMBER WILLIAMS: So then what you are saying
22 is if you're saying it's only two to three times a
23 day, it's possible that Washington Avenue would
24 only be used once a day?

25 CHIEF McHUGH: On average right now with a

1 thousand calls a year, about 350 ambulance calls,
2 one time a day a piece of fire apparatus will come
3 out of the new extension.

4 MEMBER WILLIAMS: So it's not three times a
5 day; it's really only possibly one.

6 CHIEF McHUGH: Correct.

7 MR. GOLDMAN: But some day as these trucks
8 get replaced, it's just not going to be viable.
9 In other words, they can jiggle around now because
10 of the current equipment, but as things develop
11 it's just going to be --

12 MEMBER HENNER: So if you get that extra call
13 for the second or third call, you say, oh, we
14 can't send them out because we told the Zoning
15 Board it would only be one time. That would be
16 terrible.

17 MR. GOLDMAN: But the fire department is not
18 looking for excuses.

19 MEMBER GOTTLIEB: Just going back to the new
20 extension for a moment, please. Will the
21 ambulance be able to make a right turn southbound
22 on Washington toward Lawrence?

23 MS. GOLDBERG: Yes.

24 CHIEF McHUGH: Yes, you have fifteen feet;
25 from the front of the building to the curb is

1 about fifteen feet. Before you even hit the
2 roadway. The ambulance is a regular sized
3 ambulance and you have the whole ramp next to you
4 also for swing room. You're not crowded. So when
5 you make the right-hand turn onto Washington
6 Avenue, you will certainly be on your side of the
7 road and not have to worry about it.

8 MEMBER GOTTLIEB: But the pumper won't be
9 able to make that right turn.

10 CHIEF McHUGH: The pumper should be able to
11 make the right turn also, depending on parking
12 further south than that parking lot. At night
13 there is nobody parked there. So it shouldn't be
14 a problem either.

15 MEMBER GOTTLIEB: Just as the Village of
16 Lawrence Board, I'm concerned about the cars
17 heading southbound into Lawrence. We have to
18 respect our residents.

19 CHIEF McHUGH: Like I say, you have a 15-foot
20 ramp and you have a 40-foot building, so you're
21 not -- the building is 40 feet wide and you have a
22 15-foot ramp so you're not -- you don't have to
23 worry about being tight on the turn once you clear
24 the building.

25 MR. GOLDMAN: That concludes our

1 presentation, but I would imagine there are people
2 in the audience.

3 CHAIRMAN KEILSON: I would like to hear
4 people in the audience. Would anyone in the
5 audience like to speak to the matter, have any
6 questions?

7 MS. ARONGINO: I do.

8 CHAIRMAN KEILSON: Please step forward,
9 identify yourself.

10 MS. ARONGINO: My name is Georgette Arongino.
11 I along with my husband, Armando, have a building
12 across the street on the Cedarhurst side of
13 Washington Avenue. And while I would like to
14 express my gratitude to the Lawrence-Cedarhurst
15 Fire Department, my concern is contradictory to
16 what I'm hearing. The parking is a nightmare
17 there. The people from HAFTR do have to take
18 their children and pick them up, and they have to
19 be kept in mind because it has to be safe for
20 them. On a Friday, it's really difficult for the
21 parents to get their children. Our parking lot,
22 the municipal lot which our customers use and the
23 people on our side of the street and further into
24 Central Avenue -- Central Avenue all use that
25 parking lot.

1 My question would be if we're reducing the
2 spaces from 26 or seven, to seven, I'm only there
3 three days week. I have never seen less than ten
4 to twelve cars there. Where are they going to
5 park? If they're going to park in my municipal
6 lot, that's going to take away from my business.
7 So that's my concern. We fought very hard to have
8 that parking lot changed so that there wouldn't be
9 long-term parking there, and now it seems that
10 that's going to be what's happening again.

11 CHAIRMAN KEILSON: You say you've never seen
12 less than ten cars?

13 MS. ARONGINO: I'm there Tuesday, Thursday
14 and Saturday. Saturday is not a busy day, so
15 basically there wouldn't be a problem, the parking
16 lot, municipal lot parking lot ten I'm speaking
17 about is basically empty. But Monday through
18 Friday it's not empty, and people will tell you
19 the teachers don't park there; they do. Sometimes
20 there's activities going on that people park there
21 all day. It takes away from my business.

22 MEMBER WILLIAMS: How do they park there if
23 it's only short-term parking?

24 MS. ARONGINO: Well, along the fence next to
25 a residential house that I think is owned by the

1 school now, those meters are twelve hours. So you
2 can go out and feed the meters if you want to.
3 But again, that's for probably some employees that
4 need to park wherever they have to. The remaining
5 spaces we need, and the rest of the stores need
6 them during the week. And my concern would be
7 where I understand the firemen have to do their --
8 you know, park there and go in and file their
9 papers, but where are they going to park? Are
10 they going to take more spots from that lot?
11 Because that's something that is going to affect
12 me negatively, and that's my only concern. And
13 again, I just heard that there's not going to be a
14 problem turning out onto Washington Avenue, but
15 yet I think back, he said there was going to be a
16 spot removed. So what would that spot be removed
17 for if there's not a problem turning? That's what
18 I don't understand.

19 CHAIRMAN KEILSON: We'll have that responded
20 to.

21 MS. ARONGINO: Okay, thank you.

22 CHAIRMAN KEILSON: Anything else? Anyone
23 else in the audience who wants to speak?

24 DEPUTY MAYOR WEINSTOCK: I do.

25 CHAIRMAN KEILSON: Please.

1 DEPUTY MAYOR WEINSTOCK: Good evening. My
2 name is Benjamin Weinstock. I am the Deputy Mayor
3 of Cedarhurst. I'm here representing the
4 Cedarhurst Board of Trustees.

5 It really goes without saying that all of the
6 residents of our Villages of Cedarhurst and
7 Lawrence do owe a debt of gratitude to the fire
8 department. They selflessly come out in the worst
9 weather and at the worst times and the most
10 difficult circumstances to protect the lives,
11 property of the residents of our Villages. And we
12 in Cedarhurst do recognize that there are
13 difficulties with this zoning application.

14 Our Board has approved the funding and the
15 development of the firehouse, your Village Board
16 has done the same. We're going to be paying for
17 it collectively with certain other areas that are
18 within the protection district of the fire
19 department, and we understand that there are
20 problems. There are parking issues. There are
21 traffic issues, noise issues. Everything that you
22 can imagine.

23 In government, we believe that we have no
24 greater duty than to protect the lives and welfare
25 of our residents and, therefore, on balance we

1 don't see any alternative. And we've done
2 everything we can to scale the project, working
3 with the fire department for more than a year so
4 that it would be appropriate, it would be what's
5 minimally necessary to provide the least amount of
6 encroachment on the lives of the people who live
7 and work in the vicinity of the firehouse.

8 In that regard because of the difficulty with
9 the turn, we've undertaken to remove one of the
10 parking spots opposite the driveway so that there
11 won't be any difficulty getting out with the
12 trucks. They will be able to make a right turn.
13 They will be able to make a left turn coming out
14 of the driveway of the new firehouse.

15 And I just want to add that to this apparent
16 confusion over which piece of equipment is going
17 where. I toured the firehouse a number of times
18 over the years, and I've seen firsthand the
19 condition that's described. Essentially, there
20 are three pumpers. The first one, the newest one
21 that responds to any fire in your Village or in
22 our Village.

23 There's one that they stack behind it. The
24 one that's kept behind it is the one that goes out
25 on a mutual aid call. So if Inwood or Woodmere or

1 Hewlett needs an additional piece of equipment,
2 they keep the newest truck for Cedarhurst or
3 Lawrence and they send out the second newest truck
4 on the mutual aid.

5 And the third truck, the one that was custom
6 designed and sits in the oldest building, is the
7 one that goes out last when they have nothing else
8 to send but that. That truck literally has lights
9 that fold down, has equipment that folds over so
10 that it can back into this building. It was
11 custom designed more than twenty years ago. And
12 it doesn't have a roof cannon.

13 A roof cannon is that big fire nozzle that
14 sits on top of the truck that allows them to shoot
15 water into the fire at a high pressure and
16 distance. That truck couldn't be replaced today
17 if they had to. It was custom built then. Today
18 nobody is building trucks like that. So we
19 understand that when that truck goes out of
20 commission they have no place to put the remaining
21 trucks that they're going to be getting. That's
22 why this whole jiggling of apparatus is necessary.

23 So what's going to happen the way it's been
24 described to us is the newest truck goes on
25 Central Avenue. The second newest truck goes on

1 Central Avenue. The oldest truck, which is too
2 big to go into the old firehouse on Central Avenue
3 now goes on Washington Avenue. It's the last of
4 the three trucks to respond. And instead of
5 stacking one truck behind another, because it's
6 sort of a Rube Goldberg to see how you pull out
7 one fire truck to let the second fire truck go
8 out, so you can back the first one back in the
9 building. That process is going to be eliminated.

10 Plus, the rescue boat is not physically
11 connected to the vehicle that tows it. If there's
12 an emergency that requires a water rescue, they
13 have to move trucks, pull out a pickup truck,
14 attach a trailer with the boat and then go make
15 the rescue. Seconds make a difference; certainly
16 minutes can make a big difference.

17 So faced with the difficult decisions,
18 understanding the responsibilities that we have to
19 our residents, understanding all of the issues
20 that face us, we as a Board came to the conclusion
21 that the safety and welfare of our lives, of our
22 residents and our business people, our shoppers,
23 needs to be dealt with the highest priority, and
24 that's why we feel that despite all the
25 difficulties that's inherent in every zoning

1 application, that's why it's a zoning application,
2 we felt that it would be in the best interest of
3 our Village, and your Board came to the same
4 conclusion that it was in the best interests of
5 your Village to allow this project to proceed
6 subject to the Zoning Board discretion on issues
7 of variances for dealing with the practical
8 difficulty of accommodating a complicated site.
9 So I thank you for listening to me, and if there
10 are any questions.

11 CHAIRMAN KEILSON: I can only comment that I
12 think we recognize the balancing that has to be
13 done. And the only question we have is you have a
14 constituent that's concerned on the impact of
15 their particular business, and of course, perhaps
16 you can look into what can be done to ameliorate
17 their specific concern. They're probably the most
18 impacted by whatever is going to be done here.

19 DEPUTY MAYOR WEINSTOCK: Right. And what
20 we've done is we're going to take another look at
21 that parking lot and perhaps reduce the number of
22 long-term spots to have a fewer number of
23 long-term spots, we'll have more turnover so it
24 will accommodate shoppers a little bit better.

25 You know, there was -- the accommodation for

1 long-term parking was really done at the request
2 of HAFTR years ago when there were surplus spots
3 in the lot, and it was to allow teachers to park
4 there. But again, that's part of the balancing
5 that goes on. And we do look at our parking
6 situation constantly and try to find a solution.
7 It's unfortunate that in a zoning application the
8 most impacted neighbors are in fact the most
9 impacted neighbors. And it's not fair to say I'm
10 going to sacrifice one for the benefit of all. I
11 mean, we don't sacrifice anybody. We try to find
12 a solution that accommodates all. Sometimes it's
13 very difficult to do that. And if we had our
14 druthers, we wouldn't remove the spot. And if we
15 had our druthers, we would ask the fire department
16 to provide not 17 spaces but 25 spaces. But it
17 just physically can't be done, and that's the
18 difficulty we have.

19 CHAIRMAN KEILSON: I think your suggestion is
20 a very valid suggestion. I think we would urge
21 you to take action in that regard. We understand
22 that we're not going to make it contingent on
23 that, but it's -- it's a Cedarhurst constituent
24 that's involved.

25 DEPUTY MAYOR WEINSTOCK: Believe me, I know

1 that.

2 CHAIRMAN KEILSON: And we recognize that
3 Armando has been in the Village for decades.

4 DEPUTY MAYOR WEINSTOCK: Correct.

5 CHAIRMAN KEILSON: My wife will give me a
6 very hard time if I don't satisfy Armando.

7 DEPUTY MAYOR WEINSTOCK: It's been a
8 discussion at our Board for three years. We're
9 trying to figure out a better solution.

10 MEMBER HENNER: I don't know if the question
11 is really for you as much as for the people from
12 the fire department. I'm sorry, I forgot your
13 name.

14 MS. ARONGINO: Georgette Arongino.

15 MEMBER HENNER: Georgette. She said that
16 she's never seen the lot have less than ten to
17 twelve cars in it. I'm just curious because I
18 know when I was involved with Beth Sholom which is
19 down the block and has a big parking lot, which
20 you can go down there during the day and hardly
21 find a parking space because again it's used
22 primarily by HAFTR teachers parking during the
23 day. I'm just curious whether there are people
24 who are parking in the fire department lot that
25 are not fire department personnel or visitors but

1 either Cedarhurst shoppers or other teachers or
2 something, or is it all -- do you have any idea
3 whether the lot is being used by people other than
4 fire department related people and, therefore, if
5 the lot goes down to seven it's going to -- it's
6 going to impact further, if you know what I'm
7 saying.

8 CHIEF McHUGH: Occasionally during the day
9 we'll get someone that will park in the lot either
10 accidentally, or they run into the school to pick up
11 their children. Like I said, three of the
12 vehicles that are in that lot at all times are
13 fire department vehicles that are going to be
14 removed from the lot and put into the building.
15 So any time in that lot there's going to be at
16 least three. If there's five guys in the
17 firehouse, then you have eight cars there. If
18 it's seven guys, then you have ten cars there.
19 There's always going to be at least three.

20 DEPUTY MAYOR WEINSTOCK: When those guys have
21 action, you don't want to mess around with their
22 parking lot.

23 MEMBER HENNER: And whatever happened to the
24 pole?

25 DEPUTY MAYOR WEINSTOCK: Thank you.

1 CHAIRMAN KEILSON: Thank you.

2 MR. GOLDMAN: I would -- actually, given the
3 fact that the standard that you have to apply is
4 the benefit and the detriment, and you've heard a
5 far more eloquent speaker on behalf of the
6 community than I in the form of Mr. Weinstock, I
7 would rest our case and submit it to the Board for
8 your consideration. I believe we've covered the
9 issues that are within the statute that you must
10 consider, unless there are further questions.

11 MR. PANTELIS: Just for information purposes
12 for the Board, the applicant has not chosen to
13 make the application in this fashion, but there is
14 a doctrine of limited immunity which the State,
15 New York State Courts and the attorney general
16 have opinioned on on a number of occasions, and
17 that essentially say that once an applicant such
18 as a fire department or a police department or
19 some other community service, public service
20 organization makes an application for variances
21 and establishes a need, that the burden then
22 really shifts, and it's only in cases where there
23 is an extreme threat or danger to public safety
24 that will emerge from that should an application
25 be denied. So in effect, they could have come in

1 and just asked for immunity from zoning, so that
2 to some extent the balance --

3 CHAIRMAN KEILSON: Is counsel remiss for not
4 bringing it to our attention?

5 MR. GOLDMAN: No, no, no.

6 MR. PANTELIS: No, it's just another route
7 which could have been taken.

8 CHAIRMAN KEILSON: He took the high road.

9 MR. PANTELIS: Absolutely.

10 MR. GOLDMAN: That happens to be exactly
11 correct, and we've taken the position right from
12 the beginning that we didn't feel an obligation or
13 compelled to force this Board, and Mr. Pantelis is
14 always correct on the law, but we elected not to
15 opt for that because in fact we think that on the
16 face of it this petition speaks for itself.

17 MR. PANTELIS: No, Mr. Goldman, I wasn't
18 suggesting that you deliberately missed it, but in
19 this particular case it's an element which this
20 Board should be aware of.

21 MR. GOLDMAN: Right. And had that been the
22 situation, I would have addressed it. But the
23 reality is on the face of it, just coming before
24 you just as a resident of the Village, we felt
25 that we were meeting our burden sufficiently, and

1 we didn't want to not necessarily more than that,
2 put you in that position.

3 CHAIRMAN KEILSON: Eminent domain and take
4 the parking lot away from HAFTR.

5 MR. GOLDMAN: There were lots of things. Or
6 we could have just threatened not to put out
7 fires, but that too would not have been ethical or
8 moral, and that's the kind of people that are the
9 volunteers of the volunteer fire department.
10 Neither behind the law, nor threats, nor any
11 actions, but simply on the facts of justice and
12 fair-mindedness. These are very good people and
13 they want to be considered in that context, and I
14 think in that context I would respectfully ask
15 that the application be granted.

16 CHAIRMAN KEILSON: Okay. Taking it under
17 consideration, of course, having evaluated the
18 criteria that you have laid out, which we're all
19 familiar with, and I think counsel for the Board
20 has certainly eloquently presented the position
21 that I think we all share, we're going to vote,
22 obviously, but certainly from my vantage point
23 there's a compelling need and it's probably long
24 overdue, long overdue that steps should have been
25 taken. I don't think there's another institution

1 in town that has been neglected for 30 or more
2 years in terms of not addressing space
3 requirements. I mean, we have neighbors coming
4 here that want bigger houses than the fire
5 department. I think we're very moved by the
6 presentation.

7 So I'll start with Mr. Schreck.

8 MEMBER SCHRECK: I'm going to vote for.

9 CHAIRMAN KEILSON: Mr. Gottlieb.

10 MEMBER GOTTLIEB: For.

11 CHAIRMAN KEILSON: Ms. Williams.

12 MEMBER WILLIAMS: For.

13 CHAIRMAN KEILSON: Mr. Henner.

14 MEMBER HENNER: For.

15 CHAIRMAN KEILSON: And I certainly vote for
16 as well.

17 MR. GOLDMAN: Thank you. I'm not sure how
18 long it's going to take.

19 MR. PANTELIS: Two years.

20 CHAIRMAN KEILSON: The funding.

21 MR. PANTELIS: Two years is fine. You can
22 always come back.

23 MR. GOLDMAN: We'll take the two years, just
24 noting because of funding and the details involved
25 we may be required to come back before the Board.

1 CHAIRMAN KEILSON: If you want to open an
2 appeal tonight.

3 MR. GOLDMAN: I did in fact bring the Nassau
4 Herald application that it is the 2012 annual fund
5 drive. I didn't want to put that on the record
6 until you voted. I didn't want a sympathy vote.

7 MR. RYDER: Mr. Goldman, for the record, the
8 application will have to go to the Board of
9 Building Design, and I will need the structural
10 plans with the revision dates.

11 MR. GOLDMAN: We'll go before the Board of
12 Building Design, just noting that it's all going
13 to be consistent with the current application.
14 But nevertheless, we'll make that application.

15 MR. RYDER: Just speak to the Chairman and
16 see whether you can bypass that.

17 MR. GOLDMAN: Thank you. We appreciate the
18 courtesy of the Board as always. Thank you.

19 (Whereupon, the hearing concluded at
20 8:33 p.m.)

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

5 Mary Benci

6 MARY BENCI, RPR
7 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 July 25, 2012
7 8:33 p.m.

8 APPLICATION: Schwed
9 149 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. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Schwed.
2 Would they or their representative please step
3 forward, as you have already, and introduce
4 yourselves.

5 MR. SCHWED: Good evening. My name is
6 Nathan Schwed. I'm the applicant.

7 MR. MACLEOD: John Macleod. I will be
8 helping with the presentation this evening.

9 CHAIRMAN KEILSON: Why don't we wait a
10 moment.

11 MR. MACLEOD: So we're here this evening to
12 request a variance for a pool location and surface
13 coverage variance for the Schwed residence at
14 149 Harborview South, and Mr. Schwed has some
15 supporting documents here which we'd like to offer
16 as evidence in the proceedings.

17 CHAIRMAN KEILSON: Mr. Macleod, I don't think
18 you've done south yet. You did, you did
19 Ostreicher.

20 MR. MACLEOD: That's correct, yes. A similar
21 situation on this whole block.

22 MR. SCHWED: I've got letters from the three
23 neighbors all around the house, the one on the
24 right, the one on the left and the one behind.
25 It's the Feldmans who are to the left of the house

1 if you're standing in front of the house,
2 151 Harborview South. Deborah Rubin who is at
3 147 Harborview South to the right of the house,
4 and Stan and Sara Kopel who are at 70 Harborview
5 West, behind the house. If I can hand that in,
6 thank you (handing).

7 CHAIRMAN KEILSON: They all just happened to
8 write the same text.

9 MR. SCHWED: Actually, I think the third one
10 was slightly different. That's only because she's
11 an attorney and she couldn't help herself.

12 CHAIRMAN KEILSON: Sorry I've interrupted
13 you.

14 MR. MACLEOD: So we are here to request a
15 variance for the pool, and there are several
16 situations which make this a unique piece of
17 property and unfortunately gives us some
18 difficulties in locating certainly a full-sized
19 pool, so we are requesting for a diminished size
20 pool of only 10 feet by 30 feet, whereas a more
21 standard size pool might be 20 by 40.

22 And if you have seen the site plan you will
23 see that the trapezoidal shape of the property
24 gives us a very narrow footprint within which to
25 try to comply with any sort of zoning rules. And

1 unfortunately, we're unable to comply with any of
2 the required setbacks or the surface coverage due
3 to the existing conditions of this rear yard.

4 We did present as an initial submission a
5 raised deck situation, with a raised pool and deck
6 situation, which gave difficulties, we understand,
7 with the setbacks even more so than normal, and so
8 we've revised that with a second submission which
9 was submitted yesterday, I believe, which I hope
10 you have copies of which show the deck at grade
11 and so the setbacks are really only to the pool
12 itself rather than to any raised structure. And
13 if we can refer to that most recently presented
14 document I'd like to just go through the code
15 relief and then give some other reasons why we are
16 requesting this and perhaps what we're requesting
17 is not so egregious.

18 So first of all, if we look at the code
19 relief we are asking for a 19.5 percent overage
20 which represents 770 square feet of surface
21 coverage beyond the permitted 3,894 square feet.
22 And part of the reason for this is the existing
23 driveway is of reasonable size. My client has
24 several adult children and many drivers in the
25 household, and so there is required this large

1 driveway for several vehicles.

2 CHAIRMAN KEILSON: It's 19.8. You said 19.5.

3 MR. MACLEOD: I'm sorry, 19.8 percent. Thank
4 you.

5 The rear yard, as you can see, has the
6 trapezoidal shape, and so we tried to fit this
7 into what would give useful space to my client as
8 well as staying a reasonable distance away from
9 the property line.

10 MEMBER HENNER: What does that mean? When
11 you say give useful space to your client and stay
12 -- I'm not following what that means.

13 MR. MACLEOD: Okay. So useful space to sit
14 around the pool and enjoy the pool in a safe and
15 comfortable manner. We have positioned the bulk
16 of the patio towards the house and just have a
17 three-foot walkway around the outside to that
18 side.

19 MEMBER HENNER: Isn't the patio right outside
20 the house now? I mean, right now you have a
21 raised deck there.

22 MR. MACLEOD: Which is no longer going to be
23 there.

24 MEMBER HENNER: Fine. But is the patio going
25 to be constructed where the deck is today?

1 MR. MACLEOD: Yes, it will be.

2 MEMBER HENNER: Essentially.

3 MR. MACLEOD: Yes, and the pool will be there
4 also.

5 MR. SCHWED: As it's proposed, it will be a
6 little beyond the deck, closer to the house, to
7 the Feldmans, the house which is, I guess, if
8 you're standing in the back and looking at the
9 house it's the house to the right.

10 MEMBER HENNER: I was just struck by the
11 diagram, and I went to look, you know, at the
12 facts on the ground, why this just couldn't be
13 built parallel to the house as opposed to parallel
14 to the trapezoid or whatever that geometric figure
15 is in the back. Why isn't it within the rectangle
16 as opposed to --

17 MR. MACLEOD: And I'll explain that. If we
18 position the house -- the pool parallel to the
19 house, we would have less than 10 feet between the
20 edge of the pool and the house. And being that
21 we've located it now on grade, we need to (A), get
22 down to grade, which will take three steps, and
23 project out at least two feet from the back of the
24 house without a stoop. The bay window which is
25 currently there is also projecting about two to

1 two and a half feet, and there is a portion of the
2 house which actually cantilevers in towards the
3 rear yard as well. So right across the back of
4 the house we're going to lose two feet of usable
5 space immediately, and that would only leave about
6 seven and a half feet to the pool. Seven and a
7 half feet is a little more than a walkway. There
8 would be no useful space there to position any
9 sort of table and chairs or chaises without people
10 having to walk very close to the edge of the pool.

11 So that's what I'm referring to as
12 comfortable space. And we've tried to create that
13 reasonable comfortable space by paralleling the
14 pool to the rear property line and creating a
15 larger expanse between the pool and the house
16 itself, as well as some area to the left of the
17 pool as you look at the plan.

18 MEMBER HENNER: Go ahead. All right.

19 MR. MACLEOD: So that's the reason why we've
20 positioned it in this location to give some useful
21 space rather than unuseful space.

22 MR. SCHWED: If I can just interject. I
23 mean, number one it's the use and the ability to
24 use the space. And number two, from my
25 perspective, it's also a safety issue. If I'm

1 going to have anything between the house and the
2 pool, it's essentially going to take up that
3 entire space. I mean, even if it's not large,
4 even a small table, anything that can sit a few
5 people around it is going to fill up that space.
6 That space is seven and a half, I think we said
7 seven feet seven inches, and anything that we have
8 there with chairs is going to be at least four to
9 five feet. And that basically means if somebody
10 has to walk around it, they're literally on the
11 edge of the pool.

12 MEMBER HENNER: I'm not here to argue with
13 you. But by the same token, you can't put a
14 tennis court there too, and you can't put a
15 trampoline there too, and not every house in
16 Lawrence has the land to accomm -- I don't have a
17 pool. Every house in Lawrence doesn't have a
18 pool, and every house can't necessarily
19 accommodate a pool or tennis court and a
20 basketball court and a deck and a lawn play area
21 within its confines, within either zoning or with
22 the neighbors or just physically. It just doesn't
23 -- it doesn't always fit.

24 And so here, you know, when I went to look at
25 it and I look at it on here, it just looks like

1 you're trying to make something fit. Ten feet --
2 a 10-foot pole, I mean, is from me to you I'll bet
3 you, thank God you're here Mr. Macleod, I bet it's
4 at least twelve feet. So the width of this pool
5 is less than you and I talking to each other. And
6 I'm sitting here saying you're trying to squeeze
7 something into an area where I'm saying I'm not
8 following it. You can't get the deck and the pool
9 and the tables and the reasonable walking distance
10 from the house all within the confines of a
11 backyard that's pretty small.

12 MR. SCHWED: I understand. What we tried to
13 accomplish was to do the least that was -- I mean,
14 to do any less than we proposed is not a pool.
15 It's less than ten feet wide. As you say, it's
16 from you to me. So less than that is not really
17 much of a pool.

18 MEMBER HENNER: Your driveway is three times
19 the size of this pool.

20 MR. SCHWED: Correct.

21 MEMBER HENNER: More. It's almost four times
22 the size of the pool.

23 MR. SCHWED: I wish I could switch it. I
24 wish I could have -- I wish I had it in the
25 backyard. It would be great.

1 MEMBER HENNER: I'm saying in the scheme of
2 things.

3 MR. SCHWED: Your point is well taken.

4 MEMBER HENNER: By the way, the safety issue,
5 I foresee, but fortunately I'm not invited to the
6 pool, but I bet you I can jump over the pool in
7 one leap. I can just see people flying over.

8 MR. SCHWED: I mean, it's essentially a lap
9 pool. It's basically trying to do something that
10 is within the confines of what I have. I'm stuck
11 with what I have, and I'm trying to make the best
12 of it, and I'm trying to have a pool. And I
13 understand I can't have anything large, and
14 frankly, I'm sure my grandchildren would love to
15 have a larger one. This is what I have and that's
16 all I can do.

17 I'm trying at the same time to also create a
18 situation that's safe because I do have
19 grandchildren and I worry about that, and at the
20 same time that is somewhat usable. I'm not going
21 to have lavish parties; it's way too small. I'm
22 talking about having literally maybe a small table
23 somewhere, maybe a couple of lounge chairs and
24 that's it. I'm not really talking about anything
25 more than that. And I understand your point that,

1 you know, some properties you just can't do
2 anything with it. I think what we proposed --

3 MEMBER HENNER: Not that you can't do
4 anything with it, that you can't do everything
5 with it. There's a difference there.

6 MR. SCHWED: Agreed. I understand. And
7 that's why I think this was an effort not to do
8 everything, to do the minimal that we could do
9 under the circumstances and try to get a pool in
10 the backyard.

11 MEMBER HENNER: What about the area that's
12 shown on here called lawn play area. Is there any
13 way of squeezing this in closer to that?

14 MR. SCHWED: Frankly, I would have loved to
15 go there. The problem is just the way the
16 property works, it just gets narrower and
17 narrower. So I'm going to have -- I mean, I
18 imagined you would object much more to that which
19 is why even though we did initially -- my wife and
20 I would have preferred to have it there, we
21 realized immediately that never had a chance. If
22 I would have come to you with a plan like that,
23 you would have said to me --

24 MEMBER HENNER: Do it the other way.

25 MR. SCHWED: Yeah.

1 MEMBER HENNER: I'm interrupting you, I'm
2 sorry. Go ahead.

3 MR. SCHWED: No, no, no problem. I believe
4 we really did, we spent a lot of time thinking
5 about what's the best proposal. We believe this
6 is the best under the circumstances. And again,
7 we're not trying -- we're not trying to get any
8 more than what we think is the minimal reasonable
9 amount for a pool in this property.

10 MR. RYDER: Can I throw something out there?
11 Did you ever think of a kidney style pool?

12 MR. SCHWED: One of the reasons -- I did. In
13 fact, I actually thought about coming around. One
14 of the reasons I don't like doing that is because
15 one of the things I'm trying to do for safety
16 purposes is actually have a pool cover that
17 closes. And you can only do that on a rectangle
18 shape. So I would have liked to do a kidney pool,
19 because, you know, you have more space, I could
20 have it wider at certain places. But for safety
21 reasons I want that cover. Again, I worry.
22 There's always this dilemma. When you do a pool
23 and you have grandchildren, it's a scary thought.

24 MR. MACLEOD: If I can answer that as well,
25 Mike. I've done many kidney-shaped pools, and

1 they do fit quite nicely into a corner but they do
2 take up a lot of space as well and you end up with
3 wasted space behind them because of the natural
4 curve in the back of a kidney-shaped pool. You
5 kind of kill that whole back corner. And again,
6 if we did a kidney-shaped pool it would be
7 something on the order of probably 10 feet wide by
8 30, and on a curve, and we have difficulty with
9 the safety.

10 MR. RYDER: So you did think of
11 alternatives?

12 MR. MACLEOD: Previously, before they
13 contacted me they discussed that.

14 MR. SCHWED: I spoke to a pool guy and I
15 asked him for different possibilities. From his
16 perspective he thought that was the best idea. We
17 talked it through.

18 MEMBER HENNER: If you did that, would it be
19 in the same location or elsewhere if you did a
20 kidney shape?

21 MR. SCHWED: Yeah, it would still have to be
22 there. It would just kind of go alongside the
23 house a little and then swing around.

24 MEMBER HENNER: I thought it would be moved
25 somewhere. No, okay.

1 MR. SCHWED: I can't see where else to put
2 it.

3 MR. MACLEOD: I don't believe it would change
4 the square footage numbers and the usable full
5 size of the patio.

6 Some of the other factors that we would like
7 you to take into consideration here are related to
8 the surface area, and we understand that the
9 surface area is under review, under constant
10 review in this area due to the water situation.
11 And what I'd like to just bring to your attention
12 is the results of the percolation test and how
13 that has some impact on what we are presenting
14 here today. And the main concern about surface
15 coverage is contributing to flooding. And it's
16 not necessarily a governing factor in this
17 particular case, the results of the test do show,
18 believe it or not, that we actually have quite
19 good drainage in this area despite there being a
20 fairly high water table.

21 If you examine the document presented by DK
22 Drilling and the engineer, Mr. Flynn, on page --
23 on the third page of that, I just wanted to point
24 out to you the flow rate and how quickly the water
25 is absorbed into the available ground. And it's

1 called a percolation test record, P1. If you look
2 at those charts on that particular page, there's
3 three boxes down at the bottom. And the one on
4 the left is the time, and the second middle one is
5 the percolation level, and that illustrates how
6 quickly the water goes down. So they come, they
7 dig a hole, and on this particular test they dug a
8 hole down, they encountered the water at four and
9 a half feet down, which is illustrated on page
10 one.

11 And if you look at the chart you will see
12 that in the time period of zero minutes no water
13 went down. They filled the hole up with water.
14 In the period of one minute the water level went
15 down by 40 inches. So it immediately soaked into
16 the ground available in that first 40 inches. And
17 after five minutes it had gone down 49 inches.
18 And after ten minutes it had actually gone down
19 57 inches, which is probably out of the water
20 table, and it didn't do much after that. It kind
21 of stayed at that level. But within the first few
22 minutes, the first ten minutes all the water put
23 into that hole did soak away, which means it
24 soaked sideways into the absorbent material of the
25 first four and a half feet of the soil.

1 The reason I'm pointing this out is I know
2 that one of the concerns in this neighborhood is
3 to do with surface coverage and how -- what impact
4 that might have on the neighborhood as a whole in
5 terms of distributing the water and maintaining
6 your own water on-site. So from that perspective,
7 the surface coverage we are over by, although we
8 are over by 19.8 percent and it may seem like
9 quite a high number, but what we're referring to
10 as the surface area of the patio and the pool
11 together, the pool itself is not going to
12 contribute to any absorbency. We understand that.
13 But the rated percolation into the ground is very
14 high, and so we feel that the surface area of the
15 patio if it is diverted into these dry wells will
16 actually not have a great influence on any sort of
17 flooding to any neighbor or the street. I wanted
18 to bring out that high percolation rate to you.

19 CHAIRMAN KEILSON: No, I think we understand
20 that. The issue is that it's 19.8 percent over
21 and that's -- again, for our purposes in terms of
22 matters coming before us by yourself and others,
23 that's a considerable number. And here we have a
24 small property, you're trying to put a lot onto
25 it.

1 MEMBER GOTTLIEB: It's not just the 19.8 or
2 the 20 percent over. And I don't want to repeat
3 what Lester said earlier, but it was my own
4 comments that --

5 CHAIRMAN KEILSON: Repeat it.

6 MEMBER GOTTLIEB: All right, if I may,
7 Mr. Chairman. You have a 1,000-foot driveway,
8 which is not 1,000 linear feet, 1,000 square feet,
9 which is pretty big. You've got a lawn play area,
10 a patio, a pool, and you want space for lounge
11 chairs and tables. It's just too much to get into
12 one space.

13 And when you talk about the percolation rate,
14 Mr. Macleod, this 767-foot patio I understand
15 there will be no percolation taking place there
16 and you're going to divert it to the dry wells.
17 But additionally, 300 square feet of pool that
18 goes down five feet has a zero percolation rate
19 because that area will be occupied by the pool.

20 So I understand you're saying that, you know,
21 this is a great report that shows you that you
22 happen to have a particularly great absorbency of
23 water. I think there's too much going on here.
24 And as one of the former Board members used to
25 say: You can't have the world with a fence around

1 it. You just can't have everything. And that's
2 respectfully said as a neighbor. This is how I
3 see it.

4 MR. MACLEOD: With that in mind, and we're
5 trying to work with your -- your understanding of
6 what is high and what is low in terms of overages,
7 if we were --

8 MR. SCHWED: I would like to be clear, we
9 will propose something else. I mean, obviously,
10 we're trying to work with you and work together.

11 MEMBER GOTTLIEB: We're trying to work with
12 you.

13 MR. SCHWED: I appreciate that. And I
14 understand there are precedence issues and so on
15 so forth. As I understand it, once now that I'm
16 down on grade level, what we're talking about is
17 essentially the difference between having grass or
18 pavers, because that's ultimately what we're
19 talking about. I mean, I'm just trying to
20 understand the issues.

21 So if that's what we're talking about, and
22 the issue ultimately is that I need to have more
23 grass and less pavers, I have no choice and that's
24 what I'm going to do, because this is something
25 that's important to my wife and I and we would

1 like to do this.

2 And, you know, obviously, there's a point
3 where it just becomes almost -- it becomes very
4 difficult to do. If I'm totally surrounded by
5 grass around a pool, that's really, really not a
6 great situation. So, you know, the bottom line is
7 I suppose that if we have to we could reduce some
8 of the patio area, what we're referring to as the
9 patio, and, you know, John will propose some other
10 numbers.

11 MEMBER HENNER: What about your driveway?

12 MEMBER WILLIAMS: Did you consider the
13 driveway?

14 MR. SCHWED: I did. The problem with my
15 driveway is --

16 MEMBER HENNER: You have a garage, right?

17 MR. SCHWED: I have a garage, but --

18 MEMBER HENNER: Any cars?

19 MR. SCHWED: It's a one-car garage and the
20 way it's set up it's really not that usable. The
21 truth of the matter is, I mean, this may sound
22 crazy, but this is an Orthodox family, so I have
23 five children and three daughter-in-laws. There
24 are a lot of cars and they all live in the
25 neighborhood and --

1 MEMBER HENNER: They all don't live in the
2 house.

3 MR. SCHWED: I know, but they're there every
4 weekend, literally. My point is I have six cars
5 in my driveway pretty much on a regular basis.

6 MEMBER HENNER: By the way, is it seasonal,
7 all the time or only during the summer? Maybe
8 they're going to use you for your pool. You might
9 want to consider that.

10 MR. SCHWED: I understand that. But that's
11 during the day so they can park in the street.
12 You know, it is what it is. I mean, thank God,
13 I'm not complaining. It's wonderful. But the
14 truth is there's two issues with my driveway. One
15 is that it really is used. It's not like -- it's
16 nothing nice about it. So believe me, I'd be
17 happy to have grass for aesthetic purposes. It
18 would be a lot nicer. It's not a pretty driveway.
19 It's blacktop.

20 MEMBER HENNER: I didn't park there. I
21 parked across the street, it was that ugly.

22 MR. SCHWED: There you go. So this is not
23 about -- this is not about something that I want.
24 It is something that -- you know, I understand.
25 It's not what I want. It's something that I

1 really feel with the makeup of my family it could
2 be difficult. If they came for the weekend on
3 Shabbas or whatever and there is nowhere to park.
4 It doesn't really work that well.

5 So that's why in trying to work with you,
6 believe me, I'd love to give up some of the
7 driveway. But I can't. Think I need to keep the
8 driveway.

9 CHAIRMAN KEILSON: One of the problems is
10 we've been accused of standing here negotiating,
11 and we've committed ourselves to never do this
12 again, and we're doing it again. So I think as a
13 general statement, you know, subject to the
14 comments from my colleagues, I understand that you
15 want to get it done tonight simply because of the
16 seasonal aspect of it. I think unless the overage
17 is brought to 10 percent under, I don't think
18 we're going to be able to solve your problem
19 tonight, and I think you're going to have to
20 change the direction of the pool somewhat. I just
21 think that's the type of sentiment that's -- and
22 again, you can comment. I don't want to speak on
23 behalf of Esther.

24 MEMBER WILLIAMS: No, I think there's no --
25 those are really some of the problems, certainly.

1 If you -- if you would cut off this part of the
2 driveway here (indicating), you're getting -- what
3 did we figure out? 300 square feet. If you move
4 the pool up this way (indicating), that might
5 solve your problem. I understand you don't want
6 to.

7 MR. SCHWED: If I move the pool over there,
8 again, I believe I create --

9 MEMBER WILLIAMS: Just make it parallel.

10 MR. SCHWED: Right. That's what I said
11 before. If I make it parallel, I think it's a
12 safety issue because the steps are coming down
13 right to the pool.

14 MEMBER WILLIAMS: There are people who will
15 say to you then don't have a pool. You have to
16 give someplace. You have to give something. Do
17 you understand it's a little complicated here?

18 CHAIRMAN KEILSON: Mr. Gottlieb.

19 MEMBER GOTTLIEB: I was agreeing with
20 Esther's sentiment although I didn't know that she
21 was going to say this. I would like to see the
22 pool parallel to the house, and perhaps you don't
23 need the walkway on the side of the pool. You
24 could just have the walkway on -- this is a lap
25 pool, right?

1 MR. SCHWED: It's a pool that is going to be
2 used for laps, by kids. It's multipurpose. It's
3 just small. That's exactly what it is.

4 MEMBER GOTTLIEB: You can save 120 feet I
5 think just by taking off the walkway on the far
6 side of the pool.

7 MR. MACLEOD: Actually, the walkway is not
8 counted in the square footage because we are
9 permitted to have a three-foot or four-foot walk
10 around the pool.

11 CHAIRMAN KEILSON: Mr. Ryder.

12 MR. RYDER: That is accurate, four-foot
13 walkway anywhere on the property or less.

14 CHAIRMAN KEILSON: So that's not going to
15 help.

16 MR. SCHWED: I mean, one of the things, if
17 you feel that it must be parallel to the house,
18 then -- okay, I mean, John has a proposal.

19 MEMBER WILLIAMS: It's not simply -- if you
20 heard the Chairman properly, the way it is now is
21 not going to fly.

22 MR. SCHWED: I understand.

23 MEMBER WILLIAMS: And the number that -- we
24 told you the number that will fly, and I don't
25 know how you can get there other than to make

1 those suggestions. Maybe Mr. Macleod has some
2 better ideas on how to get to that number. We're
3 making some suggestions in order to help you get
4 to that number.

5 MR. MACLEOD: One percent in this situation
6 represents --

7 CHAIRMAN KEILSON: I have a suggestion.
8 We'll give you a five-minute hiatus. Mr. Goldman,
9 I think wants to speak to the Board. Are you
10 planning on speaking to the Board off the record?

11 MR. GOLDMAN: Yes, and I have a matter on the
12 record.

13 CHAIRMAN KEILSON: My oversight. Why don't
14 we allow the architect and Mr. Schwed to step out
15 and maybe somebody from the Building Department
16 -- Gerry, want to work with them.

17 MR. CASTRO: That's fine.

18 MEMBER WILLIAMS: Maybe you will come up with
19 a better idea than what we've got. I don't know.
20 It's very possible.

21 CHAIRMAN KEILSON: And then we'll come back
22 on the record.

23 (Whereupon, a recess was taken.)

24 MR. MACLEOD: Good evening, again. We're
25 trying to comply with all the requests of the

1 Board, and we've turned the pool parallel to the
2 house as requested. But in order to have a
3 reasonable amount of space so that we have a
4 safety factor and usable space between the pool
5 and the house, would you consider this layout
6 which actually increases the encroachment on the
7 rear but gives us 15 feet between the house and
8 the pool, and the pool -- the patio, the usable
9 patio would then be -- the width of the pool,
10 which is 30 feet by 15 feet between the house and
11 the pool, which is 450 square feet, which if we do
12 the numbers --

13 CHAIRMAN KEILSON: Hold it, hold it. Let's
14 go back to the pool.

15 MEMBER HENNER: No, you made the pool 30 by
16 15?

17 MR. MACLEOD: No, 30 by 10, same size.

18 MR. PANTELIS: What would the setback be?

19 MR. MACLEOD: Five feet on one corner.

20 MR. SCHWED: Only in the corner.

21 CHAIRMAN KEILSON: Mr. Castro, off the record
22 for a moment.

23 (Whereupon, a discussion was held off the
24 record.)

25 CHAIRMAN KEILSON: Okay. As I understand it,

1 let's see if we can understand it, we're going
2 into the original position of the pool, the second
3 presentation of the pool, or is it the one we're
4 given tonight?

5 MR. PANTELIS: The one tonight.

6 CHAIRMAN KEILSON: The pool at that position
7 with the reduced surface coverage.

8 MEMBER GOTTLIEB: The reduced surface
9 coverage down to 25 feet.

10 CHAIRMAN KEILSON: Which will bring it down
11 to 13.5.

12 MR. PANTELIS: The plan that we're working
13 off is the revision date of 7/23/12 with the pool
14 in that position.

15 CHAIRMAN KEILSON: Correct.

16 MR. PANTELIS: But with a reduction of,
17 approximately, Mr. Macleod? In coverage.

18 CHAIRMAN KEILSON: The exact excess of 525,
19 right?

20 MR. RYDER: Correct.

21 MR. MACLEOD: We would be reducing the deck
22 area by 242 square feet.

23 MR. PANTELIS: Or coverage area.

24 MR. MACLEOD: Coverage.

25 MR. PANTELIS: Well, If they decide to take

1 it out of the driveway, for example, on the
2 revised plan, they want to get it down to a
3 number.

4 MR. SCHWED: So if I decide to take it out of
5 the driveway, then you would be fine with the
6 numbers? I think I can.

7 MR. PANTELIS: Before I volunteer that, let
8 me -- I think the proposal here and I sort of
9 offered it, but I'm not sure if the Board goes
10 with it --

11 CHAIRMAN KEILSON: We're trying to save the
12 driveway.

13 MR. PANTELIS: You want to save the driveway.

14 MEMBER WILLIAMS: If they cut off the
15 driveway, the way I figured it out with Mike, in
16 order to make it two cars there you make it
17 20 feet. According to Mike you wouldn't get more
18 than 40, 50 -- 40 --

19 MR. RYDER: 40 square feet.

20 MEMBER WILLIAMS: You have to square out the
21 back. So to do that for that work, I wouldn't ask
22 anybody to do that. I think it's ridiculous.

23 MEMBER GOTTLIEB: So therefore, you won't
24 accept the driveway reduction as the reduction as
25 square footage. The reduction of square footage

1 is coming off the patio.

2 MEMBER WILLIAMS: I would accept it, but they
3 want to keep it.

4 CHAIRMAN KEILSON: Esther, I think the
5 suggestion is appropriate.

6 MEMBER GOTTLIEB: In other words, we couldn't
7 ask the driveway to be reduced anyway.

8 CHAIRMAN KEILSON: The reduced deck and the
9 pool and the original pool position, as per the --
10 let's make a document. Just mark it as an
11 exhibit.

12 MR. RYDER: I have it stamped in on July
13 24th. Do you want to use that as the date?

14 MR. PANTELIS: Well, it has a revision date.

15 MR. SCHWED: Can I just see the one that
16 you're working with? I just want to make sure
17 that we're on the same page.

18 MR. RYDER: Sure, come on up.

19 (Whereupon, a discussion was held off the
20 record.)

21 CHAIRMAN KEILSON: I'd like to see what the
22 patio is going to look like.

23 MR. PANTELIS: But the Board can vote on it
24 as proposed.

25 CHAIRMAN KEILSON: Mark it with some

1 identification so that we know what we've voted
2 specifically for.

3 So what's before the Board now, which we're
4 calling Exhibit A for the purposes of
5 identification, it's good that we were able to
6 withstand negotiating; it was not violative of our
7 principles.

8 MEMBER GOTTLIEB: But it does test them.

9 CHAIRMAN KEILSON: Excuse me?

10 MEMBER GOTTLIEB: It does test them.

11 CHAIRMAN KEILSON: Yes, it does, absolutely.

12 So having said that, Mr. Henner.

13 MEMBER HENNER: I go first?

14 CHAIRMAN KEILSON: You first.

15 MEMBER HENNER: Favor.

16 CHAIRMAN KEILSON: Mrs. Williams.

17 MEMBER WILLIAMS: For.

18 CHAIRMAN KEILSON: Mr. Gottlieb.

19 MEMBER GOTTLIEB: For.

20 CHAIRMAN KEILSON: Mr. Schreck.

21 MEMBER SCHRECK: For.

22 CHAIRMAN KEILSON: And I will vote for as
23 well. And I think we know what we're doing. What
24 else do they have to do in order to get this
25 thing?

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

4
5 Mary Benci

6 MARY BENCI, RPR
7 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 July 25, 2012
7 9:17 p.m.

8 APPLICATION: Respler
9 69 Harborview West
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. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: On the record, we have a
2 matter, Respler. I apologize for my oversight,
3 and I didn't realize that there was somebody in
4 the audience that wanted to speak to the matter,
5 so I was really embarrassed by it.

6 MR. RYDER: I apologize, Mr. Chairman, as
7 well.

8 MR. GOLDMAN: I'm surprised because I called
9 the lawyer.

10 CHAIRMAN KEILSON: Obviously it's somebody
11 else, another neighbor.

12 MR. GOLDMAN: Because I did my best to alert
13 them to the fact that I was going to apply for an
14 adjournment.

15 CHAIRMAN KEILSON: Well, why don't you just
16 explain what it is you want to do.

17 MR. GOLDMAN: Yes. With the Board's
18 permission, this is an application that's been
19 pending for a really long time with a whole series
20 of different calculations, if you will, and
21 they've made their very best efforts to provide
22 the most succinct collection of calculations, but
23 somehow or another, nevertheless, the Building
24 Department is dissatisfied, and I don't believe at
25 the moment we could have presented a cogent

1 petition to you.

2 Therefore, I'm respectfully asking that the
3 matter be adjourned one more time. I hope to meet
4 with the Building Department and at least collect
5 the numbers and see what we can do. So that when
6 we do come back before this Board -- so with the
7 Board's permission, I'm respectfully asking that
8 the Respler matter be adjourned, but I don't know
9 your next meeting date.

10 MEMBER HENNER: September 12.

11 CHAIRMAN KEILSON: There's nothing in August.

12 (Whereupon, the hearing concluded at 9:20
13 p.m.)
14

15 *****

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

20 Mary Benci

21 MARY BENCI, RPR
22 Court Reporter
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