

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Lawrence Yacht and Country Club
4 101 Causeway Road
5 Lawrence, New York

6 June 4, 2015
7 7:35 p.m.

8 APPLICATION: Sambrowsky
9 194 Harborview North
Lawrence, New York

10 P R E S E N T:

11 MR. LLOYD KEILSON
12 Chairman

13 MR. EDWARD GOTTLIEB
14 Member

15 MR. MARK SCHRECK
16 Member

17 MS. ESTHER WILLIAMS
18 Member

19 MR. DANIEL HILLER
20 Member

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

23 MR. MICHAEL RYDER
24 Building Department

25 Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: All right. Good evening,
2 ladies and gentlemen. Welcome to the Lawrence
3 Board of Zoning Appeals. We ask you to please
4 turn off your cell phones, and please, no
5 conversations. If you need to converse, please
6 step into the hall. We would like to move the
7 process along tonight as quickly as possible.

8 The first matter is that of Sambrowsky of
9 194 Harborview North. Would they or their
10 representative -- are they in the room? We lost
11 them already.

12 MR. GRAY: I don't know where they went.

13 CHAIRMAN KEILSON: We called the matter.
14 Please let her know who you are.

15 MR. SAVALDI: Amiel Savaldi, architect for
16 Mr. and Mrs. Sambrowsky, One Meadow Drive,
17 Woodsburgh, New York.

18 Good afternoon to the Board. We respectfully
19 request that the Board would adjourn, and we would
20 like to reconsider and prepare a scheme, design
21 scheme that would be more agreeable.

22 CHAIRMAN KEILSON: Okay. Any issue for the
23 Board?

24 MEMBER SCHRECK: No, that's fine.

25 CHAIRMAN KEILSON: We'll adjourn. Depending

1 when the plans are submitted we would put it on
2 the next available date.

3 MR. SAVALDI: Thank you.

4 (Whereupon, the hearing concluded at
5 7:37 p.m.)

6 *****

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

10

11

Mary Benci

12

MARY BENCI, RPR
Court Reporter

13

14

15

16

17

18

19

20

21

22

23

24

25

1 INCORPORATED VILLAGE OF LAWRENCE.

2 BOARD OF APPEALS

3 Lawrence Yacht and Country Club
4 101 Causeway Road
5 Lawrence, New York

6 June 4, 2015
7 7:37 p.m.

8 APPLICATION: Wolfson
9 108 Lakeside Drive East
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 MR. MARK SCHRECK
17 Member

18 MS. ESTHER WILLIAMS
19 Member

20 MR. DANIEL HILLER
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Wolfson,
2 108 Lakeside Drive East.

3 MR. CAPOBIANCO: John Capobianco, architect,
4 159 Doughty Boulevard, Inwood, New York.

5 We are here this evening to seek relief of a
6 two-car garage converted to a one-car garage.
7 Actually, it's slightly less than 20 feet in width
8 now, but the house which is at 108 Lakeside Drive
9 has a crawlspace and no basement, and the family
10 really is in the need for a good sized laundry
11 room, and I have to reconfigure the boiler room.
12 But in addition to that is that the boiler would
13 be redone and moved forward to allow for a laundry
14 room in half the garage, and then the other half
15 would remain a one-car garage.

16 MEMBER WILLIAMS: What's the width?

17 MR. CAPOBIANCO: The width is ten-four.
18 Ten-four by 20 foot 6 inches deep. So it has the
19 depth and it has the width. And the property
20 size, which is slightly -- well, it's about
21 1,000 feet over 9,000, but it's in a Res B Zone.
22 If it were a 9,000-foot lot they would permit a
23 one-car garage on that size lot. So we're in an
24 area which is a 9,000 square foot zoned area, but
25 they had already a pre-existing two-car garage.

1 So it's my understanding that if there is a
2 pre-existing two-car garage it has to remain a
3 two-car garage. So we're here to seek relief to
4 convert that two-car garage to a one-car garage to
5 allow for the other, you know, functions that they
6 need at the first floor of the house because they
7 don't have a basement. And that's basically, you
8 know, the application for 108 Lakeside Drive.

9 MEMBER GOTTLIEB: I was going to ask you some
10 questions, John, but can you just repeat what you
11 said about if this was either a new construction
12 or if it was with the current zoning.

13 MR. CAPOBIANCO: Yeah, if it were a lot of
14 9,000 feet or less and it was new construction,
15 they would only require a one-car garage.

16 MEMBER GOTTLIEB: You know your stuff. And
17 the lot size is?

18 MR. CAPOBIANCO: It's 10,000. It's over.

19 MEMBER GOTTLIEB: If it were 9,000.

20 MR. CAPOBIANCO: If it were 9,000. But it's
21 over. That's why we seek relief for the variance.
22 But even if it were less than 9,000 and it already
23 had a two-car garage, it would have to remain a
24 two-car garage. So that's basically our
25 application.

1 CHAIRMAN KEILSON: Good.

2 MEMBER GOTTLIEB: How many children in the
3 house?

4 MR. CAPOBIANCO: They have three, I think.
5 Three, right, yeah.

6 MEMBER SCHRECK: You have a bedroom on this
7 floor and you have an office, and you have a den?

8 MR. CAPOBIANCO: Right.

9 MEMBER SCHRECK: Why do you need to take away
10 from the garage?

11 MR. CAPOBIANCO: Well, because they want to
12 keep the bedroom as a ground-floor bedroom because
13 there's a small second floor. If you look at the
14 second floor on the plan, we just put a second
15 floor master suite upstairs, but they need the
16 ground-floor bedroom, and they need that middle
17 room for an office because they're presently using
18 it for that now. So they really need the extra
19 space.

20 But also, by creating that space in the
21 garage we take away an area where the existing
22 laundry room and existing boiler is now, and we're
23 widening that which is like a bowling alley room
24 to like 14 feet wide to 19, so it's not just, you
25 know, getting a laundry room, it's also achieving

1 a new playroom because that existing playroom was
2 only like 8 by 19. If you see the walls that we
3 show dotted on the plan, we're taking away the
4 existing laundry room and we're taking away the
5 boiler room and we're kind of swinging it into the
6 garage so to make that room a decent sized room
7 off the kitchen. That's really the reason why we
8 did this.

9 MEMBER GOTTLIEB: But on the second floor
10 you've got a four bedroom -- you've got four
11 bedrooms on the second floor.

12 MR. CAPOBIANCO: The second floor we have
13 four bedrooms, correct, and we just dormered the
14 back.

15 MEMBER GOTTLIEB: On the ground floor, as
16 Mr. Schreck mentioned, there's a bedroom, office,
17 den, as well as a traditional dining room, living
18 room, kitchen, breakfast room.

19 MR. CAPOBIANCO: Correct. Well, they never
20 used the two-car garage, you know; if they did,
21 they would put a one car in. And we feel that the
22 need for a two-car garage in this particular case
23 will not be necessary.

24 MEMBER GOTTLIEB: But then everybody would
25 come to us and say we just want to have a one-car

1 garage because we want to have more use.

2 MR. CAPOBIANCO: Well, we have come before
3 this Board to get a two car reduced to one and a
4 half. We've come before the Board to reduce the
5 two car to a one car before, and I think it's --

6 CHAIRMAN KEILSON: I think the Board has
7 taken cognizance of the fact that people are not
8 using their garages for cars, they're using it for
9 storage, so I think we're not unsympathetic to the
10 changes that are being requested. The zoning
11 regulations historically have required the two-car
12 garage, but I think in certainly the discussions
13 for the advancement of the zoning regulations
14 there should be a discussion about changing that
15 particular regulation. So if the Trustees are
16 lagging in terms of legislating changes, I don't
17 think there's anything wrong with the Board with
18 taking an aggressive approach, particularly in the
19 post-Sandy era when we're concerned about
20 encroachments to side yards and the like, so I
21 think the fact that people want to use the garage
22 for storage officially rather than for their cars,
23 I personally have no issue with.

24 MR. CAPOBIANCO: Especially without a
25 basement.

1 CHAIRMAN KEILSON: And especially without a
2 basement.

3 MR. CAPOBIANCO: Right. The other thing is
4 that the existing room they have, which is like
5 7 and a half by 19, is really a difficult room.
6 It's too narrow and long and it's hard to use it
7 for anything.

8 CHAIRMAN KEILSON: I think as long as they
9 commit to not parking in front of Mrs. Williams'
10 house across the street there will be no issue.

11 MR. CAPOBIANCO: We would agree to that.

12 MEMBER GOTTLIEB: How many cars can you fit
13 in the driveway? Can you get four cars in the
14 driveway?

15 MEMBER WILLIAMS: Yeah.

16 MR. CAPOBIANCO: This driveway right now you
17 could fit two cars in the driveway side by side,
18 and --

19 MEMBER GOTTLIEB: Can they be double deep?

20 MR. CAPOBIANCO: Actually, six hundred -- not
21 double deep, because you only have 34 feet to the
22 property line. You would need like 40.

23 MEMBER GOTTLIEB: Does the property line go
24 to the curb or does the property line go --

25 MR. CAPOBIANCO: Well, the property line in

1 this case does go out about -- it's about 20 feet
2 back from the curb. There is a huge foreground on
3 this particular Lakeside Drive area.

4 MEMBER GOTTLIEB: So then you can fit the
5 cars in?

6 MR. CAPOBIANCO: They could fit cars.

7 MEMBER GOTTLIEB: And it would be
8 comfortable?

9 MR. CAPOBIANCO: Yes. From the curb to the
10 house you'd have over 50 feet.

11 CHAIRMAN KEILSON: Any further questions of
12 the Board?

13 (No response.)

14 CHAIRMAN KEILSON: Any comments from the
15 audience? Anybody want to comment?

16 (No response.)

17 CHAIRMAN KEILSON: If not, in evaluating the
18 benefit to the applicant as opposed to any
19 detriment to the neighborhood, the neighbors and
20 the like, and employing the statutory criteria,
21 we'll now go for a vote.

22 Mr. Schreck.

23 MEMBER SCHRECK: Because there is no
24 basement, I'm going to vote for.

25 CHAIRMAN KEILSON: Mr. Gottlieb.

1 MEMBER GOTTLIEB: Because of the no storage
2 capability, I will vote for this in this case.

3 CHAIRMAN KEILSON: Mrs. Williams.

4 MEMBER WILLIAMS: I hope they will be nice
5 neighbors. For.

6 CHAIRMAN KEILSON: All right. Is that a
7 provision?

8 MEMBER WILLIAMS: For, yes.

9 CHAIRMAN KEILSON: Mr. Hiller.

10 MEMBER HILLER: Without any provisions, for.

11 CHAIRMAN KEILSON: And the Chair votes for.

12 MR. CAPOBIANCO: Thank you.

13 CHAIRMAN KEILSON: And I think it's already
14 under construction, is it not?

15 MR. CAPOBIANCO: Well, the first part of this
16 is under construction now, and they will continue
17 with that and do the garage.

18 CHAIRMAN KEILSON: Okay, thank you.

19 MR. CAPOBIANCO: Thank you very much.

20 MR. RYDER: Mr. Chairman, the Board of
21 Building Design is not -- I don't think it's
22 necessary.

23 MR. CAPOBIANCO: All right.

24 CHAIRMAN KEILSON: We won't tell them.

25 MR. CAPOBIANCO: Okay, thank you.

1 (Whereupon, the hearing concluded at
2 7:45 p.m.)

3 *****

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

7

8

Mary Benci

9

MARY BENCI, RPR
Court Reporter

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Lawrence Yacht and Country Club
4 101 Causeway Road
5 Lawrence, New York

6 June 4, 2015
7 7:45 p.m.

8 APPLICATION: Wolfson
9 103 Lakeside Drive East
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 MR. MARK SCHRECK
17 Member

18 MS. ESTHER WILLIAMS
19 Member

20 MR. DANIEL HILLER GANZ
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Wolfson,
2 103 Lakeside Drive East.

3 MR. HOPKINS: Good evening to everybody.
4 Good evening, Mr. Chairman. Michael Hopkins, from
5 the firm of Hopkins & Kopilow. We are the
6 attorneys for the Wolfsons on this particular
7 application.

8 This particular application is on the same
9 road; it's 103 Lakeside Drive East. It is a
10 substandard lot. If the appropriate size for a
11 standard lot in that particular location in this
12 particular Zone B would be 9,000 feet, this
13 particular lot comes in at 7,507.44. That
14 particular lot would tolerate building coverage of
15 2,175.8, and a maximum surface coverage of 3,442
16 feet.

17 Now, I'd like to point out something,
18 Mr. Chairman, that was picked up before on the
19 other parcel. In this particular house, as
20 depicted on the proposed -- what's called the
21 proposed plot plan, much like the other house, the
22 property line is set somewhat back from the actual
23 street itself. That's both to the front of the
24 property, and to the rear there's actually a
25 school. So there is no residential neighbor as a

1 practical proposition to the rear of the
2 particular property in question. The petitioners
3 propose to remove the existing dwelling and
4 replace it with a two-story framed dwelling. As a
5 consequence of that there are several variances
6 that are going to be triggered.

7 First, this has to do with building coverage.
8 And in this particular case because it's a
9 relatively narrow lot, it is fairly substantially
10 substandard, we are asking for 2,219.31 square
11 feet, and as a practical proposition that's less
12 than 44 square feet over that which is permitted
13 by code, approximately two percent in excess of
14 permitted building coverage. Again, this is a
15 substandard lot. We point out, however, that in
16 terms of overall surface coverage we would still
17 continue to be well within the applicable surface
18 coverage.

19 CHAIRMAN KEILSON: On building coverage
20 you're de minimis, and on surface coverage there's
21 no request, right?

22 MR. HOPKINS: That is correct on both scores.

23 CHAIRMAN KEILSON: Okay.

24 MR. HOPKINS: Let me also point out,
25 Mr. Chairman, that this particular parcel has a

1 setback issue that's being triggered as a result
2 as well. Minimum setback in this particular zone
3 is 15 feet, if my memory serves me correctly, on
4 each side, and what is being proposed is 10 feet
5 on each side. I point out that the proposed
6 setback of 10 feet is in excess of that which
7 currently exists, and that can be confirmed by
8 Mr. Capobianco.

9 CHAIRMAN KEILSON: What currently exists?

10 MR. HOPKINS: It's about six -- in the
11 aggregate it's 16.5 feet. I think it's 7 feet on
12 one side and approximately 9.5 feet on the other
13 side, Mr. Chairman.

14 MEMBER GOTTLIEB: While we're discussing
15 what's there now, what's the height of the
16 existing structure of exactly where the 6- and
17 7-foot side yards are?

18 MR. HOPKINS: John, you know better than I.

19 MR. CAPOBIANCO: The height is approximately
20 one and a half story, so it would be about 20 feet
21 to the ridge, versus like 30.

22 MEMBER GOTTLIEB: And the reason why I
23 mention that is height ratio setbacks.

24 MR. HOPKINS: Yes, I'm going to get to that,
25 Mr. Gottlieb. That becomes an issue. Most

1 assuredly, again, this is a house that there is
2 not going to be a full basement. This is a house
3 that was damaged during the course of Hurricane
4 Sandy. We have FEMA requirements that we're going
5 to have to comply with as well.

6 I want to point out an error made in my
7 petition, however, at paragraph 5A3. I talk
8 about minimum side-yard setback being 30 feet in
9 the aggregate. I'm sorry, front yard, front yard,
10 I apologize. And I say it's 26.17 feet. In fact
11 it's 26.27 feet. It's slightly more than I have
12 listed. But I would point out to everybody here
13 that that pertains only to a very small portion of
14 the front of the property, as a practical
15 proposition, at the entranceway. That as a
16 consequence is not something that's going to be
17 carried across the entire width of the property.

18 CHAIRMAN KEILSON: What portion is it?

19 MR. HOPKINS: It's approximately 10 feet
20 overall, and that would leave -- everything else
21 will be well within code, as a practical
22 proposition.

23 CHAIRMAN KEILSON: John, 10 feet is how much?

24 MR. CAPOBIANCO: Yeah, if you look at the
25 floor plan on sheet A1 you can see that the porch

1 that projects out to the front is approximately 4
2 feet from the house which has the 31-foot setback.
3 It's just a front porch with an overhang that
4 would be encroaching into the 30 feet of the
5 26.27.

6 CHAIRMAN KEILSON: And the balance of it?

7 MR. HOPKINS: The balance of it is in code
8 compliance.

9 MEMBER GOTTLIEB: And the existing -- I'm
10 sorry. Just to compare it, the existing, the
11 house is predominantly 40 feet set back except for
12 the 15 foot one-story brick portion in the front?

13 MR. HOPKINS: You're talking about the
14 existing structure.

15 MEMBER GOTTLIEB: Existing by comparison.

16 MR. CAPOBIANCO: The existing structure is
17 also 31.27 to the front. You can see it on the
18 site plan, it shows the dotted line which
19 represents the existing structure at the furthest
20 point closest to the property line.

21 MEMBER GOTTLIEB: With the majority of it
22 being 40 feet?

23 MR. HOPKINS: With the majority of it being
24 40, that's correct.

25 MR. CAPOBIANCO: That's correct.

1 MEMBER GOTTLIEB: So pretty much moving the
2 house about 13 feet closer.

3 MR. HOPKINS: That is correct, Mr. Gottlieb.

4 I'd also point out that the minimum aggregate
5 side-yard setback is supposed to be 30 feet in
6 this zone, 20 is requested, and the existing house
7 currently has 16.5 feet.

8 Now, to your issue with regard to the
9 height/setback ratios. Again, as a consequence of
10 this being a relatively narrow parcel, that is,
11 72 feet versus presumably it would be 90 by 100,
12 let's say, by providing the setbacks that we're
13 discussing it increases the height/setback ratios,
14 Mr. Gottlieb, as a practical proposition. 1.9 is
15 proposed on each side in order to maintain the
16 architectural integrity of the house, whereas 1.5
17 is required by code, as a practical proposition.

18 In terms of the family, the family, forgive
19 me, is a young man who is here today, recently
20 married. Both the husband and wife come from
21 large families. They anticipate also to have a
22 large family, hence --

23 CHAIRMAN KEILSON: Is that genetic?

24 MR. HOPKINS: I say that because this is a
25 common presentation, as we all know.

1 MEMBER GOTTLIEB: The presentation is
2 typically we have a large family, not we
3 anticipate.

4 MR. HOPKINS: Well, you're absolutely right.

5 Again, it's a narrow parcel, so what we are
6 trying to do is to accommodate it so that the
7 family does not have to go looking in the future.
8 They love this area, they will remain in the area
9 for a long time. I do point out --

10 MR. CAPOBIANCO: I just want to mention that
11 the height/setback ratio on the both sides we had
12 designed a hip roof, not a gable end roof, which
13 brings the highest point that falls within the
14 height/setback ratio to about 21 feet to that
15 point. We have 2 foot 10 to the floor.

16 MR. HOPKINS: Can you repeat that, John.

17 MR. CAPOBIANCO: Yes. The height of the both
18 side yards would be about 21 -- would be 21 foot 2
19 inches high at the highest point that would
20 encroach into the height/setback ratio. So we
21 created a hip roof design rather than gable end to
22 make the encroachment less.

23 MR. HOPKINS: Right. And also, the
24 appearance of bulk is mitigated as a consequence
25 of that particular movement as well.

1 I bring to the attention of the Board that
2 due to FEMA regulations this property is in a
3 floodplain, and the new house will not have a full
4 basement.

5 Again, I was pointing out to the rear of the
6 property there's a school. And I personally spoke
7 to the neighbor as one faces the house to the
8 left, a retired gentleman, I think his vocation
9 now is to be a potter or something having to do
10 with artistry, I spoke to him about it at length,
11 and he was content with that which was being
12 discussed here.

13 SPEAKER: We're here.

14 MR. HOPKINS: Oh, were you the gentleman I
15 saw?

16 SPEAKER: Sculptor, not a potter.

17 MR. HOPKINS: I apologize.

18 CHAIRMAN KEILSON: Move on.

19 MR. HOPKINS: We submit that weighing the
20 factors as articulated in 7-71-2b that the benefit
21 to the applicants in this particular case will
22 outweigh any detriment, and truthfully,
23 Mr. Chairman, we don't see any to the
24 neighborhood, and we would respectfully request
25 that the relief be granted in all respects.

1 CHAIRMAN KEILSON: You know, the issue of
2 that which you have to overcome is the question of
3 when we grant variances we generally will grant
4 the minimum variance necessary. So I guess we
5 have to go back to Mr. Gottlieb's question
6 regarding the size of the family and, therefore,
7 the impact that it has in terms of the size of the
8 house.

9 MR. HOPKINS: Well, the house has been
10 envisioned anticipating a larger family. This
11 is --

12 CHAIRMAN KEILSON: We generally don't give
13 variances based on the vision.

14 MR. HOPKINS: On the vision, I understand
15 completely, but that's also a reality. Let's be
16 blunt and let's be candid. This house is built
17 for this young couple to occupy that house and to
18 remain in that house for many years to come.
19 Anticipating, admittedly so, a large family.

20 Having said that, that's -- I would submit
21 that and I would hope Mr. Capobianco would agree
22 that the height/setback ratio is really
23 de minimis. The bulk issue has hopefully been
24 reduced by that which is being proposed.

25 MR. HOPKINS: John, stand up.

1 MR. CAPOBIANCO: I think the issue here
2 really is that, you know, when this Village
3 decided to have a new zoning ordinance written or
4 schedule of zoning written, that that schedule was
5 wise to take into account the smaller lot sizes.
6 And when you're stuck with a zone that has a
7 minimum lot size of 9,000 square feet, and I
8 understand that if the lot was 9,000 square feet
9 you can adhere to the requirements that fall in
10 that B Zone, and make those setbacks work, but
11 when you have a substandard lot size in that zone
12 that's why the schedule I thought was smart in the
13 way they kicked in what their figures and their
14 values and it made a lot of sense because, you
15 know, a 7,000 or 7,200 square foot lot in a 9,000-
16 foot zone is really it's a hardship for them to
17 design a house meeting those 9,000 square foot
18 zoning criterias. But when you look at the
19 schedule, they have criterias like 7 feet required
20 side yard and 9 feet. If you go back and what we
21 like to do a lot of times is we compare the code,
22 and I know that this Village takes whichever code
23 is more stringent, which in many ways is good and
24 in many ways is not so good, because it kind of
25 defies the concept of why they created a new

1 zoning schedule to begin with. So that when you
2 look at the schedule your side yard would only
3 need 16-foot side aggregate, which would be like a
4 minimum seven, so you would only need seven and
5 nine, which would work, and the height/setback
6 ratio would certainly comply when you have those
7 setbacks in the schedule, under the schedule.
8 Because the schedule would require a
9 height/setback ratio on the side of like 0.88 and,
10 you know, so when you're looking at it in that
11 respect it's almost kind of very difficult to
12 design a decent house on this property because of
13 the size of the lot.

14 MEMBER GOTTLIEB: You can design a very
15 decent, smaller house.

16 MR. CAPOBIANCO: Well, it would be smaller,
17 but you know, the idea is that, you know, you have
18 growing families. You're in an area where every
19 house in this town or Village has six bedrooms,
20 five bedrooms.

21 MEMBER GOTTLIEB: But not all on 7,000-foot
22 lots. You can't stretch the lots, and you're
23 trying to stretch the house to have the house that
24 you want on a 9,000-foot lot on a 7,000-foot lot.

25 MR. CAPOBIANCO: Right, I understand that.

1 MEMBER GOTTLIEB: -- and my concern is that
2 and the reason why we have the height/setback
3 ratio is not just to throw another number at you,
4 but it's because it controls the amount of bulk.

5 MR. CAPOBIANCO: Well, you know, when FEMA
6 came into play, and this is a flood zone area,
7 FEMA has certain restrictions, and the Village
8 adheres to them that if a house was, let's say,
9 destroyed more than 50 percent or I have to
10 renovate more than 50 percent then I have to
11 follow the guidelines of FEMA, and I have to
12 follow the guidelines of the new zoning ordinance
13 on top of that. So I couldn't even renovate that
14 existing house if I left it standing because it's
15 really not a big house. It's a very small, very
16 small house. But the way the new code was
17 structured based on a 7,000 or a 7,200 square foot
18 lot, you could actually build this house without a
19 variance. That's why I'm really confused of the
20 two codes and how they work in the Village, but I
21 understand you pick the more stringent of the
22 other one, that you use those numbers, but when
23 you use those numbers it's impossible to design a
24 house that would fit the owners' needs or the
25 future needs of their, you know, family.

1 MR. HOPKINS: Any other questions?

2 MEMBER GOTTLIEB: I'll let someone else ask a
3 question.

4 MR. HOPKINS: If I could reinforce for a
5 second, obviously, yes, John, they tried to
6 integrate it in, but you take the more stringent,
7 and it's ironic that you're putting a placement on
8 it as a practical proposition, but I would again
9 submit, Mr. Gottlieb, just so that we're clear now
10 we're referring to the Wolfson residence, this is
11 plan A1.

12 MR. CAPOBIANCO: I'd like to take you through
13 the floor plan, if I may.

14 CHAIRMAN KEILSON: Why don't you do that.

15 MR. CAPOBIANCO: The front porch, as I said
16 before, it's a slight encroachment. It's a
17 covered porch. You enter into a foyer. The
18 foyer, you know, is a standard foyer which in a
19 center hall, and this is not center hall because
20 you don't have the width to make it a center hall,
21 but we went with a one-car garage because a lot on
22 9,000 feet you're allowed to have a one-car
23 garage. We have a small library area. You come
24 in you have a powder room. Bear in mind this is
25 the only floor, there's no basement, and then you

1 have a breakfast room, kitchen, a family room,
2 dining room and living room.

3 So when you're looking at the rooms there's
4 not that many rooms on the first floor. They just
5 happen to be decent sized rooms so that you can
6 fit a future large family around the table, and it
7 will avoid, you know, if you did a small house,
8 sure enough they would move in and come back and
9 ask for variances later. And I understand that's
10 a process that it can happen. But when you look
11 at the first floor, there's not really that much
12 to it.

13 And then when you go to the second floor on
14 page A2, you can see the second floor has a master
15 bedroom area, suite area, and it has two small
16 bedrooms in the front, which I consider small
17 based on today's standards, and two better sized
18 bedrooms in the rear. So you have four bedrooms
19 and a master, and really an upper area that's over
20 the entrance because every -- we didn't do a
21 two-story entrance because you need every bit of
22 space you can get, but that upper area is like an
23 area for a study hall, a lounge or possibly a
24 future bedroom.

25 MR. HOPKINS: And I would submit also there's

1 really nothing grandiose on either of the floors
2 that's being proposed in this particular project.
3 It's just the reality of having to deal with a
4 parcel that's narrow at the waist, no matter how
5 you slice it, and that in fact aggravates the
6 issue of the side-yard setback ratios, but it's
7 certainly not grandiose.

8 CHAIRMAN KEILSON: There's not much to be
9 grandiose on a 7,000 square foot lot.

10 MR. HOPKINS: No, there can't be by
11 definition, and yet at the same time you're
12 trying, as John said, you're trying to create a
13 house in such a fashion that either of two things
14 happen. Either (A), they don't come back in front
15 of this Board in two or three years and say that
16 they need it because twins are coming or triplets
17 are coming, or as a practical proposition they are
18 being compelled to move.

19 CHAIRMAN KEILSON: Are you pressing it?

20 MR. HOPKINS: No, I don't know, I don't know.

21 MR. CAPOBIANCO: The other thing is we're
22 only 44 square feet over the allowable building
23 coverage.

24 CHAIRMAN KEILSON: Well, the building
25 coverage is obviously de minimis.

1 MR. CAPOBIANCO: I'm just saying, even if you
2 had met the building coverage on this size
3 property you would violate the rear yard and front
4 yard because you couldn't fit a house on this
5 property, hold the front yard and rear yard with
6 what you're required to have and still hold
7 15-foot side yards on each side. The house could
8 never even -- it would never even make 2,000
9 square feet. That's why we had to go for a wider
10 house.

11 CHAIRMAN KEILSON: All right. Do we have
12 anyone who wants to speak to the matter from the
13 audience, any neighbors? Please step forward.
14 Please step forward and identify yourself for the
15 record.

16 MR. DEANER: Ken Deaner, 104 Lakeside Drive
17 East, the next-door neighbor. We've lived next to
18 an empty house for more than two years. We have
19 the opportunity now to have a beautiful house
20 next-door to us. We have no objections to what
21 they're trying to do. I've been to visit your
22 offices. I've looked at the plans, and I see no
23 reason why they shouldn't be given the opportunity
24 to build the house. I don't want to see it go for
25 another two years as an empty house that nobody

1 can move into, and from what I understand because
2 of the flood damage that was done it can't be
3 built or reconstructed. So we would like to see,
4 though we don't want the noise for the year, we'd
5 rather have the noise for the year and have a
6 house built than have an empty house for another
7 two years.

8 MEMBER SCHRECK: Mr. Deaner, you're not
9 concerned about the bulk of the front of the house
10 coming forward?

11 MR. DEANER: The way the lake curves we don't
12 even see the house next-door to us, except when we
13 go outside and actually walk and look at it. So
14 if it comes forward six or seven feet, the way the
15 property bends it doesn't affect us. It affects
16 more their next-door neighbors who are their
17 relatives at 108, and that's the grandmother and
18 they all live on the block. So nobody is going to
19 object to this. So I don't see any reason why it
20 shouldn't go through.

21 CHAIRMAN KEILSON: Thank you very much, we
22 appreciate it. A refreshing report, thank you.

23 Any further comments from the Board?

24 MEMBER GOTTLIEB: Question off the record,
25 Mr. Chairman?

1 CHAIRMAN KEILSON: Certainly.

2 (Whereupon, a discussion was held off the
3 record.)

4 CHAIRMAN KEILSON: Okay. So we'll employ the
5 balancing test of the benefit to the applicant as
6 against any detriment to the community and to the
7 neighbors, and using the statutory criteria as to
8 whether an undesirable change will be produced in
9 the character of the neighborhood or nearby
10 properties, and can the benefit sought by the
11 applicant be achieved by some method other than a
12 variance, I think it's been a compelling
13 presentation that in light of the size of the lot
14 it's fully understandable from Mr. John
15 Capobianco's presentation, I think, when you
16 balance the criteria which I'll not burden you
17 with, so we'll vote at this point, starting with
18 Mr. Hiller.

19 MEMBER HILLER: For.

20 CHAIRMAN KEILSON: Mrs. Williams, the
21 neighbor.

22 MEMBER WILLIAMS: For.

23 CHAIRMAN KEILSON: Mr. Gottlieb.

24 MEMBER GOTTLIEB: For.

25 CHAIRMAN KEILSON: Mr. Schreck.

1 MEMBER SCHRECK: For.

2 CHAIRMAN KEILSON: And I will vote for as
3 well. We'll give you what, two years?

4 MR. CAPOBIANCO: Two years will be fine,
5 yeah.

6 CHAIRMAN KEILSON: Board of Building Design,
7 sir?

8 MR. RYDER: Yes, sir.

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

10 CHAIRMAN KEILSON: Thank you very much.

11 MR. GRAY: Mr. Chairman, we've never on the
12 record indicated about the appropriate posting and
13 publishing for the evening.

14 CHAIRMAN KEILSON: Okay. I'll just go
15 through it. I thought I had.

16 MR. GRAY: I think you had asked me off the
17 record.

18 CHAIRMAN KEILSON: If I omitted asking for
19 the proof of posting, Mr. Ryder, do we have proof
20 posting?

21 MR. RYDER: Yes, there was, Mr. Chairman. I
22 offer proof of posting.

23 (Whereupon, the hearing concluded at
24 8:07 p.m.)

25 *****

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

7 MARY BENCI, RPR
8 Court Reporter
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Lawrence Yacht and Country Club
4 101 Causeway Road
5 Lawrence, New York

6 June 4, 2015
7 8:07 p.m.

8 APPLICATION: Mesivta Ateres Yaakov of Greater
9 Long Island
10 131 Washington Avenue
11 Lawrence, New York

12 P R E S E N T:

13 MR. LLOYD KEILSON
14 Chairman

15 MR. EDWARD GOTTLIEB
16 Member

17 MR. MARK SCHRECK
18 Member

19 MS. ESTHER WILLIAMS
20 Member

21 MR. DANIEL HILLER
22 Member

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

25 MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter on the
2 agenda is the Mesivta Ateres Yaakov of Greater
3 Long Island at 131 Washington Avenue. Would they
4 or their representative please step forward.

5 Oh, Mr. Hopkins, good evening, I didn't know
6 you were here.

7 MR. HOPKINS: Michael Hopkins, Hopkins &
8 Kopilow, attorney for -- I'm going to refer to it
9 throughout my presentation as MAY, just to make it
10 a little bit easier for me.

11 CHAIRMAN KEILSON: You may refer to it as
12 MAY.

13 MR. HOPKINS: Thank you.

14 Mr. Chairman and members of the Board, before
15 I begin with the formal presentation, let me just
16 introduce who is going to be testifying here on
17 behalf of this particular application tonight.

18 CHAIRMAN KEILSON: The cast of characters.

19 MR. HOPKINS: As it were.

20 The first, of course, is the eminent
21 Mr. John Capobianco, the architect. John can
22 answer any technical questions that you may have
23 with regard to the design, issues with regard to
24 the classrooms and things of that nature.

25 The second person who will be testifying here

1 this evening is Mr. Adams, from the office of
2 Mr. Capobianco. Forgive me, Charles was involved
3 in the preparation and submittal to the Building
4 Department of the shadow studies that were
5 performed, as well as the streetscape that was
6 performed. And I think you're going to hear from
7 his testimony that in terms of the shadow studies
8 that were performed there's no negative impact to
9 discuss, and in terms of the --

10 CHAIRMAN KEILSON: Why don't we wait until we
11 hear from him. Don't preempt him, otherwise you
12 won't need him.

13 MR. HOPKINS: I wouldn't dream of preempting
14 him. He's also going to address an issue towards
15 the rear of the proposed improvement of the
16 setback, which is actually going to be more
17 generous than that which exists at the present
18 time.

19 Also presented here tonight is
20 Mr. Bob Eschbacher who has testified before this
21 Board before. He has conducted a traffic study,
22 and I think you're going to hear testimony to the
23 effect that that which is being proposed will in
24 fact mitigate some of the traffic issues,
25 particularly on Mulry Avenue, as a practical

1 proposition.

2 SPEAKER: Mulry Lane.

3 MR. HOPKINS: Mulry Lane, I apologize.

4 Next we have Mr. Barry Nelson, who is a
5 real-estate expert and who will also testify.

6 If you have any questions, Mr. Chairman, that
7 the school should answer, we have Mr. Mark Gold
8 here on behalf of MAY, and he will answer any
9 factual questions that you may have.

10 CHAIRMAN KEILSON: What position does he hold
11 in the school?

12 MR. HOPKINS: He's president, if my memory
13 serves me correctly, president of the school, all
14 right, sir?

15 CHAIRMAN KEILSON: Very good.

16 MR. HOPKINS: And also just, technically,
17 much of this has been submitted as part of the
18 application process. So can we make sure that the
19 Building Department file as well as the Zoning
20 Board of Appeals file on this application is being
21 part of this record, as a practical proposition,
22 because I'm concerned, Mr. Chairman, I may omit
23 identifying a particular document that's being
24 referred to, but these have all been submitted
25 previously, as well as the report of

1 Mr. Eschbacher.

2 CHAIRMAN KEILSON: Fine. They've been
3 submitted, they've been accepted, they've been
4 read. We're a hot Board, so move along.

5 CHAIRMAN KEILSON: They have indeed,
6 absolutely. May I sit down or is that going to be
7 rude?

8 CHAIRMAN KEILSON: Sorry?

9 MR. HOPKINS: May I sit down or is that going
10 to be rude?

11 CHAIRMAN KEILSON: No, by all means.

12 MR. HOPKINS: I appreciate it.

13 My petition, as you know, talks about this
14 particular property, the school having been at
15 this campus at the intersection of Mulry and
16 Washington since approximately 2010. It's
17 primarily, as we know, in the western side in an
18 existing K Zone, that's a business zone, and the
19 easterly side where a good portion of the proposed
20 one-story gymnasium is going to go is a Residence
21 F Zone, and that's primarily backed by Mulry.

22 The proposed improvement is going to be brick
23 structure. It is depicted in the -- let's call it
24 the photo or the drawing, and it's entitled North
25 West Side, done by Mr. Capobianco. The proposed

1 gymnasium is going to be under 9,000 square feet,
2 as a practical proposition. And the design is to
3 attach it to the existing structure which is where
4 the classes are held.

5 I know that one of the major issues that
6 we're going to have to deal with here as a
7 practical proposition are the issue of traffic,
8 and it is a major issue. I'm going to submit
9 before I go much farther that as a practical
10 proposition that which exists today even without
11 that which for which we seek relief if the relief
12 is not granted it will just continue. As I'm sure
13 the Board is aware, we have a design feature in
14 here and that's depicted on the -- what plan would
15 that be described as, John?

16 MR. CAPOBIANCO: That's the site plan N1.

17 MR. HOPKINS: On site plan N1 what we're
18 proposing to do, which we think is critically
19 important with the traffic movement and the ease
20 of traffic moving, is we're going to have a lane
21 that will come onto the property and on that lane
22 will be the buses and the vans that would
23 ordinarily be on Mulry, and they will come off of
24 Mulry, freeing up Mulry, discharge and/or pick up
25 the kids on the subject property, and then exit

1 back onto Mulry, as a practical proposition.

2 MEMBER GOTTLIEB: Mr. Hopkins, do you mind if
3 I ask you questions as we progress?

4 MR. HOPKINS: Of course not.

5 MEMBER GOTTLIEB: How many buses do you
6 propose could fit in the lane that's proposed?

7 MR. HOPKINS: It is anticipated approximately
8 three. Now, don't forget, there are buses and
9 vans and so the dimensions vary. But if you take
10 a look at the plan that Mr. Capobianco just
11 referred to, it's anticipated that we could get
12 three buses in there theoretically at the same
13 time. Again, these are buses, Mr. Gottlieb, that
14 would otherwise be out on Mulry as a practical
15 proposition, discharging the kids. So even though
16 it's not all the buses at one time, it's certainly
17 going to be a tremendous benefit as compared to
18 what exists there at the present time.

19 The school population is reflected in my
20 petition. The typical school day is Sunday
21 through Friday, roughly 7:55 a.m. in the morning.
22 It does vary in the afternoon from 1:00 on Sunday,
23 mostly 6:10 Monday, Tuesday, Wednesday, et cetera.
24 There is administrative faculty that is there all
25 day. That's also listed in the paperwork; I will

1 not repeat it. I point out that there are
2 approximately eight buses and/or vans that deliver
3 the children to the subject site, and the buses
4 arrive not en masse, but generally between 7:30
5 and 7:50, as a practical proposition, because
6 they're coming from Lawrence, West Hempstead,
7 Queens, et cetera, so they're arriving at
8 different times also, as a practical proposition.

9 That's in the morning, as a practical
10 proposition, and the afternoon the buses are
11 coming in at roughly five to ten minutes before
12 the end of the school day.

13 I'm sure everybody is familiar with RLUIPA.
14 RLUIPA is the Religious Land Use and
15 Institutionalized Person's Act, and this is a
16 religious school. This is part of the religious
17 plan that MAY has for its students. It is the
18 intention to maintain the student population as it
19 exists today. That's also reflected in the
20 application. Admittedly, it varies up and down a
21 little bit, as a practical proposition, but
22 there's no plan to expand in any sense of the
23 word.

24 The main problem with the school is that it
25 lacks the gymnasium. The children have to have

1 phys ed as required, as I understand it, by the
2 education law of the State of New York. Phys ed
3 can be delivered and is delivered at a remote
4 site, as a practical proposition. That remote
5 site means that when they go for the phys ed
6 vehicles have to come and pick the children up,
7 take them, come back and drop them off. So by
8 having this gymnasium the phys ed will be
9 conducted, as a practical proposition, on the
10 subject site.

11 There are public events, because that's
12 become a topic of conversation as well, and
13 Mr. Gold can get into it more deeply. I just
14 wanted to give an overview, as a practical
15 proposition. But those events, again, as a
16 practical proposition, tend to be at times on days
17 of the week that should not be competing with that
18 which is there at the present time.

19 With your permission, Mr. Chairman, I also
20 have here, before I get more deeply into this
21 presentation, eleven letters from various
22 businesses, mostly admittedly on Central Avenue,
23 but several from Washington Avenue, endorsing that
24 which is being proposed, and I think there may
25 have been an additional one which I don't have

Mesivta Ateres Yaakov - 6/4/15

1 which we will be submitting. I would like to
2 offer these at the present time as an exhibit on
3 behalf of the applicant, if I may.

4 MEMBER SCHRECK: Do you have any letters from
5 homeowners on Mulry?

6 MR. HOPKINS: No, sir, no.

7 MEMBER GOTTLIEB: We thought maybe you had a
8 second packet.

9 MR. HOPKINS: I do not.

10 MEMBER SCHRECK: Okay.

11 MEMBER GOTTLIEB: Can you back up for a
12 second and just explain why a gymnasium falls
13 under RLUIPA since you already have the --

14 MR. HOPKINS: Well, that's -- that's --
15 Mr. Gottlieb, the law, in my opinion, is very
16 clear in that regard, that under RLUIPA that which
17 qualifies as a religious need is extremely broad.
18 I could go through the litany of activities that
19 would fit within RLUIPA, and it's very, very
20 broad. I can also, and will if you want me to,
21 give you citations if you want me to supplement
22 it, Mr. Chairman.

23 CHAIRMAN KEILSON: Yes.

24 MR. HOPKINS: I could assure you that under
25 RLUIPA that this is considered to be a religious

1 need because this is going to be limited to the
2 students of the school, as a practical
3 proposition.

4 Also, I would like to point out that --
5 MEMBER WILLIAMS: I have one question on
6 that.

7 MR. HOPKINS: Yes, ma'am.

8 MEMBER WILLIAMS: That means that if they
9 play, they won't have evening games when one
10 school will be playing another school on their
11 property?

12 MR. HOPKINS: Oh, yes, and that will be
13 addressed by Mr. Gold in some greater detail, but
14 I think I also reflect in the petition that this
15 is primarily with other religious institutions, as
16 a practical proposition, but even if it weren't,
17 if there were public high schools coming it would
18 not strip this from its designation as a religious
19 use, and I would like to emphasize that.

20 What is being proposed, again, just an
21 overview, the experts will testify in greater
22 detail, is to provide parking on the improvement,
23 and I believe it's -- how much is it, John, 14
24 feet?

25 MR. CAPOBIANCO: Fourteen.

1 MR. HOPKINS: Fourteen or so.

2 It would also anticipate that we would use
3 the lane that's intended for the pickup and
4 discharge of students by buses on the property,
5 that that would also be used, as a practical
6 proposition, to house some parking. And then we
7 do have a remote location, I think it's -- John,
8 correct me if I'm wrong -- the old republican
9 headquarters a few blocks away where there are six
10 sites, if my memory serves me correctly, six
11 parking spaces. So we are providing --

12 CHAIRMAN KEILSON: I'm sorry, currently six
13 spaces?

14 MR. HOPKINS: John, are there six spaces?

15 MR. CAPOBIANCO: I think currently I think
16 there are four or five.

17 MR. HOPKINS: Maybe we can squeeze another
18 couple more there. Hold on, please. You can
19 correct us when we're done. Just give me a
20 fraction of a second, Mr. Chairman, if you would
21 be kind enough.

22 I want to point out a couple of other things
23 as well, and the experts will get into it in
24 detail. Could we also -- and I would assume,
25 Mr. Chairman, as part of the record it's going to

1 be Resolution 1004-15 from the Nassau County
2 Planning Commission. I went over and reviewed the
3 paperwork that was submitted by the Village to the
4 Nassau County Planning Commission. That is
5 required under Nassau County administrative code
6 and county government and law, I believe it's
7 1610, that since it's county roads and it's within
8 X number feet, et cetera, et cetera, off it goes
9 to the county for review. They, of course, have
10 traffic engineers on staff to take a look at it.

11 I actually had one or two other matters on
12 that resolution as well because it carries
13 multiple sites but in different jurisdictions. My
14 personal experience, Mr. Eschbacher can tell you
15 what his experience is with the Nassau County
16 Planning Commission, with their roads they are
17 very aggressive in making sure that no problems
18 are being created by the contemplated improvement.
19 My experience is that if the county felt that this
20 was going to be aggravating situations or creating
21 a new situation that was hazardous in any manner,
22 shape or form, there would have been at the very
23 least comments coming back from the county. And
24 as you know, Mr. Chairman, under the resolution
25 there are no comments. It was referred back to

1 this Board for local determination. That means,
2 as a practical proposition, that the county did
3 not envision anything inappropriate with that
4 which is being discussed or, again, from my
5 experience they would have said it very clearly;
6 and had they, had they, then as a practical
7 proposition, if the relief were to be granted you
8 would have to grant it by a super majority rather
9 than by a regular majority. That's the control
10 that the county has, and I'd like to bring that to
11 your attention as well.

12 CHAIRMAN KEILSON: I think for the record I'm
13 not sure I jumped to the same conclusion that
14 you're --

15 MR. HOPKINS: Fair enough, fair enough.

16 CHAIRMAN KEILSON: Please don't interrupt me.

17 MR. HOPKINS: I apologize.

18 CHAIRMAN KEILSON: In light of the fact the
19 county doesn't live here and we who live here know
20 what the issues are in terms of Mulry and
21 Washington, and I think we're cognizant and we can
22 address that more clearly. So again, I wouldn't
23 make any dispositive comments about whether the
24 Nassau County Planning Commission, you know,
25 either did or did not make a comment on it. They

1 handed it back to us to make the determination, so
2 let's proceed.

3 MR. HOPKINS: They did, indeed. I was merely
4 reciting what my experience has been with the
5 Nassau County Planning Commission.

6 CHAIRMAN KEILSON: I know, I know, I know.

7 MR. HOPKINS: It is submitted -- it is
8 submitted that that which is being proposed is
9 going to be an improvement particularly in the
10 context of traffic and traffic movement. Now,
11 that's simply the overview at this particular
12 time. What I'd like to do now with your
13 permission, Mr. Chairman, is I'll have
14 Mr. Capobianco go first. He's the architect, as
15 you know, for the project. He can explain what
16 was done, why it was done, and then if there are
17 any technical questions with regard to the
18 project, he certainly could answer them, I hope.

19 CHAIRMAN KEILSON: Good.

20 MR. CAPOBIANCO: Thank you. I have, you
21 know, a site plan here I want to just quickly
22 review with you. The building that we're
23 proposing, which is not a rectangular block or a
24 square building, it has some ins and outs and
25 angles to it which make it a fairly interesting

1 architectural result, which I'll explain to you
2 when I show you the renderings.

3 But basically, we tried to design the
4 building with a gym of approximately 6,600 square
5 feet, along with support facilities and some
6 locker areas, and some areas for, you know,
7 supplies and balls, and you know, athletic
8 director's office, whatever, and you can see it
9 clearly on the plan when I go through the plan,
10 and we created this access corridor between the
11 two existing buildings.

12 The access corridor which actually functions
13 as a thoroughfare or through area which connects
14 the various functions together, also creating an
15 elevator which now makes the building fully and
16 ADA compliant, which I think is a big factor here
17 because really, you know, it's a two-story
18 building, you need access with an elevator to get
19 to those levels, also to the existing basement
20 which is part under the existing building. So we
21 also have designed the basement under the
22 building, which is again a little less --

23 MR. HOPKINS: Excuse me. Just for the
24 record, by "this building" he was referring to the
25 proposed one-story gymnasium, correct?

1 MR. CAPOBIANCO: Yes, that's correct.

2 So in laying the building out on the site it
3 was pretty much of a challenge in order to get a
4 full gym, a full high school gym, along with the
5 bleachers that would come out and sit people,
6 approximately 150 people if we had to.

7 But it was also interesting to create a new
8 entrance, taking the focus off of Washington
9 Avenue as a main entrance to the building, more
10 secondary now, and bringing the main entrance to
11 Mulry where we set it back approximately 35, 40
12 feet, and created like a little plaza area in
13 front of the entrance which is on an angle that
14 brings you to this connecting we call it athletic
15 corridor. And the athletic corridor will act as a
16 fire-rated wall, the school, the existing school
17 will be a fire-rated separation because the new
18 building that you see here will be fully
19 sprinklered and conform with the Nassau County
20 fire marshal's requirements in terms of
21 construction.

22 But also, we tried to get as much area around
23 the building for parking, and we were able to pick
24 four up in the back and four on the side and we
25 have three in the front and three existing ones,

1 and we created a decel lane off of Mulry Lane
2 where if the buses came in to the front or if they
3 moved up you can get three full-size buses on the
4 property. If the buses moved up and I were to
5 show them, you know, right now this bus on the
6 plan is shown is like in the middle of the
7 entrance for the school.

8 What we also tried to do architecturally when
9 you look at the rendering --

10 MR. HOPKINS: Again, I hate to interrupt.
11 Just identify, John, when you refer to a different
12 -- you're referring to the North West Side
13 Illustration, correct?

14 MR. CAPOBIANCO: I'm referring to the North
15 West Side view of the synagogue off Mulry Lane.
16 The existing building which you see here as the
17 orangy tone brick with a gold color aluminum
18 siding, which I think it would be nice if it was
19 done again to match it, but in a way to carry the
20 look that the front of the building had where it
21 has a larger mansard which tends to bring the
22 scale of the building down a lot, which almost
23 makes it look like a one-story structure. Whether
24 it is two-story in height, it's 29 feet plus in
25 inches, so we can get a gymnasium in there with

1 the baskets, and there will be four of them or six
2 of them that will come down and go up, and it will
3 be a multifunctional gym in terms of how we put a
4 curtain across and separate it up into two spaces,
5 and I'll show you on the plan. But we created
6 angles and a nice glass area and a new entrance
7 which I think is pretty attractive in terms of the
8 way it looks, and fitting in a residential
9 community it doesn't look like a big block of a
10 building.

11 MEMBER GOTTLIEB: John, excuse me. Before
12 you take that down, if one was standing where that
13 picture was taken, where would I be standing, on
14 Mulry or --

15 MR. CAPOBIANCO: You would be standing where
16 that existing house that they own that they're
17 going to take down, across the street from that,
18 looking south.

19 MEMBER GOTTLIEB: Across the street.

20 MR. CAPOBIANCO: Across Mulry, across the
21 street on Mulry looking south.

22 MEMBER GOTTLIEB: So there's a house across
23 the street they're taking down, or did I
24 misunderstand?

25 MR. CAPOBIANCO: We took down one house and

1 they're taking down another.

2 MEMBER GOTTLIEB: The view is from across the
3 street on Mulry Lane?

4 MR. CAPOBIANCO: Yes.

5 MR. HOPKINS: And the witness was referring
6 to --

7 MR. CAPOBIANCO: This is N3 of four drawings.
8 So the entry drawing, which is a streetscape
9 drawing which shows the existing streetscape,
10 which shows the existing building, and then it
11 shows the one house that's very lightly shown
12 dotted, which will be the second house to come
13 down, the one that's shown vacancy here is a house
14 we already took down. So the next house would be
15 -- the next one that's staying up, which is
16 381 Mulry Lane, is approximately 81 feet away from
17 the property line of the existing building. So
18 you could see that when we demonstrate the
19 streetscape at the height of the houses and we
20 took it one, two, three, four houses down, you
21 could see that the heights of the houses are very
22 similar to the ridge to the height of the
23 building.

24 MEMBER GOTTLIEB: Is there height setback --
25 height/setback ratio on the side yard to the new

1 gym to the existing house on Mulry?

2 MR. CAPOBIANCO: From here (indicating)?

3 MEMBER GOTTLIEB: Yes.

4 MR. CAPOBIANCO: No.

5 MEMBER GOTTLIEB: There's no ratio or the
6 ratio is within compliance?

7 MR. CAPOBIANCO: Did we have a height/setback
8 ratio on that?

9 MEMBER GOTTLIEB: I didn't see it on the
10 zoning analysis.

11 MR. CAPOBIANCO: I don't think it's required
12 in this K Zone.

13 MEMBER GOTTLIEB: But this is not the K Zone.
14 This is the --

15 MR. CAPOBIANCO: Well, this is the K and F
16 Zone.

17 MEMBER GOTTLIEB: But the new construction is
18 in the F Zone, right?

19 MR. CAPOBIANCO: It's in the F Zone.

20 MEMBER GOTTLIEB: The F Zone doesn't have
21 height/setback ratios?

22 MR. CAPOBIANCO: No height/setback ratios.

23 MEMBER GOTTLIEB: Good to know.

24 MR. HOPKINS: Also, Mr. Gottlieb, what's
25 contemplated here since they're going to be taking

1 down a house or two, that the immediate adjacent
2 person will be number 381 Mulry. The setback
3 which is currently how much, John?

4 MR. CAPOBIANCO: Well, the setback --

5 MEMBER GOTTLIEB: The side-yard setback?

6 MR. HOPKINS: Side yard, yes.

7 MR. CAPOBIANCO: Well, at the front corner
8 it's 43 feet to the property line, and at the back
9 it would be the smallest, it would be 13 and a
10 half feet.

11 MR. HOPKINS: What I'm driving at is we're
12 actually creating a greater side-yard setback than
13 currently exists with the proposed improvement.

14 MEMBER GOTTLIEB: From the pictures I
15 couldn't tell that.

16 MR. CAPOBIANCO: Oh, okay.

17 MEMBER SCHRECK: The height of the gym is the
18 same height as the existing structure?

19 MR. CAPOBIANCO: The ridge of the existing
20 house, we took the site line here. If you took
21 the proposed gym height, it's -- I would say that
22 we're maybe to the mansard a foot higher.

23 MEMBER SCHRECK: No, I'm saying the existing
24 school now, is that the same?

25 MR. CAPOBIANCO: The existing school now is

1 lower by about two and a half feet than the
2 proposed structure, and the reason for that is, of
3 course, these two floors, but it's not a gym. We
4 want to maintain a 24-foot clear height, and then
5 with the structure and everything and then the
6 parapet we figure it's going to be like 29 feet.

7 MR. HOPKINS: Just with your permission,
8 Mr. Chairman, Mr. Capobianco was referring to the
9 streetscape when he was making that comment.

10 MR. CAPOBIANCO: Yes.

11 MR. GRAY: Is there a page number for that?

12 MR. HOPKINS: Yes, it was identified before
13 as N3 of four.

14 MR. CAPOBIANCO: This drawing, which is A4,
15 architectural drawing, will give you a picture of
16 the existing front elevation on the -- off
17 Washington Street, which is the east elevation,
18 where we have closed in that opening that goes all
19 the way under that outdoor opening that right now
20 exists. We're going to close it up and create a
21 smaller vestibule here so that we're actually
22 achieving more space, and I'll show you that in
23 the plan there.

24 MEMBER GOTTLIEB: Does that mean that you're
25 changing the main entrance from Mulry to

1 Washington?

2 MR. CAPOBIANCO: We're leaving an entry on
3 Washington, but I think the primary entrance will
4 be this one.

5 MR. HOPKINS: Referring to the Mulry side.

6 MR. CAPOBIANCO: The Mulry Lane side. But
7 you can see right now on this drawing A1, which is
8 the proposed first-floor plan, this area depicted
9 in the lighter tone is really the existing
10 structure, and the area that we're talking about
11 filling in, which is already structurally built
12 which is above you, is going to now house a new
13 area, a lobby area and a vestibule, so that whole
14 area will be, you know, filled in flush with the
15 building.

16 So that when you come in now to the main
17 entrance off Mulry, and the buses drop off, you
18 have this sports corridor here, which I said is an
19 access corridor which brings you to the existing
20 school, brings you down or up, and it also brings
21 you to a stair down to the basement under this
22 floor.

23 The gym as you could see, and the bleachers,
24 occupy 85, 90 percent of that 8,900 square feet,
25 which is designed for on the first floor, and we

Mesivta Ateres Yaakov - 6/4/15

1 have like bathroom facilities, storage room,
2 equipment storage, athletic director's office,
3 et cetera, and that's primarily the gym.

4 Now, when you get downstairs --

5 MR. HOPKINS: The witness is now referring to
6 proposed plan A2.

7 MR. CAPOBIANCO: Yes. A2 indicates the
8 proposed cellar plan which if you see there's an
9 existing cellar next-door in the existing part of
10 the building which is depicted in a white wall,
11 and that particular area will be reconfigured to
12 allow for access to connect to the new basement
13 which will be a couple of feet lower, and we
14 create the handicapped access with a ramp.

15 Down at the lower level because the ground
16 condition is very good here you can excavate
17 pretty far down before you even come near water,
18 we might as well take advantage of it and build
19 more space in the basement like we did at the
20 HAFTR gym.

21 In this area there would be a conference
22 room, a locker room for the guys, and bathroom
23 facilities, a storage room, equipment, they would
24 have a social hall area, exercise room, weight
25 room, and a couple of lab areas which they would

1 probably put folding doors in between to either
2 make them one space or two to basically utilize
3 the footprint of the building as a cellar, and was
4 able to give us an additional 8,700 square feet
5 which is, you know, tremendously needed by the
6 school.

7 MR. GRAY: Mr. Chairman, may I ask a
8 question?

9 CHAIRMAN KEILSON: By all means.

10 MR. GRAY: Mr. Capobianco, the proposed
11 classrooms and lab rooms that you were referring
12 to, are those sufficient in size for the number of
13 students that you're proposing? You have a 590
14 square foot proposed classroom for 30 students.

15 MR. CAPOBIANCO: I would have to check the
16 ratio, but it might be one per fifteen I think it
17 is, the square footage, so if you have 30 you need
18 fifteen times 30 which is 150 square feet, so we
19 have 590. So it is sufficient as a classroom.
20 But I would think that as a lab they might want to
21 not have walls in between and create more open
22 partitions and things like that, so it becomes a
23 little better utilized. But that's basically the
24 basement in the building.

25 All right. And at this time I will show you

1 the shade.

2 MR. HOPKINS: Mr. Chairman, at this time
3 Mr. Charles Adams will discuss the shadow studies
4 that were performed at the request of the Village.

5 MR. ADAMS: Charles Adams, from the office of
6 John Capobianco.

7 MR. HOPKINS: Just for the record, it's
8 designated N4 of four.

9 MR. ADAMS: Members of the Board, as you can
10 see, the proposed addition falls on the northwest
11 side of the existing building. The proposed
12 addition is not going to cast a shadow that
13 affects the neighbors. The majority of the shadow
14 is going to be cast on Washington Avenue and the
15 existing structure.

16 As you can see in the streetscape, that the
17 height is fairly adjacent to the neighbor after
18 all construction is complete and that --

19 MR. CAPOBIANCO: The different times of
20 day --

21 MR. ADAMS: -- at the different times of
22 day --

23 MR. CAPOBIANCO: -- you can see how the
24 shadows form.

25 CHAIRMAN KEILSON: We have that as part of

1 the submission. I think we've all looked at it.
2 So unless there is something particularly new.

3 MR. HOPKINS: I think it's just to reinforce
4 as the witness was saying that it has no negative
5 impact, as a practical proposition.

6 CHAIRMAN KEILSON: Good. So any questions to
7 the witness?

8 (No response.)

9 CHAIRMAN KEILSON: None. Thank you.

10 MR. ADAMS: Thank you.

11 MEMBER GOTTLIEB: Good presentation.

12 MR. HOPKINS: Any questions, Mr. Chairman,
13 from Mr. Capobianco at this time concerning the
14 plan?

15 CHAIRMAN KEILSON: Not yet. We reserve our
16 questions.

17 MR. HOPKINS: All right. Why don't we go
18 next to Mr. Eschbacher to discuss the traffic
19 study.

20 CHAIRMAN KEILSON: I think we should do that.

21 MR. HOPKINS: By the way, Mr. Chairman,
22 Mr. Eschbacher's reports should also have been
23 filed and is part of the record, correct?

24 MR. RYDER: I'm sure it's in there.

25 MR. HOPKINS: Thank you.

Mesivta Ateres Yaakov - 6/4/15

1 MR. ESCHBACHER: Good evening, Mr. Chairman,
2 members of the Board. My name is Robert
3 Eschbacher. I'm with VHB Engineering in
4 Hauppauge, New York.

5 I've been retained by the MAY school to
6 prepare a traffic and parking evaluation in
7 connection with this application. The summary of
8 the work that I've performed has been included in
9 the report dated February 9th of this year, which
10 I know has been submitted to the Village.

11 CHAIRMAN KEILSON: We've already reviewed it.

12 MR. ESCHBACHER: Okay. What I'd like to
13 do --

14 CHAIRMAN KEILSON: Just get to the heart of
15 it.

16 MR. ESCHBACHER: Sure. I'd like to go
17 through some parts of it and then certainly give
18 you an opportunity to ask any questions.

19 I'm sure that all members of the Board are
20 familiar with the location.

21 CHAIRMAN KEILSON: Correct.

22 MR. ESCHBACHER: We are located at the
23 intersection of Washington Avenue and Mulry Lane.
24 Washington Avenue provides one lane of traffic in
25 each direction, and Mulry Lane is a one-way

1 roadway heading toward Washington Avenue and at
2 the intersection of Mulry Lane traffic is required
3 to come to a stop. At that location the width is
4 such that it can allow for two lanes approaching
5 it, one lane to go left and one lane to go right.

6 As part of my study, I had several meetings
7 with representatives of the MAY school to find out
8 information about their operations, both now and
9 in the future. Mr. Hopkins has reviewed some of
10 the information regarding the number of students
11 and the times at which the school operates.

12 As part of my work, we conducted traffic and
13 pedestrian operations at the school and at the
14 intersection during times when the school was
15 beginning to arrive in the morning and when
16 classes were ending in the afternoon. And during
17 that time we counted the cars making the various
18 movements through the intersection, as well as
19 pedestrians crossing through there as well.

20 The detailed counts are presented in the
21 report, but it's important to understand that the
22 traffic activity associated with the school occurs
23 during a relatively short period of time, typical
24 of what you'd find at most schools.

25 In the morning, the students, and in this

1 case the buses as well, tend to arrive within a
2 fifteen-, twenty-minute period, concentrated
3 period, as they're coming there. And during that
4 period the bus arrivals are a little bit on the
5 random side. They're not all coming in at exactly
6 the same time and that's because they're coming
7 from different origins and as they stop and make
8 pickups and then have to travel on their way here
9 they arrive at different times.

10 The benefit of that is that they're able to
11 come and relatively quickly drop off the students
12 and then leave the site. The opposite occurs in
13 the afternoon where the buses generally do tend to
14 be there about the same time, once again,
15 something you'd typically find at other schools.
16 They want to be there, they have to be there when
17 the students are being discharged so they can
18 immediately get onto the bus and then move on
19 their way home.

20 So once again, in the afternoon it's also a
21 concentrated period of time. There's no doubt
22 that Washington Avenue and then to some extent
23 Mulry Lane is a busy location.

24 But as my observations have shown to me, the
25 busyness, if you will, is only partly related to

1 the school. That location is close to the Long
2 Island Rail Road station, so you have a good
3 activity associated with that with the commuters,
4 and that's taking place before the school opens,
5 as it's opening, and then continuing throughout
6 the day, and then the same thing occurs in the
7 afternoon and the evening. You're also located
8 right in a very busy shopping area so you have a
9 lot of activity associated with that.

10 So we have control over, if you will, the
11 activities associated with the school, and as I'll
12 talk to you in a minute, as Mr. Hopkins has
13 indicated, we are proposing as part of this to
14 undertake some improvements.

15 Mr. Hopkins did indicate how the buses
16 currently operate. Since there is no existing
17 drop-off lane on Mulry or on Washington the buses
18 have to pull up along the curb either on Mulry or
19 on Washington and pick up and discharge. And when
20 that happens on Mulry Lane under the current
21 conditions it has the effect of pretty much
22 shutting down one of the lanes as you approach
23 Washington Avenue. The street is just not wide
24 enough to accommodate a bus stopping there and
25 having the two lanes at the intersection. So that

1 contributes to some of the congestion at that
2 location for that period of time.

3 On Washington Avenue, once again, some of the
4 buses do pull up in front of the building, but
5 Washington Avenue is wide enough that for the most
6 part when a bus is alongside the curb lane there's
7 enough room for two-way traffic to go by, and I've
8 observed this, and that's one thing that helps a
9 little bit with the traffic flow in the area. And
10 these are some of the things that we're trying to
11 address as part of the program before you this
12 evening.

13 In recognition of these short-term problems
14 that occur associated with the buses and also with
15 parking that takes place on Mulry because of not
16 enough parking on the site itself, there are two
17 significant proposed improvements that are part of
18 this plan. First is the increase in the number of
19 parking spaces. When this will be implemented
20 there would be room for fourteen cars to be parked
21 in striped spaces, and then, as I'll talk about in
22 a minute, there's additional capacity in the bus
23 drop-off lane.

24 But the bus drop-off lane is the second part
25 of the proposed improvements. To the extent that

1 we can get as many buses as possible off Mulry and
2 off Washington that will help to help decongest
3 somewhat, if you will, the traffic conditions on
4 those roads. We've worked to the best of our
5 ability to maximize the capacity of this drop-off
6 lane, and Mr. Hopkins indicated that we can
7 comfortably get three buses to fit in that
8 drop-off lane, and depending if there's more vans
9 we might get a fourth one if there -- or possibly
10 even a fifth at a certain time. And once again,
11 the critical time is in the afternoon when you
12 have all or most of the buses there at the same
13 time.

14 CHAIRMAN KEILSON: But that will change with
15 the use of the gymnasium.

16 MR. ESCHBACHER: Well, let me talk about that
17 for a second. It's the intention of the MAY
18 school that the existing student enrollment remain
19 where it is, and as part of that the number of
20 staff working there would remain as well.

21 CHAIRMAN KEILSON: But a gymnasium has
22 events.

23 MR. ESCHBACHER: Yes, and Mr. Gold is going
24 to talk about the limited number of events. There
25 are really two types. There's the sport events

1 and then there's the other type of events, and
2 he'll talk about that, and they occur at different
3 times.

4 But during the school day in order to fulfill
5 the requirements of state education regarding
6 physical education at the present time students
7 have to be transported from the MAY school to an
8 off-site location. So a bus or van comes, picks
9 them up, takes them away, and then at the end of
10 that class brings them back and then leaves. That
11 will be eliminated as part of that. So there will
12 be a commensurate reduction in the traffic during
13 the course of the day. And as a result, students
14 will be able to come in the morning by bus, by
15 parent drop-off or by walking or in some cases by
16 Long Island Rail Road, they will be able to come,
17 stay for the full school day, conduct all of their
18 classes and activities --

19 CHAIRMAN KEILSON: On-site.

20 MR. ESCHBACHER: -- in the building, on-site,
21 exactly, and it will remain quiet until the end of
22 the day. So we're reducing the midday traffic
23 that occurs and really providing a better
24 educational experience by having the students more
25 actively participating during the day rather than

1 spending time traveling off-site.

2 So to the extent that we're doing that, there
3 will be an improvement in the conditions by
4 reducing that non-peak traffic, if you will, and
5 we're proposing to provide the additional parking,
6 and let me talk about that just for a second.

7 According to your zoning code, this expanded
8 facility would require 188 parking spaces. That's
9 based primarily on public assembly and so on. But
10 your zoning code, like most others on Long Island,
11 does not consider what we call non-simultaneous
12 activity. It assumes that every habitable part of
13 the building, if you will, can be occupied to its
14 capacity at the same time.

15 CHAIRMAN KEILSON: Right.

16 MR. ESCHBACHER: So in this case they're
17 saying you're going to have students in all of the
18 classrooms and you're going to have students in
19 the gymnasium, but we're keeping the number of
20 students the same.

21 Also, most zoning codes don't have a
22 differentiation in the type of students that are
23 there. Now, in this case, the students are not
24 permitted to drive. If you had the same
25 application to an elementary school, it would

1 assume the same thing. The parking is needed for
2 the staff that work there. And based on
3 my discussion --

4 MEMBER WILLIAMS: But the high school
5 students, the twelfth-graders, are not allowed to
6 drive to school?

7 MR. ESCHBACHER: They are not, no. So the
8 parking is needed for the staff.

9 CHAIRMAN KEILSON: But you have post high
10 school also. We'll get to that later.

11 MR. ESCHBACHER: Yes. There are two
12 categories of staff, the full-time staff that come
13 there in the morning, park all day and then go
14 home; and then there's a significant number of
15 part-time staff that are there for part of the
16 morning, part of the afternoon. And based upon a
17 detailed review of the specific staff members and
18 as presented in my report at any one time the need
19 for parking is 22 parking spaces.

20 Now, with the plan we can accommodate
21 fourteen cars in the striped spaces on the
22 expanded facility, and we have also estimated that
23 we can accommodate eight additional vehicles in
24 the bus drop-off lane, and that works because
25 certain part-time staff members come after the

1 classes begin, so the buses are gone, the lane is
2 free, and those part-time staff members can park
3 there.

4 And there is also an afternoon group of
5 part-time staff. They are completing their
6 afternoon classes and they leave before the buses
7 return at the end of the day. So we're sharing
8 that parking lane. Buses during the bus arrival
9 and departure times, and the part-time staff
10 during the other times. So between the fourteen
11 striped and the eight additional that can be
12 accommodated we have the 22 spaces.

13 And mention was made earlier that the school
14 owns property at the corner of Williams Street and
15 Mulry Lane which can easily accommodate six
16 additional vehicles for possible overflow.

17 So with this plan we can accommodate all the
18 necessary parking for the daily school activities
19 on the site itself and not have to rely on parking
20 on Mulry or in any of the adjoining municipal
21 fields. So we're satisfying the parking.

22 CHAIRMAN KEILSON: Where have they been
23 parking until now?

24 MR. ESCHBACHER: Most of them park on the
25 site, and it's a bit of a hodgepodge, as you've

1 probably seen.

2 CHAIRMAN KEILSON: Yeah.

3 MR. ESCHBACHER: And some are parking down at
4 Williams and others are parking wherever.

5 CHAIRMAN KEILSON: As to the congestion, I
6 understand it will immeasurably improve the
7 situation as far as the parking, but the drop-off
8 we have a totally untenable condition right now on
9 Washington and Mulry. So that had we not built a
10 gymnasium, at some point there would have been an
11 eruption to deal with the Village and the
12 neighbors. It's an untenable condition, so this
13 is certainly an improvement.

14 What about closing the doors on Washington so
15 that there's no access at all, so everything has
16 to come from Mulry?

17 MR. ESCHBACHER: We certainly have to allow
18 people to leave there for fire reasons.

19 CHAIRMAN KEILSON: No, I understand.

20 MR. ESCHBACHER: As far as closing in terms
21 of students --

22 CHAIRMAN KEILSON: In terms of drop-off and
23 the like.

24 MR. ESCHBACHER: -- Mr. Gold would be the
25 best one to ask about that, okay.

1 CHAIRMAN KEILSON: Is that something you
2 would recommend? You're the engineer.

3 MR. ESCHBACHER: In my opinion that would be
4 a good idea. The entrance to the school is being
5 reoriented to Mulry. The parking is there, the
6 bus drop-off is there. It would make a lot of
7 sense to do that. There may be other reasons why
8 they can't; I'll let him address that.

9 CHAIRMAN KEILSON: Fine.

10 MEMBER GOTTLIEB: Before you continue, I just
11 want to go back over a couple of numbers with you.

12 MR. ESCHBACHER: Sure.

13 MEMBER GOTTLIEB: The number of students are
14 capped at 192 or 195?

15 MR. ESCHBACHER: Right now, it's about 185
16 that are there at the present time.

17 MEMBER GOTTLIEB: Okay. And how many
18 full-time staff is there that you referred to?

19 MR. ESCHBACHER: At any one time there's 22,
20 but if you add up the total payroll it might be 30
21 something. I don't have that number here. I just
22 dealt with whatever -- and Mr. Gold will be able
23 to answer that question as well. But having the
24 benefit of the part-time helps the parking
25 situation.

1 MEMBER WILLIAMS: And how many post high
2 school students are there?

3 MR. ESCHBACHER: I believe there are
4 something in the range of 20 something right now,
5 and once again, Mr. Gold will address that.

6 MEMBER WILLIAMS: They're driving age people?

7 MR. ESCHBACHER: Excuse me?

8 MEMBER WILLIAMS: They are people who can
9 drive?

10 MR. ESCHBACHER: Yes, yes, they are. But I
11 believe most of them live in the immediate area.

12 So that concludes my presentation. In
13 summary, in my professional opinion the proposed
14 plan will represent a significant improvement to
15 traffic and parking conditions in the area.

16 CHAIRMAN KEILSON: If they didn't build a gym
17 and made it into a parking lot for buses or
18 everything, it would be immeasurably better.

19 MR. ESCHBACHER: Actually, the geometry of
20 the site --

21 MR. HOPKINS: He said it with tongue and
22 cheek.

23 MR. ESCHBACHER: I know. But seriously, it
24 would be difficult to have the buses maneuver on
25 that site.

Mesivta Ateres Yaakov - 6/4/15

1 CHAIRMAN KEILSON: So we won't go into that.

2 MR. ESCHBACHER: And importantly, if the
3 project does not move forward, the status quo
4 remains. And the school is very concerned about
5 the conditions, and the proposed improvements will
6 address them to the best of their ability.

7 CHAIRMAN KEILSON: Any questions of the
8 Board?

9 (No response.)

10 MR. RYDER: Mr. Chairman, just one point of
11 information. The Board of Trustees -- the Mayor
12 and Board of Trustees did try to alleviate some of
13 the traffic concerns on Mulry and Washington by
14 making Williams Street a two-way and directing
15 traffic to Central Avenue.

16 MEMBER WILLIAMS: That avoids people coming
17 out of the supermarket parking lot and going
18 through that to Mulry. They can now get straight
19 to Central Avenue.

20 MR. RYDER: Correct.

21 CHAIRMAN KEILSON: I think, for the record,
22 we should also take note of the fact that there
23 was dissension on the Board of Trustees as to
24 whether they would pass that, and they retracted
25 it at one point because of the pressure of the

1 people in the plaza. Thank God it went through,
2 and I think everybody agrees that the Williams
3 two-way traffic has alleviated the situation on
4 Mulry dramatically, but that's just for the
5 record.

6 MR. RYDER: And it was not done in one
7 meeting.

8 MR. ESCHBACHER: Thank you.

9 CHAIRMAN KEILSON: Thank you so much.

10 MR. HOPKINS: Mr. Chairman, if I may offer
11 up, before I go on to the next witness, which is
12 Mr. Nelson, at my request a schedule was prepared
13 of activity, for example, with the sports home
14 games and other after-school activities which I
15 have here, and according to the report that I have
16 from the school, in terms of sports home games,
17 for example, they have JV basketball, varsity
18 basketball and volleyball. When you tally up, for
19 example, JV basketball, students who are
20 participating from both squads, obviously, family
21 who might be there, coach, coaches, vehicles, it's
22 de minimis. It's a very --

23 CHAIRMAN KEILSON: You have 150 seats, you
24 said.

25 MR. HOPKINS: They have 150 seats. They

1 could have 250 seats, I don't know, Mr. Chairman.
2 I'm only simply pointing out you were concerned
3 that there was going to be this activity taking
4 place that --

5 CHAIRMAN KEILSON: There's 150 seats.

6 MR. HOPKINS: 150 seats does not necessarily
7 mean for the sports games that the children are
8 involved with, that there are going to be 150
9 spectators in any manner, shape or form. Whether
10 or not on other activities when it's relatively
11 quiet in the neighborhood, evening and things of
12 that nature, that's also listed here as well as to
13 the times, but again, I have Mr. Gold here.

14 CHAIRMAN KEILSON: We're waiting eagerly for
15 Mr. Gold.

16 MR. HOPKINS: I'm sure you are.

17 MEMBER WILLIAMS: There's no hockey team?

18 MR. HOPKINS: No hockey games that I know of.
19 But I do have this report. I'd like to offer
20 that up as well if you don't mind.

21 MEMBER WILLIAMS: I understand that when they
22 have games other parents come from other schools
23 as well, then you double.

24 MR. HOPKINS: Again, Mr. Gold can address
25 that. It's really not that great.

1 But again, I'd like to offer up this report
2 with your permission.

3 CHAIRMAN KEILSON: Fine. Do you have more
4 than one copy?

5 MR. HOPKINS: I do, Mr. Chairman, but I'm
6 afraid it's only two copies.

7 CHAIRMAN KEILSON: Okay.

8 MR. HOPKINS: At this particular time,
9 Mr. Chairman, I'd like to move on to having
10 Mr. Barry Nelson.

11 I should also point out for the record that
12 Mr. Eschbacher has previously testified as an
13 expert in traffic engineering and such before this
14 Board in times gone by, because we did not
15 technically qualify him as an expert in this
16 presentation.

17 CHAIRMAN KEILSON: We know him from past.

18 MR. HOPKINS: I know you do. So that's why
19 I'm just pointing it out for the record.

20 CHAIRMAN KEILSON: We have great respect for
21 his opinion.

22 MR. HOPKINS: I have Mr. Nelson who also
23 testified as an expert previously in real estate.
24 So with your permission I won't go qualifying, as
25 you're familiar with Mr. Nelson as well, and I'll

1 move aside and let him talk.

2 CHAIRMAN KEILSON: I assume Mr. Nelson will
3 speak to the impact of real-estate values?

4 MR. NELSON: Yes, sir.

5 Good evening, Chairman, members of the Board.

6 CHAIRMAN KEILSON: Could you summarize it in
7 just a couple of sentences and previous
8 submissions, because unless there are questions
9 from the Board I don't want to burden you with a
10 long presentation, nor us.

11 MR. NELSON: Thank you.

12 I have an exhibit, two of them, packet of
13 photographs, there's about fifty photographs. In
14 case you don't want to listen to me, you can look
15 at the pictures. Some aerial views of the subject
16 property on the Nassau County Department of
17 Assessment and Tax Map for the subject properties.

18 What's before the Board is four variances.
19 The traffic engineer addressed the parking
20 situation, and now what's before the Board -- what
21 I will address before the Board now will be the
22 other three, which are area variances. The first
23 one would be for the height of the building, where
24 the code is Business K, while it is the F Zone
25 says 25 feet, two story. There's a one-story

1 gymnasium portion of the building; it's 29.83
2 feet. It's approximately 4.83 feet higher than
3 25 feet. On the earlier exhibit you saw the
4 streetscape as well as the sun and the shadow
5 reflections.

6 CHAIRMAN KEILSON: Mr. Nelson, we're aware of
7 all of this. What is it you're testifying to?

8 MR. NELSON: The area variances and the
9 impact to the community and to the residences on
10 Mulry.

11 CHAIRMAN KEILSON: Okay.

12 MR. NELSON: So the one exhibit will not
13 impact the residential along Mulry because of the
14 height. In fact, the first building to the east,
15 which is a residence, about 28 feet, so the
16 difference between that 28 feet of that residence
17 and the 1.9, whatever it is for the building
18 itself is not going to impact that residential or
19 the commercial or residential across the street.

20 CHAIRMAN KEILSON: Fine.

21 MR. NELSON: We have the setback which would
22 be on the front-yard setback which would be the
23 bump-out on Washington Avenue. There will be an
24 in-fill of the open area on Washington for the
25 building, the 17 by 40. Then there's a small

1 vestibule that comes forward into the front-yard
2 setback; that's approximately 14 feet wide,
3 approximately 9.5 feet depth. But you have
4 sidewalks and curbs there. The pedestrian walkway
5 from the railroad to Central Avenue you still have
6 9 feet from the closest bump-out of the proposed
7 addition on the front of the building on
8 Washington to sidewalk. The pattern of
9 development along the corridor on Washington
10 across the street, which is recognized in the
11 Village of Cedarhurst, has a similar setback of
12 9.7 feet from the building itself, the face of the
13 wall to the curb. And the development in the
14 commercial along to the south closer to Central
15 have a similar setback. This is a small bump-out;
16 it will not impede the pedestrians walking by or
17 the vehicles traveling north and south on
18 Washington.

19 You have the last variance, which would be
20 the rear yard, where 15 feet is required,
21 13.5 feet is proposed, and that's only a small
22 portion of the building at the southwest corner.
23 The majority of the building provides for a
24 greater setback of the 15 feet. It is an
25 improvement along that corridor where it is

1 adjacent to I believe it's 381 Mulry. The
2 existing building up front has a setback off the
3 property line. The building itself, which is a
4 dwelling, to the property line is three feet and
5 that's for a distance of approximately 42 feet.
6 And then there's a second building in the rear
7 that has a setback to the property line of
8 approximately 9.5 feet for a distance of 12 feet.
9 What's proposed is a small encroachment of the
10 building --

11 CHAIRMAN KEILSON: Mr. Nelson, this is all
12 self-evident on the drawings. We're familiar with
13 it. Get to the bottom line.

14 MR. NELSON: So we're increasing the setback
15 on that side, diminishing the impact to the --

16 MEMBER GOTTLIEB: I think we just want to
17 know is it going to affect the property values to
18 the neighbors on Mulry Lane. I think that's what
19 you're here to surmise.

20 MR. NELSON: That's correct. No, it's not.

21 CHAIRMAN KEILSON: Great.

22 MR. NELSON: So I can sit down now?

23 CHAIRMAN KEILSON: Yes.

24 MR. NELSON: We accept that. Thank you.

25 CHAIRMAN KEILSON: Thank you so much.

Mesivta Ateres Yaakov - 6/4/15

1 MR. HOPKINS: Any questions for Mr. Nelson?

2 CHAIRMAN KEILSON: Compelling testimony.

3 MR. HOPKINS: Absolutely, I thought so as
4 well.

5 MR. NELSON: Thank you.

6 MR. HOPKINS: So what I'd like to do now,
7 Mr. Chairman, with your permission, I'll have
8 Mr. Gold come up because I know you have some
9 factual questions that you would like to address
10 to Mr. Gold.

11 CHAIRMAN KEILSON: Perhaps.

12 MR. HOPKINS: Mr. Gold, why don't you come
13 up, please, sir.

14 CHAIRMAN KEILSON: If you would like to sit,
15 you are more than welcome to sit.

16 MEMBER GOTTLIEB: Announce yourself to Mary.

17 MR. GOLD: Hi, Mark Gold, president of
18 Mesivta Teres Yaakov.

19 CHAIRMAN KEILSON: Give your home address,
20 please.

21 MR. GOLD: 15 Boxwood Lane, Lawrence.

22 CHAIRMAN KEILSON: So Mr. Gold, apparently,
23 you're the man with all the answers.

24 MR. GOLD: Apparently.

25 CHAIRMAN KEILSON: So let's go down the list.

1 There's been some testimony as to the student
2 population, and there has been expression that the
3 sentiment of the school is to cap it at some
4 point. I think for the purposes of our
5 presentation tonight I think it's important for
6 the record what that cap will be because that will
7 be the going-forward criteria for the use of the
8 building and the use of this gymnasium.

9 MR. GOLD: That's a very fair question.
10 There's two aspects to the school. One is the
11 high school, Mesivta, it's always been and will
12 continue to be our plan not to exceed two classes
13 per grade of four grades. We at this point have
14 never exceeded 25 students per class, and I don't
15 think we expect to ever. As you could see, we
16 currently have less than that total in total of
17 all of those classes.

18 We do have a -- what's called a kalfer
19 (phonetic), which is a learning enrichment
20 program, but the same students in other classes
21 are just given one more teacher to work with them.
22 So that is, in fact, the school's expectation. We
23 do not want to exceed. It is how -- it is what we
24 advertise ourselves about in terms of everybody
25 knowing everybody, and you know, it's what we are

1 famous for and we're not looking to do more.

2 The post high school program --

3 CHAIRMAN KEILSON: You do understand that
4 regimes change, philosophies change, and
5 therefore, it will be important, for the record,
6 at least it's important to the Board, that indeed
7 the sentiment you're expressing will be a cap for
8 purposes of getting the variance. So if we say
9 200 will be the cap, is that something you're
10 comfortable committing on behalf of the school?

11 MR. GOLD: I am, because the fact is the
12 school building cannot hold more than that. We
13 don't have any more classrooms.

14 CHAIRMAN KEILSON: So the answer to the
15 question is yes?

16 MR. GOLD: The answer is yes.

17 MEMBER GOTTLIEB: So we're saying if we could
18 cap it at 200 students.

19 MR. GOLD: That's correct.

20 MEMBER GOTTLIEB: Is there also a post high
21 school or graduate program?

22 MR. GOLD: The post high school program is
23 one which is designed for students who have
24 graduated high school and have come back after
25 several years in Israel and want to study Torah

1 while they are also going to college. So the
2 population of that program typically varies over
3 the years -- over the year, rather, between twenty
4 and thirty students. And the reason that is, is
5 because they tend to come back at different times,
6 and quite a number of them tend to get married in
7 the middle of the year. In the year they tend to
8 get married and they get married and they're gone.
9 I believe we currently have thirty students and we
10 started the year with like twenty, but they start
11 over again the following year.

12 Those students also are not here at the same
13 time, because the requirements of college is such
14 that some percentage of them, let's say one third,
15 will be going to college at night certain nights
16 of the week, others will go in the afternoon. So
17 while there are three different areas of the day,
18 morning, afternoon and then nighttime, they are
19 never here all at once.

20 MEMBER SCHRECK: But they do drive there,
21 right?

22 MR. GOLD: Actually, most do not. Most of
23 them live on the block. They rent apartments. We
24 actually also have a building that they rent
25 apartments in.

1 CHAIRMAN KEILSON: What address is that?

2 MR. GOLD: That is one of the addresses that
3 we are knocking down. The next set of houses
4 over.

5 CHAIRMAN KEILSON: Are you telling them
6 before you knock it down?

7 MR. GOLD: I don't know if they're going to
8 notice, they're students. They're in the school
9 learning, they're never going to notice.

10 MEMBER WILLIAMS: That's the plan for them
11 then.

12 MR. GOLD: Let me tell you what the issue is.
13 One of the things that the school wants about
14 itself, that it wants to have students who are not
15 commuting from home, because of the fact that they
16 don't want them in the home environment, they want
17 them concentrating on the learning in the school,
18 et cetera.

19 MEMBER WILLIAMS: You're talking now about
20 the post high school?

21 MR. GOLD: Yes, post high school. High
22 school we don't have any place for them.

23 Therefore, while there have been some
24 exceptions, by and large the lead head of the
25 program, Meir Braunstein, has very much insisted

1 that unless a student lives very close by and, you
2 know, could walk over, et cetera, that they live
3 right in the neighborhood. They want them to be
4 able to be there, come right in, go home late,
5 et cetera, and that is something he expects to
6 continue.

7 Now, it's true that there are students going
8 to college; they tend to go to a couple of
9 colleges. They go to Touro and then they go at
10 night to Queens College, or to Brooklyn College in
11 the afternoon. And it is true that some of them
12 have cars; they tend to carpool. They do tend to
13 park right now either in the driveways of the
14 houses that they have rental from, or they park
15 across the tracks in Cedarhurst in the Long Island
16 Rail Road parking area, which is a free parking
17 area, or they park somewhere else, and that is
18 because there really is no suitable parking on
19 Mulry. Mulry has a limit of two hours or so, and
20 as the Village will tell you, that the people are
21 there marking the tires and giving tickets all the
22 time.

23 CHAIRMAN KEILSON: It's revenue producing.

24 MR. GOLD: That's great for them, and they're
25 entitled, that's fine.

1 MEMBER WILLIAMS: Where are these young men
2 going to be when the building goes down?

3 MR. GOLD: We are in the process now of
4 obtaining other apartments on the block, if
5 possible, or right adjacent right across in
6 Cedarhurst. That's our plan.

7 Our long-term plan is to use our corner
8 property at the corner of Williams and Mulry to
9 build a residence for them. That's why we are
10 only now using the parking in the front part of
11 the building.

12 CHAIRMAN KEILSON: Where the front part is
13 now.

14 MR. GOLD: We've actually marked eight spots.
15 We only use six now because of a bit of shrubbery
16 there that blocks it off.

17 CHAIRMAN KEILSON: The parking will become a
18 dormitory?

19 MR. GOLD: No, no. There's still a lot of
20 property behind there. When we built it -- well,
21 I wouldn't call it a dormitory, but yes, let's say
22 dormitory. Our goal would be at that time to
23 build a dormitory on stilts, because that's when
24 you're starting from scratch and you don't have
25 any correct connections to match up any building,

1 we will try to do that.

2 CHAIRMAN KEILSON: We could bring back
3 Mr. Eschbacher to explain why the traffic is not
4 being impacted.

5 MR. HOPKINS: Smile and continue.

6 MR. GOLD: Although I will tell you that it
7 is definitely 100 percent better than before.
8 Once people started going off on Williams to
9 Central, traffic on Mulry is just almost nothing
10 now, it's amazing. That being said, when you're
11 blocking one of the lanes, it's not a good thing.
12 So the parking on that block is really in the
13 zone, and therefore, if you want to park your car
14 there you're just going to get a ticket. There's
15 no point to it. So that's the story of the
16 capping of the students. I can't see that program
17 ever -- you know, those students will also sit in
18 our same auditorium for learning.

19 CHAIRMAN KEILSON: Study hall.

20 MR. GOLD: Study hall, thank you. And our
21 high school students sit in. We only have so many
22 seats. We can't expand it. We have no plans to
23 expand it. It is right smack in the middle of the
24 building.

25 CHAIRMAN KEILSON: Are we going to cap it or

1 we're not going to cap?

2 MR. GOLD: I don't see us ever exceeding
3 fifty students at one time of the year in the post
4 high school students, and I say a lot less than
5 that is typical.

6 MEMBER GOTTLIEB: Two hundred high school
7 students and fifty graduate students?

8 MR. GOLD: Right.

9 CHAIRMAN KEILSON: Okay.

10 MR. HOPKINS: I think, Mr. Chairman, you're
11 also interested in whether or not the school would
12 consider moving the main entrance from the
13 Washington side to the Mulry side.

14 MR. GOLD: That is our plan for sure.

15 CHAIRMAN KEILSON: Any other questions I had?

16 MR. HOPKINS: I wrote them down.

17 MR. GOLD: That is definitely our plan, of
18 course. I mean, the fact of the matter is that as
19 much as it's obviously not -- it's not our fault
20 that Washington is a mess, it's still a mess and
21 it's not going to stop being a mess in the near
22 future so, and therefore, when our parents or our
23 buses stop there it just makes people mad at us,
24 and we consider it to be a danger, obviously, and
25 we don't want parents pulling up across the street

1 and then asking their kids to cross the street on
2 a busy street, so our goal is to get that traffic
3 off of there. We would have that entrance still
4 there and it would be only for visitors, people
5 coming to talk to somebody. Or for Shabbas we
6 have a synagogue there in the study hall, so that
7 will be used then. But our expectation is that
8 students will be told they have to walk in and out
9 of the other building.

10 What's going to happen is that our outer
11 doors are now built to lock with a ProxKey opener
12 or a buzzer. So whereas now we keep it unlocked
13 and open part of the day, we also consider that a
14 big security risk as well, and we're very eager to
15 lock it up so nobody can walk in and threaten
16 anybody. Anybody that has a need to go in, like a
17 faculty member, can go in with a ProxKey. On
18 Shabbas it will be kept open on some kind of a
19 clock system, and the students will have to go in
20 the side where the buses let them off. There is
21 also on a Sunday when parents -- when there's no
22 buses, the parents will be told you must drop your
23 kids off and pick them up in the side lot.

24 CHAIRMAN KEILSON: So if we empowered you by
25 saying that the variances may be contingent on

1 your sealing up that other than the egress --

2 MR. GOLD: Well, I can't seal it up, but keep
3 it locked, yes, that is our expectation, correct,
4 for many reasons.

5 MEMBER WILLIAMS: What other events do you
6 have in the building other than school events?

7 MR. GOLD: So we have throughout the year we
8 have open house which is Sunday afternoon.

9 MEMBER WILLIAMS: That's a school thing?

10 MR. GOLD: We only have school events and
11 in-house games. We don't do other events.

12 MEMBER WILLIAMS: No catering?

13 MR. GOLD: Well, people have a kiddush in the
14 shul.

15 MEMBER WILLIAMS: But during the week there's
16 not -- on Sunday, I can't make a bat mitzvah
17 there?

18 MR. GOLD: No. We wish we could. It's not
19 even a question of the space. We don't have --
20 the people are using it all the time. They're
21 constantly using it.

22 MEMBER WILLIAMS: So you don't rent it out?

23 MR. GOLD: No.

24 MEMBER WILLIAMS: So there's no big groups
25 coming other than school days?

1 MR. GOLD: No. And all the school events are
2 of necessity because the parents also work for a
3 living. Either evening or Sunday afternoon. The
4 one exception is the father/son breakfast which is
5 always Thanksgiving morning. The home games we
6 may consider doing hockey at some point but we
7 haven't done it yet.

8 MEMBER SCHRECK: So you wouldn't be renting
9 out the gym for any catering, right?

10 MR. GOLD: I'm sorry, what's that question?

11 MEMBER SCHRECK: You wouldn't be renting out
12 the gym for any sort of catering events, bar
13 mitzvahs?

14 MR. GOLD: I could see us possibly doing our
15 dinner in there but that, of course, is again
16 usually a Saturday night or a Sunday.

17 MEMBER WILLIAMS: One time a year?

18 MR. GOLD: One time a year, correct, the
19 school's annual dinner. I don't know if that will
20 work out. I'm not sure if it's cheaper, quite
21 frankly, but if it works out we may consider it.

22 MEMBER SCHRECK: What about the basement
23 space underneath the gym?

24 MR. GOLD: So something was mentioned before,
25 I think either John or somebody said it was a

1 social hall. If you look on the plans it's not a
2 social hall. It's a recreation space for the
3 students, you know, with the Ping-Pong tables and
4 the pool.

5 MEMBER SCHRECK: Let's say somebody wanted to
6 have an engagement party.

7 MR. GOLD: Again, we use the space all the
8 time. Rabbi Yaffe, I've actually suggested it to
9 him. His answer is I don't want people walking in
10 in the middle of the boys' yeshiva during the time
11 of a situation. Since we had school night and
12 day, we have almost every night of the week we
13 have some kind of mishmar or something going on,
14 which is an evening study time, there just is no
15 time for it, it doesn't work out. The only time
16 anybody ever used it, as I said, is members of the
17 synagogue who may have a kiddush or a small lunch
18 in the existing social hall or lunchroom right
19 now.

20 MEMBER WILLIAMS: But that's on Saturday when
21 there's minimal traffic going on.

22 MR. GOLD: It's on Shabbas. But Sundays the
23 students are there till one. We always have
24 things going on. We had once -- we gave the
25 school once Peter Paul during Sandy, the Mayor

1 asked us because we were the only one with
2 electricity at the time, but it's not really our
3 expectation to do that.

4 MEMBER GOTTLIEB: Can I ask you something?

5 MR. GOLD: Yes.

6 MEMBER GOTTLIEB: Because you happened to
7 mention Sandy. So you're getting some funding
8 from New York Rising as a commuter relief center?

9 MR. GOLD: Right now, New York Rising has us
10 as an approved plan. We suggested to them that
11 since we are very high on the water table, next to
12 the railroad is the highest spot, that it might be
13 a good place to be; if you have an emergency
14 during a storm people can go there for assistance.
15 We -- Rabbi Yaffe was part of the committee for
16 that, and the board voted to approve it, but it is
17 a number three project, and the first two projects
18 cost more than the money allocated. So that means
19 that, God willing, if somebody in the future, if
20 Cuomo finds more money it might happen and we're
21 happy to do it if people want to do it. But
22 that's only in a very severe emergency situation
23 where there's a huge power outage or there's some
24 kind of major storm, et cetera, and at that point
25 I would think that people aren't -- there's not

1 that much traffic or parking going on, et cetera.
2 And again, that's something which we offered, and
3 nobody has taken us up on it yet.

4 We've offered the fire department for use of
5 storage in the basement for their equipment, and
6 they were very happy to have that as well.

7 MEMBER SCHRECK: Does the fire department
8 have any objection to the proposed building?

9 MR. GOLD: No. The fire department said to
10 us, and I believe they sent a letter which I've
11 given to you, that they are concerned about
12 Washington Avenue and would like to see anything
13 that reduces the traffic. They approved the other
14 technical issues.

15 I wanted to just mention about the games on
16 the paper in front of you. We have five -- we
17 have fourteen home games throughout the year,
18 different seasons. So basketball is ten games,
19 they're on a Sunday afternoon or a Monday evening.
20 We do not allow female spectators. John is
21 correct that we have space for 150 seats. We
22 honestly wanted to put them there and they're not
23 there for the game. They're there so that if
24 Rabbi Yaffe wants to have an assembly, okay, of
25 some sort which barely fits into our study hall

1 right now, he could do that. We very rarely have
2 twenty spectators ever. I don't think we've ever
3 had more than twenty-five spectators.

4 MEMBER WILLIAMS: If you don't let the girls
5 come, the boys are not going to come. It's very
6 simple.

7 MR. GOLD: You know, there are some schools
8 where sports, of course, are a very strong part of
9 what the school stands for. Our students like
10 sports, but we are in a yeshiva league where
11 sports is a very low-key thing. It's not really
12 expected that students are all going to come
13 running over there. I will venture to say that
14 probably the biggest number of attendees at our
15 sports events are actually the rebbeim (phonetic).

16 CHAIRMAN KEILSON: Teachers.

17 MR. GOLD: So 150 is an enormous amount; it's
18 just never going to happen. And again, even
19 those, those are basically our students. When we
20 find that when we have a game we have roughly five
21 vehicles showing up at each game from the other
22 teams, their coach, et cetera, et cetera. And
23 again, those games are in the evening.

24 MEMBER GOTTLIEB: Where do you play those
25 games now?

1 MR. GOLD: We play them at other schools or
2 from the Lawrence school district if they will let
3 us have one. By and large, we're basically not
4 upholding our end of the bargain. We don't have
5 any facility to have a game. Baseball we do, we
6 play on the field.

7 CHAIRMAN KEILSON: How are the records this
8 year?

9 MR. GOLD: Awesome. Come look at our
10 pennants. Considering the size of our school, we
11 do great. All that learning makes them strong,
12 what can I tell you. So there's no major events.

13 Any other questions I can answer for you?

14 MEMBER SCHRECK: Do you find that cars tend
15 to speed down Mulry Lane?

16 MR. GOLD: No.

17 MEMBER SCHRECK: Because they know that
18 there's nothing blocking them and there aren't
19 cars that are going to be coming up the other way.

20 MR. GOLD: To be honest with you, there
21 really are almost no cars. I mean, when we first
22 moved there, there were a lot of cars coming
23 through. Just the Seasons, Supersol was a big --
24 this is the same problem. Nobody wants to go down
25 Mulry because they know when they get to Mulry and

Mesivta Ateres Yaakov - 6/4/15

1 Washington they're going to have to turn right and
2 they're going to be stuck there because the light
3 just doesn't let -- it let's two cars through each
4 time. So nobody wants to go there. Rabbi Yaffe
5 and I will tell you that when we leave there we
6 go left onto Washington and drive all the way
7 around the other way because it's not -- just not
8 worth the weight. So it's a problem, and it's a
9 problem that's not going away. People park on the
10 other side of the street. The delivery truck
11 deliveries go for the different stores. We don't
12 want to be part of that. It's not safe for the
13 students and we're not looking to be a bad
14 neighbor.

15 MEMBER SCHRECK: So you're not concerned that
16 cars that are going to be coming down Mulry Lane
17 may veer off into this lane that you're making
18 where the main entrance is going to be?

19 MR. GOLD: It's a straight-away until you
20 make that last part next to our main building
21 where it turns to the right a little bit. And
22 we're planning on having landscaping, et cetera.
23 You're not going to see this vast open space.

24 The reality is that if you look at the
25 drawing it's actually two lanes in the driveway.

1 We talked about three buses because, as a starter,
2 we prefer not to have two rows of buses. We don't
3 want students to get run over by each other. But
4 we're trying to make it as spacious as possible,
5 and it's going to be quite long, quite large.

6 CHAIRMAN KEILSON: Any further questions for
7 the witness?

8 (No response.)

9 CHAIRMAN KEILSON: Thank you so much.

10 MR. GOLD: Welcome.

11 MR. HOPKINS: Mr. Chairman, just for the
12 record, I think the Lawrence Cedarhurst Fire
13 Department report that was being referred to is
14 dated February 23, 2015, and that should be a part
15 of the record, all right.

16 For myself, my observations about it was that
17 there are a lot of statements, but no facts
18 demonstrated to support some of the statements.

19 If you would like, I can have Mr. Eschbacher
20 come back and comment upon what the Lawrence
21 Cedarhurst Fire Department had to say.

22 CHAIRMAN KEILSON: No, no, no, no.

23 MR. HOPKINS: No. So hopefully that means
24 that you agree with me that it's been dealt with.

25 CHAIRMAN KEILSON: It sufficed, yes.

Mesivta Ateres Yaakov - 6/4/15

1 MR. HOPKINS: Is there anything else,
2 Mr. Chairman, that you need?

3 CHAIRMAN KEILSON: I think at this point
4 we're going to go to the audience to see if there
5 is anybody that wants to comment. If there's
6 anyone in the audience, particularly any that are
7 neighbors, please.

8 MS. PUGLIESE: How is everybody doing
9 tonight? Great. How are you doing, Mr. Gottlieb,
10 Mr. Keilson? Does anybody live on Mulry Lane?

11 CHAIRMAN KEILSON: Are you running a survey?

12 MEMBER GOTTLIEB: Could you state your name
13 and address.

14 MS. PUGLIESE: Antoinette Pugliese,
15 381 Mulry Lane, Lawrence, New York 11559.

16 Does anybody live on Mulry Lane?

17 MEMBER GOTTLIEB: Before you continue --

18 CHAIRMAN KEILSON: You don't get to ask the
19 questions.

20 MEMBER GOTTLIEB: -- we want to see where you
21 live.

22 CHAIRMAN KEILSON: We want to see where you
23 live.

24 MR. PUGLIESE: Okay. It's next-door to the
25 24,000 square foot grandiose gymnasium that you

1 guys are trying to build. I mean, the picture
2 that you guys are painting tonight about
3 Mulry Lane as a quiet street, it was a very quiet
4 street.

5 CHAIRMAN KEILSON: Who is "you guys?" Are
6 you referring to the applicant?

7 MS. PUGLIESE: Everyone here today, yeah.

8 CHAIRMAN KEILSON: The applicant?

9 MS. PUGLIESE: Yes. It was a very quiet
10 street before the school, before -- I mean, it's a
11 very increased traffic, heavy congested street. I
12 live there. I wake up and I go to work and
13 there's traffic. I see the buses. I see the boys
14 screaming, playing basketball, waking us up in the
15 morning.

16 I speak for many of the homeowners on the
17 block, and I will provide you with affidavits and
18 affirmations and testimonies from everybody. I
19 spoke to them, and they gave me their comments to
20 present to you guys tonight.

21 MEMBER SCHRECK: How long have you been
22 living there?

23 MS. PUGLIESE: What?

24 MEMBER SCHRECK: How long have you been
25 living there?

1 MS. PUGLIESE: Thirty-seven years, and it was
2 a great place to grow up, you know. I went to
3 Lawrence High School which was an amazing high
4 school. I went to Number One School. It was just
5 a great place to grow up.

6 And then it has changed in the last five
7 years living there. It's just -- you know, it has
8 not been a great place to live. And the heavy
9 traffic and the congestion and the beeping of the
10 horns and the exhaust from the buses coming into,
11 you know, where I live. And 383 now is this
12 dormitory which, quote unquote, really is a frat
13 house. I mean, I went to college. I mean, I live
14 next-door to it. There are boys coming in and out
15 until 12:00. I work late hours. I'll come home
16 and I'll see them drinking and smoking cigarettes
17 and sitting in their cars.

18 I called Rabbi Laskey or --

19 CHAIRMAN KEILSON: Yaffe.

20 MS. PUGLIESE: Yeah, to report these things
21 to him, because I come home and there's boys
22 walking up and down the street late hours at
23 night. I don't feel safe, honestly. It has been
24 reported to him, so I just -- I asked him what is
25 -- there's a house with fifteen boys living in it,

1 and I mean, clearly, the care of the property has
2 not been maintained; I mean, it's a nuisance. The
3 rubbish and the weeds and I saw a boy urinating in
4 the backyard one day, and so did my mother, and
5 it's just not appropriate. It's just not
6 appropriate.

7 You know, besides the fact that it's a safety
8 issue. And yes, you know, I read the letter from
9 the chief of the fire department who said that,
10 you know, there's not enough room and that it will
11 create a dangerous situation that will impede the
12 fire department response to the area. No one
13 wanted to bring this up but that's really huge.
14 Fire trucks would not be able to come down that
15 block. It's a narrow block Mulry Lane. One
16 traffic -- there's one on the right lane you could
17 park. People park on the sidewalks because
18 there's not enough room. I mean, you can't even
19 really fit a fire truck down there, especially if
20 there are buses and, you know, everyone is
21 parking. You know, it is a fire hazard.

22 You know, also with the fact that with the
23 parking situation, you guys want to have fourteen
24 parking spots for a 24,000-foot grandiose
25 building. I mean, there's another letter I think

1 from -- I think it was from you stating that, you
2 know, Section 212.27 that in a public school
3 90 parking spots for the existing building and
4 188 spaces for the existing building with the new
5 addition. And you want fourteen spots for 24,000?
6 I mean, that's just -- you should have 188 spots.
7 There's no room for those spots. I see where
8 people are parking against the fence. The house
9 next-door it's like back-to-back cars parked. I
10 mean, this is a residential block. This is where
11 people live. This is where people have children.
12 And you know, do we want to look out our window
13 and see some huge structure? I don't think you'd
14 want to live next-door to that. I mean, it's
15 honestly -- I mean, the traffic study that was
16 conducted, I read the traffic study, it really was
17 conducted on a day in October. It didn't seem
18 like a study. It sounded like it was conducted
19 one day. I'm there every day. The traffic is
20 horrible, horrible at all times.

21 CHAIRMAN KEILSON: Is the traffic
22 attributable to the school?

23 MS. PUGLIESE: It's attributable to the
24 school. I've lived there my whole life. It was
25 never like that before.

1 CHAIRMAN KEILSON: Was there any amelioration
2 because of Williams becoming two way?

3 MS. PUGLIESE: Honestly, for me, Williams
4 Street has become a place where accidents can
5 occur. It was always one way for me growing up
6 and now that it's two ways when I make the right
7 people are zooming down Williams and almost like
8 going head on into me, and I don't agree with
9 that. I don't think that's responsible or safe.

10 CHAIRMAN KEILSON: It did take off some of
11 the traffic?

12 MS. PUGLIESE: It's been really bad I have to
13 say. I mean, I could take video, I've taken
14 pictures of all the cars that are packed in 383,
15 which is the dormitory for the boys. They park
16 their cars like back to back and next to each
17 other, and then against the wall of -- there was a
18 basketball court that was put up; I don't know if
19 there was a permit for that. But basketball is
20 being played prior to 8:00 in the morning, which
21 we can't even have our landscapers come and cut
22 our grass because of the rules of the Village.

23 CHAIRMAN KEILSON: The noise ordinance.

24 MS. PUGLIESE: Yeah. So, I mean, and they
25 were also playing basketball until ten. I had to

1 call the police one day because they were playing
2 ball at like eleven, 12:00 at night, and I was
3 trying to sleep and all I heard was like balls
4 bouncing and echoing. So there's not been any
5 respect there with that. And I've called the
6 rabbi and he said he had no idea that was going
7 on. But you guys don't know because nobody is
8 there on a day-to-day basis. The neighbors know.
9 The neighbors know. And this is -- you know, it's
10 affecting us.

11 The traffic is horrible. There is like these
12 big buses that take up that one lane going to
13 Washington, and they said -- there's not a
14 ten-minute drop-off. They're there probably for
15 like an hour sitting there, and with, you know,
16 the exhaust coming out, and it's not good for the
17 environment and it's not good for people smelling
18 it. It's coming into our yards.

19 You know, what else? I mean, the basketball
20 court has obviously been a nuisance. The boys
21 bouncing the balls 8:00 in the morning on a
22 Sunday, when honestly that's my day to worship and
23 my day of rest.

24 Like, there's got to be mutual respect here.
25 You know, it's a residential block. The traffic

1 and what they're trying to construct now with
2 having the actual main entrance on Mulry, you're
3 even ruining more of Mulry Lane. It's going to be
4 even worse.

5 You know, the neighbors are unhappy. You
6 know, I speak for all of them. Like I said, I can
7 get you guys testimonies and affidavits.

8 You know, the fire department does have an
9 issue with it; they said it was a fire hazard.
10 You know, I don't want to have a house on fire and
11 the truck can't come down the block to actually
12 put the fire out. I mean, did you guys read the
13 letter?

14 CHAIRMAN KEILSON: Certainly.

15 MS. PUGLIESE: Okay. And then as far as, you
16 know, another letter that was like all these codes
17 that they were noncompliant in Section 212,
18 restricting the building height, and I don't know,
19 I'm sure you guys read that February 24 --

20 CHAIRMAN KEILSON: That's the reason they're
21 here. They're here because they're seeking
22 variances for all those restrictions. But yet,
23 just to put it in context, one of the things that
24 was brought up by Mr. Hopkins there's this
25 overriding RLUIPA law from the year 2000 where

1 it's very difficult for a municipality to restrict
2 the activities in terms of construction of a
3 religious institution. This was from the Clinton
4 era. So the burden has really passed to the
5 municipality to show why either because of traffic
6 or safety, significant traffic and safety issues
7 that they can restrict it.

8 The problem is we're inheriting an existing
9 situation. The school was there, okay, and at the
10 time it did not require to come to the Board
11 because there was an existing C of O which allowed
12 the school to, you know, exist on that site. So
13 we're now inheriting a situation where we have a
14 problem on Mulry in terms of everything you've
15 outlined and certainly on Washington, and at least
16 the drop-off theoretically would, you know,
17 ameliorate some of that in terms of Washington.

18 It doesn't do anything in terms of bad
19 neighbor, okay. People who don't act in an
20 appropriate manner, who don't control the student
21 population is something that's inexcusable, and
22 there's no one here on the Board that will
23 countenance that, obviously. That's a little bit
24 out of our purview in that regard.

25 MS. PUGLIESE: But even with the events

1 happening and the games, I mean, this is a
2 residential block. Do you want to look out your
3 window and see all these buses? And the buses are
4 not going to be turned off. The exhaust is going
5 to come into our yards, and we have to breathe
6 that in. I mean, if you don't live there it's not
7 your problem, you know what I mean, it really
8 isn't. But if you live there, I mean, the
9 neighbors are homeowners and they pay the taxes
10 there. Like, we should have the voice, hey,
11 pretty much.

12 I don't see how this is like making a problem
13 better. First of all, having the main entrance on
14 Mulry Lane which is a residential block. And you
15 know, number two, having these buses, you know,
16 come in, these huge buses sit there with the
17 exhaust on, it's not going to be a quick drop-off.
18 It hasn't been. I've seen the buses now; it's not
19 a quick drop-off. They're saying, you know, in
20 the traffic report that it's going to be fifteen
21 minutes. That doesn't happen. They're not
22 picking up people and dropping off in fifteen
23 minutes. And it's not just 7:45 and 8:00 and then
24 the evening. It's like there's cars there all
25 day. There's buses there. It's at different

1 points. I mean, I could take pictures and hand
2 you all the exhibits. You know, it's not like
3 everything is so like, you know, wrapped up in a
4 bow right now. It's not that simple. If you sit
5 there day in and day out you will see how bad the
6 traffic is now and like the buses are there and
7 it's just not safe.

8 MEMBER GOTTLIEB: Can I speak to some of your
9 concerns?

10 MS. PUGLIESE: Yes.

11 MEMBER GOTTLIEB: I hear what you're saying,
12 and I have a friend who lives on the street. The
13 dormitory is going away. I think that's a good
14 thing for you.

15 MS. PUGLIESE: They said they're going to put
16 one down the block.

17 MEMBER GOTTLIEB: That hasn't happened yet,
18 at least for now. The dormitory is going away.

19 MR. RYDER: And Mr. Gottlieb, we have to look
20 into that as a permitted use, the dormitory, I'm
21 not sure.

22 MEMBER GOTTLIEB: They may have to come
23 before us again. The other thing is the
24 basketball court is going to go away. The school
25 doesn't go away. This hearing is not about

1 removing the school, and we can't eliminate all of
2 those problems, but I think two of those problems
3 are going to be resolved.

4 In terms of the buses idling, I believe there
5 are laws, and either we can get enforcement either
6 voluntarily from the school or ask the county to
7 enforce that. That's public safety. I mean,
8 those are some of the things.

9 But the fact that you're bringing it up to us
10 is very important to us. I mean, some of them we
11 can address, maybe. Some of them we obviously
12 can't address. The school is there, the buses are
13 there. We can't -- it's not our purview. They're
14 not making the school larger.

15 MS. PUGLIESE: I just don't feel it's being
16 resolved by that, you know. Just because you have
17 185 boys going to the school, all the cars, I
18 mean, it's just -- you're right, the school is not
19 going away. I don't see the problem getting
20 better with what you guys are doing, and we're not
21 -- you know, I just don't see it.

22 I read the traffic report. It was based on
23 -- like, you didn't do a study of month to month.
24 It was just like a day in October, and it just --
25 it wasn't really a study to me to really see. It

Mesivta Ateres Yaakov - 6/4/15

1 was like, okay, like, you know, let's make a quick
2 fix so we can present this to you guys. If I did
3 a study I would do it for the last couple of
4 months.

5 MEMBER SCHRECK: Where are the other
6 neighbors? Did they appoint you to represent
7 their interests?

8 MS. PUGLIESE: Yes. There are some back
9 there (indicating). I mean, this has gone long.
10 You know, I don't know if you want them to come up
11 and speak as well.

12 CHAIRMAN KEILSON: Absolutely.

13 MS. PUGLIESE: You know what I mean?

14 MEMBER SCHRECK: I do.

15 MS. PUGLIESE: So but some of them --

16 CHAIRMAN KEILSON: If they're as articulate
17 as you are, by all means.

18 MS. PUGLIESE: Well, some of them English is
19 their second language.

20 MEMBER GOTTLIEB: They still count.

21 MS. PUGLIESE: I don't know if they want to
22 speak, you know, this is not an easy thing.

23 MEMBER GOTTLIEB: Would you like to ask them?
24 You've been doing great.

25 MS. PUGLIESE: Anybody else want to speak?

Mesivta Ateres Yaakov - 6/4/15

1 No, you're good? Rosa, do you want to speak?

2 Rosa, come here.

3 These are the people who have been living
4 there probably 40 years and need to be respected.

5 CHAIRMAN KEILSON: Please introduce yourself,
6 your name.

7 MS. ZOROVICH: Teresa Zorovich. I live on
8 382 Mulry Lane since 1954, okay, in the same
9 house. That street was a beautiful street,
10 beautiful neighborhood. Now became --

11 CHAIRMAN KEILSON: John, can you identify for
12 us where that is in reference to the school.

13 MS. ZOROVICH: Okay, I'm 382.

14 MR. CAPOBIANCO: 382 is --

15 MS. ZOROVICH: Across the street.

16 MR. CAPOBIANCO: It's right here diagonally
17 across the street.

18 MR. HOPKINS: He's referring to the radius
19 map.

20 MS. ZOROVICH: Most of the time we can't get
21 out from the driveway because the cars are parked
22 across the street.

23 CHAIRMAN KEILSON: Do the cars belong to the
24 students or staff?

25 MS. ZOROVICH: Students, staff. And every

1 day is the meter woman passing with the chalk.
2 Then somebody come out, move the car and the chalk
3 you don't see anymore. Then the other car park
4 and the same story.

5 I telling you from 1954 -- no, '64, you don't
6 recognize anymore my street. The car running,
7 flying. There are cup of coffee, paper plate all
8 over the properties.

9 CHAIRMAN KEILSON: And that's happening since
10 the school took over?

11 MS. ZOROVICH: Since there was a school for
12 girls before this one, but there were no
13 complaints. But since now some of the boys are
14 very, very sloppy.

15 MS. PUGLIESE: Urinating in the backyard.

16 MS. ZOROVICH: I do work at house. I have
17 lot of lot of good Jewish friends for the past
18 fifty years, and they said how can you stand this
19 mess? How they can allow these boys to so
20 neglecting all the properties and be so sloppy?

21 Then I talk, when I see this I get very
22 emotional. I raised three kids over there. My
23 kids move out, they got married. But my kids when
24 they come they are afraid, my grand kids, okay.

25 Everybody spoke very nice before from the

1 school. Everything was beautiful. But nobody
2 listened the neighbors that live there every day.

3 CHAIRMAN KEILSON: That's why we're listening
4 to you now.

5 MS. ZOROVICH: Yeah. They talk, they test
6 the traffic in the morning, traffic at night. But
7 during the day that is constant traffic. I wanted
8 to go out today to the post office it was quarter
9 -- 5:40, you can't go out. The car pick up the
10 kids from school. You can't get out Mulry Lane.
11 Then it's traffic from the supermarket. Forget
12 it, it's like a train. We have a train in the
13 back and we have train over here.

14 CHAIRMAN KEILSON: The supermarket we can't
15 close down.

16 MS. ZOROVICH: Yeah, I know, I know. But
17 they said it's no traffic. It's a lot of traffic,
18 a lot of children driving. They're in front of
19 our house in a small space they park three cars.
20 They park. And the guy that owns the house he
21 watch, he doesn't want nobody parking in front of
22 his driveway. He's an old man and they do park
23 over there. So everything is beautiful before.
24 Everybody was listening, presented beautifully,
25 everything is all right. Can you imagine with the

1 three buses coming in the morning over there to
2 drop the kids, it's going to be a madhouse.

3 CHAIRMAN KEILSON: Okay.

4 MS. ZOROVICH: I want them to come and live
5 over there for one week straight, not for an hour
6 in the morning and hour in the afternoon, to just
7 live there for a while, and then they will -- no,
8 they won't understand anyway. Paying high taxes
9 and in that neighborhood now, we should be living
10 free. We should be exempt from taxes over there.

11 CHAIRMAN KEILSON: Mr. Ryder, can you --

12 MS. ZOROVICH: We pay the taxes, we live in
13 dump. They're ruining our street. I said, we
14 have a small school for the girls, we have no
15 problem. But now became a jungle.

16 MS. PUGLIESE: These boys, I have to say, are
17 up and down the block like late at night.

18 CHAIRMAN KEILSON: Thank you very, very much.

19 MS. ZOROVICH: I get emotional, I'm sorry.

20 CHAIRMAN KEILSON: No, no, no, by all means,
21 by all means.

22 MS. PUGLIESE: I have one more question. You
23 asked before how do we know the property value
24 won't go down. He just said it won't, and there
25 was no explanation why. Is there any statistics?

1 Does he have any information?

2 CHAIRMAN KEILSON: If we really want to bring
3 back Mr. Nelson, he will be happy to report.

4 MS. PUGLIESE: Sure, I'd love to know.

5 CHAIRMAN KEILSON: Okay.

6 MS. ZOROVICH: Because that is not anymore
7 residential property. It's business property.

8 MS. PUGLIESE: Who wants to live there? Who
9 would want to live next to that? Nobody is going
10 to want to live next to that.

11 CHAIRMAN KEILSON: Appreciate it, thank you.
12 Please.

13 MR. SCHALL: Good evening. My name is Gary
14 Schall. I'm the superintendent of the Lawrence
15 public schools. I provide oversight for all the
16 bussing for the children in the district. I work
17 closely with Independent Coach who provides the
18 bussing as well directly for Mesivta Ateres Yaakov
19 and for 8,500 students.

20 Both the bus company and the district have
21 worked very closely over the years with Rabbi
22 Yaffe and the administration at MAY to come up
23 with a possible solution. From our perspective,
24 this is the best solution possible. It provides
25 the highest level of safety. Out of all the

1 options that are possible and feasible, this
2 certainly from our perspective is the safest
3 option for the children.

4 In addition, there are concerns about idling
5 buses. I'm responsible fiscally for -- to the
6 taxpayer here. Idling buses cost money. The way
7 that the traffic will flow, the way the buses will
8 arrive it will certainly expedite the arrival
9 process, the drop-off process for the students.
10 And we connect our buses from one school to the
11 next. Our intent is to pick up the students at
12 MAY and be able to go on to the next school for
13 pickup.

14 This plan provides for the greatest level of
15 efficiency which in the end will translate itself
16 not only to safety but the savings in dollars for
17 the taxpayers.

18 So I respectfully ask the Board here to
19 accept this recommendation on behalf of the public
20 schools.

21 CHAIRMAN KEILSON: Were you aware of this
22 issue of the idling buses? I mean, obviously, if
23 you lived on the street or if I lived on the
24 street we would find it to be an untenable
25 condition.

1 MR. SCHALL: We have worked very closely with
2 the bus company to find alternative solutions.
3 The limitations as they are now provide no
4 alternative. This plan provides an easier
5 in-and-out access that we would anticipate less
6 idling of the buses with an easier access in and
7 out.

8 CHAIRMAN KEILSON: Are they idling because
9 they're waiting to do their pickup, or they're
10 idling because they came early and they have not
11 been released?

12 MR. SCHALL: Again, we try to move it as
13 quickly as possible. We will only allow a certain
14 length of time for students to arrive on the
15 buses. Other than that, the school would be
16 responsible for getting the students out more
17 expeditiously. I believe the idling buses and
18 that delay is due basically because of the flow of
19 the buses in and out of the parking area there. I
20 think this will ameliorate the problem.

21 MEMBER SCHRECK: Have any attempts been made
22 to try to get the Bank of America to allow the
23 buses to park there before the bank opens and to
24 come after the bank closes so there would be no
25 issue?

1 MR. SCHALL: I became superintendent six
2 years ago. That was the very first option that we
3 explored. There were insurance limitations,
4 liability limitations, and the bank refused to
5 accept our proposal. I went on behalf of the
6 district and the bus company, certainly on behalf
7 of MAY but represented the district, and there was
8 a refusal and they claimed it was liability.

9 MEMBER SCHRECK: Was that a long time ago or
10 recently?

11 MR. SCHALL: Six years ago.

12 MEMBER SCHRECK: Would it be perhaps an idea
13 to try and revisit this issue, because that would
14 seem to be a very good option.

15 MR. SCHALL: We had explored this at the
16 highest levels of the bank management. They had
17 sent it back to their executive offices, and it
18 was firmly rejected. And we even put proposals
19 forward at the time. My instinct is telling me
20 that it wouldn't bear fruit at this point in time.

21 CHAIRMAN KEILSON: Thank you very much.

22 MR. SCHALL: Thank you.

23 CHAIRMAN KEILSON: Anyone else in the
24 audience?

25 MR. KOPOLOVITZ: Hi, my name is Michael

1 Kopolovitz. I live on the block closer towards
2 Rockaway, but I've been living there since 1999.

3 The last few years since I've been unemployed
4 with a W-2 job, I work as a consultant in real
5 estate, so I travel back and forth on the block
6 many times in the middle of the day, the mornings,
7 the evenings. I can honestly say that I do travel
8 between 8:00 and 10:00 in the mornings to exit
9 there, and I always have to go past the school. I
10 don't see the problem that my neighbors have
11 indicated for the simple reason that I see a
12 bigger problem when the garbage trucks go through
13 because they do stop the traffic.

14 Now, opening Williams Street will definitely
15 help because when they did open it traffic went
16 through a lot faster. Even for me when I had to
17 go around, I didn't have to go as far.

18 CHAIRMAN KEILSON: Where do you live on the
19 block?

20 MR. KOPOLOVITZ: I live closer to Rockaway
21 Turnpike at 317 Mulry Lane. That's the second
22 house off of Rockaway Turnpike.

23 CHAIRMAN KEILSON: Because you're not being
24 impacted by the description that we just heard.

25 MR. KOPOLOVITZ: Correct.

1 CHAIRMAN KEILSON: But the young men living
2 in that house --

3 MR. KOPOLOVITZ: But I do walk by there. I
4 do drive by there. My family goes by there.
5 These young men, they may be out there, they're
6 not troublemaker type of gentlemen. This is a
7 yeshiva. This is not the kind of yeshiva that has
8 kids in trouble there. And I happen to know
9 Rabbi Yaffe, and if there is a problem, it is
10 corrected. There was one time a problem with
11 debris from the kids, and Rabbi Yaffe took care of
12 it. So I don't see it.

13 As a matter of fact, on Saturdays when I do
14 walk back from Columbia Street, which is my
15 synagogue, and I do sometimes pray over here as
16 well at the Mesivta, I see cars parked on the side
17 anyway, okay, and I honestly have never seen, and
18 as I said, I usually go morning and during the day
19 as well depending on my schedule, and I work in
20 Brooklyn so I don't live on the block -- I mean, I
21 live on the block but I'm not there as often. The
22 proposal being made, if anything, will really
23 alleviate the problem. And I've gone there when
24 the buses are there.

25 CHAIRMAN KEILSON: It will help to diminish

1 as opposed to alleviate.

2 MR. KOPOLOVITZ: It will definitely do that
3 because they won't be in the street. I've gone
4 when the buses are on the street, and I can tell
5 you I can get by, okay. So I just want to put on
6 the record as well that I think it will be best
7 for everybody. I think the neighbors will see
8 that as well.

9 CHAIRMAN KEILSON: Okay. Thank you very
10 much.

11 Anyone else in the audience before Mr. Gold?

12 MR. KRENGEL: Meir, M-E-I-R, K-R-E-N-G-E-L,
13 389 Summit Avenue, Cedarhurst.

14 Mr. Chairman, members of the Board, I'm a
15 parent of a yeshiva student, an incoming student,
16 and I live on the northern edge of Cedarhurst, so
17 I'm not Lawrence Village, but I am affected to
18 some extent by what goes on and I do see what goes
19 on.

20 As far as parking, currently, the parking
21 issue affects my block also, which is Summit.
22 There are people that park in Cedarhurst because
23 of lack of parking. And I do believe, and I
24 reviewed the plans, that this will alleviate a lot
25 of the parking issues.

1 And with regard to what the neighbors are
2 saying, I find it a little bit surprising to hear
3 that our students are doing these things.

4 CHAIRMAN KEILSON: Disappointing.

5 MR. KRENGEL: Disappointing and surprised.

6 And if it is true, I'm sure the yeshiva would
7 undertake -- I think the yeshiva would undertake
8 to deal with that issue immediately.

9 With regard to traffic, I see the traffic
10 constantly. I travel up Washington and Mulry. It
11 is untenable. I think this would help. I think
12 taking the parking off of Washington as the Board
13 has suggested will definitely help bring the buses
14 onto Mulry and make it off-street parking. I
15 think all in all I think the plan will help the
16 neighbors.

17 I think having a gym definitely will help the
18 yeshiva. The yeshiva students need a gym. Right
19 now students are -- well, they're going off-site
20 to a health club or they're walking the streets to
21 the Cedarhurst park. It's not a situation that I
22 think the yeshiva wants or the parents want. So I
23 think this will definitely help the yeshiva's
24 viability in the future. It will help the
25 neighbors not having so much activity back and

1 forth. I think the plan as presented is something
2 that is worthwhile, and I hope that the Board
3 approves it.

4 CHAIRMAN KEILSON: Thank you very much.

5 I guess President Gold would like to step
6 forward again.

7 MR. GOLD: I want to be clear that the
8 yeshiva fully understands that there are various
9 aspects of it being in the vicinity that cause
10 problems. It's exactly the fact that these
11 problems are distressing our neighbors that we
12 have made this plan.

13 The basketball court it will not be there
14 because the students will now be playing indoors.
15 That is something we did and we hope that also
16 addresses the indoor concerns.

17 It is true there are students who are adults
18 who walk down the street and they're perfectly
19 entitled to walk down the street. They do not
20 scream and yell and they're allowed to walk down
21 the street. They're not threatening and that's
22 fine. When we've been informed that there have
23 been any kind of issues concerning noise,
24 et cetera, and it certainly has happened, these
25 are still young men, and we take it very

1 seriously, and these poor young men are
2 disciplined, et cetera, or told that they cannot
3 continue.

4 As far as the traffic goes, yes, it's a
5 problem. That's the point, and that's exactly why
6 we're trying to sacrifice a large chunk of our
7 property to take that problem off the street and
8 hopefully make it better.

9 As far as the school buses go, I will say we
10 work very close with the shul to try to make this
11 clockwork. We had a situation where the bus
12 company at one point agreed to stage their buses
13 next to Rambam and come rushing over and they had
14 walkie-talkies, but the bus companies aren't
15 really necessarily going to do that. We told the
16 buses over and over you are not allowed to keep
17 your exhaust on, certainly in the front of
18 somebody's house which it is right now, it's
19 ridiculous. It's not right. I hope they will
20 listen to us. We don't have control over them.
21 But at the very least that activity will occur on
22 our property and not in front of somebody's house
23 where it is distressful to them, we understand
24 that. So overall it is our goal in designing this
25 plan, as John can tell you as well, to alleviate

1 those issues and I hope it will. I hope it will
2 make a very big difference.

3 CHAIRMAN KEILSON: I think irrespective of
4 the outcome of tonight --

5 MEMBER HILLER: Can I just ask Mr. Gold, can
6 I just ask you a few questions. The other
7 building that you have on Williams Street,
8 apparently, there is more car traffic than --
9 there's more car traffic coming from your yeshiva
10 than we anticipated. It's not only the Mesivta
11 boys, but apparently some of the boys do have
12 cars, even though they're not supposed to have
13 cars.

14 MR. GOLD: Those are the boys in the other
15 program.

16 MEMBER HILLER: Would you consider using the
17 other property as more of a parking lot? Like
18 clearing the property and allowing perhaps ten or
19 twelve or fifteen cars.

20 MR. GOLD: First of all, we don't see that
21 that number of spots is necessary; but secondly,
22 we spent a lot of money on that property and we
23 need it -- we bought it because we need to have a
24 residence at some point for the post high school
25 boys. And you're talking about a very large

1 amount of money, and the fact of the matter is
2 that it's meeting a need that isn't there.

3 Again, I'm happy to read to you -- pardon my
4 back. But just so you understand, I mean, this is
5 our policy posted on the website. I don't know if
6 you can get it because it's on the students'
7 portal. Our policy states as follows. This is
8 something we deal with a lot because we deal with
9 high school students. The policy states the
10 following: Students may not bring cars to school.
11 Seniors may seek permission to bring a car, and if
12 permission is granted will be required to sign a
13 car contract prior to bringing a car. That
14 contract states that you cannot park on the block,
15 and all the usual things. Under no circumstances
16 will students be allowed to use them to leave
17 during the day before dismissal. Students are not
18 allowed to carpool together. Under no
19 circumstances will students be allowed to park
20 vehicles on yeshiva property and should not be
21 parking on Mulry Street when their vehicles
22 compete with traffic flow, bus pickup and
23 neighbors' access to their own driveways. Failure
24 to comply with these rules will result in
25 permanent revoking of this privilege.

1 CHAIRMAN KEILSON: Isn't that talking about
2 the high school students? The residents of that
3 house, of that let's call it a dormitory, they're
4 post high school, correct?

5 MR. GOLD: Correct.

6 CHAIRMAN KEILSON: So we're not talking about
7 that restriction. We're talking about people who
8 don't have that restriction, who it's been
9 represented by you and others that they live
10 locally. So apparently, notwithstanding the fact
11 they live locally, they're misbehaving, and they
12 don't know how to treat the neighbors.

13 MR. GOLD: I don't accept that that's
14 apparent at all, first of all, so let's not
15 establish that and this is not a court of law. I
16 respect our neighbors, but I don't necessarily
17 agree with everything they say.

18 CHAIRMAN KEILSON: Well, you don't live
19 there. They do live there. So I'm going to give
20 greater weight -- I'm going to give greater weight
21 to their presentation than your nonobjective
22 testimony when you don't live there, okay.

23 So it's disturbing to us to listen to this
24 rendition of obviously unacceptable behavior of
25 students that should be under your control. And

1 if indeed -- and if indeed there's been
2 communication to the leadership of the school and
3 it hasn't been acted upon, it's a fairly egregious
4 situation.

5 So the fact that you don't want to change
6 over that Williams Street property to a parking
7 lot because you're going to have a dormitory,
8 which may just further, you know, revive the
9 issues that we've already had on the street, why
10 would we expect that the students in that facility
11 will behave any differently than the ones who have
12 been, you know, living in the current facility?

13 Now, if you want, we can have further hearing
14 on it and bring down all the neighbors to recite
15 the entire spectacle of events. I don't think you
16 want that.

17 MR. GOLD: Not at all, of course not. But
18 you're asking me a hypothetical because you point
19 out that I don't live on the block, and that is
20 true. However, I am president of the school, and
21 there are people in the school who deal with this
22 on a daily basis. I would be happy to have them
23 speak to the issue if you'd like.

24 CHAIRMAN KEILSON: I would.

25 MR. GOLD: If you don't mind, I would ask

1 Rabbi Yaffe, who is here, to respond to the
2 concerns. And while, obviously, with a number of
3 young men things are going to happen, I don't
4 think that the description sounds like mass chaos
5 and all kinds of stuff. I don't think that really
6 is accurate.

7 MEMBER HILLER: Mr. Gold, I also want to
8 point out -- I'm sorry to interrupt you. I also
9 want to point out that the space that we are sort
10 of hinting to you could be used to alleviate some
11 of the pressure on the block, even for the young
12 men wherever they may be, is not readily a given
13 to be allowed as a dormitory.

14 MR. GOLD: Of course, we understand that.

15 MEMBER HILLER: But it could alleviate a lot
16 of the pressure on the neighbors on Mulry.

17 MR. GOLD: It certainly would be an
18 additional resource. There's no question about
19 it. But again, we feel as the parents in the
20 petition that we have substantially more spots
21 than we actually use during the day. We have six
22 or eight more spots, and we feel that's enough.

23 MEMBER GOTTLIEB: Mr. Gold, I've stayed
24 rather quiet during Miss Pugliese's statement.
25 Months ago, if not more than a year ago, I've

1 heard people on the block -- and this is long
2 before this application ever became known to me,
3 I've heard her exact complaints, and I didn't
4 mention it because it wasn't for me to say as an
5 impartial party. But you seem to think that it
6 may or may not be true. This was long before the
7 application came about I've heard complaints, and
8 it was frequently that I'd be on the phone with
9 someone who lives on Mulry Lane and the first
10 thing out of his mouth is I hate living here.

11 Please, you don't have to address it. I just
12 maybe need to make you more aware of your
13 neighbors than you might currently be.

14 MR. GOLD: We've actually had the neighbors
15 in. We've invited them in for discussions of all
16 kinds and many came, and we have interacted with
17 them quite a bit about the concerns that they
18 have. And again, I did not say that it's never
19 happened, okay. I'm merely saying that I don't
20 think the pattern that's being described is
21 accurate, that's all I'm saying.

22 MR. HOPKINS: Mr. Gottlieb, if I may. The
23 observations that have been made by the residents
24 have been listened to, the good rabbi will come
25 up. These are more enforcement issues, as we all

1 know, rather than issues per se that are within
2 the jurisdiction of the Board of Zoning Appeals,
3 but I do understand they're of concern and they
4 should be talked about at the very least.

5 CHAIRMAN KEILSON: Mr. Hopkins, our judgment
6 gets colored by that.

7 MR. HOPKINS: Of course.

8 CHAIRMAN KEILSON: It may not be within our
9 purview, but it colors our judgment.

10 MR. HOPKINS: Mr. Keilson, absolutely, which
11 is why I'm saying I'm going to ask the rabbi to
12 please come up and talk to you so that this issue
13 can be discussed and ameliorated if at all
14 possible.

15 CHAIRMAN KEILSON: We would love nothing more
16 than that.

17 MR. HOPKINS: Here he is. Identify yourself
18 first, please.

19 RABBI YAFFE: May I sit down?

20 CHAIRMAN KEILSON: Please, please, please.

21 RABBI YAFFE: Thank you. My name is
22 Rabbi Mordechai Yaffe. I live at 58 Grove Avenue
23 in Cedarhurst.

24 I have heard certain complaints over -- over
25 the course of the years. People have come in to

1 me, and I think that every time that it's been
2 addressed to me that I believe that I've addressed
3 it, strongly. I have threatened boys with
4 expulsion. I will say that just one incident that
5 occurred lately -- again, I also live on a street.
6 Actually, I also live on a street across the
7 street from two schools, so I certainly know what
8 it's like. But, clearly, any of this behavior is
9 unacceptable. I'm absolutely shocked to hear the
10 idea that a young man would urinate in the
11 backyard. But I clearly did not hear that until
12 tonight.

13 The idea of boys playing -- the time that
14 recently that I believe our neighbor complained to
15 Rabbi Lasker about the boys playing that night,
16 actually what it was when I came out of the
17 building at 10:00 at night, there was a car parked
18 in the middle of the basketball court with local
19 boys, not our students, playing ball. And when I
20 came out I said, guys, you know, you can't be out
21 here playing now, you want to talk about not
22 feeling safe? I sure didn't feel safe. I didn't
23 feel safe with confronting a dozen nineteen-,
24 twenty-year old men. I'm getting a little older
25 now. And the fact is, is that they left. I was

1 offered money. You know, it was very unpleasant
2 for me. And again, it wasn't the only time that
3 it's happened.

4 And the fact is, is that when I hear these
5 things I'm very, very upset about it because this
6 is violating the very essence of what we want to
7 be inculcating in our children.

8 To be honest with you, if you don't offer us
9 this variance, I'm not certain that I'm willing to
10 continue having them stay in such a situation.
11 Because again, this violates the very basis of
12 what we're saying. But I assure you, again, many
13 people here don't know me, many people here do
14 know me, is that I was clearly not aware to the
15 extent that our neighbors were upset about it. We
16 have had several meetings with neighbors. I've
17 had people walk in off the street and talked to
18 me, and I believe I've addressed it every single
19 time that it's happened.

20 Are there any other specific questions that
21 anybody wants to ask me?

22 MR. HOPKINS: If I could, Mr. Chairman, with
23 your permission. Rabbi, if something like this is
24 brought to your attention and you're convinced
25 that it in fact happened, on behalf of the school,

1 whether it be a high school student or a post high
2 school student, is expulsion on the table for
3 somebody who engages repeatedly in conduct like
4 this? Understand, please, they want to know that
5 the concerns of the neighbors as it's been
6 expressed by people who live there 24/7 365 is
7 going to be addressed if it should turn out that
8 in fact it's the students of the school, whether
9 high school or post high school who are the source
10 of these issues. Would something as severe as
11 expulsion be on the table?

12 RABBI YAFFE: One hundred percent.

13 CHAIRMAN KEILSON: I think that irrespective
14 of the outcome of this evening it behooves the
15 school to set up some sort of a liaison with the
16 local neighbors and some regular meeting or
17 otherwise so that these things can be aired and
18 there is some recourse for neighbors rather than
19 contacting somebody in the administration.
20 Somebody in the administration could be appointed
21 to support relations of neighbors.

22 RABBI YAFFE: It would be our pleasure.

23 CHAIRMAN KEILSON: So we wouldn't have to
24 hear about this and then you would not have heard
25 about this incident or that incident. These are

1 easily containable activities. As you said, one
2 expulsion will educate them.

3 RABBI YAFFE: One hundred percent.

4 CHAIRMAN KEILSON: Of course, with the
5 disappearance of that dormitory that will go a
6 long way towards ameliorating that aspect of it.

7 RABBI YAFFE: I don't believe that any of
8 these problems of the extent beyond normal
9 adolescent behavior, male adolescent behavior, I
10 don't think that any of this is referring to the
11 boys in the high school. I just don't think so.

12 MEMBER GOTTLIEB: Meaning that it's the older
13 kids?

14 RABBI YAFFE: Yes. And again, that problem
15 will disappear as soon as the boys aren't living
16 there.

17 MEMBER SCHRECK: Have you received any
18 complaints directly from Miss --

19 RABBI YAFFE: Not to my knowledge.

20 MS. PUGLIESE: Is that Rabbi Lasker?

21 MEMBER SCHRECK: No, that's Rabbi Yaffe.

22 MS. PUGLIESE: No, I never spoke to him.

23 RABBI YAFFE: Thank you.

24 MS. PUGLIESE: Is he here?

25 RABBI YAFFE: He's right behind you.

1 MS. PUGLIESE: It was probably two or three
2 times. I told him every single time.

3 MR. HOPKINS: Mr. Chairman, I hope, and
4 again, people are -- the people on behalf of the
5 school are aware of what's being discussed and
6 brought up tonight. I think it's fair to say that
7 the school is ready, willing and able if any of
8 their students, high school or post high school,
9 to the extent that they have jurisdiction over
10 those students, if anything of the type or ilk
11 that's been described tonight takes place, and
12 it's their students, that expulsion, as you say,
13 is on the table, and if that doesn't wake them up
14 I can't imagine what else possibly would. So
15 Rabbi --

16 MS. PUGLIESE: Why do the neighbors have to
17 worry about that?

18 MR. HOPKINS: Hold on for a second, please,
19 madam.

20 Can you make the representation to
21 Mr. Keilson that if something of that caliber
22 happens by your students, high school or post high
23 school, that it has the potential --

24 CHAIRMAN KEILSON: Capital crime.

25 MR. HOPKINS: As it were, yeah. That's the

1 designation that they used to do in the Roman
2 legions.

3 RABBI YAFFE: I'm not sure if I'm supposed to
4 say anything now.

5 CHAIRMAN KEILSON: I don't think so. I think
6 silence is appropriate.

7 Mr. Ryder, on behalf of the Village, the frat
8 house, are there any restrictions that -- are you
9 aware that there's a frat house?

10 MR. RYDER: It's been pointed out to me that
11 it's being used as a dormitory.

12 CHAIRMAN KEILSON: Have we ever inspected
13 it?

14 MR. RYDER: The inspectors have been over
15 there. They've been living in common, so the use
16 is hard to prove in court that they're using it
17 illegally, because --

18 CHAIRMAN KEILSON: Explain. I'm not --

19 MR. RYDER: My understanding is that they're
20 not collecting any rent, that the young men are
21 living in the house, and it's flowing and
22 operating. Even though they're different
23 surnames, they are acting as one family.

24 CHAIRMAN KEILSON: I see.

25 MEMBER GOTTLIEB: Like a group home, for

1 another name?

2 MR. RYDER: But if they want to go on the
3 record and make -- classify it as a dormitory,
4 well then --

5 MEMBER WILLIAMS: A dormitory would be
6 classified by each individual paying rent to the
7 dorm?

8 MR. RYDER: Correct.

9 MEMBER WILLIAMS: That would be the criteria?

10 MR. RYDER: That would be part of it, yes.

11 MR. HOPKINS: I'm inclined to agree with
12 Mr. Ryder's assessment. I represent
13 municipalities as well, and when you're living as
14 a "family unit," the definition of family for the
15 purposes of this discussion having changed
16 dramatically over the past twenty, thirty, forty
17 years in the eyes of the constitution, it is a
18 family unit. Although the world dormitory was
19 used before for purposes of this discussion, it's
20 a functional family unit the way you've described
21 it.

22 MEMBER WILLIAMS: So let me understand
23 something. The boys, do they pay -- do these
24 young men pay some sort of tuition? Do they pay
25 some sort of tuition?

1 MR. GOLD: Of course, yes.

2 MEMBER WILLIAMS: So that tuition is
3 technically covering part of their living
4 expenses?

5 MR. GOLD: The house in question is a
6 multifamily house, a multifamily rental house
7 when we bought it. We simply continued that use.
8 The boys come to us and say I'd like to rent one
9 of the apartments. I don't know how many people
10 they put up there; it is up to them. There are
11 only so many beds they can use, and they pay us
12 rent to get it, a little bit below market rent.
13 We don't consider it a dormitory. We consider a
14 dormitory as being under our supervision. They
15 have a lease.

16 MEMBER WILLIAMS: But they do pay rent?

17 MR. GOLD: They have a lease. We're not
18 allowed to go in there. It's just like an
19 apartment. Obviously, we own the building and
20 we're very upset if they're causing problems and
21 we're happy to send them away, but we have that
22 responsibility as the landlord, but it's not a
23 dormitory in that sense, at least to our
24 understanding.

25 MR. RYDER: Mr. Gold, when you say

1 multifamily, you're talking about a two-family
2 home?

3 MR. GOLD: The property is a two-family home,
4 and the back property is a one-family home. I
5 think there's two houses on the property.

6 MR. RYDER: You purchased it as a legal
7 two-family home and a one-family home in the back?

8 MR. GOLD: Right. The title company said
9 that that use was appropriate.

10 MR. RYDER: Thank you.

11 CHAIRMAN KEILSON: Okay. The consensus of
12 the Board at this time is that we're going to
13 reserve decision. There's further investigation
14 that we'd like to make, probably some on-site
15 visits, and we will, I guess, revisit it.

16 MR. GRAY: Are you closing the public hearing
17 on this or are you adjourning it?

18 CHAIRMAN KEILSON: No, no, no. We're going
19 to --

20 MR. HOPKINS: Forgive me. The public hearing
21 is or is not being closed?

22 CHAIRMAN KEILSON: No, it's not being closed,
23 it's not being closed. It will carry over to the
24 next, okay.

25 MR. HOPKINS: Very good, Mr. Chairman.

Mesivta Ateres Yaakov - 6/4/15

1 CHAIRMAN KEILSON: We're going to adjourn.

2 Anything else, Mr. Ryder?

3 MR. RYDER: I'm sorry, Mr. Chairman?

4 CHAIRMAN KEILSON: We're going to adjourn.

5 MR. GRAY: Is there any other business before
6 the Zoning Board, Mr. Ryder?

7 MR. RYDER: No, nothing that has to go on the
8 record.

9 MR. GRAY: Motion to close the meeting?

10 MEMBER SCHRECK: Motion to close the meeting.

11 MR. GRAY: Second it?

12 CHAIRMAN KEILSON: Second it.

13 MR. GRAY: All in favor?

14 MEMBER GOTTLIEB: Aye.

15 MEMBER WILLIAMS: Aye.

16 MEMBER HILLER: Aye.

17 (Whereupon, the hearing concluded at
18 10:08 p.m.)

19 *****

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

23

24

25


MARY BENCI, RPR
Court Reporter