

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

August 24, 2011
7:33 p.m.

APPLICATION: Seltzer
10 Sterling Place
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. ELLIOT FEIT
Member

MR. EDWARD GOTTLIEB
Member

MR. THOMAS V. PANTELIS, ESQ.
Village Attorney

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals. I request that you turn off your
4 cell phones. Please, no talking during the
5 proceedings. If you have to speak, please go
6 outside.

7 Okay, Mr. Ryder, proof of posting.

8 MR. RYDER: Yes, I have proof posting,
9 Mr. Chairman.

10 CHAIRMAN KEILSON: Thank you very, very much.
11 And Mr. Pantelis, would you like to open with
12 your preamble.

13 MR. PANTELIS: Just by way of some procedure,
14 we would ask that the applicants when they come up
15 please give your name and address and the
16 relationship to the application. If you're
17 representing an application or an applicant,
18 please indicate that.

19 We would like you at least to make a succinct
20 presentation regarding what you are asking for,
21 the relief that you are asking from the Board.
22 And, of course, the Board in this particular case
23 is a very hot Board in the sense that they have
24 visited the properties, are very familiar with the
25 properties and have taken a very good look at your

Seltzer - 8/24/11

1 applications. So to some degree you may find the
2 Board may cut to the chase and ask you a lot of
3 questions.

4 So with that in mind, we have a three-member
5 Board so far this evening, which means that you
6 would need a unanimous vote of the three members
7 present in order to have an application approved.
8 We may have one member who may be here shortly,
9 and we'll indicate that on the record when that
10 happens.

11 CHAIRMAN KEILSON: Absolutely.

12 The first matter this evening is the matter
13 of Seltzer. Would they or their representative
14 please step forward.

15 MR. SAVALDI: Yes, good evening.

16 CHAIRMAN KEILSON: Good evening.

17 MR. SAVALDI: Amiel Savaldi, 1 Meadow Drive,
18 Woodmere. Good evening to the Board.

19 CHAIRMAN KEILSON: Good evening.

20 MR. SAVALDI: We are here this evening
21 requesting the Board to grant a variance for a
22 second-floor addition of a rear bathroom to the
23 existing master bedroom suite of the Seltzers.
24 This addition was part of a variance which was
25 granted by the Board in 2003, I believe. And if

1 you go to drawing A-4 --

2 MR. PANTELIS: You're referring to a set of
3 plans, Mr. Savaldi. Would you please indicate
4 what those plans are; title box, prepared by,
5 date, and just the sheet on the plans.

6 MR. SAVALDI: I'm referring to plans prepared
7 by me and dated on 8/8/2011.

8 MR. PANTELIS: That's the last revision date,
9 correct?

10 MR. SAVALDI: That's the last revision date
11 and drawing, A-4. And if you'll look on the upper
12 right side you will see at the bottom you'll see
13 the existing bedroom and then a walk-in closet
14 that is going to be on the existing area of the
15 current bathroom and the closet. And beyond that
16 is the addition which is an addition of the master
17 bathroom on the existing den and it extends beyond
18 the existing one story by two feet.

19 MR. PANTELIS: If we look at drawing A-3,
20 would that show that?

21 MR. SAVALDI: If you look at drawing A-3 you
22 will see the dashed line indicating the overhang,
23 and the dashed area is indicating the net addition
24 which is a very small area. It's --

25 CHAIRMAN KEILSON: Twenty-four square feet.

Seltzer - 8/24/11

1 MR. SAVALDI: Twenty-four square feet,
2 correct.

3 CHAIRMAN KEILSON: So tonight we're
4 discussing the 24 square feet?

5 MR. SAVALDI: That's correct.

6 CHAIRMAN KEILSON: Which is over and above
7 the previously approved variance?

8 MR. SAVALDI: That's correct.

9 CHAIRMAN KEILSON: Are there any other
10 variances this evening?

11 MR. SAVALDI: We originally asked for a
12 swimming pool and deck, and we are withdrawing it.
13 So the Seltzers are not prepared to do it at this
14 time.

15 CHAIRMAN KEILSON: In terms of our review of
16 this evening's request it's simply the building
17 coverage issue?

18 MR. SAVALDI: And the rear-yard setback, I
19 believe.

20 CHAIRMAN KEILSON: The ratios.

21 MR. PANTELIS: Height setback ratio.

22 MR. SAVALDI: We are encroaching into the
23 30 feet required rear yard at that point, and we
24 are at the most severe place or the shortest
25 distance is 25 feet and a half. So which makes it

1 four and a half feet short.

2 MR. PANTELIS: And as you're going across the
3 rear of the residence does that depth increase,
4 and at what point would you say that it meets, if
5 it does, the 30-foot required yard?

6 MR. SAVALDI: It meets at, I would say, 80
7 percent where you go into toward the deck.

8 CHAIRMAN KEILSON: Well, on the pre-existing
9 approved variance what was the depth of that?

10 MR. SAVALDI: That was the exact condition.

11 CHAIRMAN KEILSON: Twenty-six ten.

12 MR. SAVALDI: That was exact.

13 CHAIRMAN KEILSON: Nothing changed in that
14 regard.

15 MR. SAVALDI: Nothing changed at all.

16 CHAIRMAN KEILSON: The only change is that 24
17 feet, in essence.

18 MR. PANTELIS: Twenty-four inches.

19 CHAIRMAN KEILSON: Twenty-four square feet.

20 MR. SAVALDI: Right. Which is the same as we
21 requested was granted earlier.

22 CHAIRMAN KEILSON: Right.

23 Okay, any questions of the Board?

24 MEMBER GOTTLIEB: No.

25 MEMBER FEIT: No.

1 CHAIRMAN KEILSON: Okay. Is there anyone in
2 the audience who would like to speak to the
3 matter?

4 (No response.)

5 CHAIRMAN KEILSON: Okay.

6 MEMBER FEIT: Any correspondence, Mike, on
7 this?

8 MR. RYDER: I do not have any.

9 CHAIRMAN KEILSON: So in reviewing the
10 criteria that normally apply in terms of
11 evaluating the proposed variance, the five
12 criteria, I think without even going into detail,
13 the benefits certainly outweigh any sort of a
14 detriment or issue regarding the community.

15 So we'll vote. Mr. Gottlieb.

16 MEMBER GOTTLIEB: For.

17 MEMBER FEIT: For.

18 CHAIRMAN KEILSON: And for.

19 MR. SAVALDI: Thank you very much.

20 CHAIRMAN KEILSON: Indicate how much time you
21 need.

22 MR. SAVALDI: Two years.

23 CHAIRMAN KEILSON: Two years.

24 (Whereupon, the hearing concluded at
25 7:40 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

Mary Benci

MARY BENCI, RPR
Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

August 24, 2011
7:40 p.m.

APPLICATION: Fistel
 100 Cumberland Place
 Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. ELLIOT FEIT
Member

MR. EDWARD GOTTLIEB
Member

MR. THOMAS V. PANTELIS, ESQ.
Village Attorney

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Fistel,
2 would they or their representative please step
3 forward.

4 MR. FISTEL: David Fistel, my address is 100
5 Cumberland Place in Lawrence. And I'm requesting
6 three variances tonight.

7 One is -- I'm trying to put on a 30-foot by
8 29-foot-9-inch addition in the rear of the house.
9 And in order to do that I'll only be 25 -- 25 feet
10 three inches from the -- as a rear-yard setback
11 instead of the required 30. And my house
12 currently is only nine foot -- nine feet from the
13 property line of my next-door neighbor, instead of
14 the required ten feet. And I would like to have
15 the addition continue in a straight line rather
16 than having to build in one foot.

17 CHAIRMAN KEILSON: On the same nonconforming
18 line?

19 MR. FISTEL: Yes.

20 CHAIRMAN KEILSON: Just further down.

21 MR. FISTEL: Right. And then the third
22 variance is side-yard aggregate which normally
23 needs to be 25 feet, and we're asking that at the
24 shortest point, I believe it's -- I wrote on the
25 petition I believe it's nineteen and change.

1 CHAIRMAN KEILSON: Nineteen nine.

2 MR. FISTEL: Yeah, nineteen and
3 three-quarters at the shortest point, and then it
4 slopes greater, you know, you have more room as
5 you go further back, till I think in the way back
6 it's probably just about 25 feet.

7 CHAIRMAN KEILSON: Tell us a little bit about
8 what you're adding in terms of the bedrooms and
9 the like and the need.

10 MR. FISTEL: Right now we have -- we have,
11 you know, a starter house, a three-bedroom house
12 with a den and a playroom. And we've been forced
13 to turn the den and the playroom into bedrooms.
14 We have -- you know, we've had two kids since
15 we've been in the house, which has been three
16 years, and we anticipate more. And we need a den
17 and a playroom for those kids, but at the same
18 time we need a place for those kids to sleep.

19 Also, my wife has ten siblings who each have
20 a lot of kids and they live in Florida most of
21 them and --

22 CHAIRMAN KEILSON: I don't think you have
23 enough bedrooms for all of them.

24 MR. FISTEL: Yeah, I know, not if they all
25 come at the same time. But I'm working on that.

1 But even if one of them comes with their family,
2 you know, we need at least one guest room and then
3 we could probably pile some of their kids with our
4 kids. So I feel like we need -- like we're going
5 to need seven bedrooms.

6 And this plan really calls for six bedrooms
7 and a playroom off of the den. But the playroom
8 will have sliding doors where it can be used as a
9 bedroom, you know, when it's necessary. And I
10 want to remind -- I guess you guys all know the
11 property, but it's on the -- it's on Cumberland
12 Place, right, and my neighbor in the back is the
13 Long Island Rail Road tracks.

14 CHAIRMAN KEILSON: Right.

15 MR. FISTEL: It's not even --

16 CHAIRMAN KEILSON: Do they keep you up at
17 night? No more than the babies.

18 MR. FISTEL: Not more than the babies, no,
19 definitely not.

20 CHAIRMAN KEILSON: Okay.

21 MR. PANTELIS: In addition to your
22 relationship to the railroad, can you continue to
23 describe the other surroundings adjacent. I think
24 that's important in this particular case.

25 MR. FISTEL: Yes, right. So that's the back.

1 So and we're not -- we're not in front of a
2 station. We're between the Inwood station and the
3 Lawrence station, but we're very close to the
4 opposite end of the Inwood platform and there is
5 -- there's Lord Avenue. You guys may recall that
6 it used to go through, but now they've cut it off
7 and there's a little -- a little cul de sac with a
8 rotary that's directly on the east side of the
9 property where we're asking to build out five
10 extra feet. Although it's not extra for that side
11 but it's extra in the aggregate.

12 CHAIRMAN KEILSON: Understood.

13 MR. FISTEL: So basically, we don't have any
14 neighbors.

15 CHAIRMAN KEILSON: Who's the neighbor on the
16 right? I think that's the most we're concerned
17 with.

18 MR. FISTEL: So that was -- well, it was
19 actually the Heslins until last -- until last
20 Wednesday, and a new family just moved in.

21 CHAIRMAN KEILSON: They're moving because of
22 your construction?

23 MR. FISTEL: Yes, brought them to the
24 neighborhood. So they're all for it; without it
25 they're moving out. No, but they are aware of

1 what we're doing. They've seen the same documents
2 that you're looking at.

3 CHAIRMAN KEILSON: Who's moving in?

4 MEMBER FEIT: Who moved in?

5 CHAIRMAN KEILSON: Moved in, sorry.

6 MR. FISTEL: Kapelowitz. They didn't have
7 official notice because I gave in the radius maps
8 before they moved in, and I didn't know who they
9 were. And the Heslins were keeping it secretive;
10 they were paranoid they wouldn't be able to close.
11 But so I sent it to them but --

12 CHAIRMAN KEILSON: Understood.

13 MR. FISTEL: -- but -- but when they moved
14 in, you know, we've seen each other and we're
15 friendly. And we showed them our house in case
16 they were wondering how to lay it out, and we
17 showed them our plans and we mentioned what we're
18 doing.

19 MEMBER GOTTLIEB: So they can come here and
20 ask for the same.

21 MR. FISTEL: If they want to.

22 CHAIRMAN KEILSON: At some later date.

23 MR. FISTEL: I don't think they have the
24 money to do that right now; they just got here.

25 MEMBER GOTTLIEB: Mr. Fistel, is there any

1 way you could have designed the addition being
2 four feet nine inches shorter, such that you could
3 maintain the 30-foot rear yard?

4 MR. FISTEL: So that's how we -- originally,
5 we weren't sure if we were going to ask for that
6 variance. The problem is that, you know, the
7 existing house -- in other words, really to --
8 like you can't have a bedroom that spans from --
9 you can't have a room really that spans from the
10 current house into the addition on the -- on that
11 side, on the left side of the house, because then
12 the room would be oddly shaped and it would be
13 kind of --

14 MEMBER GOTTLIEB: I understand, sure.

15 MR. FISTEL: So we started there and you can
16 see there's a schematic and we found that in order
17 to -- in other words, all the bedrooms basically
18 had to -- I mean, even bedroom three was difficult
19 to -- you know, we didn't want it to be in the
20 living room and in the dining room.

21 MEMBER GOTTLIEB: Bedroom three is on the
22 upper level?

23 MR. FISTEL: That's on the upper level.

24 MEMBER GOTTLIEB: Got it, okay.

25 MR. FISTEL: Yeah, the upper level was the

1 most challenging because if you have the master
2 bedroom on the upper level and you can't have
3 higher ceilings or anything on the lower level,
4 and the living room and dining room belong on the
5 upper level, so and then in order to do that if we
6 have two infants at a time so we can't put them on
7 the lower level. So we squeezed in bedroom three
8 on the upper level instead of putting it on the
9 bottom because we -- because they'll wake each
10 other up if they're in the same room. So I felt
11 we needed a little bedroom, that bedroom three
12 over there; and once you have that you need a
13 bathroom that services those two bedrooms. And my
14 wife has a lot of clothes, a lot of clothes. So
15 the walk-in closet is important.

16 CHAIRMAN KEILSON: Is that a political
17 statement for this evening?

18 MR. FISTEL: And basically, my office, I'm an
19 accountant, and my office is as it is, four feet
20 wide by ten two.

21 MEMBER GOTTLIEB: Just so I can find your
22 office.

23 MR. FISTEL: It's all the way up in the
24 corner. So it's not exactly -- you know, I would
25 love for it to be five or six feet so I could

1 actually fit a chair inside, but you know, as it
2 is we're trying to -- we're trying to --

3 MEMBER GOTTLIEB: Are you planning on putting
4 a deck or swimming pool in the back or other
5 structure?

6 MR. FISTEL: No.

7 MEMBER GOTTLIEB: It would just be a grassy
8 area.

9 MR. FISTEL: Yes. We don't want to lose the
10 whole back. A swing set might go into the back at
11 some point.

12 MEMBER GOTTLIEB: That's not what I meant,
13 but okay.

14 MEMBER FEIT: Is there a typo on this code
15 relief? You said existing is eighteen eight and
16 proposed is nineteen.

17 MR. FISTEL: That's correct. I mean, I think
18 that's correct.

19 MEMBER FEIT: Aggregate side-yard setback.

20 MR. FISTEL: Yeah, because in the front, like
21 I said, it's sloped, you know, since we're the
22 corner lot. So our property slopes sort of like
23 this (indicating), and it gets wider as you go
24 back. So all the way in the front the existing
25 structure is actually only eighteen eight

1 aggregate side yard in the front where the garage
2 is, but as you go back it gets more. But then
3 when we build the addition we're building it out
4 five feet more but we're already -- we're already
5 seven feet or six or seven feet more width than we
6 had at the outset, so that's what I meant by that.
7 Maybe I wrote it not correctly.

8 CHAIRMAN KEILSON: That's fine.

9 Is there anyone in the audience that wanted
10 to speak to the matter?

11 (No response.)

12 CHAIRMAN KEILSON: Gentlemen, any further
13 questions?

14 MR. FISTEL: My wife is for. She just
15 doesn't want to speak. Probably doesn't want to
16 wake the baby.

17 CHAIRMAN KEILSON: Okay, so in reviewing the
18 five criteria in terms of area variances, weighing
19 the benefit of the variance to the applicant as
20 opposed to the concern for the neighborhood.

21 And I think we'll vote at this point.
22 Mr. Gottlieb.

23 MEMBER GOTTLIEB: I will vote for this, and
24 bearing in mind that there is no area -- rather,
25 surface coverage or building variance that is

Fistel - 8/24/11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

required. I want to mention that in particular.

CHAIRMAN KEILSON: Mr. Feit.

MEMBER FEIT: Considering that his backyard neighbor is the Long Island Rail Road, I vote for.

CHAIRMAN KEILSON: And I'll vote for as well.

MR. FISTEL: Thank you.

CHAIRMAN KEILSON: Indicate how much time you need. Two years, take two years.

MR. FISTEL: Two years, that's what I was thinking.

CHAIRMAN KEILSON: So you don't have to come back and ask for an extension.

MEMBER FEIT: You have to go to Building Design. It's your first time here. Mr. Ryder will fill you in.

MR. FISTEL: I was hoping for ten years, but two years we should be able to finish.

(Whereupon, the hearing concluded at 7:50 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

Mary Benci

MARY BENCI, RPR
Court Reporter

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

August 24, 2011
7:50 p.m.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPLICATION: HAFTR
 33 Washington Avenue
 Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. ELLIOT FEIT
Member

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MR. THOMAS V. PANTELIS, ESQ.
Village Attorney

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The final application this
2 evening is the Hebrew Academy.

3 MR. GOLDMAN: Good evening, Mr. Chairman and
4 good evening, members of the Board. For the
5 applicant, Ronald Goldman, 130 West 42nd Street,
6 New York, New York.

7 Good evening, Mr. Chairman. It's always a
8 pleasure to appear before the Board on either side
9 of the railing.

10 CHAIRMAN KEILSON: It's always a pleasure to
11 see you as well.

12 MR. GOLDMAN: Thank you.

13 I'm joined here tonight on behalf of the
14 Hebrew Academy of the Five Towns and Rockaway by
15 its executive director, Reuben Maron.

16 MEMBER FEIT: Mr. Goldman, can I just
17 interrupt you, just so the record is clear. I was
18 president of this institution fifteen years ago, a
19 long time ago. I just about have nothing to do
20 with it. My youngest child just turned 31, and my
21 two grandchildren are in different schools. So I
22 have no children or anything of a relationship
23 with this school other than being a
24 fifteen-year-old past president.

25 MR. GOLDMAN: Well, I feel bad for your other

1 grandchildren that they're not availing themselves
2 of the best education in the Five Towns.

3 But having said that, I would note that we do
4 indeed have the executive director of the school,
5 as well as the incoming Chairman, Joshua Wanderer,
6 as well as a principal of the school, Miss Naomi
7 Lippman, as well as, of course the architect who
8 will introduce himself, Mr. Capobianco, who is
9 well known to this Board. And should it become
10 necessary in the course of the conversation, the
11 traffic engineer who studied the site, Mr. Robert
12 Bornholdt.

13 I would note that traditionally before coming
14 to this Board it's this Board's responsibility to
15 check and confirm and compare the benefit to the
16 community -- the benefit to the applicant as
17 compared to any detriments to the community.
18 That's your burden.

19 In this case what has happened is the
20 applicant has taken that burden upon themselves
21 and have really given thought to it in a very
22 responsible fashion.

23 As a long-time resident of this community it
24 was always my assumption that the lot that has
25 been occupied by the Herald building until its

1 untimely fire would naturally be filled by a
2 structure. And indeed that was the earlier
3 application. Then the common sense point of view
4 would have been just to plop a gymnasium down in
5 that vacant space.

6 The Hebrew Academy took the thought and said,
7 you know what, that's probably not in the best
8 interests of the community. It's on Central
9 Avenue; it might pose a problem in terms of
10 traffic flow. It might pose a safety issue in
11 terms of the people coming and going onto Central
12 Avenue. Certainly, the buildings adjacent or
13 across the street might be impacted. And
14 instead --

15 CHAIRMAN KEILSON: That wasn't their argument
16 that evening though.

17 MR. GOLDMAN: Well, you know what, that's one
18 of the reasons why the Board was gracious and made
19 effective arguments then, but having reconsidered
20 and with a change of demographics in the community
21 and the needs of the school, they reconsidered and
22 thought that there was perhaps a better
23 alternative. That was a good idea but this is a
24 better idea.

25 MR. PANTELIS: Mr. Goldman, are you referring

1 to the existing athletic field as indicated on the
2 plan?

3 MR. GOLDMAN: Yes.

4 MR. PANTELIS: I just wanted to be clear.
5 That is adjacent to Central Avenue.

6 MR. GOLDMAN: Correct. And originally, in
7 proposing the idea, that was again the common
8 sense. I would note too that that was a different
9 architect and that we're blessed with a very
10 talented one who came up with a more creative
11 idea, not to be critical of anyone else, but of
12 putting the exact same structure but in a location
13 that would absolutely have no detriment to the
14 community, whether it be to neighbors, whether it
15 be to adjoining facilities, or institutions.

16 And so we come here tonight to basically say
17 to the Board that whereas we might have impacted
18 substantially on, for example, surface coverage by
19 removing green grass and land and presenting it in
20 that fashion, what has happened now is that the
21 current location, and of course the architect will
22 speak to it far more clearly than I and describe
23 it better, but nevertheless it will now be
24 displacing simply other concrete. In other words,
25 it's going down on a playground area that is

1 currently the surface. It's not increasing
2 surface coverage by any means; and rather than
3 that, it is preserving the green grass that
4 currently exists as counsel has indicated in what
5 is now not only referred to as an athletic field
6 but indeed is an athletic field.

7 CHAIRMAN KEILSON: On the zoning chart it
8 shows there was an increase in surface coverage,
9 although the Village in the denial letter makes no
10 reference to additional surface coverage.

11 MR. GOLDMAN: I'm advised that there is no
12 additional surface coverage because it's going
13 straight on what is currently not an athletic
14 field but a playground area which is in fact
15 covered and concrete, if you will.

16 MR. CAPOBIANCO: Asphalt.

17 CHAIRMAN KEILSON: Well, the zoning chart
18 indicates variance required for additional area of
19 12,000 square feet.

20 MR. CAPOBIANCO: That's the area of building.

21 MR. PANTELIS: State your name and address,
22 please.

23 MR. CAPOBIANCO: John Capobianco, architect,
24 159 Doughty Boulevard, Inwood.

25 Yeah, the area of 12,000 square feet would be

1 the -- well, we're leaving the athletic field the
2 way it is, but we're actually placing the building
3 7,500 square feet on an existing playground area
4 which is presently macadam. I don't see where the
5 additional surface coverage is changed.

6 CHAIRMAN KEILSON: No, it happens to be the
7 Village agrees with you, but I'm just reading the
8 zoning table.

9 MR. PANTELIS: You say at the bottom existing
10 116,967. That's on the chart, surface coverage.
11 And proposed 129,044. And your own notation
12 indicates variance required. So we were just
13 looking at how that actually came about.

14 MR. CAPOBIANCO: Oh, I see what you're
15 saying.

16 CHAIRMAN KEILSON: Maybe it was that other
17 architect.

18 MR. PANTELIS: If you think it's an error,
19 Mr. Capobianco.

20 MR. CAPOBIANCO: I think it's an error and I
21 think that we'll correct that error. I would like
22 to state on record that it is a replacement of
23 surface coverage. You know, the existing surface
24 coverage is basically unchanged.

25 MEMBER FEIT: Mr. Goldman, the parking

1 agreement between Beth Sholom and HAFTR, is it
2 still in existence where Beth Sholom allows HAFTR
3 to use their parking lot after hours?

4 MR. GOLDMAN: That's correct. There's been
5 no change from the time that indeed there were
6 discussions as to required parking and the
7 variance for the parking. There has been no
8 change. I would note, since you mentioned that,
9 that I would submit to the Board a letter of
10 support from Congregation Beth Sholom, and there's
11 no indication that their understanding as to the
12 availability of parking for HAFTR has changed in
13 any way. And with the Board's permission I'm
14 submitting copies for each member of the Board and
15 one for, of course, counsel and signed by the
16 current president of the institution. It
17 misstates it's not front, it's actually Frost
18 Lane.

19 And rather than -- even though you've thrown
20 me off, Mr. Feit, as long as we're submitting
21 letters of support I would note too that the
22 Brandeis School, which is across the street on
23 Frost Lane, has indicated to us that they're
24 supportive of this application.

25 And finally, and I respect the fact that the

1 primary -- or a primary concern would be the
2 feelings and approach of an attitude of the fire
3 department, because at the end of the day --

4 CHAIRMAN KEILSON: Let me just interject,
5 Mr. Schreck, an alternate sitting in this evening,
6 has joined us in motion.

7 (Whereupon, Mr. Schreck has entered the
8 hearing room.)

9 MR. GOLDMAN: Thank you.

10 And I would note that the fire department was
11 consulted as it had been on the prior occasion.
12 They're supportive of the application as well, and
13 I have copies of their letter of support for each
14 member of the Board as well and of course for
15 counsel.

16 So in terms of Beth Sholom, the fire
17 department and the school opposite, the Brandeis
18 school, they're all in support.

19 There are no neighbors, resident civilians,
20 if you will, who will be impacted by this. This
21 is going dead center in the middle of the property
22 and then, of course, the question would become
23 that assuming it's there, what's the reason for
24 it.

25 That which was said back in 2007, I believe

1 it was, remains the case. The school is committed
2 not to increasing its student population. This
3 will not impact by in terms of additional students
4 and the burdens that might be concomitant with
5 that. It's not going to increase the number of
6 staff who are truly the drivers to an elementary
7 school, but there's not going to be an increase of
8 staff.

9 There's a necessity for this. This building
10 was built I think back in the 1960s. It does
11 indeed have a gym, as we talked about in 2007, but
12 that gym is woefully inadequate on many levels.

13 One, because it just is in terms of just its
14 size and in terms of facilitating and allowing
15 spectators. Now, the question might come up,
16 well, if you're building a bigger gym you're going
17 to have a few spectators and rival Yankee Stadium.
18 That's not the purpose of it. They're going to
19 have the same number of spectators, but in the
20 current situation those spectators because of the
21 size of the gym by the virtue of their existence
22 negatively impacts on any sport activity that's
23 taking place. So much so that that gym is not
24 considered really sort of regulation, if you will,
25 and it requires when they play or when the high

1 school certainly comes over to play regulation
2 games they're forced to go to another facility
3 because this gym, the current gym is so
4 inadequate, both as I say from a safety point of
5 view of the spectators and also from the terms of
6 regulation, et cetera. So the current gym will
7 not be attracting more people, it will just be
8 facilitating the activities that much more.

9 In terms of buses that will come, they're
10 provided for. There won't be any additional
11 parking required, though that can be addressed
12 certainly by the expert who's here in terms of
13 traffic. It won't have an impact on Central
14 Avenue because it isn't going to be on Central
15 Avenue, nor is it going to be facing Central
16 Avenue.

17 The school has indeed -- it's not coming to
18 you as a new resident. It's not coming because it
19 just bought a piece of property that's inadequate
20 for its needs. It's coming to you as a long-time
21 resident. It's been in compliance with earlier
22 variances that were granted, cooperative and
23 supportive of the Village. So it's from this
24 point of view no increase in numbers, and there's
25 no opposition that we know of.

HAFTR - 8/24/11

1 In times past people were concerned in terms
2 of height, et cetera. That's all being consistent
3 and it's all interior so there won't be any impact
4 on anyone. Certainly no impact on the
5 environment. There's no detriment. There are
6 alternative ways to do this, and we're living
7 proof of that because we merely have to go back to
8 the 2007 variance and we'd see that indeed there
9 was an alternative, but it was not in the best
10 interests of the community, the school, the
11 Village or any of the residents.

12 That being said, that's pretty much my not so
13 succinct and certainly not so brief, but it's
14 certainly my application and, of course, all the
15 parties that are here can address the issues if
16 you have concerns about either the parking, the
17 architectural component or any element of the
18 school's necessity or any commitments on the part
19 of the school in terms of the use of this
20 facility.

21 MEMBER FEIT: Mr. Goldman, on Frost Lane I
22 think they have now the tennis courts. You have
23 Frost Lane, new park area, existing asphalt and
24 the 75 spaces. That is where the buses usually
25 go during the school year, am I right? So

1 that would accommodate any buses that comes in,
2 let's say, at night for a game they would be right
3 on property?

4 MR. GOLDMAN: Correct. And to date the
5 commitment was made earlier on, there's concern
6 and that's why the fire department was supportive
7 of the application that Washington Avenue should
8 not become that kind of a location where buses
9 would collect or student players or whatever be
10 discharged, that wouldn't happen. That's
11 precisely why this is a secure area and the
12 Village was quite ingenious in terms of making
13 sure that that provision was made on Frost Lane,
14 and the school has been in compliance with it.

15 MEMBER GOTTLIEB: Mr. Goldman, how many
16 parking spots were on-site for this facility
17 before and after the proposal?

18 MR. CAPOBIANCO: There were 38 existing
19 parking spaces which was entered off of Washington
20 and now there's an additional 75 at the rear which
21 would be on the existing macadam area that would
22 be used.

23 MEMBER GOTTLIEB: So in effect you're adding
24 75 parking spaces without increasing the
25 enrollment or any teachers or any other supportive

HAFTR - 8/24/11

1 staff?

2 MR. CAPOBIANCO: That's correct.

3 MR. GOLDMAN: That's correct.

4 MR. CAPOBIANCO: Also, I'd like to point out
5 on the schedule and site plan that on the surface
6 coverage section we showed that the existing
7 surface coverage remains unchanged. That's why I
8 was confused about the extra 12,000 square feet.

9 MEMBER GOTTLIEB: I just did some quick math
10 with surface coverage. I used both of your
11 numbers. You had a proposed of 129,000 surface
12 coverage and an existing 116,967.

13 MR. CAPOBIANCO: Right, but that didn't
14 change, the one sixteen nine.

15 MEMBER GOTTLIEB: So we're going to base it
16 on the 116,967.

17 MR. CAPOBIANCO: That's correct.

18 MEMBER GOTTLIEB: Just to be sure of
19 something, the area on Central Avenue that's
20 currently grassy, that is not owned by HAFTR at
21 this time, correct?

22 MEMBER FEIT: Part of it is.

23 MR. CAPOBIANCO: The site adjacent to Chosen
24 Island?

25 MEMBER FEIT: The Nassau Herald is owned by

1 HAFTR.

2 MR. CAPOBIANCO: The Nassau Herald is owned
3 by HAFTR.

4 MEMBER GOTTLIEB: Right, the Nassau Herald is
5 owned by HAFTR.

6 MR. CAPOBIANCO: Right.

7 MR. GOLDMAN: I don't mean to interrupt. But
8 it's not only owned by HAFTR and certainly
9 maintained and being used indeed as an athletic
10 field.

11 MEMBER GOTTLIEB: And the additional parcel
12 next to that is the former medical center.

13 MR. GOLDMAN: That is not owned by HAFTR.

14 MEMBER GOTTLIEB: So the existing athletic
15 field, as we'll call it, that is part of the total
16 number of 136,000 as your total?

17 MR. CAPOBIANCO: That's correct. That has
18 nothing to do with that lot.

19 MEMBER GOTTLIEB: So I guess even though
20 we're not changing the surface coverage, you do
21 have 86 percent surface coverage. My question is
22 regarding flooding and excess water flow. Is
23 there currently -- I guess I shouldn't be asking
24 you this. Perhaps I should be asking somebody
25 with the Village. Is there a runoff problem at

1 this time that there's no place for water to
2 percolate?

3 MR. RYDER: Would you like me to answer?

4 MEMBER GOTTLIEB: Mr. Ryder, I think I'm
5 directing this at you.

6 MEMBER FEIT: The buck stops.

7 MR. RYDER: There's a drainage problem
8 throughout the Village.

9 MEMBER GOTTLIEB: But this is an 86 percent
10 surface coverage where most other parcels are
11 substantially less than that.

12 MR. RYDER: Right. If I may, the question
13 should be asked to the applicant what the existing
14 dry wells or catch basins are.

15 MR. CAPOBIANCO: This area is a good area in
16 terms of drainage. There's existing dry wells
17 which are there now which takes the runoff, you
18 know, you know the impervious services that are
19 adequately handling it. And actually when we
20 construct the building we'll probably have to
21 relocate dry wells that are in the way of the new
22 construction because of -- we'll have to replace
23 them. And you know, at that point we don't expect
24 to have to add additional dry wells because
25 they're already handling the same amount of

1 impervious surface that the area that will be
2 increased will be just roof area. But we're
3 thinking of bringing new dry wells.

4 MEMBER GOTTLIEB: Since new construction is
5 being done and if there is a problem with water
6 runoff this will be a good time to address it and
7 put in any necessary dry wells.

8 MR. CAPOBIANCO: Yes. We plan on putting a
9 few extra dry wells in anyway for the roof area.

10 MR. GOLDMAN: I had held back with my
11 dramatic conclusion to provide the Board with a
12 rendering of what the site will look like, but I'm
13 being pre-empted by the architect who would like
14 to do it right now, and I'd be happy to share it
15 and make it part of the record. You see it will
16 blend right in, have no negative impact on the
17 adjoining properties.

18 MR. PANTELIS: We'll have these actually
19 marked as an applicant's exhibit.

20 MR. GOLDMAN: Yes, please.

21 MEMBER FEIT: Mr. Goldman, am I correct that
22 the school, the institution right now is
23 maintaining what we referred to as a medical
24 building even though they don't own it, but is
25 that correct that they're maintaining that lawn

1 and the grass there?

2 MR. GOLDMAN: I would not know the answer to
3 that.

4 MR. MARON: Yes, we are maintaining that.

5 MEMBER FEIT: Identify yourself.

6 MR. MARON: Presently we have a lease on that
7 property. My name is Reuben Maron, executive
8 director of HAFTR.

9 Presently, we are leasing that property and
10 we -- in the lease we maintain the property, we
11 fenced it in properly. And I don't know if you
12 remember about two years ago there was always a
13 problem with the fencing there. Once we took the
14 place over, we put in a new fence, we grassed the
15 area, we levelled it and we keep it as green as
16 possible.

17 MEMBER FEIT: So it's no longer an eyesore,
18 it's actually something attractive.

19 MR. MARON: Absolutely. Thank you.

20 MR. GOLDMAN: It's all part of the component
21 of maintaining Central Avenue.

22 CHAIRMAN KEILSON: Mr. Goldman, does the
23 traffic expert have anything to contribute in a
24 succinct fashion?

25 MR. GOLDMAN: Unlike the lawyer.

1 MR. PANTELIS: I do have a question. You
2 made reference to a prior variance, and I see your
3 parking here is calculated on the additional space
4 for the gymnasium. Do you know what the required
5 parking would be for the institution, what the
6 prior variance was that was granted, and I think
7 as I understand it you were saying you are
8 increasing that parking by 75 spaces, whatever
9 that particular number is.

10 MR. GOLDMAN: I just need a second. I do
11 have a copy of the findings of fact that were
12 written back in 2007. There's reference,
13 theoretically, they would have required 232
14 parking spaces, and that's exactly right, and it
15 was granted. It was then concluded that the ones
16 that were provided were more than sufficient and
17 indeed were increasing from those.

18 MR. PANTELIS: So then the total number of
19 spaces to be provided on-site will be?

20 MR. GOLDMAN: Right now --

21 MR. CAPOBIANCO: 113.

22 MR. GOLDMAN: -- 113.

23 MR. CAPOBIANCO: If you look at the gym
24 portion of the parking requirement which is 102
25 based on occupancy, load and dividing it by five,

1 one per five, that you would need 102. So the
2 fact that there may be an event in off-school
3 hours, after-school hours there would be 113
4 spaces on-site available.

5 MR. PANTELIS: No, I think it's just more
6 important that ultimately the record reflect what
7 the parking requirements are, what was previously
8 granted by this Board and what we are going to end
9 up with.

10 MR. GOLDMAN: Correct.

11 CHAIRMAN KEILSON: I think it's very clear
12 that the municipal parking is across the street,
13 and that also has to be taken into consideration.
14 Certainly during the hours that are being proposed
15 for the events we're talking about that municipal
16 parking is at its minimum use.

17 MR. GOLDMAN: That is correct. We wouldn't
18 want to necessarily rely on that, nor would it be
19 appropriate to do so. But that is the reality,
20 it's there.

21 CHAIRMAN KEILSON: Okay.

22 MR. CAPOBIANCO: One of the other things I
23 wanted to mention was that, you know, in building
24 this building we were planning a basement which
25 would help the storage problem that exists at the

1 school which hopefully will alleviate those
2 trailers that are on the side of the building
3 which right now fall partially into a fire lane.
4 So those -- we're hoping that they will -- we're
5 planning that those will be removed once the
6 building is built and the basement is available
7 for the storage that they need.

8 CHAIRMAN KEILSON: Thank you.

9 MR. GOLDMAN: I don't know -- if you want to
10 be succinct, by all means, but I don't know if the
11 Board has any specific questions.

12 CHAIRMAN KEILSON: He made a study, didn't
13 he?

14 MR. GOLDMAN: We'll hear from him. I have
15 copies for the Board.

16 CHAIRMAN KEILSON: We want you to get your
17 monies' worth.

18 MR. BORNHOLDT: My name is Robert Bornholdt,
19 Sidney Bowne Engineering, 235 East Jericho
20 Turnpike, Mineola.

21 MR. PANTELIS: Sir, do you just want to
22 indicate if you have professional qualifications
23 would you like to submit or just verbally indicate
24 to the Board what your expertise is.

25 MR. BORNHOLDT: I was director of traffic

HAFTR - 8/24/11

1 safety for Suffolk County for the last, I guess,
2 for seven years, and now I'm working for Sidney
3 Bowne.

4 MR. PANTELIS: Do you have expertise in
5 traffic review and engineering?

6 MR. BORNHOLDT: I do, 40 years' worth.

7 CHAIRMAN KEILSON: Do you have any
8 recommendations for Rockaway Turnpike?

9 MR. BORNHOLDT: I didn't study it.

10 MR. GOLDMAN: He's an expert, he's not a
11 miracle worker.

12 The record will reflect, please, that
13 Mr. Bornholdt has submitted -- just describe it
14 for the record, please.

15 MR. BORNHOLDT: I was asked to take a look at
16 the impact, the traffic impact of the gymnasium.
17 And I was told, and as Mr. Goldman says there's no
18 impact during the day, there's no increase in
19 enrollment. So the gymnasium is just a net zero
20 gain during the day.

21 So we did a study between 6:00 and 8:00 on a
22 typical weekday evening, just to see what type of
23 parking would be available in addition to what
24 we're providing on site, and we took a look and
25 we've got a substantial amount of vacant spaces

1 within walking distance of the gymnasium and the
2 Hebrew Academy.

3 MR. PANTELIS: Well, basically, so we can
4 summarize your report, you indicated a number of
5 areas within I assume this is walking distance and
6 indicated in areas A, B, C, D, and E on your
7 chart.

8 MR. BORNHOLDT: Right. It's the lot across
9 Frost Lane. It's parking along Frost Lane. It's
10 parking on the far side of Central Avenue. It's
11 parking on the academy side of Central Avenue.
12 And it's the parking on Broadway.

13 MR. PANTELIS: And in the vicinity then what
14 would be the number of potentially available
15 spaces on this after-hours period?

16 MR. BORNHOLDT: I don't know that.

17 MR. PANTELIS: I see you have a lot of
18 numbers here.

19 MR. BORNHOLDT: Well, it's the total at the
20 end that would be important. As you can see -- as
21 you can see on this last column (indicating), the
22 total available spaces during each of these
23 ten-minute time periods gave the technician enough
24 time to go around and count within a ten-minute
25 period.

1 MEMBER GOTTLIEB: Mr. Bornholdt.

2 MR. BORNHOLDT: Yes.

3 MEMBER GOTTLIEB: I'm looking at column A, if
4 you will, and it shows on the top going across
5 seventeen spaces.

6 MR. BORNHOLDT: Yes.

7 MEMBER GOTTLIEB: But then below that it
8 shows available is 116.

9 MR. BORNHOLDT: That's a mistake. That's a
10 typo. It should have been 171 spaces because
11 that's the municipal lot.

12 MEMBER GOTTLIEB: Fine.

13 MR. BORNHOLDT: That was a typo. I
14 apologize.

15 MEMBER GOTTLIEB: Now I can follow it more
16 clearly.

17 MR. BORNHOLDT: It does make a little more
18 sense. Anyway, the last column is the important
19 one because of all these areas for any given
20 ten-minute time period you've got a minimum of 154
21 spaces available within walking distance of the
22 gym, in addition to what's being provided by the
23 applicant.

24 CHAIRMAN KEILSON: What athletic teams
25 participate in the leagues or the like?

HAFTR - 8/24/11

1 MR. GOLDMAN: Well, I believe I have a
2 representative of the school, but it's my
3 understanding that there's, of course, basketball;
4 there's a varsity and a junior varsity, there's
5 floor hockey, both varsity and junior varsity.
6 There's a girls' basketball as well as boys, this
7 being a co-educational institution. So there's
8 essentially four basketball teams that are
9 playing, and needless to say needing different
10 time frames as well. That's one of the reasons
11 that the pressures have been on the gym because
12 it's just a finite amount. There is floor hockey.

13 You know what, if we may, we'll ask
14 Miss Lippman who is the former -- current
15 principal of the high school as well as the former
16 principal of the junior high school, and indicates
17 as well to my mistake that it's not only the high
18 school teams, but there's a junior high school as
19 well, so it's doubled. In other words, there's a
20 girls' varsity and a girls' junior varsity, and a
21 boys' varsity, et cetera, et cetera. So these are
22 all -- they had been all using pretty much the
23 same facility.

24 MR. PANTELIS: But would it be fair to say
25 you're going to essentially have one team at a

HAFTR - 8/24/11

1 time or event at a time?

2 MR. GOLDMAN: Yes.

3 MR. PANTELIS: So the more important element
4 is during those period of times, as your traffic
5 expert is indicating, there seems to be more than
6 adequate number of spaces within the area.

7 MR. GOLDMAN: That is correct. At any given
8 moment there would be consistency in terms of the
9 use. It's not going to be all four teams.

10 MR. PANTELIS: Would it also be fair to say
11 perhaps, and the principal or the director could
12 respond to that, when you do have teams visiting
13 that they will very often come in their own van or
14 bus?

15 MR. MARON: They come in their own van or
16 bus.

17 MS. LIPPMAN: They come in their own.

18 MR. GOLDMAN: And we have provided for that
19 certainly off the street.

20 MEMBER FEIT: Mr. Goldman, is it fair to say
21 also that -- well, let me ask Mr. Maron who is
22 actually the executive director, or Miss Lippman,
23 that the number of teams are going to be staying
24 constant; you're not going to be adding any?

25 MS. LIPPMAN: That's correct.

1 MR. MARON: No.

2 MEMBER SCHRECK: Mr. Goldman, will there be
3 any non-athletic events in this gym, like open
4 houses or bar mitzvahs or dinners?

5 MR. GOLDMAN: No, this is not going to be
6 used; it's certainly not going to be rented out.
7 It's not going to be made available to the public,
8 nor is it going to be advertised as such. It's
9 fair to say that indeed it will be used for school
10 plays which currently the current facility is, but
11 it's so much smaller, and I don't know if they
12 even graduate --

13 MR. MARON: No, not big enough.

14 MR. GOLDMAN: The graduation is off-site
15 because of the increased number of parking,
16 et cetera. There may be, as I say, school plays,
17 class plays, et cetera. But it is not going to be
18 marketed as a facility, nor will it be marketed as
19 a gathering place for other institutions or an
20 overflow, et cetera. That's never been the
21 history of the school and nor will this, even
22 though the facility is there, that would not
23 change.

24 MR. MARON: That's correct.

25 MS. LIPPMAN: That's correct.

HAFTR - 8/24/11

1 MEMBER FEIT: Mr. Goldman, this facility,
2 this is going to be used for educational purposes;
3 is that correct?

4 MR. GOLDMAN: Yes, in the broadest sense, and
5 so far too it's an athletic facility, so it's an
6 educational component in the broadest sense. Good
7 sportsmanship, et cetera.

8 CHAIRMAN KEILSON: Is there anyone in the
9 audience that would like to comment or question?

10 (No response.)

11 MEMBER GOTTLIEB: I just want to go back to
12 the traffic study one more moment. Your study was
13 done on pretty short notice. You didn't have six
14 months to do this. So you chose Thursday, August
15 18th, which is probably one of many vacation weeks
16 and it's certainly during the summer.

17 Do you think there would be much of a
18 difference in the period of September through May,
19 versus Thursday, August 18th on the availability
20 of parking within the Village within the public
21 lots?

22 MR. BORNHOLDT: That's an excellent question.
23 Typically, there is an increase in traffic when
24 school starts again, although I observed the
25 school, I was down there personally and observed

HAFTR - 8/24/11

1 the school and there was a lot of activity going
2 on during the day.

3 MR. GOLDMAN: That's correct. There's a camp
4 facility.

5 MR. BORNHOLDT: So in the evening these
6 activities we're describing I don't know what the
7 parking availability would be at that time.

8 MR. GOLDMAN: Just so the record is clear,
9 however, as the Board well knows this is not
10 contiguous to any shopping center of major impact.
11 This is not where Gourmet Glatt, for example,
12 would be, where on a Thursday night it's safe to
13 say this is off by the firehouse, et cetera.
14 Across the street are a karate school, a vacant
15 building and, of course, one of the co-ops or
16 condo, not 360, the other one, the Carlyle.

17 MEMBER FEIT: That's where your athletic
18 field is now. You're not building that.

19 MR. GOLDMAN: That's correct. Opposite that
20 there would not be. So there will be no impact on
21 those residents as well.

22 CHAIRMAN KEILSON: Okay. Having reviewed all
23 these matters, are there any further questions
24 before we -- okay.

25 So in terms of observing the criteria for

HAFTR - 8/24/11

1 evaluating the granting of a variance we weigh the
2 benefit to the applicant as opposed to any
3 detriment to the community, and taking that into
4 consideration we'll now vote. Mr. Gottlieb.

5 MR. GOTTLIEB: Just so I'm clear, there are
6 three variances that are being asked for, not
7 four, right?

8 MR. GOLDMAN: No, the fourth one it looks
9 like it's surface coverage but it isn't; it's
10 building coverage.

11 MEMBER GOTTLIEB: So three variances?

12 MR. GOLDMAN: Right.

13 MEMBER GOTTLIEB: I will vote for.

14 MEMBER FEIT: For.

15 CHAIRMAN KEILSON: Mr. Schreck.

16 MEMBER SCHRECK: For.

17 CHAIRMAN KEILSON: And I will vote for as
18 well.

19 MR. GOLDMAN: Thank you.

20 MR. MARON: Thank you.

21 MR. CAPOBIANCO: Two years.

22 CHAIRMAN KEILSON: Take the two years.

23 MR. GOLDMAN: Thank you.

24 CHAIRMAN KEILSON: Thank you very much.

25 MR. GOLDMAN: Board of Building Design as

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

well.

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

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

Mary Benci
MARY BENCI, RPR
Court Reporter