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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Park House
101 Causeway
Lawrence, New York

November 16, 2009
8:00 p.m.

APPLICATION: Congregation Bais Medrash
214 Harborview South
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. ELLIOT FEIT
Member

MS. ESTHER WILLIAMS
Member

MR. ELY TENDLER
Member

MR. EDWARD GOTTLIEB
Member

MR. RONALD GOLDMAN, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Good evening. Welcome to
2 the special meeting of the Lawrence Board of
3 Zoning Appeals.

4 Actually, tonight we're going to welcome
5 Mr. Gerry Castro. I think it's his first visit
6 here on behalf of the Building Department. We
7 look forward to the opportunity of seeing you here
8 often.

9 Okay. The first matter on the calendar is
10 the Congregation Bais Medrash.

11 MR. GOLDMAN: Actually, proof of posting.

12 CHAIRMAN KEILSON: Proof of posting. I'm
13 sorry.

14 MR. CASTRO: The Village offers proof of
15 posting at the various locations as part of the
16 file.

17 MR. GOLDMAN: And it's published within the
18 newspaper as well and posted in conspicuous areas
19 of the Village, and is being made part of the
20 record and proof thereof.

21 CHAIRMAN KEILSON: Thank you, Mr. Goldman.

22 The first matter this evening is the
23 application of Congregation Bais Medrash of
24 Harborview. Will they or their representative
25 please step forward.

Proceedings - 11/16/09

1 MR. PANTELIS: Good evening, Mr. Chairman and
2 members of the Board, Thomas Pantelis, attorney,
3 with offices at 170 Old Country Road, Mineola,
4 New York, appearing on behalf of the applicant.

5 As the Chair and the Board may be aware of,
6 I've spoken to counsel today about a request for
7 an adjournment which we are going to make tonight
8 of this matter. At this point it's really come to
9 our attention that some of the plans that we
10 submitted may not fully, I'll say, describe or
11 depict the work that's being completed. And we
12 want those plans to be in front of the Village to
13 make sure they're re-reviewed before another
14 hearing.

15 And also, we have been doing some
16 investigation in the Village files relating to
17 this matter, and I think we still need a little
18 more time to complete that investigation. I
19 alerted counsel today to some of these issues.

20 You may want to make your appearance noted as
21 well.

22 MR. KOVIT: Thank you. My name is Charles
23 Kovit, K-O-V-I-T, 1267 Sturlane Place, Hewlett,
24 New York, appearing for resident Christine
25 Moushoutas from 210 Harborview South.

Proceedings - 11/16/09

1 Yes, Chairman, members of the Board, I have
2 been in consult with Mr. Pantelis. I know that an
3 adjournment is being sought. Also, I know that
4 the preference of the Board probably would have
5 been to put this matter on for December 2nd, and I
6 know that it's been communicated that I had a
7 conflict that day. I'm doing -- I'm prosecuting
8 in the Village of Cedarhurst, and I would
9 appreciate it being moved to a different date, and
10 if so, that would really help me out a lot.

11 CHAIRMAN KEILSON: I think it was brought to
12 the Board's attention by Mr. Pantelis about your
13 conflict, and we talked about December 3rd. I
14 believe that's the date that meets with your --

15 MR. KOVIT: Yes, Chairman.

16 CHAIRMAN KEILSON: Fine. Any questions from
17 the Board?

18 MEMBER FEIT: Yeah, I would like to see the
19 latest copy that you have of the stop order that
20 was served on your client, because I will tell you
21 right out, in fact, I was there yesterday. I saw
22 workmen working on the air-conditioning system.
23 And the copy of the stop order that I have does
24 not allow that. Now, there's been some talk that
25 there may have been a later stop order. I would

Proceedings - 11/16/09

1 like to see it. If I don't see it, your clients
2 are going to have a lot to answer for why there
3 were people working on air conditioning there on
4 Sunday when nobody from the Village is around to
5 catch them.

6 CHAIRMAN KEILSON: If I may interject, and of
7 course, you can respond afterwards. In my
8 conversations with the Building Department and
9 Mr. Herron several weeks ago when the entire
10 matter came to a head, he advised that he would be
11 issuing a new letter to modify the stop work order
12 so that it applied only to the rear portion of the
13 building. I'm sure the Village will want to
14 search its files and produce the letter for your
15 purposes.

16 I don't know if Mr. Pantelis can shed any
17 further light on that.

18 MR. PANTELIS: Actually, that was my
19 understanding that the letter was going to be --
20 I'm sorry -- the stop work order was going to be
21 amended. I have not seen a written amended stop
22 work order, but it was my understanding that the
23 stop work order had been amended to the extent
24 that no work was to be performed on the area in
25 question which was the additional five feet.

Proceedings - 11/16/09

1 CHAIRMAN KEILSON: If I may add --

2 MEMBER FEIT: But oral statements and words
3 back and forth. I would like to see if the
4 Village has the letter, fine. But if the letter
5 doesn't exist, I'm going to have serious doubts
6 about everything.

7 CHAIRMAN KEILSON: Mr. Feit, I'm not sure why
8 you're overly concerned. I did speak with
9 Mr. Herron; he did tell me he was communicating
10 with the general contractor that proceeded with
11 the work, and I will take him at his word that he
12 did so. And if the letter is in existence, fine;
13 if not, I'm sure we'll be able to accommodate the
14 applicant in that regard.

15 MEMBER FEIT: Well, we did have a problem
16 about a year ago on Muriel where somebody violated
17 a stop order when he thought he was just getting
18 rid of a beam for safety reasons, and we all know
19 what happened with that.

20 CHAIRMAN KEILSON: Okay.

21 MEMBER FEIT: So there is a serious concern
22 of a violation of a stop order.

23 MR. GOLDMAN: So the record is clear, the
24 Building Department has been in fact acting in
25 compliance with just that understanding, that the

1 stop work would now be applicable only to that
 2 which was in dispute; and in fact has been
 3 monitoring the premises to the best of their
 4 ability in terms of when they're available to do
 5 so, but making certain on a regular basis that no
 6 work is being done in the area that is under
 7 dispute, and that any other work is being done so
 8 that, again, it can proceed, the part that the
 9 Board has certainly granted permission. So it's
 10 being monitored to make sure that they're in
 11 compliance.

12 CHAIRMAN KEILSON: Any further questions or
 13 comments from the Board? Otherwise, let's vote on
 14 the adjournment. Mr. Tandler.

15 MEMBER TENDLER: Agreed, yes.

16 CHAIRMAN KEILSON: Mr. Gottlieb.

17 MEMBER GOTTLIEB: Yes.

18 MEMBER WILLIAMS: Yes.

19 MEMBER FEIT: Yes.

20 CHAIRMAN KEILSON: Yes, and it's December
 21 3rd.

22 MR. GOLDMAN: Just let the record reflect
 23 that there's been no opposition or comments from
 24 the public.

25 MR. KOVIT: Is that going to be here or the

1 other place?

2 MEMBER FEIT: Here..

3 CHAIRMAN KEILSON: I think it will be here.

4 MEMBER WILLIAMS: Does anyone want to
5 comment?

6 CHAIRMAN KEILSON: Any comments from anybody
7 present?

8 MS. FRANKLIN: I would.

9 CHAIRMAN KEILSON: Please.

10 MS. FRANKLIN: My name is Beatrice Franklin,
11 132 Harborview East.

12 As far as them working, I don't know if they
13 were working in the back or not, but yesterday was
14 not the only day that they've been working. I'd
15 say out of the time that I received the letter
16 notifying us about this hearing they were there at
17 least five or six days working. Now, if they were
18 working in the back, it's possible, I don't know;
19 I didn't go into the grounds.

20 The other thing I would appreciate, is
21 Mr. Pantelis sent us a letter notifying us that
22 this meeting was 7:30. The meeting was postponed,
23 but we did not receive a letter notifying us of
24 the postponement. So I'd appreciate receiving a
25 notice of the December 3rd meeting and the exact

1 time of the meeting.

2 CHAIRMAN KEILSON: We'll make sure that
3 you're notified.

4 MS. FRANKLIN: Thank you.

5 CHAIRMAN KEILSON: Please identify yourself.

6 MR. ENGLANDER: David Englander. I'm
7 basically --

8 CHAIRMAN KEILSON: Your address.

9 MR. ENGLANDER: 163 Harborview North.

10 I've been working with the contractor. I
11 represent the synagogue. Since we had that stop
12 order, again, I just wanted to reiterate that we
13 had been in touch with the town. The town didn't
14 take away the stop order on everything other than
15 the five feet in question.

16 At this point, just I think actually today I
17 went by, there are actually -- there was no work
18 done on that part of the building. It's possible
19 one window went in which we will take out because
20 of the issue. I think they didn't calculate or
21 the contractor wasn't there at that moment, so
22 that window will be taken out. But other than
23 that, nothing is being performed in the back part
24 of the building.

25 CHAIRMAN KEILSON: Very good. So we're

1 adjourned.

2 MR. PANTELIS: Is there a requirement that a
3 new notice be sent out at this point?

4 CHAIRMAN KEILSON: Mr. Goldman, is there
5 notice on an adjournment?

6 MR. GOLDMAN: Well, ordinarily, there
7 wouldn't have to be, but I think what we'll try to
8 do, just as a matter of courtesy -- well,
9 Mr. Kovit is here, so he's under -- and I assume
10 you will tell your clients as well.

11 MR. KOVIT: I will tell my client.

12 MR. GOLDMAN: It's not a requirement.

13 MEMBER GOTTLIEB: Are we going to send out a
14 notice or there is no notice?

15 MR. GOLDMAN: It's not necessary.

16 MEMBER GOTTLIEB: So there will be no notice
17 sent out.

18 CHAIRMAN KEILSON: Thank you very much.

19 MR. PANTELIS: Thank you.

20 MR. KOVIT: Thank you.

21 MEMBER FEIT: I think it would behoove us to
22 have the architect here also.

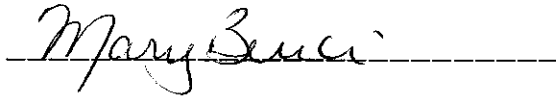
23 MR. PANTELIS: It would certainly be our
24 intention to have him here, as well as other
25 witnesses.

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MEMBER FEIT: Yes.

(Whereupon, the hearing concluded at
8:10 p.m.)

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



MARY BENCI, RPR
Court Reporter