

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

PLANNING BOARD

Lawrence Yacht & Country Club
101 Causeway
Lawrence, New York

May 31, 2012
7:35 p.m.

APPLICATION: Perlow
227 Hollywood Crossing
Lawrence, New York

P R E S E N T:

MS. GERI GINDEA
Chairperson

MR. NOAH FLESCHNER
Member

MR. EDWARD YODOWITZ
Member

MS. JACKIE HANDEL
Member

MR. THOMAS V. PANTELIS, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Perlow - 5/31/12

1 CHAIRPERSON GINDEA: Hi, welcome everyone. I
2 want to call this meeting to order of the Planning
3 Board. I'm Geri Gindea. Nice to see you all.

4 We're going to start this evening with the
5 Perlow matter.

6 I'm going to start by asking, Mr. Pantelis --

7 MR. PANELIS: Would you like me to just
8 procedurally indicate what we're going to be doing
9 for the applicants?

10 CHAIRPERSON GINDEA: Yeah, I just want to ask
11 Mr. Ryder if we have proof of posting.

12 MR. RYDER: We do. I show proof of posting
13 throughout the Village.

14 CHAIRPERSON GINDEA: Great. Mr. Pantelis,
15 would you like to.

16 MR. PANTELIS: Good. Just procedurally -- we
17 didn't call you yet to come up, Mr. Guardino.

18 Just procedurally, the Planning Board must
19 conduct its hearings in a formal manner. The
20 Chairperson will run the meeting. What we're
21 asking is that when your case is called a
22 representative of the applicant, or
23 representatives please come forward. You'll
24 present your case.

25 At the conclusion of the applicant's

1 presentation if there are any interested parties
2 who wish to comment, you will also be heard.
3 Again, we would ask that you, again, get up
4 formally, make a presentation, please don't speak
5 from your seat. And the Board, of course, may ask
6 questions.

7 At the end of the hearing, the Board may
8 reserve decision, it may actually take a vote on
9 an application, or if it's necessary it may
10 continue the application.

11 And that would be it.

12 CHAIRPERSON GINDEA: Okay.

13 MR. GUARDINO: Thank you. Good evening,
14 Madam Chairperson, members of the Board. My name
15 is Anthony Guardino, a partner of the law firm of
16 Farrell Fritz, Uniondale, New York. I represent
17 kind of a joint application; it's for Perlow and
18 also Joseph and Paris Popack.

19 CHAIRPERSON GINDEA: You're representing both
20 of them this evening?

21 MR. GUARDINO: Essentially. This application
22 has come before you by way of a stipulation of a
23 court settlement that requires that the applicants
24 jointly file an application for a subdivision to
25 allow for the conveyance of a sliver of property,

1 which I'll take you through. If I can just leave
2 this up here, if that's okay. Great, thank you.
3 If I could put it up there.

4 I'm just going to orient this this way
5 because this parcel here is the Popack parcel,
6 this is the Perlow parcel, and this is the arrow
7 facing down, and this is a driveway from Hollywood
8 Crossing into the Popack property.

9 I have with me tonight Doug Mitchell who is a
10 licensed land surveyor in case the Board has any
11 questions. This was prepared by a surveyor, so if
12 there are any questions. I also have Paris Popack
13 here.

14 I would like to introduce a couple -- or
15 actually one booklet of evidence, if I could.
16 This will help the Board in following along with
17 the presentation. Thank you very much.

18 So this is, as I mentioned, this is a
19 subdivision application pursuant to Chapter 182 of
20 the Village Code. It involves two properties,
21 one, parcel one which is here is owned by Dvora
22 Perlow; parcel two is owned by Mr. and
23 Mrs. Popack, which is here (indicating).

24 The parcel one is 227 Hollywood Crossing and
25 that's Tax Map Section 41, block H, lot 522. It's

Perlow - 5/31/12

1 1.12 acres in size. It's located in the AA
2 residence district. It requires lot area of
3 40,000 square feet. So this house -- this
4 property is in excess and remains in excess even
5 after this parcel is conveyed. If you look in
6 Exhibit A there's a survey, an aerial and a tax
7 map. It shows the Perlow property pretty clearly.

8 Parcel two is the Popack property. The
9 address there is 350 Longwood Crossing. That
10 parcel is 4.1 acres in size. It is also zoned AA
11 residence district. And again, if you look at
12 Exhibit B in your booklet you will see a survey,
13 an aerial and tax map showing parcel two.

14 What the applicants here are seeking is
15 permission to allow for the conveyance of
16 approximately 2,000 square feet. It's a strip of
17 property which is highlighted here in yellow,
18 which goes from the Popack property all the way to
19 Hollywood Crossing. It's approximately 15 feet in
20 width at Hollywood Crossing and then it narrows to
21 about five feet as it -- as it goes towards the
22 Popack property. It's located on the west side of
23 the Perlow property and would be the east side of
24 the Popack driveway strip.

25 MR. PANTELIS: That would be your next to

1 that's particularly relevant. I just wanted to
2 give you some background as to how we got here.
3 And as part of that settlement was this
4 requirement that the Perlows and the Popacks get
5 together and make an application because in that
6 stipulation the Popacks will be purchasing the
7 strip of land provided that this Board approves
8 the subdivision.

9 There has been notice to all the neighbors
10 within 500 feet of the subject properties. We
11 have not received any calls. I don't know if
12 anybody here is in opposition, but my office, I
13 think, had spoken with the building inspector and
14 I don't believe there was any opposition.

15 MR. RYDER: No, we did not receive any.

16 MR. GUARDINO: I have nothing further. It's
17 a pretty straightforward application, and I thank
18 you for your time.

19 CHAIRPERSON GINDEA: Okay.

20 MEMBER HANDEL: I'd like to ask a question.

21 MR. GUARDINO: Sure.

22 MEMBER HANDEL: Okay. I take it this is
23 because the property on Longwood Crossing needs a
24 driveway from Hollywood Crossing to get to their
25 property?

Perlow - 5/31/12

1 MR. GUARDINO: No, they already have a
2 driveway. This will allow the driveway to be
3 wider, and not the pavement area but just the area
4 of the -- I guess the driveway pathway would be
5 wider. As you can see from I think one of the --

6 MEMBER HANDEL: Yeah, I did look at it and I
7 went over to the house and looked at it.

8 MR. GUARDINO: The driveway exists.

9 MEMBER HANDEL: I saw the driveway.

10 MR. GUARDINO: That stays there. This will
11 allow the area around the driveway to be more
12 beautifully landscaped.

13 MEMBER YODOWITZ: The shoulder.

14 MR. GUARDINO: The shoulder, right. The
15 pavement is not going to get wider. There's
16 telephone poles that are being -- going to remain
17 there pursuant to an easement that we have there,
18 correct.

19 MEMBER HANDEL: And there's no entrance from
20 Hollywood Crossing to this property?

21 MR. GUARDINO: Well, there is an entrance.
22 I'm sorry, I misunderstood. I get confused with
23 Hollywood Crossing and Longwood Crossing.

24 MEMBER HANDEL: No, because they're two
25 different addresses.

Perlow - 5/31/12

1 MR. GUARDINO: There's a secondary entrance,
2 but this will be the primary entrance to the
3 property. They have an easement.

4 MEMBER HANDEL: In other words, they want the
5 entrance from Hollywood Crossing to get to the
6 house on Longwood Crossing?

7 MR. GUARDINO: Yes.

8 MEMBER HANDEL: And they just wanted a little
9 nicer look for their nice-looking home?

10 MR. GUARDINO: Yes, that's correct.

11 MEMBER HANDEL: Thank you.

12 MR. GUARDINO: Okay, thank you.

13 MEMBER YODOWITZ: And I assume this is a
14 fact, but I just want to confirm it, that there is
15 no place along this additional piece of land
16 that's sought to be conveyed on which there will
17 be any sort of construction whatsoever? It's not
18 going to be used to expand any building, not to
19 put a part of a new building; it's purely to add
20 to the shoulder of the driveway?

21 MR. GUARDINO: Exactly. It's not wide enough
22 for there to be a building there.

23 MEMBER YODOWITZ: It could be used for part
24 of building if a building were built adjacent to
25 it but --

Perlow - 5/31/12

1 MR. GUARDINO: The building is going to be
2 way in the back. Actually, there was a variance
3 application last night; the height variance was
4 granted for the structure which will be located
5 further, you know, inland, if it were, towards the
6 center of the property.

7 MEMBER YODOWITZ: We agree there's going to
8 be no construction on the piece of the property?

9 MS. POPACK: It's currently a utility
10 easement.

11 MR. PANTELIS: If the Board approves this
12 application, is the applicant prepared to execute
13 deeds of conveyance within a reasonable time to
14 reflect the subdivision?

15 MR. GUARDINO: That is correct. And that's
16 all spelled out in the stipulation of settlement.

17 MR. PANTELIS: And also, I think it would
18 probably be a requirement of the Building
19 Department that new surveys be filed after that
20 conveyance has taken place with the Building
21 Department reflecting what each parcel,
22 reconfigured parcels would be, both Perlow and the
23 Popack property.

24 MR. GUARDINO: Yes.

25 MR. PANTELIS: We know Popack will need it

1 anyway in connection with the ultimate
2 construction and CO-ing of the house.

3 MR. GUARDINO: That's fine, not a problem.

4 MR. RYDER: Mr. Guardino, I have one
5 question. Is the property going to be -- stay as
6 350 Longwood Crossing? There's no change to
7 Hollywood Crossing?

8 MS. POPACK: Paris Popack. I made the
9 statement before that it was a utility easement;
10 that was me. There has been no discussion of
11 that. Our house is 350 Longwood Crossing. My
12 husband still plans on going down Longwood
13 Crossing to pull into the garage. It's always
14 been our mailing address. So at this point we
15 haven't really even contemplated that. I just
16 want to drive onto the front of my house.

17 MR. RYDER: I know that was an issue. I just
18 wanted to have some clarity.

19 MS. POPACK: It's not something that we're
20 seeking right now.

21 MEMBER FLESCHNER: Chairperson, I move to
22 close.

23 CHAIRPERSON GINDEA: You move to close the
24 discussion.

25 Does anybody else have any conversation,

1 anything to add?

2 (No response.)

3 CHAIRPERSON GINDEA: So let's make a motion
4 to close the discussion.

5 MEMBER FLESCHNER: So moved.

6 MEMBER HANDEL: I approve.

7 MEMBER FLESCHNER: Approve.

8 CHAIRPERSON GINDEA: We're all in approval
9 for to close the discussion.

10 I'd like to make a motion that we adopt a
11 negative declaration pursuant to SEQRA, which is
12 the State Environment Quality Review Act, in that
13 the proposed subdivision will not have an adverse
14 environmental impact.

15 MEMBER FLESCHNER: So moved.

16 MEMBER HANDEL: So moved.

17 CHAIRPERSON GINDEA: Okay. And the variance
18 to be approved?

19 MEMBER YODOWITZ: Aye.

20 MEMBER FLESCHNER: Aye.

21 CHAIRPERSON GINDEA: I want to make a motion
22 to approve the application.

23 MEMBER YODOWITZ: I so move to approve the
24 application.

25 MEMBER FLESCHNER: In favor.

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

MEMBER HANDEL: Favor.

CHAIRPERSON GINDEA: So let's move to approve the application with the deeds requesting the transfer of the parcel to be recorded within six months and new surveys reflecting the two new parcels to be filed with the Building Department.

MR. GUARDINO: Terrific. Thank you very much. I appreciate it.

(Whereupon, the hearing concluded at 7:47 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

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

PLANNING BOARD

Lawrence Yacht & Country Club
101 Causeway
Lawrence, New York

May 31, 2012
7:48 p.m.

APPLICATION: Temple Israel
140 Central Avenue
Lawrence, New York

P R E S E N T:

MS. GERI GINDEA
Chairperson

MR. NOAH FLESCHNER
Member

MR. EDWARD YODOWITZ
Member

MS. JACKIE HANDEL
Member

MR. THOMAS V. PANTELIS, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Temple Israel - 5/31/12

1 CHAIRPERSON GINDEA: The next matter before
2 us is the Temple Israel of Lawrence matter.

3 Mr. Ryder, do we have proof of posting?

4 MR. RYDER: Yes, we do have proof of posting
5 throughout the Village.

6 CHAIRPERSON GINDEA: Thank you.

7 Mr. Pantelis, do you have anything to start
8 us off with?

9 MR. PANTELIS: I had a brief discussion with
10 counsel before the hearing and alerted him to the
11 fact that this matter, and just for the general
12 record, since the subject property is within 300
13 feet of other municipal property or another
14 municipality, that the property owned by the Town
15 of Hempstead, this application had to be referred
16 to the Nassau County Planning Commission. The
17 Planning Commission typically wants a full package
18 of information, including an environmental
19 assessment. That assessment was just -- was
20 requested and just submitted to the Village.

21 The application has now been sent to the
22 Nassau County Planning Commission which has 30
23 days as a matter of law to make a recommendation
24 on the application. This Board is not allowed to
25 make a final determination on the application

1 until either the 30 days have passed or a
2 recommendation has been made by the Planning
3 Commission.

4 What we'd like to do tonight to initiate the
5 application is take testimony, give the Board and
6 any public members an opportunity to make comment.
7 We will continue this to our next hearing. That
8 next hearing I think the Board is intending to set
9 for July 18th. That's really about the best that
10 we're able to do given the 30-day requirement, and
11 then we have some conflicts at the beginning of
12 July. So that's really the earliest possible date
13 we could schedule a hearing.

14 And I'm sorry, that should cover it,
15 Ms. Chairman.

16 MR. GRAY: Good evening. My name is Garrett
17 Gray. I'm with Weber Law Group, 290 Broadhollow
18 Road, Melville, New York, for the applicant,
19 Temple Israel.

20 Joining me this evening is Jim Rotenberg, who
21 is the president of Temple Israel, as well as Alan
22 Hartstein, who's the treasurer.

23 The subject property is located on the
24 northerly side of Central Avenue in the northwest
25 corner of Winchester Place in Lawrence with a

Temple Israel - 5/31/12

1 mailing address of 140 Central Avenue. It is also
2 known as section 40, block 91, lots 10 and 14 and
3 15, 16, 113 and 114 on the tax map of the County
4 of Nassau. The lot is approximately 3.8 acres
5 with frontage of 358.04 feet on Central Avenue.
6 It's zoned residence C1 and is currently improved
7 with a two-story building with a GFA of 43,258.4
8 square feet. The building is occupied in its
9 entirety by Temple Israel, with certain portions
10 currently leased to the JCC of the Five Towns and
11 to Morrell Caterers of Lawrence.

12 As most, if not all of you know, Temple
13 Israel has been in existence for over 103 years,
14 making it the oldest reformed congregation on Long
15 Island. Its current location was constructed in
16 the 1920s, and it has remained an institution in
17 the Village of Lawrence since that time.

18 The beauty of its intricately carved
19 synagogue has been featured in many magazines
20 around the world. Temple Israel is known for its
21 charitable works, including clothing drives,
22 visits to elderly facilities and soup kitchens by
23 students of the religious school and its immediate
24 response to the 9/11 tragedy when the officers and
25 trustees of Temple Israel began calling

Temple Israel - 5/31/12

1 neighborhood residents to ensure that the families
2 were safe and reaching out to those who lost a
3 loved one.

4 In its day, Temple Israel once boasted over
5 1,500 member families, necessitating three
6 separate High Holiday services with the assistance
7 of student rabbis. Due to current demographics,
8 however, that number has dwindled to a current
9 membership of between 235 and 240 member families.
10 In fact, with the recent departure of Temple
11 Sinai, Temple Israel is now the last remaining
12 reformed congregation in the Five Towns.

13 The current application is made in
14 furtherance of Temple Israel's attempt to remain a
15 Lawrence institution and to stay here well into
16 the foreseeable future. And in furtherance of
17 that goal, Temple Israel has done everything in
18 its power to trim expenses; retrofitting interior
19 lighting plans, called to retrofit outdoor
20 lighting, establishing a new system where all
21 expenses have been analyzed and costs have been
22 cut. Even with the income generated from the
23 leases to the JCC and Morrell Caterers, and
24 despite its best efforts to cut costs, there
25 simply is not enough money available to permit the

Temple Israel - 5/31/12

1 temple to continue to operate into the foreseeable
2 future given the expenses necessary to run the
3 institution at the current level of membership.

4 It is as a result of the foregoing that
5 the temple officers and trustees had several
6 discussions regarding how funds could be generated
7 to sustain the temple. While the temple does own
8 two houses on Fulton Street, those properties are
9 mortgaged and such sale would not generate any
10 significant income to the temple.

11 The idea was then had to subdivide and sell a
12 portion of the temple's front lawn located at the
13 southeast corner of the temple campus. The front
14 lawn, while aesthetically pleasing, simply is not
15 utilized by the temple or its lessees. A sale of
16 a small portion of the temple campus, however, is
17 anticipated to sustain the temple for the
18 foreseeable future and at least the next ten
19 years.

20 Prior to going before the BZA, which I'll
21 mention in a moment, we met with several residents
22 of the Lawrence community. We sent out a mailing
23 to everybody who would have gotten notice of the
24 hearing to find out what their concerns were.
25 Most generally wanted to know the reasons why this

1 is necessary, which I explained to you, and many
 2 said that they wanted Temple Israel to remain a
 3 great institution that it always has been.

4 We applied for and on March 20th, 2012
 5 obtained all necessary variances from the Lawrence
 6 BZA, including building and service area coverage,
 7 side-yard setbacks and side-yard height and
 8 setback ratios. The vote was unanimous. Temple
 9 Israel is seeking to subdivide a 28,735 square
 10 foot portion of its campus located in the
 11 southeast corner of the property.

12 Lawrence Village Code Section 182-10 sets
 13 forth the factors to be considered by this Board
 14 for large subdivisions. While I can't opine on
 15 whether this would be considered a large
 16 subdivision because there's no definition in
 17 Lawrence code as to what constitutes a large
 18 subdivision, whether it's a subdivision of many
 19 subdivided lots or the size of the overall parcel
 20 being subdivided, the present application, in any
 21 event, meets all these factors.

22 First, as a result of the temple obtaining
 23 all necessary variances from the BZA, the lots
 24 created by -- the lots created by the proposed
 25 subdivision will conform to all the district

Temple Israel - 5/31/12

1 regulations of the residence district in which the
2 property is located as to lot area and front, rear
3 and side yards. There will be geometric
4 regularity of the proposed building lot. The
5 proposed subdivision is in keeping with the
6 general character of the neighborhood in which the
7 property is located. Indeed, the BZA specifically
8 found that the development of the subdivided
9 parcel with a single-family residence, quote:
10 Will not negatively affect the character of the
11 area, as the neighborhood is improved with
12 single-family residences with the exception of
13 Temple Israel.

14 There is availability of public sewers and
15 other utilities to the property. There will be no
16 adverse effect on the proposed subdivision on
17 adjacent properties.

18 An attorney for the adjacent neighbor, that
19 neighbor right over here which would be right
20 next-door to the subdivided lot, appeared at the
21 BZA hearing and publicly stated that his client
22 would have no problem with the proposed
23 subdivision provided that Temple Israel agrees
24 with the condition that the subdivided parcel
25 would only be sold for single-family, residential

Temple Israel - 5/31/12

1 use. Temple Israel agreed to that condition. It
2 was included in the BZA approval and will be
3 incorporated into a declaration of restrictive
4 covenants that will be recorded with the Nassau
5 County clerk.

6 Finally, and it's already also recognized by
7 the BZA, the proposed subdivision is in harmony
8 with the vision and purposes of the Lawrence
9 Village zoning code.

10 If anybody has any questions, I'm happy to
11 answer.

12 CHAIRPERSON GINDEA: Questions?

13 MR. GRAY: Don't feel you have to. You
14 already got the controversial one out of the way
15 before us.

16 MEMBER HANDEL: I have a question. Do you
17 know if the parcel will be subdivided for one or
18 two single-family homes?

19 MR. GRAY: One.

20 MEMBER HANDEL: One.

21 MR. GRAY: One.

22 CHAIRPERSON GINDEA: That's what your
23 application is for, a single lot?

24 MR. GRAY: Yes. Originally, when we went to
25 the BZA, the BZA said we could put two or, of

1 course, sell it to somebody who wanted to put two
2 single-family homes on the site as the size of the
3 parcel would accommodate two single-family homes.
4 In fact, it's just going to be one.

5 MEMBER HANDEL: So you have someone right now
6 that is ready to purchase the property for one
7 home?

8 MR. GRAY: Yes, correct.

9 MEMBER HANDEL: And no more than two stories?

10 MR. GRAY: No.

11 MEMBER HANDEL: We don't know what the plans
12 are. I'm just curious.

13 MR. GRAY: I'll be honest, I don't know what
14 the plans are for the particular house or what the
15 design will be. I do know that if they wanted to
16 go higher than is required by the Lawrence code
17 they would have to go to the BZA.

18 MEMBER HANDEL: Do you know where the
19 entrance of the home would be? Would it be on
20 Central Avenue?

21 MEMBER FLESCNER: It's land-locked. There's
22 no corner.

23 MEMBER YODOWITZ: It's the only property.

24 MR. GRAY: Right, it's not a corner.

25 MEMBER HANDEL: Okay, no problem.

1 MEMBER YODOWITZ: It looks like you did get a
2 finding that two single-family residences would
3 not negatively affect the character.

4 MR. GRAY: Right. So one would be even
5 better.

6 CHAIRPERSON GINDEA: Can we open it up to any
7 comments.

8 MR. MILLER: My name is Ed Miller. I live on
9 Lord Avenue.

10 Just before I speak, so I don't waste time by
11 misunderstanding this, has Temple Israel said how
12 much they have a buyer for?

13 MR. GRAY: The cost?

14 MR. MILLER: (Indicating.)

15 MR. GRAY: The purchase price?

16 MR. MILLER: Yes.

17 MR. PANTELIS: Well, let me just say that if
18 they choose to provide that information, that's
19 fine, but it would not necessarily be germane to
20 this Board's determination, since the Planning
21 Board is not interested in the economic benefit.
22 They're looking at planning considerations.

23 MR. MILLER: Well, part of the presentation
24 was that this is necessitated by financial
25 circumstances and it would provide for at least a

Temple Israel - 5/31/12

1 ten-year cushion. Now, if they sold it for
2 \$50,000, that statement obviously is not correct.
3 If they sold it for a million dollars, maybe it's
4 correct. But before talking about why they have
5 to sell the property, I think that if you take a
6 step back and look at what you're deciding you're
7 deciding what to do with the largest remaining
8 parcel of green in Lawrence proper. And if you
9 take that huge piece of beauty, of nature, and you
10 permit it to be turned into a construction of a
11 house, to call that the sale of a small portion of
12 the campus I don't think really captures the
13 magnitude of what you're deciding. I think what
14 you're -- what you're going to do by losing that
15 piece of green, whether it's cutting it in half or
16 otherwise, is you are going to alter the
17 character, not of the neighborhood, but of the
18 town, because when you lose your biggest piece of
19 green in the town, it feels different.

20 When I come to Lawrence, it's quicker for me
21 to come down 787 or 878. I don't even know the
22 number; I don't go there. I come down Lawrence
23 Avenue so I can drive up and come into Lawrence.
24 And I live in Lawrence, and when I see Temple
25 Israel, that's Lawrence. You take that away and

Temple Israel - 5/31/12

1 now it's just a building on a sliver of land
2 dominated by a single tree, and it's a different
3 place. So let's call a spade a spade. You're
4 going to alter the character not of the
5 neighborhood but of the Village. And the reason
6 you're being asked to do it, which is fair enough,
7 you can't ask people to spend their money to
8 support our beauty, is financial. But I don't
9 think, number one, you've been given financial
10 justification to alter the character of the
11 Village.

12 And number two, I don't see any ounce -- now,
13 I'm not really the right person to speak because I
14 didn't do anything about it and I didn't speak to
15 anybody, but myself included, I don't see any
16 effort on behalf of this town, a Village, to exert
17 some creativity, the kind of creativity we'd apply
18 to our own businesses to resolve this situation to
19 work together with Temple Israel and say, you know
20 something, maybe we can pitch in and help. How
21 much are you going to sell this thing for? Maybe
22 -- and I'm not talking necessarily about just
23 giving them money.

24 Number one, maybe our people can maintain
25 that front lawn. Since we want to keep it for our

Temple Israel - 5/31/12

1 benefit, maybe we should be the ones to maintain
2 it.

3 Number two, we do have a hunk of change in
4 the bank. Maybe we should talk to them about us
5 purchasing it, leaving everything just the way it
6 is, except technically we become the owners. We
7 maintain it. I mean, these things should have
8 been discussed and really, really looked into
9 before having a meeting. I mean, I think that the
10 lack of people here is something which you should
11 not let deter you from your obligation to pick up
12 the slack for what the people who you represent
13 have let drop. Don't let this place of beauty
14 get --

15 CHAIRPERSON GINDEA: Can I just interrupt for
16 one second and just call your attention to the
17 fact that this was actually discussed and decided
18 at the Zoning Board. And I'll quote the language
19 which says that: The tests involved in balancing
20 the benefit to the applicant against any potential
21 detriment to the health, safety and welfare of the
22 community. So I believe this actually has been
23 addressed, and I understand your --

24 MR. MILLER: You have the authority to decide
25 that it's out of character with the Village.

Temple Israel - 5/31/12

1 CHAIRPERSON GINDEA: I just want to -- I'm
2 just reading to you language from the decision
3 that was made.

4 MR. MILLER: Don't pass the buck. You have
5 the authority to decide. You have the legal
6 authority to say no. You have the legal authority
7 to say, wait a minute, before we start cutting
8 this thing up, let's take a look, let's go back to
9 the Village and take a second look at this before
10 we go forward. And if you're here just to stamp
11 the thing, you should have put not meeting of the
12 planning committee, but planning of the rubber
13 stamp committee, so I wouldn't have come.

14 MEMBER YODOWITZ: Excuse me. I'm sorry.
15 You're really getting a little ahead of yourself
16 and you're mixing up several issues. If I may,
17 you were talking about the financial issue and
18 whether there was a real financial benefit to be
19 achieved by the temple. Wasn't that how you
20 started?

21 MR. MILLER: I'm sorry?

22 MEMBER YODOWITZ: You didn't hear me. Wasn't
23 your initial point -- I'm trying to help you
24 define the points you're talking about because you
25 covered a few points. You had a long question.

Temple Israel - 5/31/12

1 MR. MILLER: It wasn't a question. It was a
2 statement.

3 MEMBER YODOWITZ: Statement. I believe your
4 first point was the need to examine the financial
5 benefit to the temple, whether it was substantial
6 enough to achieve --

7 MR. MILLER: Forget that. That was a
8 question. I was saying since the man said that
9 it's for a financial purpose, I was just asking if
10 they had said how much of a financial benefit they
11 were gaining from this. If that's part of the
12 justification.

13 MEMBER YODOWITZ: Well, what I think the
14 Chairperson is saying is that part of your comment
15 was covered and decided, according to the way we
16 read the decision of the BZA when they say the
17 benefit to be achieved by the subdivision
18 outweighed any of the detriments, potential
19 detriments, all of which included the change, to
20 whatever degree there's a change in the appearance
21 of the neighborhood.

22 MR. MILLER: So what are you doing here
23 tonight?

24 MEMBER YODOWITZ: We have jurisdiction to
25 approve the subdivision based on certain

Temple Israel - 5/31/12

1 characteristics of the subdivision that are
2 different than the decision made by the BZA, as I
3 understand it, right, Counsel?

4 MR. PANTELIS: That's correct.

5 MEMBER YODOWITZ: And because of the timing
6 of the filing of the environmental impact
7 statement, or whatever it's currently called --

8 MR. MILLER: In that case I apologize. Then
9 I'm late. What I was told by an officer of the
10 Village is that you had the authority to decide if
11 something was within keeping with the character of
12 the Village.

13 MEMBER YODOWITZ: It's mostly about safety
14 and --

15 CHAIRPERSON GINDEA: Environmental.

16 MR. MILLER: What he told me, and he's a
17 lawyer, is that you did have authority to decide
18 over the zoning committee that this was not within
19 keeping with the character of the Village.

20 MR. YODOWITZ: That could be something we
21 could consider along with several other
22 characters, several other criteria.

23 MR. MILLER: So you do have authority to make
24 a decision.

25 MEMBER YODOWITZ: No one said we didn't.

1 MR. PANTELIS: Sir, sir, I'm not quite sure
2 that we want to debate back and forth. If you
3 have a comment you want to make, comment; if you
4 have a question, ask a question. I think that
5 we'd like to avoid the multiple things that just
6 go on and on, or else the record gets very
7 confused.

8 MEMBER FLESCHNER: I think what Mr. Miller --

9 MR. MILLER: Yes.

10 MEMBER FLESCHNER: -- mentioned was and will
11 be considered by this Board prior to making its
12 final decision on July 18th.

13 MR. MILLER: Okay, that's it.

14 MR. GRAY: One other thing I wanted to add,
15 just to respond to a couple of Mr. Miller's
16 comments. First of all, the property was offered
17 to the Village of Lawrence if they wanted to
18 purchase it for the same price as the private
19 purchaser in order to keep it green. The Village
20 of Lawrence declined.

21 Secondly, I thought that the biggest green
22 parcel in Lawrence was the country club. I could
23 be wrong. That's all.

24 CHAIRPERSON GINDEA: Thank you.

25 MR. GRAY: I did want to just -- in case you

Temple Israel - 5/31/12

1 want to put it into the record, this is the
2 decision of the BZA of Lawrence. You may have a
3 copy.

4 MEMBER HANDEL: I don't have it. Thank you
5 very much.

6 MR. GRAY: (Handing.)

7 MR. PANTELIS: We just wanted to -- I think
8 it should still be marked as an exhibit so it's
9 officially part of the record.

10 CHAIRPERSON GINDEA: Any other comments?

11 (No response.)

12 CHAIRPERSON GINDEA: Do you have any other
13 questions?

14 MEMBER YODOWITZ: No.

15 MEMBER FLESCHNER: No.

16 MR. GRAY: See you on July 18th.

17 MR. PANTELIS: Is there anything else that
18 any of the Board members would like the applicant
19 to address at that next meeting, just given the
20 fact that we are coming back?

21 MEMBER FLESCHNER: The only point raised was
22 that of the change of character, so they may want
23 to address that.

24 MR. GRAY: Thank you very much.

25 CHAIRPERSON GINDEA: Okay. So we're going to

Temple Israel - 5/31/12

1 have the continuation pending the Nassau County
2 Planning Commission's decision, and we're going
3 to --

4 MR. GOLDMAN: Ms. Chairman, I think you have
5 a comment from a --

6 MR. PANTELIS: I'm sorry. There may have
7 been someone else who wants to comment.

8 MR. GOLDMAN: Mr. Sporn, are you addressing
9 that to the Board?

10 MR. PANTELIS: Is this still part of your
11 presentation?

12 MR. GRAY: No.

13 MR. RYDER: Are we going to go ahead with our
14 motion and close?

15 CHAIRPERSON GINDEA: We're going to have a
16 continuation.

17 MR. RYDER: Continuation, I'm sorry.

18 CHAIRPERSON GINDEA: I make a motion to have
19 a continuation pending the Nassau County Planning
20 Commission's decision and we'll have that
21 continuation on July 18th, a Wednesday.

22 MEMBER FLESCNER: So moved.

23 MEMBER YODOWITZ: Agreed.

24 CHAIRPERSON GINDEA: Everybody?

25 MEMBER FLESCNER: Yes.

Temple Israel - 5/31/12

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

MEMBER HANDEL: Yes.

MEMBER YODOWITZ: Yes.

MR. PANTELIS: Just so that we're clear, the record is kept open. There still will be a time where you may comment on the 18th and then the Board will go forward with the application.

Do we have a motion to adjourn?

CHAIRPERSON GINDEA: Motion to adjourn.

MEMBER HANDEL: Yes.

MEMBER YODOWITZ: 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

MARY BENCI, RPR
Court Reporter