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Finestone - 1/20/2021

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

January 20, 2021
7:37 p.m.

APPLICATION: Finestone
123 Winchester Place
Lawrence, New York

- P R E S E N T:
- MR. LLOYD KEILSON
Chairman
 - MR. EDWARD GOTTLIEB
Member
 - MR. DANIEL HILLER
Member
 - MR. AARON FELDER
Member
 - MR. PHILIP KERSTEIN
Alternate Member
 - MR. ANDREW K. PRESTON, ESQ.
Village Attorney
 - MR. JACOB PLAUT
Building Department
 - MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Finestone - 1/20/2021

1
2 CHAIRMAN KEILSON: Okay, good evening, 19:37
3 ladies and gentlemen. Welcome to the Lawrence 19:37
4 Board of Zoning Appeals. Please turn off your 19:37
5 cellphones, please. No conversations. If you 19:37
6 want to converse, please step out into the 19:37
7 hall. Thank you very much. 19:37

8 Proof of posting, Mr. Castro? 19:37

9 MR. CASTRO: Chairman, I offer proof of 19:37
10 posting and publication and sorry for the 19:37
11 delay. 19:37

12 CHAIRMAN KEILSON: No problem. You are 19:37
13 forgiven. Okay. Let's discuss some 19:37
14 extensions. We have the Finestones of 123 19:37
15 Winchester Place. The expiration date would 19:37
16 be April 29, 2020. Let's see. Their request 19:37
17 is based on "We were working with our 19:37
18 architect to revise the plans, select a 19:37
19 contractor". Magic words: "COVID-19 has 19:37
20 delayed this process. We are requesting a 19:37
21 variance extension as we work to finalize the 19:37
22 plans to file for the building permit." 19:38

23 MEMBER GOTTLIEB: Mr. Chairman, I have a 19:38
24 question. If the date of original variance 19:38
25 was January 29th, how could the expiration 19:38

1 Finestone - 1/20/2021

2 date be just four months later? 19:38

3 MR. CASTRO: Because that's when you 19:38

4 receive the variance. Previously the permit 19:38

5 expiration and the variance expiration did not 19:38

6 run together or co-terminus so we wanted to -- 19:38

7 we wanted to make that happen, but at the same 19:38

8 token, we don't want too much time to elapse 19:38

9 between the actual date of the variance and 19:38

10 when they took the permit, so we always gave 19:38

11 them three months. We said you have to pay 19:38

12 the permit within three months of granting the 19:38

13 variance. 19:38

14 MEMBER GOTTLIEB: So you are saying they 19:38

15 didn't get the permit yet? 19:38

16 MR. CASTRO: Correct. 19:38

17 MEMBER GOTTLIEB: Oh, okay. And no work 19:38

18 has begun on this project? 19:38

19 CHAIRMAN KEILSON: They don't even have 19:38

20 plans. 19:38

21 MEMBER GOTTLIEB: That would be the 19:38

22 case. Okay. Right. 19:39

23 CHAIRMAN KEILSON: So two years? I 19:39

24 don't remember how extensive the work was. 19:39

25 MR. CASTRO: It was quite a bit. It was 19:39

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Finestone - 1/20/2021

a lot in the rear yard. It was a big addition. 19:39

CHAIRMAN KEILSON: Is two years enough? 19:39

MR. CASTRO: I certainly hope so. 19:39

MEMBER GOTTLIEB: And then when would they have to come to you with actual permits to get permits? 19:39

MR. CASTRO: Three months from tonight. 19:39

MEMBER GOTTLIEB: Okay. 19:39

CHAIRMAN KEILSON: Okay. Any objection from the Board? 19:39

MEMBER KERSTEIN: No. 19:39

CHAIRMAN KEILSON: Okay. 19:39

(Whereupon the hearing concluded at 7:39 p.m.)

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

YAFFA KAPLAN
Court Reporter

Kutner - 1/20/2021

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

January 20, 2021
7:39 p.m.

APPLICATION: KUTNER
49 Lawrence Avenue
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. PHILIP KERSTEIN
Alternate Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. JACOB PLAUT
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Kutner - 1/20/2021

1
2 CHAIRMAN KEILSON: Next, Ephraim Kutner, 19:39
3 granted in July 22nd this past year, "we are 19:39
4 working with our architect to redesign the 19:39
5 plans to bring the building" -- was that the 19:39
6 requirement? 5.9 as the height of the 19:39
7 variance. 19:39
8 MR. CASTRO: Yes. 19:39
9 CHAIRMAN KEILSON: Now they are first 19:39
10 working on it. 19:39
11 MR. CASTRO: Very elaborate house. 19:39
12 CHAIRMAN KEILSON: I remember that. Do 19:39
13 you remember what we gave them? Was it two 19:39
14 and a half years? Anyway, let's go with two 19:39
15 and a half years. 19:40
16 MEMBER GOTTLIEB: Has any work begun on 19:40
17 this project? 19:40
18 MR. CASTRO: No. 19:40
19 MEMBER GOTTLIEB: Okay. Then I am 19:40
20 looking at the wrong house. 19:40
21 CHAIRMAN KEILSON: Redesign. Redesign. 19:40
22 MEMBER GOTTLIEB: It's only six months, 19:40
23 Mr. Chairman. 19:40
24 (Whereupon the hearing concluded at 7:40
25 p.m.)

Kutner - 1/20/2021

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

YAFFA KAPLAN

Court Reporter

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Rieder/Ski/Liechtung - 1/20/2021
INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York
January 20, 2021
7:40 p.m.

APPLICATION: Rieder 19:40
171 Harborview South 19:40
Lawrence, New York 19:40
Ski Development 2 LLC, 19:40
7 Hawthorne Avenue 19:40
Lawrence, New York 19:40
Liechtung 19:40
15 Briarwood Lane 19:40
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman
MR. EDWARD GOTTLIEB
Member
MR. DANIEL HILLER
Member
MR. AARON FELDER
Member
MR. PHILIP KERSTEIN
Alternate Member
MR. ANDREW K. PRESTON, ESQ.
Village Attorney
MR. JACOB PLAUT
Building Department
MR. GERRY CASTRO
Building Department
Yaffa Kaplan
Court Reporter

Rieder/Ski/Liechtung - 1/20/2021

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CHAIRMAN KEILSON: Just want to note for 19:40
the record adjournment requests. Rieder, 171 19:40
Harborview South has requested an adjournment 19:40
to the next available date. Ski Development 2 19:40
LLC, 7 Hawthorne has requested an adjournment 19:40
for the next available date. The matter of 19:40
Liechtung at 15 Briarwood Lane was effectively 19:40
withdrawn. 19:40

MR. CASTRO: Yes. 19:40

CHAIRMAN KEILSON: Okay. Very good. 19:40

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

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

YAFFA KAPLAN

Court Reporter

Englander - 1/20/2021

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

January 20, 2021
7:40 p.m.

APPLICATION: Englander
 6 Marbride Road
 Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. PHILIP KERSTEIN
Alternate Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. JACOB PLAUT
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

1 Englander - 1/20/2021

2 CHAIRMAN KEILSON: Now we have a matter 19:40
3 -- let's see. There was a hearing held on 19:40
4 July 26, 2017. The matter of Englander, 6 19:40
5 Marbride Road. There has been a request for 19:41
6 opening up the matter to rehear. Do we 19:41
7 have -- 19:41

8 MR. PRESTON: Motion to reopen. 19:41

9 CHAIRMAN KEILSON: Motion from the 19:41
10 Board? 19:41

11 MEMBER FELDER: Here. 19:41

12 CHAIRMAN KEILSON: We have to have 19:41
13 unanimity for opening. 19:41

14 MEMBER GOTTLIEB: Agreed. 19:41

15 MEMBER KERSTEIN: Agreed. 19:41

16 MEMBER HILLER: Okay. 19:41

17 CHAIRMAN KEILSON: Agreed. So they or 19:41
18 their representative. Mr. Englander, you want 19:41
19 to step forward and share with us what went on 19:41
20 and what you are requesting? 19:41

21 MR. ENGLANDER: At the zoning meeting my 19:41
22 neighbor -- should I give a name or not? 19:41

23 CHAIRMAN KEILSON: Yes. 19:41

24 MR. ENGLANDER: -- David Friedman had 19:41
25 requested that I put in a strip drain that 19:41

Englander - 1/20/2021

1
2 would be positioned in the driveway that 19:41
3 exists between my house and his house. That 19:41
4 piece of driveway has an easement on there. 19:41
5 Some of you might be familiar with that. I 19:41
6 attempted to install the drain back in July, 19:41
7 and he asked me not to. 19:41

8 CHAIRMAN KEILSON: July of what year? 19:41

9 MR. ENGLANDER: July of 2020. And we 19:41
10 were finishing up the project, and my masonry 19:42
11 person was there. He installed my drain 19:42
12 system, he was attempting to put it in, and 19:42
13 Mr. Friedman stopped me and asked me not to do 19:42
14 it. He said he needed to go and review the 19:42
15 plans and he said he was going to the village 19:42
16 to do so and at which time I have yet to 19:42
17 really hear back from him any decision on 19:42
18 that. 19:42

19 I have tried numerous times to follow up 19:42
20 with the village and get us figured out with a 19:42
21 resolution on it. I sat with some of the 19:42
22 members of the Building Department, and we 19:42
23 agreed that it has to get resolved. That was 19:42
24 in August. And it's five months later, and I 19:42
25 have yet to get a resolution. I would have 19:42

Englander - 1/20/2021

1
2 imagined that by now if there were any issues 19:42
3 with water backup in the driveway, which is 19:42
4 what Mr. Friedman was concerned about, that he 19:42
5 would have brought it to the attention of the 19:42
6 Building Department. As far as I know, he has 19:43
7 not done so, but again through numerous 19:43
8 attempts to get a resolution where he has been 19:43
9 spoken to, letters addressed, my understanding 19:43
10 is that the letters that were sent to him 19:43
11 through the village has been ignored. Through 19:43
12 phone calls that they may have reached out to 19:43
13 him, he said he would be coming to look into 19:43
14 the matter but as of yet has not done anything 19:43
15 to get a resolution from me. He has 19:43
16 threatened me to be responsible for any damage 19:43
17 that might occur if I attempt to do the drain, 19:43
18 and in all honesty, I really don't want to do 19:43
19 it. 19:43

20 I know this person. I know what would 19:43
21 happen if I touched his cobblestone, which is 19:43
22 not necessarily his cobblestone because it 19:43
23 does sit between both of our properties, but I 19:43
24 do know that he would take me to court on it, 19:43
25 if need be, and you know, enforce it if there 19:43

Englander - 1/20/2021

1
2 is any damage. And I will be honest with you, 19:43
3 I don't want to do it. I am too nervous to do 19:43
4 it, and I have seen no issues with water in 19:43
5 the year and a half that I am living in the 19:44
6 house. And obviously he has never brought it 19:44
7 to the attention of the village again. So I 19:44
8 am requesting removal of that strip drain in 19:44
9 order for me to be able to get my C of O. 19:44
10 CHAIRMAN KEILSON: Okay. Mr. Castro, 19:44
11 can you fill us in what you know of the 19:44
12 history of the matter? 19:44
13 MR. CASTRO: I just want to state that 19:44
14 for the record, the conversation, the matter 19:44
15 that just took place by Mr. Englander is true, 19:44
16 factual. I don't object to anything. The 19:44
17 plan -- at the prior meeting in July of 2017 19:44
18 where the variance was granted, there was a 19:44
19 storm drain system depicted on the plans. I 19:44
20 think the initial diagram showed a dry well in 19:44
21 the back portion of the driveway leading to 19:44
22 some drainage on Mr. Englander's rear yard. 19:45
23 And in the -- at that evening we -- I think 19:45
24 there was a question of what is it going to 19:45
25 look like by the neighbor Mr. Friedman, 19:45

Englander - 1/20/2021

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2 residing at 2 Marbride, and with uncertainty 19:45
3 the only -- the only factual information that 19:45
4 I was able to give was sometimes that a strip 19:45
5 drain is installed, sometimes round catch 19:45
6 basins are installed. 19:45

7 So subsequently I think it was decided 19:45
8 that the drain in the rear yard, one was too 19:45
9 cumbersome, that a lot would have to be 19:45
10 modified back there or many portions of the 19:45
11 driveway. So the idea of the strip drain 19:45
12 towards the front of the driveway was -- it 19:45
13 was modified and we chose that idea. And 19:45
14 everybody had agreed at that time. 19:45

15 CHAIRMAN KEILSON: Everybody including 19:46
16 Mr. Friedman? 19:46

17 MR. CASTRO: Yes. 19:46

18 CHAIRMAN KEILSON: Okay. And what 19:46
19 efforts has the village made in order to bring 19:46
20 a closure to this matter to agree to the strip 19:46
21 drain being installed? 19:46

22 MR. CASTRO: So there were multiple 19:46
23 conversations over the phone and within the 19:46
24 office not by myself but by other staff 19:46
25 members. A certified letter was mailed to the 19:46

Englander - 1/20/2021

1
2 owner, and if you don't mind, Mr. Plaut, just 19:46
3 correct me if I am wrong, was it returned back 19:46
4 to the office on -- 19:46
5 MR. PLAUT: It was returned due to 19:46
6 nonsignature. 19:46
7 CHAIRMAN KEILSON: Counsel, any moment 19:46
8 of the fact that he refused to accept? Once 19:46
9 it's sent out certified, it's as if it was 19:46
10 delivered? 19:46
11 MR. PRESTON: It is of no moment. 19:46
12 MR. CASTRO: After that, I believe the 19:46
13 Building Department did speak with him yet 19:46
14 again about this strip drain with no result. 19:46
15 CHAIRMAN KEILSON: So the purpose of the 19:47
16 drain, as was discussed in the hearing, was to 19:47
17 preclude any possible water issues on a 19:47
18 go-forward basis; is that correct? 19:47
19 MR. CASTRO: Correct. Just for the 19:47
20 record, there were no modifications on his 19:47
21 driveway being made. All the modifications 19:47
22 were on the building next door at 6 Marbride 19:47
23 Road, but due to the fact that the property 19:47
24 line extended into the driveway, it was 19:47
25 determined that some sort of drainage should 19:47

Englander - 1/20/2021

1
2 be put on the driveway. 19:47

3 CHAIRMAN KEILSON: At least at the 19:47
4 hearing level, there was no specificity as to 19:47
5 the type of drain? 19:47

6 MR. CASTRO: Absolutely not. 19:47

7 CHAIRMAN KEILSON: So the village 19:47
8 selected what they thought would be the best 19:47
9 system in order to ameliorate a problem if 19:47
10 there was a problem? 19:47

11 MR. CASTRO: And easiest to install. 19:47

12 CHAIRMAN KEILSON: As time has shown, 19:47
13 was there a problem? 19:47

14 MR. CASTRO: No. There has been -- to 19:47
15 the best of my knowledge, there has been no 19:47
16 formal complaints to that specific area. 19:48

17 CHAIRMAN KEILSON: Now, we have 19:48
18 testimony from the neighbor that there have 19:48
19 been no issues in terms of water, so we would 19:48
20 be solving a phantom problem perhaps for 19:48
21 psychological reasons more than reality; is 19:48
22 that fair to say at this point? 19:48

23 MR. CASTRO: Yes. 19:48

24 CHAIRMAN KEILSON: There has been no 19:48
25 problem then and they are installing a strip 19:48

Englander - 1/20/2021

1
2 drain by our choice because they felt that 19:48
3 would be the best resolution and the neighbor 19:48
4 has been resistant to our ability to get it 19:48
5 done? 19:48

6 MR. CASTRO: Yes. 19:48

7 CHAIRMAN KEILSON: Okay. Questions from 19:48
8 the Board? 19:48

9 MEMBER GOTTLIEB: So I am hearing that 19:48
10 despite what we had planned, there is no -- 19:48
11 rather the system that's in place is 19:48
12 functioning well enough that we don't need 19:48
13 this extra strip drain? 19:48

14 MR. CASTRO: I don't believe there is a 19:48
15 system on that particular driveway which 19:48
16 serves 2 Marbride Road but yet is part of 6 19:48
17 Marbride Road survey property. 19:49

18 MEMBER KERSTEIN: Is the drainage in the 19:49
19 back? 19:49

20 MR. CASTRO: No. There -- I don't 19:49
21 believe there is any existing drainage on that 19:49
22 driveway. 19:49

23 MEMBER GOTTLIEB: The reason why we want 19:49
24 a drainage system or a strip drain or whatever 19:49
25 it is is to mitigate flooding problems. 19:49

1 Englander - 1/20/2021

2 MR. CASTRO: Typically driveways -- 19:49
3 well, it's just common that a driveway curves 19:49
4 just towards the street especially as you near 19:49
5 the front or the front yard. That strip drain 19:49
6 is supposed to capture the water from spilling 19:49
7 onto the street and to retain it onto that 19:49
8 property. 19:49

9 MEMBER GOTTLIEB: I, for one, am a 19:49
10 proponent of strip drains, but in this case 19:49
11 and it's already existing, it doesn't seem to 19:49
12 be needed. 19:49

13 MR. CASTRO: Correct. 19:49

14 MEMBER GOTTLIEB: Okay. 19:49

15 MR. CASTRO: No -- any construction 19:50
16 that's being done at 6 Marbride does not 19:50
17 increase the amount of water from the driveway 19:50
18 at 2 Marbride. 19:50

19 MEMBER GOTTLIEB: The rest of the house 19:50
20 is captured in various dry wells? 19:50

21 MR. CASTRO: The rest of the house is 19:50
22 piped into an underground drainage system. 19:50

23 MEMBER GOTTLIEB: So it's actually 19:50
24 better than it was before when the house was 19:50
25 at grade level versus elevated? 19:50

1 Englander - 1/20/2021

2 MR. CASTRO: Yes. 19:50

3 MEMBER GOTTLIEB: So it sounds to me 19:50

4 like most of the situation has been mitigated, 19:50

5 and given that there is some difficulty 19:50

6 because there is an easement here and it's 19:50

7 partially owned by one neighbor and the other 19:50

8 and it just doesn't sound to me like it's 19:50

9 needed if I am understanding what you are 19:50

10 saying. 19:50

11 MR. CASTRO: Correct me if I am wrong, 19:50

12 Mr. Englander, is there a strip drain on your 19:50

13 driveway at 6 Marbride? 19:50

14 MR. ENGLANDER: Yes. 19:50

15 MEMBER GOTTLIEB: Good enough in my 19:50

16 opinion. 19:50

17 CHAIRMAN KEILSON: Any other questions 19:50

18 from the Board? Counsel wants to give me a 19:50

19 note. All right. 19:51

20 So any comments from the Board? No 19:51

21 questions? Anybody from the audience want to 19:51

22 comment? 19:51

23 MRS. ENGLANDER: I actually have a 19:51

24 question. 19:51

25 CHAIRMAN KEILSON: Please. 19:51

1 Englander - 1/20/2021

2 MRS. ENGLANDER: You are going to have 19:51
3 him aware that the strip drain has been 19:51
4 removed from the plans? 19:51

5 CHAIRMAN KEILSON: Of course. That will 19:51
6 be part of the decision. 19:51

7 MRS. ENGLANDER: And when he comes back 19:51
8 and says he would like the strip drain or some 19:51
9 scenario such as that does occur, what do we 19:51
10 do? 19:51

11 CHAIRMAN KEILSON: You don't do anything. 19:51
12 It's in our hands. 19:51

13 MRS. ENGLANDER: So I can say please 19:52
14 don't call me; call the village? 19:52

15 CHAIRMAN KEILSON: For sure. As a 19:52
16 general rule you should direct him to the 19:52
17 village. You shouldn't be conversing. 19:52
18 Nothing constructive has come from that. Just 19:52
19 be courteous and tell him to call the village. 19:52

20 MRS. ENGLANDER: And you will take full 19:52
21 responsibility? 19:52

22 CHAIRMAN KEILSON: You see that 19:52
23 gentleman there? He is a tiger. Don't be 19:52
24 fooled. And you have Jacob right behind 19:52
25 there, so don't worry about it. Okay. 19:52

Englander - 1/20/2021

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2 So we will take a vote on the part of 19:52
3 the Board to reconsider moving the 19:52
4 requirement. It wasn't a strip drain in the 19:52
5 hearing that was required but some 19:52
6 amelioration of a problem that wasn't there, 19:52
7 so the phantom problem is going to be cured by 19:52
8 nothing because it's not needed. That's the 19:52
9 testimony tonight. We would also like the 19:52
10 village to send a letter to Mr. Friedman after 19:52
11 the hearing to indicate that the hearing is 19:53
12 taking place and it's the consensus of the 19:53
13 Board that we are modifying the requirement of 19:53
14 a variance, and there will be no strip drain 19:53
15 implemented. It's not necessary. Assuming 19:53
16 the vote is that way. 19:53
17 MEMBER KERSTEIN: Can I just ask, has 19:53
18 this drain been standing in the way of their 19:53
19 getting a C of O? 19:53
20 MEMBER HILLER: Yes. 19:53
21 MEMBER KERSTEIN: So when we take this 19:53
22 away, the Building Department can do the final 19:53
23 inspection? 19:53
24 MR. CASTRO: They will be closer to 19:53
25 their C of O. 19:53

Englander - 1/20/2021

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2 MEMBER KERSTEIN: That's what I want to 19:53
3 understand. 19:53
4 CHAIRMAN KEILSON: Mr. Kerstein raises 19:53
5 an important point. It's an impediment to 19:53
6 them getting the C of O, which is outrageous. 19:53
7 MEMBER GOTTLIEB: Well, it's closer. 19:53
8 MR. ENGLANDER: One item is left and 19:53
9 that's planting shrubs. 19:53
10 MEMBER FELDER: Mr. Chairman, should we 19:53
11 perhaps also include all types of drainage 19:53
12 systems that may be brought up by a neighbor 19:53
13 that the Board is now currently determining 19:53
14 that neither the original suggestion of the 19:54
15 rear yard catch basin nor the front of the 19:54
16 driveway strip drain is required at all? 19:54
17 CHAIRMAN KEILSON: Thank you for that 19:54
18 amendment. I will be happy to amend it. The 19:54
19 decision will be at this point in time, 19:54
20 assuming the Board agrees, that there will be 19:54
21 no requirement whatsoever for any further 19:54
22 effort to ameliorate a problem that doesn't 19:54
23 exist. Okay. Fair enough. 19:54
24 Mr. Kerstein, how do you vote? 19:54
25 MEMBER KERSTEIN: Aye or yes or whatever 19:54

Englander - 1/20/2021

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you prefer. 19:54

CHAIRMAN KEILSON: Okay. Mr. Gottlieb? 19:54

MEMBER GOTTLIEB: For. 19:54

CHAIRMAN KEILSON: Mr. Hiller? 19:54

MEMBER HILLER: For. 19:54

CHAIRMAN KEILSON: Mr. Felder? 19:54

MEMBER FELDER: For. 19:54

CHAIRMAN KEILSON: And I vote for as 19:54

well. 19:54

MR. ENGLANDER: Thank you very much. 19:54

CHAIRMAN KEILSON: Counsel you want to 19:54

add anything? Too late. 19:54

(Whereupon the hearing concluded at 7:54

p.m.)

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

YAFFA KAPLAN

Court Reporter

Nerenberg - 1/20/2021

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

January 20, 2021
7:54 p.m.

APPLICATION: Nerenberg
85 Washington Avenue
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. PHILIP KERSTEIN
Alternate Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. JACOB PLAUT
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

1 Nerenberg - 1/20/2021

2 CHAIRMAN KEILSON: So we finally get to 19:54
3 tonight's calendar. The first item we are 19:54
4 going to discuss is Nerenberg on Washington 19:54
5 Avenue. 19:54

6 MRS. NERENBERG: Here I am. Oh -- 19:54

7 CHAIRMAN KEILSON: Who is also here on 19:54
8 your behalf? Oh, there is Mr. Flaum. Good 19:55
9 evening, Mr. Flaum. 19:55

10 MR. FLAUM: Good evening. Good evening, 19:55
11 members of the Board. My name is Shmuel 19:55
12 Flaum, residing at 194 Wanser Avenue, Inwood, 19:55
13 New York 11096. I am here on behalf of my 19:55
14 client this evening with regard to a pool 19:55
15 application. The pool application was filed 19:55
16 requiring one variance at the rear yard. The 19:55
17 proposed rear yard or the required rear yard 19:55
18 was supposed to be 20 feet. We are seeking a 19:55
19 15-foot setback with an overage of 5 feet on 19:55
20 the requirements. 19:55

21 We have previously presented a drawing 19:55
22 showing the pool in a different location that 19:55
23 had a more severe setback request for 19:55
24 variance. We modified it with the okay of the 19:55
25 client, and we relocated it closer to the 19:55

Nerenberg - 1/20/2021

1
2 house off an existing patio and relocated the 19:56
3 future pool patio on the side so already 19:56
4 modified the design to make it as compliant as 19:56
5 we could without encroaching into the existing 19:56
6 house or patio that's currently there. You 19:56
7 should have that on your site plans. 19:56

8 So I will just state for the record we 19:56
9 are seeking code relief from Section 212-48.B, 19:56
10 minimum rear-yard setback. Permitted is a 19:56
11 requirement of 20 feet. The proposed will be 19:56
12 15 with infringement or encroachment of 5 feet 19:56
13 into the required rear yard. 19:56

14 CHAIRMAN KEILSON: So number one, how 19:56
15 long has the applicant lived in the house? 19:56

16 MRS. NERENBERG: Over 40 years. 19:56

17 CHAIRMAN KEILSON: Okay. I think we all 19:56
18 recognize that the dimensions in terms of 19:56
19 encroachment of the pool is sacrosanct with 19:56
20 regard we would like to abide by it as much as 19:56
21 possible. On the other hand, with the advent 19:57
22 of COVID, we have been very accommodating and 19:57
23 trying to be as accommodating as we can within 19:57
24 some element of reason. We have letters from 19:57
25 the neighbors or approval from the neighbors 19:57

1 Nerenberg - 1/20/2021

2 especially the one in the rear? 19:57

3 MRS. NERENBERG: I have verbal. 19:57

4 CHAIRMAN KEILSON: Can you identify 19:57

5 yourself for the record? 19:57

6 MRS. NERENBERG: Susan Nerenberg. 19:57

7 CHAIRMAN KEILSON: Hi. Welcome. 19:57

8 MRS. NERENBERG: Thank you. 19:57

9 CHAIRMAN KEILSON: Who is the neighbor 19:57

10 to the rear? 19:57

11 MRS. NERENBERG: Dr. Norman Safra. He 19:57

12 thinks he is going to use it so he said yes. 19:57

13 MEMBER GOTTLIEB: You said he thinks he 19:57

14 is going to use it. 19:57

15 MRS. NERENBERG: On purpose I said that. 19:57

16 CHAIRMAN KEILSON: Okay. 19:57

17 MEMBER GOTTLIEB: Mr. Chairman, I look 19:57

18 at Mrs. Nerenberg and she is asking for 15 19:57

19 feet instead of 20 and I think the reason why 19:57

20 we look for 20 or better is the noise level 19:57

21 that comes off it and I don't see you -- I 19:57

22 don't mean to cast any opinions. I don't see 19:57

23 you as one who would have wild pool parties 19:57

24 all hours of the night. 19:58

25 CHAIRMAN KEILSON: How do you know? 19:58

1 Nerenberg - 1/20/2021

2 MRS. NERENBERG: Thank you, Mr. 19:58

3 Chairman. 19:58

4 MEMBER GOTTLIEB: But this is some of 19:58

5 what we do is the biggest concern I have with 19:58

6 -- the reason why we keep pools at a distance 19:58

7 is if they get loud and they get noisy and bad 19:58

8 parties create bad neighbors. 19:58

9 CHAIRMAN KEILSON: Mr. Gottlieb. Mr. 19:58

10 Gottlieb. You are being disingenuous. If she 19:58

11 wanted the pool for herself, she would have 19:58

12 put it in 20 years ago. So obviously she is 19:58

13 doing it for other reasons, to have her 19:58

14 neighbor Safra use it and possibly 19:58

15 grandchildren. Her grandchildren are very 19:58

16 noisy. I know that for a fact. 19:58

17 MRS. NERENBERG: Yes. 19:58

18 MEMBER GOTTLIEB: I withdraw my comments 19:58

19 and questions. 19:58

20 CHAIRMAN KEILSON: Gentlemen, weigh in. 19:58

21 MEMBER HILLER: Would it be possible for 19:58

22 the pool to be -- since we are trying to hold 19:59

23 to the 20 feet and you have a 15-foot-by-30 19:59

24 pool, would it be possible to consider a 19:59

25 12-foot-by-30 pool? 19:59

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2 MRS. NERENBERG: I don't want it to be 19:59
3 -- I don't know -- I don't know. I would 19:59
4 prefer 15 by 30. I have a lot of reasons for 19:59
5 that. Mr. Hiller and Mr. Kerstein know my 19:59
6 husband is a little disabled, and you know, I 19:59
7 wanted to have some access for him walking 19:59
8 whatever, exercise, and stuff like that. So 19:59
9 that was my plan. So I was hoping it could be 19:59
10 -- I don't know what 3 feet means. I am 5 19:59
11 feet so I don't know. So you are asking me 19:59
12 what I want is 15 by 20. 19:59

13 MEMBER KERSTEIN: If you -- I guess you 19:59
14 should figure it out, but if you were to make 20:00
15 it 13 or 12 and make it 2 feet longer, you 20:00
16 roughly have the same square footage and it's 20:00
17 just going to be less of an encroachment for 20:00
18 the setback. I ask you -- 20:00

19 MR. FLAUM: So typically pools, they try 20:00
20 to do two to one ratio. It's usually 15 by 20:00
21 30, 16 by 32. So again, in terms of the kids 20:00
22 coming and playing, I don't think it has a 20:00
23 real difference. I don't think -- I am not 20:00
24 sure about the cost difference. That's 20:00
25 something that I would want to investigate but 20:00

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2 if you are willing to make it longer -- 20:00

3 MEMBER FELDER: Did you consider instead 20:00

4 of changing the size of the pool that patio is 20:00

5 going to get destroyed when you dig? 20:00

6 MR. FLAUM: It most likely will get 20:00

7 demolished somewhat. What do you use it for? 20:00

8 MRS. NERENBERG: My Succah and my 20:00

9 awning. 20:00

10 MR. FLAUM: How big is your current 20:00

11 Succah? 20:01

12 MRS. NERENBERG: Very big. 20:01

13 MR. FLAUM: It takes up the whole patio? 20:01

14 MRS. NERENBERG: Just about. 20:01

15 MR. CASTRO: So it would mess up the 20:01

16 Succah she has been building for how many 20:01

17 years? 20:01

18 MRS. NERENBERG: Not 40 but 30. 20:01

19 MEMBER KERSTEIN: We are not suggesting 20:01

20 anything with the patio. 20:01

21 MEMBER FELDER: It's going to have to be 20:01

22 destroyed and then rebuilt anyway. 20:01

23 MRS. NERENBERG: I didn't know that. 20:01

24 MR. FLAUM: At least a portion of it. 20:01

25 MRS. NERENBERG: Well, there is steps. 20:01

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2 CHAIRMAN KEILSON: Let me echo the 20:01
3 comments of my colleague. Every pool purveyor 20:01
4 that is honest will tell you it's like World 20:01
5 War III. Okay? They destroy the yard. 20:01
6 Inevitable. They bring in bulldozers. That 20:01
7 patio is going to be gone. There is no 20:01
8 question about it. So essentially we are 20:01
9 starting with blank space right now. 20:01
10 MEMBER FELDER: So what I was just 20:02
11 suggesting, since that's going to be destroyed 20:02
12 anyway and you have to rebuild it from 20:02
13 scratch, perhaps maybe move the pool a little 20:02
14 bit closer to your house into the brick patio 20:02
15 now, and when you are rebuilding the brick 20:02
16 patio, rebuild it off to the side. You could 20:02
17 have your Succah there. Build it to whatever 20:02
18 side you want. 20:02
19 MRS. NERENBERG: I don't really love the 20:02
20 idea of the pool almost abutting the house. 20:02
21 MEMBER FELDER: Well, it would only be 2 20:02
22 feet. 20:02
23 MRS. NERENBERG: I understand that. I 20:02
24 had a situation this year where I 20:02
25 unfortunately was sitting shiva and I was 20:02

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always afraid people were falling off the stairs. No. It doesn't work for me, no, so if you are saying I can't do --

MEMBER FELDER: I am not saying anything. It's just a suggestion.

MRS. NERENBERG: No, you plural.

MEMBER HILLER: Susan, I know you and I know 100 percent that Mr. Safra probably must have told you that he is fine with the encroachment.

MRS. NERENBERG: I could call him.

MEMBER HILLER: You don't have to call him. It would have been helpful --

MRS. NERENBERG: I thought you said that you sent out letters.

MEMBER HILLER: We do.

MRS. NERENBERG: Oh, you do.

MEMBER HILLER: But you usually want to get letters of support especially from the neighbors that are most affected. But also taking into consideration that you are 40 years in the neighborhood, in the house and that's quite a record and --

MRS. NERENBERG: I think really more

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2 than that because I think my daughter -- 20:03

3 MEMBER FELDER: You win. 20:03

4 MEMBER HILLER: Also your husband, 20:03

5 Mitch, he is partially disabled, and that 20:03

6 means something as well. So since the 20:03

7 neighbor -- since I believe the neighbor 20:03

8 agreed -- 20:03

9 MRS. NERENBERG: I wouldn't lie. 20:03

10 MEMBER KERSTEIN: We know that. 20:03

11 MEMBER HILLER: Susan, I am inclined to 20:03

12 entertain this. 20:03

13 CHAIRMAN KEILSON: Mr. Hiller, every 20:03

14 neighbor agrees. If we use that as a 20:03

15 criteria, we never will have any restrictions. 20:03

16 So I think we have to draw the line. If we 20:03

17 are going to permit it, then fine. If we are 20:04

18 not going to permit it, but we have to permit 20:04

19 it universally with the rest of the people 20:04

20 here tonight. 20:04

21 MEMBER GOTTLIEB: But you know, every 20:04

22 application should stand on its own merits. 20:04

23 We can't universally agree to 15 feet when in 20:04

24 certain cases it shouldn't be; it's got to be 20:04

25 20 in some cases. And I see that -- you know, 20:04

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1
2 look, there is room to accommodate a 30-by-15 20:04
3 pool. If you adjust the brick patio and you 20:04
4 bring the pool out to -- I am going to say to 20:04
5 the right, which would be to the south, you 20:04
6 can still have a 12-foot-wide patio. The 20:04
7 Succah can easily go on the 300-square-foot 20:04
8 pool pavers. It's right outside the door. 20:04
9 It's just -- you can still go much further 20:04
10 than 15 feet and be closer to compliance, and 20:04
11 what you are not showing, Mr. Flaum, I don't 20:05
12 see pavers around the pool. Is it just coping 20:05
13 and it goes right in, or do you plan on 20:05
14 putting pavers there? 20:05

15 MR. FLAUM: She is having pavers only on 20:05
16 one side. That's why it says pool patio on 20:05
17 pavers. 20:05

18 MEMBER GOTTLIEB: So you are not having 20:05
19 any walkway around the pool? 20:05

20 MR. FLAUM: I don't think that's what 20:05
21 she wanted. 20:05

22 MEMBER GOTTLIEB: Just because I don't 20:05
23 see it and I don't know if it was left out on 20:05
24 purpose. 20:05

25 MR. FLAUM: Again, we worked with the 20:05

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2 pool company that designed the pool and we did 20:05
3 it based upon what they had given us, but most 20:05
4 importantly what's not apparent on this 20:05
5 submission because you didn't see it, the pool 20:05
6 was actually to the rear of the house, closer 20:05
7 to the neighbor but also off to the side, and 20:05
8 therefore, she was trying to maximize keeping 20:05
9 as much of the rear yard open. So she is 20:05
10 sacrificing having a larger contiguous rear 20:05
11 yard to pull it closer to the house, and now 20:05
12 she split the yard into two pieces so as not 20:05
13 to encroach into the side yard and not come 20:06
14 closer to the neighbor. So I think it's an 20:06
15 unspoken thing she has given up, meaning 20:06
16 putting the pool where she is putting it 20:06
17 currently. She is breaking the yard into two 20:06
18 pieces rather than having the pool to one side 20:06
19 and having a bigger rear yard. 20:06

20 MEMBER HILLER: I think what my 20:06
21 colleague is saying should you move the pool 20:06
22 over the area 5 feet into the area of the 20:06
23 brick patio and extend the proposed pool patio 20:06
24 on pavers area, you would have room for a 20:06
25 Succah there and you would also comply with 20:06

Nerenberg - 1/20/2021

1
2 the setback. 20:06

3 MR. FLAUM: I have heard that, but I 20:06
4 think the homeowner already stated she would 20:06
5 not want the pool any closer to her house for 20:06
6 fear of falling in. 20:06

7 MEMBER FELDER: How wide is that brick 20:06
8 patio? 20:06

9 MR. FLAUM: 14.5. 20:06

10 MEMBER FELDER: Fourteen and a half feet 20:06
11 from this drawing? 20:06

12 MR. FLAUM: From the house until the 20:06
13 edge of the pool. From the edge of the house 20:07
14 to the edge of the patio. 20:07

15 MEMBER FELDER: To the pool to the 20:07
16 coping? 20:07

17 MR. FLAUM: The pool is 2 feet over from 20:07
18 there. 20:07

19 MEMBER KERSTEIN: Sixteen and a half. 20:07

20 MEMBER FELDER: Sixteen and a half to 20:07
21 the pool. Right. So if you moved it 5 feet, 20:07
22 you would still be 11 and a half feet to the 20:07
23 house. That's pretty big. 20:07

24 MR. FLAUM: I am not saying not, but if 20:07
25 she has the Succah there then the Succah -- 20:07

Nerenberg - 1/20/2021

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2 MEMBER FELDER: You can extend the pool 20:07
3 patio and put your Succah over there. That is 20:07
4 15 and this is 14.5, so that would be more 20:07
5 than enough space. 20:07
6 MEMBER KERSTEIN: One is going to be 20:07
7 down at the ground level and the other is 20:07
8 raised. Am I correct the patio is raised now? 20:07
9 CHAIRMAN KEILSON: The patio is not 20:07
10 there. 20:07
11 MEMBER FELDER: The patio is being 20:07
12 destroyed. 20:07
13 MEMBER KERSTEIN: I understand but right 20:07
14 now she has a patio she walks right out on and 20:07
15 stairs to go down from the patio. That's what 20:07
16 you don't see in this drawing I don't think. 20:07
17 MEMBER FELDER: Right. I don't see it. 20:07
18 Okay. That's a bit of a different story. 20:08
19 MEMBER KERSTEIN: I think that's why I 20:08
20 am suggesting it making it very different 20:08
21 especially when you are carrying food out to 20:08
22 the Succah. 20:08
23 MEMBER GOTTLIEB: But you can raise that 20:08
24 proposed pool patio and there would be no step 20:08
25 there. 20:08

Nerenberg - 1/20/2021

1
2 MEMBER KERSTEIN: And have steps going 20:08
3 down from the pool patio to the pool. 20:08

4 MEMBER GOTTLIEB: As you move the pool 20:08
5 over, the 4-foot-wide opening becomes 6 20:08
6 feet -- yes. Six foot and it's easy to get 20:08
7 through and put it on grade with the brick 20:08
8 patio existing. 20:08

9 MR. FLAUM: Not a bad idea but there is 20:08
10 a cost involved there, but then the question 20:08
11 is are you stepping down into the pool now 20:08
12 because the pool is still at grade. So now 20:08
13 you have steps down to the pool, or are you 20:08
14 proposing to raise the pool to the same height 20:08
15 of the patio because it's no longer at grade? 20:08

16 MEMBER GOTTLIEB: Good question. I am 20:08
17 not the architect. I am just trying to make 20:08
18 this work. 20:09

19 MR. FLAUM: So they are proposing a pool 20:09
20 at grade, correct. So you are stepping down 20:09
21 the patio onto the grass and then walking to 20:09
22 the pool, but now we relocated, so you are 20:09
23 still stepping down from the patio to the 20:09
24 pool. We are not looking to raise the pool up 20:09
25 to the height of the patio. 20:09

1 Nerenberg - 1/20/2021

2 MRS. NERENBERG: No. Absolutely not. 20:09

3 MR. FLAUM: So raising the pool patio 20:09

4 doesn't really help her because it's a 20:09

5 contiguous surface. 20:09

6 MEMBER GOTTLIEB: I was trying to make 20:09

7 it accommodating. 20:09

8 CHAIRMAN KEILSON: I have a suggestion. 20:09

9 MRS. NERENBERG: That's good. 20:09

10 CHAIRMAN KEILSON: You won't like it but 20:09

11 it's a suggestion. We can't live with the 15 20:09

12 feet. There is a lot of ways to do something 20:09

13 here. We haven't been retained to redesign 20:09

14 for you. There are ways to redesign here. 20:09

15 There is a flood of different ideas. Some 20:09

16 work, some don't work, but I don't think we 20:09

17 can do it. Mr. Castro, are we equipped to 20:09

18 redesign for them? 20:09

19 MR. CASTRO: No. 20:09

20 MRS. NERENBERG: Excuse me. Thirteen 20:09

21 feet you would approve? What is the number 20:10

22 that you are looking for? Is it 10? Is it 20:10

23 12? 20:10

24 MEMBER GOTTLIEB: At 20 you don't have 20:10

25 to see us again. 20:10

1 Nerenberg - 1/20/2021

2 MEMBER FELDER: I think Mr. Hiller 20:10
3 already suggested what number. Twelve, 13. 20:10

4 MEMBER HILLER: I would accept 13 by 30. 20:10

5 MRS. NERENBERG: Okay. 20:10

6 MEMBER GOTTLIEB: In other words, you 20:10
7 want to be 18 feet. So whether the pool is 20:10
8 pushed back further or the pool is made 20:10
9 smaller would be the homeowner's option. 20:10

10 MEMBER HILLER: Correct. So if you want 20:10
11 to remove 2 feet from the porch, you would be 20:10
12 able to have the pool. 20:10

13 MR. FLAUM: So the pool she can decide, 20:10
14 but she wants to have a 17 setback. 20:10

15 CHAIRMAN KEILSON: Eighteen is what she 20:10
16 said. 20:10

17 MEMBER FELDER: Just bear in mind that 20:10
18 patio has to be rebuilt anyway so you have to 20:10
19 redo the stair 2 feet, 3 feet further back. 20:10

20 MRS. NERENBERG: So do we have to come 20:11
21 back if we say okay to that? So we will say 20:11
22 yes and then we will figure it out, how long 20:11
23 do I have to make to -- to do this job? Do I 20:11
24 have a year? Six months? 20:11

25 CHAIRMAN KEILSON: How much do you want? 20:11

1 Nerenberg - 1/20/2021

2 Whatever you want. 20:11

3 MRS. NERENBERG: Let live and be well. 20:11

4 Another year. 20:11

5 CHAIRMAN KEILSON: A year and a half but 20:11

6 let's first vote. 20:11

7 MRS. NERENBERG: I thought this was a 20:11

8 done deal already. 20:11

9 CHAIRMAN KEILSON: Okay. The proposal 20:11

10 on the table is 18 foot, right? Eighteen feet 20:11

11 from the backyard, and we have to ask if 20:11

12 anybody in the audience wants to comment since 20:11

13 everybody is having such fun here tonight at 20:11

14 our expense. So we will start with Mr. 20:11

15 Felder. Is that okay with you, Mr. Felder? 20:11

16 MEMBER FELDER: Yes. Very okay. 20:12

17 CHAIRMAN KEILSON: Mr. Hiller? 20:12

18 MEMBER HILLER: For. 20:12

19 CHAIRMAN KEILSON: Mr. Gottlieb? 20:12

20 MEMBER GOTTLIEB: Eighteen feet from the 20:12

21 rear yard is fine. 20:12

22 CHAIRMAN KEILSON: Okay. Mr. Kerstein? 20:12

23 MEMBER KERSTEIN: Yes. That's fine. 20:12

24 CHAIRMAN KEILSON: And I vote yes and we 20:12

25 give you a year and a half. 20:12

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Nerenberg - 1/20/2021

MRS. NERENBERG: Perfect. 20:12

MR. CASTRO: Just to make a note that 20:12
upon reconfiguration, the plans show that you 20:12
are still under on surface coverage, so if 20:12
there is a need to reconfigure and add an 20:12
additional amount of surface coverage, you 20:12
need not come before the Board again for that. 20:12

MEMBER HILLER: That's good for you. 20:12

MR. FLAUM: Yes. That's understood. 20:12

MR. PLAUT: As long as it does not 20:12
exceed the permissible surface coverage. 20:12

(Whereupon the hearing concluded at 8:12
p.m.)

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

YAFFA KAPLAN

Court Reporter

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Greenfield - 1/20/2021

INCORPORATED VILLAGE OF LAWRENCE

20:12

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

January 20, 2021
8:12 p.m.

APPLICATION: Greenfield
231 Barrett Road
Lawrence, New York

P R E S E N T:

- MR. LLOYD KEILSON
Chairman
- MR. EDWARD GOTTLIEB
Member
- MR. DANIEL HILLER
Member
- MR. AARON FELDER
Member
- MR. PHILIP KERSTEIN
Alternate Member
- MR. ANDREW K. PRESTON, ESQ.
Village Attorney
- MR. JACOB PLAUT
Building Department
- MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

1 Greenfield - 1/20/2021

2 CHAIRMAN KEILSON: Okay. Next matter is 20:12
3 that of Greenfield. Mr. Flaum, you can stay 20:12
4 there. 20:12

5 MR. FLAUM: Good evening, members of the 19:55
6 Board. My name is Shmuel Flaum, residing at 19:55
7 194 Wanser Avenue, Inwood, New York 11096, and 19:55
8 I am here on behalf of my client the 20:13
9 Greenfields who reside at 231 Barrett Road in 20:13
10 Lawrence seeking to install a pool in the rear 20:13
11 yard of their property. They have multiple 20:13
12 variances that would be triggered by the 20:13
13 proposed pool application in the rear yard. I 20:13
14 am going to list them off, and I guess we will 20:13
15 then discuss them. 20:13

16 The owner of the property is seeking a 20:13
17 variance for maximum surface coverage, Section 20:13
18 212.12.1. Permitted is 6,719 square feet. 20:13
19 The existing lot coverage that's currently 20:13
20 over by it's currently 7,011 square feet. We 20:13
21 are seeking a proposed 7,295 square feet with 20:13
22 a maximum overage percentile of 8.5 percent. 20:14
23 So that's the maximum surface coverage. 20:14
24 Additionally we are seeking code relief from 20:14
25 the side-yard setback of Section 212-48.C 20:14

1 Greenfield - 1/20/2021

2 where it is a required 20 feet. Existing 20:14
3 doesn't exist currently, the pool, and the 20:14
4 proposing 10 feet setback from the side yard 20:14
5 with an encroachment of 10 feet into the 20:14
6 required side yard. There is also an existing 20:14
7 noncompliant front yard surface coverage where 20:14
8 we are not making any change, but it has to be 20:14
9 listed in the zoning analysis. So I am just 20:14
10 going to bring it your attention that existing 20:14
11 front yard surface coverage is over. The 20:14
12 allowable being at 1,248.48 square feet and 20:14
13 the existing 1,948 square feet with no 20:14
14 proposed change under this application. 20:14

15 MEMBER HILLER: Did this house come up 20:15
16 for a variance? 20:15

17 CHAIRMAN KEILSON: That was not noted in 20:15
18 the declination letter, the surface coverage. 20:15

19 MEMBER HILLER: The front yard. 20:15

20 CHAIRMAN KEILSON: Is that any moment? 20:15

21 MR. PLAUT: Because it's existing 20:15
22 nonconforming and they are not proposing 20:15
23 changes, it does not have to be noted. Legal 20:15
24 notice or -- 20:15

25 CHAIRMAN KEILSON: You can expunge it 20:15

1 Greenfield - 1/20/2021

2 from the record. 20:15

3 MEMBER HILLER: Did this house come for 20:15
4 a variance before? 20:15

5 MR. FLAUM: That I wouldn't know but -- 20:15

6 MR. GREENFIELD: I'm sorry. I didn't 20:15
7 hear the question. Barry Greenfield, 231 20:15
8 Barrett Road, Lawrence. We have never 20:15
9 requested nor received a variance prior to 20:15
10 today. 20:15

11 CHAIRMAN KEILSON: How long are you 20:16
12 living in the house? 20:16

13 MR. GREENFIELD: Twenty years 20:16
14 approximately. 20:16

15 MR. FLAUM: So just to explain the 20:16
16 situation, obviously looking at the site plan, 20:16
17 you can see that the lot is irregular in 20:16
18 shape. It's neither square nor rectangular. 20:16
19 It's like almost triangular, and the 20:16
20 Greenfields are seeking to put a pool in. If 20:16
21 they would comply with the current zoning 20:16
22 requirements, the pool would literally end up 20:16
23 right in the middle of whatever rear yard they 20:16
24 have, which is minimal because the lot 20:16
25 converges to a point at the rear, so they are 20:16

1 Greenfield - 1/20/2021

2 trying to still maintain having some sort of 20:16
3 rear yard space adjacent to the pool by 20:16
4 shifting the pool over to the side. 20:16

5 MEMBER HILLER: In lieu of what you 20:16
6 heard with your last client -- 20:16

7 MR. FLAUM: Every case is different. 20:16
8 Fresh set of eyes. 20:16

9 MEMBER HILLER: I think you have learned 20:16
10 a lesson. 20:16

11 MR. FLAUM: That was the rear, and this 20:16
12 is the side. I don't see the same parameters. 20:16

13 MEMBER GOTTLIEB: So we will talk about 20:17
14 the side yard first. We will take it one at a 20:17
15 time. This is the A district. I can't go for 20:17
16 a 10 foot. We wouldn't do it for the last 20:17
17 applicant. I wouldn't do it for any applicant 20:17
18 in the A zone. That's my point. 20:17

19 CHAIRMAN KEILSON: And there is plenty 20:17
20 of room to move it. 20:17

21 MR. FLAUM: Even if the neighbor has 20:17
22 given a letter of support? 20:17

23 CHAIRMAN KEILSON: Even if the neighbor 20:17
24 has given a letter of support. 20:17

25 MEMBER HILLER: The last neighbor also 20:17

1 Greenfield - 1/20/2021

2 CHAIRMAN KEILSON: But he is only one 20:18
3 vote and my -- 20:18

4 MEMBER HILLER: What happens if you turn 20:18
5 the pool? You would have 20 feet on each 20:18
6 side, and that would leave you a rear yard. 20:18

7 MR. FLAUM: Turn the pool in what way? 20:18
8 I believe you triggered a side yard variance 20:18
9 because if you turn the pool and rotate it, 20:18
10 you still get the same issue. You probably 20:18
11 have two variances that you trigger there. 20:18

12 MEMBER HILLER: On each side? 20:19

13 MR. FLAUM: Yes. 20:19

14 MEMBER HILLER: The problem is that you 20:19
15 do have the room, and it's like a 20:19
16 self-inflicted problem because you do have the 20:19
17 room. 20:19

18 CHAIRMAN KEILSON: And you have a 20:19
19 nice-sized pool, 18 by 45. 20:19

20 MR. GREENFIELD: It's not the length. 20:19
21 It's the width. 20:19

22 MR. GREENFIELD: Would it be beneficial 20:19
23 if -- I don't know if the whole Board had a 20:19
24 chance to see the backyard that we brought 20:20
25 pictures that will show the backyard to show 20:20

1 Greenfield - 1/20/2021

2 that it really doesn't take up as much as you 20:20
3 think and it's not as close as you think and 20:20
4 again the neighbor doesn't mind. Would 20:20
5 viewing the backyard be helpful? 20:20

6 MEMBER HILLER: We went to the backyard. 20:20

7 MEMBER GOTTLIEB: I actually have been 20:20
8 there. You may not have heard me, but I was 20:20
9 in your backyard. 20:20

10 CHAIRMAN KEILSON: And on the drawing 20:20
11 there is nothing that could be clearer. Ten 20:20
12 feet off the property line, and you got plenty 20:20
13 of space to do something. 20:20

14 MEMBER FELDER: We just need 5 feet 20:20
15 there. 20:20

16 MR. FLAUM: Side yard 20 feet in the A 20:20
17 district. That's what he is pointing out. 20:20
18 That's what he is objecting to. 20:20

19 MEMBER KERSTEIN: With the covered 20:20
20 walkway which is what he was saying, you end 20:20
21 up actually 6 feet away. You have a 4-foot 20:20
22 walkway on the side of the pool, so if you are 20:21
23 10 feet, effectively you are 6 feet away from 20:21
24 the side property line. 20:21

25 MR. GREENFIELD: If we eliminate the 20:21

1 Greenfield - 1/20/2021

2 walkway -- 20:21

3 MEMBER KERSTEIN: Just to give you an 20:21

4 idea of how close it is. 20:21

5 MR. GREENFIELD: I understand your 20:21

6 point. 20:21

7 MEMBER FELDER: The whole idea behind 20:21

8 the space is just noise. It's noise. That's 20:21

9 all. 20:21

10 MEMBER GOTTLIEB: We can move on to the 20:21

11 next point. 20:21

12 MR. FLAUM: We have another point? 20:21

13 CHAIRMAN KEILSON: We haven't touched 20:21

14 surface coverage. 20:21

15 MR. FLAUM: Oh, we want to go there 20:21

16 already? 20:21

17 MEMBER GOTTLIEB: While you are 20:21

18 considering that. 20:21

19 MR. FLAUM: We have an alternate plan 20:21

20 that we did put together. 20:21

21 CHAIRMAN KEILSON: I can't imagine you 20:21

22 came with a plan B. 20:21

23 MR. FLAUM: We anticipated some sort of 20:21

24 resistance, which is the lesser of two evils, 20:22

25 but I am sure there will still be a comment. 20:22

1 Greenfield - 1/20/2021

2 CHAIRMAN KEILSON: I think we can 20:22
3 accelerate by going to your plan C. 20:22

4 MR. FLAUM: Too bad I don't have one up 20:22
5 my sleeve. 20:22

6 MEMBER FELDER: So what changes here 20:22
7 other than 10 feet? 20:22

8 MR. GREENFIELD: Is this not what you 20:22
9 are asking for? 20:22

10 MEMBER FELDER: Well, this solves the 20:22
11 setback. 20:22

12 MR. FLAUM: This solves that issue. 20:22

13 CHAIRMAN KEILSON: Mr. Flaum, is this 20:22
14 the first time you appeared before us? 20:22

15 MR. FLAUM: Absolutely not. 20:22

16 CHAIRMAN KEILSON: Okay. We have nine 20:22
17 matters on the calendar tonight. Half hour 20:22
18 for each is four and a half hours for us. Do 20:22
19 you think it's fair to come in knowing full 20:22
20 well that we are going to resist and pull out 20:23
21 plan B? I find it insulting. I don't get 20:23
22 paid for my time. 20:23

23 MR. GREENFIELD: I had asked for plan A 20:23
24 because of my back issues. Not Mr. Flaum. It 20:23
25 was me. 20:23

1 Greenfield - 1/20/2021

2 CHAIRMAN KEILSON: Ninety-nine percent 20:23
3 of the village has back issues. 20:23

4 MR. GREENFIELD: I have documented back 20:23
5 issues. 20:23

6 CHAIRMAN KEILSON: We all have 20:23
7 documented back issues I promise you, and this 20:23
8 will only take care of this for three months 20:23
9 of the year unless you are putting up a pool 20:23
10 cover. So what are you doing for the rest of 20:23
11 year for your back? 20:23

12 MR. GREENFIELD: I am suffering. Why 20:23
13 suffer for the whole year when you can suffer 20:23
14 for less? 20:23

15 MR. FLAUM: If the village is willing to 20:23
16 review this new option, we are set back 20 20:23
17 feet, which we still have the overage and 20:23
18 which isn't going to change because we still 20:23
19 have the same overage issue, but the whole 20:23
20 overage is still less than 10 percent or 20:23
21 double digits which the village doesn't want 20:23
22 to see which we think are bringing it into 20:24
23 compliance with what we believe the village is 20:24
24 okay at various hearings. 20:24

25 CHAIRMAN KEILSON: I don't want you to 20:24

1 Greenfield - 1/20/2021

2 generalize. I will not allow that remark to 20:24
3 go unresponded to. There is no 20:24
4 generalization. 20:24

5 MR. FLAUM: We -- 20:24

6 CHAIRMAN KEILSON: Each matter is 20:24
7 decided on its own merits. 20:24

8 MEMBER FELDER: Can you just tell me 20:24
9 what changed in plan B other than the setback 20:24
10 is at 20? 20:24

11 MR. FLAUM: That's the only change. 20:24

12 MEMBER FELDER: So surface coverage 20:24
13 remains the same? 20:24

14 MR. FLAUM: Essentially. There was a 20:24
15 previous application with a different layout 20:24
16 that had plus 10 percent lot coverage which we 20:24
17 made less to submit to this one, so there have 20:24
18 been several iterations of changes. 20:24

19 MEMBER FELDER: So the combined overage 20:24
20 is now this 8 and a half percent? 20:24

21 MR. FLAUM: Correct. 20:24

22 MEMBER HILLER: What does a 16-by-16 20:24
23 covered kitchen mean? 20:24

24 MR. FLAUM: It's like a covered area. 20:24
25 Like if they have a grill outside, they don't 20:24

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Greenfield - 1/20/2021

want it to be rained on. It's a pergola. 20:25

MEMBER HILLER: It's not a pool house? 20:25

MR. FLAUM: It's not enclosed. It's 20:25

just covered. Like a roof without walls. 20:25

MEMBER GOTTLIEB: Is it a pergola or 20:25

solid roof? 20:25

MR. FLAUM: It's probably a solid roof. 20:25

MEMBER GOTTLIEB: So a roof but not 20:25

enclosed? 20:25

MR. FLAUM: Correct. Held up by four 20:25

posts in four corners. 20:25

MEMBER GOTTLIEB: Is that building 20:25

coverage? 20:25

MR. CASTRO: Yes. It's already 20:25

included. It's just surface. 20:25

MEMBER GOTTLIEB: Because when I look at 20:25

building coverage so I see -- so existing and 20:25

proposed is that -- okay. Got it. 20:25

MEMBER FELDER: Open roof is surface 20:25

coverage though. 20:25

MR. CASTRO: Yes because typically there 20:25

is going to be some cement underneath there 20:25

unless there is nothing which is just a 20:25

setback. 20:26

1 Greenfield - 1/20/2021

2 CHAIRMAN KEILSON: So might I suggest, 20:26
3 the difference between the proposed and 20:26
4 existing surface coverage is 284 square feet, 20:26
5 right? The -- whatever that kitchen or 20:26
6 whatever you want to call it is 256 feet, and 20:26
7 it's really just a covered area. 20:26

8 MEMBER KERSTEIN: Covered grill? I am 20:26
9 trying to understand what it is. 20:26

10 CHAIRMAN KEILSON: Yes. 20:26

11 MEMBER FELDER: It's an outdoor kitchen. 20:26

12 MEMBER GOTTLIEB: Probably table and 20:26
13 chairs in the kitchen. 20:26

14 MR. GREENFIELD: We haven't planned that 20:26
15 far. We just want an area we can work in. 20:26
16 Otherwise you can have a really big barbecue. 20:26

17 CHAIRMAN KEILSON: What are you taking 20:26
18 off? Well, the pool is how many square feet? 20:26
19 Eight hundred square feet and you are only 20:26
20 over 284 for existing. 20:26

21 MR. FLAUM: There is existing pavers we 20:27
22 removed. 20:27

23 CHAIRMAN KEILSON: So you took off 200 20:27
24 square feet. 20:27

25 MEMBER HILLER: Where is the existing 20:27

Greenfield - 1/20/2021

1
2 paving? 20:27

3 MR. FLAUM: In the backyard, the deck. 20:27

4 MEMBER GOTTLIEB: So do we see that? 20:27

5 MEMBER KERSTEIN: On the original you 20:27
6 see it. 20:27

7 CHAIRMAN KEILSON: What difference does 20:27
8 it make? He has a net increase of 284. Of 20:27
9 the 284, 256 is the covered kitchen as he 20:27
10 calls it. Does it bother you? 20:27

11 MEMBER GOTTLIEB: It doesn't bother me. 20:27
12 Twenty-year resident. 20:27

13 MEMBER KERSTEIN: I am fine with it. 20:27

14 CHAIRMAN KEILSON: So the only item we 20:27
15 are considering now is surface coverage excess 20:27
16 of 7,295, which is the proposed against 20:27
17 permitted 6,719, existing 7011; is that 20:27
18 correct? Any other questions from the Board? 20:27
19 Any comments from the audience? Okay. So 20:27
20 gentlemen, we are prepared to vote on the pool 20:27
21 now. Balancing the benefit of the applicant 20:28
22 as opposed to the detriment to the community 20:28
23 and to this Board -- 20:28

24 MEMBER GOTTLIEB: Can I make a comment, 20:28
25 Mr. Chairman? 20:28

1 Greenfield - 1/20/2021

2 CHAIRMAN KEILSON: Of course. 20:28

3 MEMBER GOTTLIEB: Very, very quick. The 20:28

4 proposed surface coverage, total surface 20:28

5 coverage is 36 percent. What's permitted is 20:28

6 35 percent and I realize 8 percent sounds like 20:28

7 a lot more, but we are going from 35 percent 20:28

8 existing coverage to 36 percent. And it's 20:28

9 really not a very big difference. This is 20:28

10 surface coverage not allowable. 20:28

11 CHAIRMAN KEILSON: But also you have a 20:28

12 lot coverage is probably 46 percent, but he 20:28

13 has been there 20 years. 20:28

14 MEMBER GOTTLIEB: Okay. Anyway -- 20:28

15 CHAIRMAN KEILSON: Mr. Kerstein? 20:28

16 MEMBER KERSTEIN: I am in favor of 20:28

17 allowing that. 20:28

18 CHAIRMAN KEILSON: Mr. Gottlieb? 20:28

19 MEMBER GOTTLIEB: I am all for plan B. 20:28

20 MEMBER KERSTEIN: That's what I meant. 20:28

21 CHAIRMAN KEILSON: Mr. Hiller? 20:28

22 MEMBER HILLER: For. 20:28

23 CHAIRMAN KEILSON: Mr. Felder? 20:29

24 MEMBER FELDER: For. 20:29

25 CHAIRMAN KEILSON: And I vote for the 20:29

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Greenfield - 1/20/2021

kitchen also.

20:29

MR. GREENFIELD: Thank you, gentlemen.

20:29

CHAIRMAN KEILSON: You are going to have

20:29

a year and a half. Okay.

20:29

(Whereupon the hearing concluded at 8:29

p.m.)

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

YAFFA KAPLAN

Court Reporter

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Wolf - 1/20/2021

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

January 20, 2021
8:29 p.m.

APPLICATION: Wolf
136 Sutton Place
Lawrence, New York

- P R E S E N T:
- MR. LLOYD KEILSON
Chairman
 - MR. EDWARD GOTTLIEB
Member
 - MR. DANIEL HILLER
Member
 - MR. AARON FELDER
Member
 - MR. PHILIP KERSTEIN
Alternate Member
 - MR. ANDREW K. PRESTON, ESQ.
Village Attorney
 - MR. JACOB PLAUT
Building Department
 - MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Wolf - 1/20/2021

1
2 CHAIRMAN KEILSON: Okay. Let's do Wolf 20:29
3 so Mr. Capobianco can go home. 20:29
4 MR. CAPOBIANCO: John Capobianco, 19:36
5 architect, 159 Doughty Boulevard, Inwood, 19:36
6 New York. Looks like it's swimming pool 19:35
7 night. Anyway, we resubmitted -- you know, we 20:29
8 adjourned the last meeting and we resubmitted 20:29
9 a revised plan given the consideration that -- 20:29
10 you know, given certain things in the first 20:30
11 application weren't accepted or acceptable, so 20:30
12 what we did is we shifted the pool over from 20:30
13 16 feet to 18 feet and the patio. We changed 20:30
14 the deck to a patio on grade and we got 20:30
15 totally -- we are off the easement that runs 20:30
16 on the east side of the property. So we are 20:30
17 not encroaching on that easement at all. 20:30
18 And then we increased the rear-yard 20:30
19 setback from 11.4 to 14 feet plus making the 20:30
20 pool 10 foot wide instead of 12 foot wide and 20:30
21 we reduced the pool 2 feet in the other 20:30
22 direction. So the pool area went down from 20:30
23 504 square feet to 400 square feet, and the 20:30
24 wood deck which is now proposed to be a paver 20:30
25 on grade was reduced from 938 square feet of 20:30

Wolf - 1/20/2021

1
2 deck and walkway around the pool to 711 square 20:31
3 feet. 20:31
4 And you know, it's a revised application 20:31
5 and we have -- the client has met with the 20:31
6 neighbors on all sides and they have seen this 20:31
7 application and they have no problem with it 20:31
8 or they have even mentioned they are in favor 20:31
9 of it. So that's basically the change that 20:31
10 was made, and I think it was significant 20:31
11 enough. We lowered the surface coverage from 20:31
12 being over by 795 to 563, which was a good 20:31
13 drop in the surface coverage. So you can see 20:31
14 from the revised colored rendering here that 20:31
15 we have a much bigger rear yard greenery and 20:31
16 that the grade -- the pavers on grade which 20:31
17 replace what was going to be the deck before 20:32
18 is much less in size and these are the 20:32
19 revisions that we had to make, and hopefully, 20:32
20 you know, if you have any questions, the 20:32
21 owners of the property are here tonight, but 20:32
22 these are the revisions that we made. 20:32
23 The pool is down to 10 feet wide. It's 20:32
24 not a very wide pool. It's probably the least 20:32
25 dimension you want to have in order to have 20:32

Wolf - 1/20/2021

1
2 maybe two lanes of lap swimming, but we feel 20:32
3 that we considered the concerns of the Board 20:32
4 that the Board had on the last meeting and we 20:32
5 tried to incorporate them in this revised 20:32
6 design. And this is what's before the Board 20:32
7 now at this time. 20:32

8 MEMBER HILLER: Mr. Capobianco, I really 20:32
9 appreciate everything that you have attempted 20:32
10 to do and it's really appreciated, but 20:32
11 visiting the site and looking at the rear 20:33
12 yard, there are some rear yards that just 20:33
13 cannot take a pool, and this I am afraid is 20:33
14 one of them. The size and the setbacks and 20:33
15 the coverage, it just doesn't add up. 20:33

16 CHAIRMAN KEILSON: It actually adds up. 20:33

17 MEMBER HILLER: It adds up to too much. 20:33
18 You know, there is not much to say. 20:33

19 MEMBER GOTTLIEB: I also appreciate your 20:33
20 revised plans and I like the colored drawings 20:33
21 which look nice, of course, as you always have 20:33
22 great presentations. But I look at this as 20:33
23 it's new construction, and while the 20:33
24 homeowners did not build this, they I believe 20:33
25 bought it after or it was built for them, it 20:33

Wolf - 1/20/2021

1
2 seems like permitted is roughly 41 percent 20:33
3 coverage, which is enormous for the village of 20:33
4 Lawrence, and you are asking for 46 percent. 20:34
5 That's just in coverage of -- I think you are 20:34
6 asking for 563 square feet. 20:34
7 MR. CAPOBIANCO: Yes. Over on the 20:34
8 surface coverage because we have combined the 20:34
9 impervious and pervious. Now it's only 20:34
10 surface coverage. 20:34
11 MEMBER GOTTLIEB: So we did that so we 20:34
12 could understand it better. 20:34
13 MR. CAPOBIANCO: Yes. I agree it was a 20:34
14 good move. 20:34
15 MEMBER GOTTLIEB: But it's just from the 20:34
16 -- you are 11 feet to the pavers. 20:34
17 MR. CAPOBIANCO: To the paver we are 11. 20:34
18 To the pool we are 14. We have a 3-foot 20:34
19 walkway. 20:34
20 MEMBER GOTTLIEB: It's just so narrow. 20:34
21 It's just so narrow. 20:34
22 MEMBER FELDER: What about -- 20:34
23 CHAIRMAN KEILSON: Mr. Capobianco, you 20:34
24 have been practicing for a few years? 20:34
25 MR. CAPOBIANCO: A few. 20:34

Wolf - 1/20/2021

1
2 CHAIRMAN KEILSON: Is there a backyard 20:34
3 that cannot accommodate a pool? 20:35
4 MR. CAPOBIANCO: Well, there are 20:35
5 municipalities that for this sized lot don't 20:35
6 require a 20-foot rear-yard setback for a 20:35
7 pool. Atlantic Beach only requires 4 feet for 20:35
8 a pool from the rear-yard setback and 20:35
9 side-yard setback, so I felt that given the 20:35
10 size of this lot that a pool of this size in 20:35
11 my opinion I think can work. It's not a yard 20:35
12 that cannot -- you just can't develop as a 20:35
13 pool. If I wanted to put in a 7-foot-wide 20:35
14 pool, I could do that as of right. Because I 20:35
15 could pull it right up to the house and put in 20:35
16 a pool as of right. Not as of right because 20:35
17 then we would still have surface coverage 20:35
18 variance. It wouldn't be the desirable pool. 20:35
19 That's for sure. But that's why I didn't 20:35
20 think when I laid it out the second time that 20:35
21 given the fact that I deal with a lot of 20:35
22 municipalities that do have less stringent 20:36
23 requirements for a property of this size for 20:36
24 the location of a pool, so that's why I am 20:36
25 accustomed to doing swimming pools in small 20:36

Wolf - 1/20/2021

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rear yards. 20:36

CHAIRMAN KEILSON: Mr. Castro, in your 20:36
experience -- I am not familiar with the 20:36
municipalities that give 4-foot encroachments. 20:36
He cited Atlantic Beach. In your experience, 20:36
what is the normal? 20:36

MR. CASTRO: The ones that I had checked 20:36
were close to the village of Lawrence numbers. 20:36
They were, you know, adjoining -- they were 20:36
villages nearby. Although Atlantic Beach is 20:36
but it's not one of the ones that I checked. 20:36

CHAIRMAN KEILSON: We also have to 20:36
recognize Atlantic Beach as a resort town. 20:36
The attitude may be different. In the context 20:36
of our research recently about pools, as Mr. 20:36
Felder knows we did copious research around 20:36
the country to see whether pools are 20:36
considered surface coverage or not surface 20:36
coverage. I can't -- I have never seen any 20:37
municipality -- I am happy you brought it to 20:37
my attention -- that has anything less than 20:37
15, 20, and again depending on the -- 20:37

MR. CAPOBIANCO: Town of Hempstead is 20:37
only 5. Most areas in the town of Hempstead 20:37

Wolf - 1/20/2021

1
2 and Merrick. Five and 10. 20:37

3 MEMBER GOTTLIEB: We are special. 20:37

4 MR. CAPOBIANCO: I think Cedarhurst is 20:37
5 10 to the rear. Ten feet in Cedarhurst 20:37
6 incorporated village. 20:37

7 CHAIRMAN KEILSON: Cedarhurst also has 20:37
8 other restrictions about the size of the pool. 20:37
9 I consulted recently with their board. I 20:37
10 think they put in two pools in last year 20:37
11 and -- 20:37

12 MR. CAPOBIANCO: More going in now I 20:37
13 think. There is a pool fad going on. 20:37

14 CHAIRMAN KEILSON: A pool fad. 20:37

15 MR. CAPOBIANCO: One of the things that 20:38
16 my client and I, we talked about was to not 20:38
17 come back to the Board and reconsider 20:38
18 something else and not do a swimming pool. If 20:38
19 we felt that the Board would, you know, greet 20:38
20 us in this fashion, we wouldn't have appeared. 20:38
21 And I thought that from the last meeting -- 20:38
22 maybe we were somewhat misled that if we went 20:38
23 back and reworked something that we could 20:38
24 maybe adjourn or -- and then come back. 20:38
25 So really it took a little time before 20:38

Wolf - 1/20/2021

1
2 the last meeting before we got back here 20:38
3 because we had a lot of things to consider, 20:38
4 but I think one of the things was to actually 20:38
5 do something else in the back. I think -- I 20:38
6 mean, would you want to come up? 20:38

7 CHAIRMAN KEILSON: I just want to tell 20:38
8 you that counsel to the Board has faulted us 20:38
9 for being too compassionate. Rather than 20:38
10 denying, we allowed you to adjourn so you walk 20:38
11 away with a certain impression that if I 20:38
12 somehow ameliorate the problem that things are 20:39
13 going to change. But you know, we have very 20:39
14 few denials. We let people retreat. 20:39

15 MR. CAPOBIANCO: I think it's clear from 20:39
16 the drawing that I resubmitted there is no 20:39
17 chance that we can make a pool work in this 20:39
18 yard, that given the zoning constraints the 20:39
19 Board has on swimming pools here that it 20:39
20 wouldn't be able to work at all or even come 20:39
21 close. 20:39

22 CHAIRMAN KEILSON: So you are suggesting 20:39
23 you have a plan B? 20:39

24 MR. CAPOBIANCO: I don't have a plan B. 20:39
25 I don't see a plan B other than -- 20:39

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Wolf - 1/20/2021

MR. WOLF: This was the plan B. 20:39

MR. CAPOBIANCO: This was the plan B. 20:39

MEMBER GOTTLIEB: Plan C? 20:39

MR. WOLF: No. 20:39

MEMBER KERSTEIN: The area is just too
small. 20:39

MEMBER GOTTLIEB: Can I ask you
something? And I don't know if it would work.
I was at the backyard yesterday. We got
permission to walk back. There is that small
deck in the back that holds -- 20:39

MR. CAPOBIANCO: Right here. 20:40

MEMBER GOTTLIEB: -- the windows open
and that's going to stay, right? 20:40

MR. CAPOBIANCO: Yes. We had 4 feet
from there. 20:40

MEMBER GOTTLIEB: If the pool was pushed
3 feet further to that -- 20:40

MR. CAPOBIANCO: That would only leave 1
foot to the deck. 20:40

MEMBER FELDER: You won't walk there. 20:40

MR. CAPOBIANCO: You would have to walk
around the other side. 20:40

MEMBER GOTTLIEB: Then because then at 20:40

Wolf - 1/20/2021

1
2 least you would come 15, 16 feet off the back. 20:40
3 I don't know if it would function, but I am 20:40
4 asking you architecturally. 20:40

5 MR. WOLF: My name is Maurice Wolf. I 20:40
6 am standing here tonight because obviously I 20:40
7 need the pool for health reasons and my 20:40
8 medical situation is not getting better, so I 20:40
9 am willing -- I am flexible. I just want to 20:40
10 have a normal life and be able to live my, you 20:40
11 know, amount what Hashem will give me to live, 20:40
12 but I need a pool for exercise to, you know, 20:41
13 have my medical exercise. So I am willing to 20:41
14 work with you. Whatever is necessary to make 20:41
15 it work. 20:41

16 MR. CAPOBIANCO: So if we were to slide 20:41
17 the pool up to -- 20:41

18 MEMBER GOTTLIEB: So my question to you, 20:41
19 John, is architecturally would it function to 20:41
20 have a pool there and then you wouldn't walk 20:41
21 by? Maybe you can put a -- 20:41

22 MR. CAPOBIANCO: It could work. It's a 20:41
23 little difficult to build it because it's so 20:41
24 close to. Obviously it's not going to be very 20:41
25 deep. The pool will only be 4 feet, 5 feet 20:41

Wolf - 1/20/2021

1
2 deep. So the deck is already up about 3 and a 20:41
3 half, 4 feet. 20:41
4 MEMBER GOTTLIEB: Traditionally we want 20:41
5 to make things work for our residents, and 20:41
6 it's difficult when we are only 14 feet. 20:41
7 MR. CAPOBIANCO: This would bring you 17 20:41
8 feet. It would also reduce some of your 20:41
9 coverage. 20:41
10 MR. CAPOBIANCO: Yes, it would. 20:41
11 MEMBER GOTTLIEB: We are going to ask 20:42
12 that the patio be moved back. The 19 feet 20:42
13 would be maybe 16 feet. This is just a 20:42
14 suggestion. 20:42
15 MR. CAPOBIANCO: I find that it can be 20:42
16 built that way. If they are okay with not 20:42
17 walking past the pool on that side, they would 20:42
18 leave like a 12-inch coping. 20:42
19 CHAIRMAN KEILSON: I have a suggestion. 20:42
20 Okay. We have a long night ahead of us. Can 20:42
21 you consult with your client next door, and we 20:42
22 will go onto the next matter, come back with a 20:42
23 specific proposal rather than -- I think our 20:42
24 counsel is getting angry even behind his mask. 20:42
25 I see he thinks it's Let's Make a Deal. 20:42

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Wolf - 1/20/2021

(Recess taken.)

20:42

CHAIRMAN KEILSON: Let's go back on the record for Mr. Capobianco. We are talking about the Wolf application.

21:01

21:01

21:01

MR. CAPOBIANCO: The Wolf application what we discussed was to actually shrink the pool down, raise -- push it as close as we can. It will be about 8 inches off the existing wood deck. They agreed to put a set of steps on the other side of the wood deck so that if you want to walk up this way you can walk down the other side of it, so we are going to slide the pool further to the west and have a much bigger -- we are going to slide the pool this way. It's going to look like that. I did a sketch.

21:01

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MEMBER GOTTLIEB: Is there now a patio on the right-hand side?

21:01

21:01

MR. CAPOBIANCO: You are going to have a patio on both sides, same length but smaller, so we reduced it from 711 to 611. We took 100 square feet off of --

21:01

21:01

21:02

21:02

MEMBER GOTTLIEB: That's that patio?

21:02

MR. CAPOBIANCO: The patio itself. Then

21:02

Wolf - 1/20/2021

1
2 the pool would be 17 feet from the property 21:02
3 line, 28 feet from this side, and 21:02
4 approximately 30 feet from that side because 21:02
5 that's on an angle. And the location of the 21:02
6 pavers would start 14 feet instead of 11 feet 21:02
7 off of the property line and that would work 21:02
8 for them. 21:02
9 MEMBER GOTTLIEB: What's the size of the 21:02
10 patio on the -- 21:02
11 MR. CAPOBIANCO: Left side is 15. 21:02
12 MEMBER GOTTLIEB: And other side? 21:02
13 MR. CAPOBIANCO: Twenty and it's off the 21:02
14 easement. 21:02
15 MEMBER GOTTLIEB: And it doesn't 21:02
16 increase the surface coverage? 21:02
17 MR. CAPOBIANCO: Because they want to 21:02
18 come out of the kitchen which is on these 21:02
19 steps to a Succah that would be on this patio, 21:02
20 so we slid the pool all the way down to create 21:02
21 enough room. 21:02
22 MEMBER KERSTEIN: What does that do to 21:02
23 the surface coverage? 21:03
24 MR. CAPOBIANCO: The surface coverage 21:03
25 comes down approximately 150 square feet from 21:03

Wolf - 1/20/2021

1
2 the 563. It would be a 413. 21:03
3 MEMBER GOTTLIEB: 413 overage? 21:03
4 MR. CAPOBIANCO: Yes. 21:03
5 CHAIRMAN KEILSON: 9.8. Do you have 21:03
6 that, Mr. Castro? 21:03
7 MR. CASTRO: You are correct, Chairman. 21:03
8 9.8. 21:03
9 CHAIRMAN KEILSON: For a new house. For 21:03
10 a new house. 21:03
11 MEMBER GOTTLIEB: 9.8. 21:03
12 CHAIRMAN KEILSON: What's our lot 21:04
13 coverage? 21:04
14 MR. CASTRO: What was the reduction? 21:04
15 MR. CAPOBIANCO: 113? On what. 21:04
16 MR. CASTRO: On surface coverage? It's 21:04
17 about 113. 21:04
18 MR. CAPOBIANCO: Yes. You see the 21:04
19 concrete pavers was 711; now it's 580. That's 21:04
20 131 off of the 5 -- off of the 563. So 431, 21:04
21 432. 21:04
22 MR. CASTRO: So the overall surface 21:04
23 coverage would now be 4,634. That's a 21:04
24 reduction of 131. And that's going to be -- 21:05
25 let me just run through the numbers -- an 21:05

Wolf - 1/20/2021

1
2 overage of 433 or 10.3 percent. 21:05
3 CHAIRMAN KEILSON: Lot coverage is what? 21:05
4 Forty-five percent? What is it? 4,634? 21:05
5 MR. CASTRO: It's 45 percent. 21:05
6 CHAIRMAN KEILSON: Like I said. 21:05
7 Forty-one percent is the permitted, and 21:06
8 proposed is 45 percent lot coverage. Not the 21:06
9 end of the world. 21:06
10 MEMBER GOTTLIEB: Forty-five percent. 21:06
11 CHAIRMAN KEILSON: Correct. Okay. So 21:06
12 any further questions from the Board? Anyone 21:06
13 still awake in the audience? Okay. I guess 21:06
14 there is no questions. 21:07
15 So let's just summarize. There is a new 21:07
16 drawing. Mr. Castro, what would you need to 21:07
17 make do in order for us to vote on something? 21:07
18 MR. CAPOBIANCO: Want me to show to him? 21:07
19 (Discussion off the record.) 21:08
20 CHAIRMAN KEILSON: Can we go back on the 21:08
21 record? Mr. Castro, if you can describe for 21:08
22 purposes of the vote, what we are voting on? 21:08
23 MR. CASTRO: Yes. The modifications are 21:08
24 as follows: The applicant is now requesting a 21:08
25 3-foot encroachment to the rear, 17-foot 21:08

Wolf - 1/20/2021

1
2 rear-yard setback, and the surface coverage 21:08
3 has been reduced to a total of 4,634 square 21:08
4 feet an overage of 433. 21:08
5 MR. CAPOBIANCO: That's correct. 21:08
6 CHAIRMAN KEILSON: Okay. There is still 21:08
7 pool equipment. 21:08
8 MR. CAPOBIANCO: Pool equipment is still 21:08
9 12.3. 21:08
10 MR. CASTRO: Has not changed. 21:08
11 MEMBER GOTTLIEB: And that is as far 21:08
12 away from the neighbors as you can put it? 21:08
13 MR. CAPOBIANCO: Yes. Almost 12 inches 21:08
14 off the house. So it's really tight. 21:08
15 Fifteen-foot side yard. 21:08
16 CHAIRMAN KEILSON: So we have an 21:08
17 understanding exactly what Mr. Castro has 21:08
18 shared is what we are going to be voting on. 21:09
19 Weighing the benefit to the applicant, which 21:09
20 is great, and out of deference to Mr. 21:09
21 Capobianco's his 75 years of experience -- 21:09
22 MR. CAPOBIANCO: About that. 21:09
23 CHAIRMAN KEILSON: Mr. Kerstein, how are 21:09
24 you voting? 21:09
25 MEMBER KERSTEIN: Fine with it. 21:09

Wolf - 1/20/2021

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CHAIRMAN KEILSON: Very good. Thank you. Mr. Gottlieb? 21:09

MEMBER GOTTLIEB: I am voting for it, understanding this is an extreme exception to my rules. But what was built was built, and we want to accommodate a neighbor. 21:09

CHAIRMAN KEILSON: Mr. Hiller? 21:10

MEMBER HILLER: I am voting for because Mr. Capobianco has charmed me once again. 21:10

CHAIRMAN KEILSON: Mr. Felder? You have to make a comment. No votes without a comment. 21:10

MEMBER FELDER: I echo my colleagues. All of them. Yes, I am for it. 21:10

CHAIRMAN KEILSON: I vote for. Year and a half. Okay. Thank you. 21:10

MR. CAPOBIANCO: Thank you. 21:10

CHAIRMAN KEILSON: Have a good evening. 21:10

(Whereupon the hearing concluded at 9:10 p.m.)

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

YAFFA KAPLAN
Court Reporter

20:42
20:42

Rosenberg - 1/20/2021

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

January 20, 2021
8:42 p.m.

APPLICATION: Rosenberg
8 Beechwood Drive
Lawrence, New York

- P R E S E N T:
- MR. LLOYD KEILSON
Chairman
 - MR. EDWARD GOTTLIEB
Member
 - MR. DANIEL HILLER
Member
 - MR. AARON FELDER
Member
 - MR. PHILIP KERSTEIN
Alternate Member
 - MR. ANDREW K. PRESTON, ESQ.
Village Attorney
 - MR. JACOB PLAUT
Building Department
 - MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Rosenberg - 1/20/2021

1
2 CHAIRMAN KEILSON: Okay. So continuing 20:42
3 on with our game plan on the Rosenberg matter, 20:42
4 8 Beechwood Drive, they or their 20:42
5 representative. Okay. Okay. Let's move this 20:42
6 along. 20:43

7 So two requests. One is the front yard 20:43
8 question, which is a technical question. 20:43

9 MR. MACLEOD: Indeed. We have a piece 20:43
10 of property. John Macleod, 595 Park Avenue, 20:43
11 Huntington, New York. I am here representing 20:43
12 Mrs. Rosenberg, and we are looking for a pool 20:43
13 in the rear of the house and this piece of 20:43
14 property has three front yards: One on 20:44
15 Broadway, one on Sutton, and one on Beechwood. 20:44
16 The recognizable rear yard is the one on 20:44
17 Broadway, and so there are no neighbors in 20:44
18 that direction. In fact, there is only one 20:44
19 direct neighbor, and that appears to the left. 20:44
20 I happen to have this evening five letters of 20:44
21 support from all of the immediate neighbors to 20:44
22 the left. And they are all individual and 20:44
23 different. 20:44

24 So the first variance that we are 20:44
25 looking for is to actually build a pool in the 20:44

Rosenberg - 1/20/2021

1
2 front yard, which would be the Broadway 20:45
3 section and -- 20:45

4 CHAIRMAN KEILSON: That's a technical 20:45
5 thing. Let's move on. 20:45

6 MR. MACLEOD: I'm sorry? 20:45

7 CHAIRMAN KEILSON: It's technical. 20:45

8 MR. MACLEOD: It's a technical variance. 20:45
9 The nearest neighbor in that direction is over 20:45
10 90 feet away from the pool, and we have a 20:45
11 letter of support from that neighbor. 20:45

12 CHAIRMAN KEILSON: Next. 20:45

13 MR. MACLEOD: The other thing we are 20:45
14 here for a variance for is surface coverage, 20:45
15 and this property is in an awkward position on 20:45
16 these three streets as I mentioned. So it's 20:45
17 used up a lot of its available surface 20:45
18 coverage with a driveway that sweeps across 20:45
19 the front of the property that's been there 20:45
20 for at least 20 years and is required because 20:45
21 reversing out onto Sutton place is not an 20:45
22 option. That's right on the corner as you 20:45
23 know of a crossroads. So you do need to get 20:45
24 out the other direction. So that has used up 20:45
25 about 2,600 square feet of our available 20:45

Rosenberg - 1/20/2021

1
2 space, and we are pretty much all used up at 20:45
3 this point. Slightly over by a few feet. So 20:45
4 anything we ask for requires a variance, and 20:45
5 that includes in this instance the swimming 20:45
6 pool and the patio adjacent to it of 331 20:46
7 square feet. So -- 20:46

8 CHAIRMAN KEILSON: So you are 1,131 over 20:46
9 the existing. 20:46

10 MR. MACLEOD: We are overage of 11 -- 20:46
11 yes. That's -- 20:46

12 CHAIRMAN KEILSON: As opposed to 20:46
13 permitted and existing. The Rosenberg family 20:46
14 has been there for over 40 years. 20:46

15 MR. MACLEOD: Over 40 years indeed. We 20:46
16 are over by 39 square feet, so your math is 20:46
17 correct. 20:46

18 CHAIRMAN KEILSON: You are talking about 20:46
19 a pool of 800 square feet. So there is 20:46
20 something beyond even the pool that you are 20:46
21 asking for. 20:46

22 MR. MACLEOD: We are asking for the 20:46
23 sitting patio at the shallow end of the pool 20:46
24 of 331 square feet. 20:46

25 CHAIRMAN KEILSON: You were here 20:46

Rosenberg - 1/20/2021

1
2 earlier. If you listened to Mr. Flaum, he 20:46
3 quoted that the village will only consider 20:46
4 single digits and I corrected him. I said 20:46
5 each application has to be looked at on its 20:46
6 own merits. 20:46

7 MR. MACLEOD: Indeed and we have an 20:46
8 awkwardly positioned property here, and as I 20:47
9 mentioned, the driveway uses up a lot of the 20:47
10 available square feet. If we had a normal 20:47
11 600-square-foot driveway, we probably wouldn't 20:47
12 even be here but we would -- 20:47

13 CHAIRMAN KEILSON: Everybody can weigh 20:47
14 in. Consensus is we cannot go with 15 percent 20:47
15 over the existing; it's just not going to 20:47
16 work. But you knew that before you came here. 20:47

17 MR. MACLEOD: I was hoping that the 20:47
18 Board would look at this, and there is not 20:47
19 many houses in the village that do have three 20:47
20 street fronts and/or a sweeping driveway 20:47
21 across the front. 20:47

22 MEMBER KERSTEIN: The driveway is 20:47
23 extremely wide as it currently exists if I am 20:47
24 reading this correctly. 20:47

25 MEMBER HILLER: But it also worked to 20:47

Rosenberg - 1/20/2021

1
2 your advantage as far as our having 20:47
3 consideration for the rear- and side-yard 20:47
4 setbacks. We are not being sticklers on that 20:47
5 because of your location. So you benefited 20:47
6 also. 20:47

7 So where can you reduce the coverage? 20:47
8 The patio is an obvious thing. But where else 20:48
9 can you reduce the coverage? 20:48

10 MR. MACLEOD: Something we don't want to 20:48
11 do, but if we had to, the shed is 132 square 20:48
12 feet, and at great expense to my client it 20:48
13 could be removed. If you are willing to 20:48
14 accept that 132 square feet before we remove a 20:48
15 patio, which is not an oversized patio next to 20:48
16 the pool, it's only 12 feet wide, and we do 20:48
17 need some areas to have some chaises and some 20:48
18 seating there. 20:48

19 MEMBER HILLER: You have an existing 20:48
20 patio of 1,100 square feet. 20:48

21 MR. MACLEOD: It is indeed there and not 20:48
22 quite in the right place for the swimming 20:48
23 pool. 20:48

24 MEMBER HILLER: It overlooks the 20:48
25 swimming pool. 20:48

1 Rosenberg - 1/20/2021

2 MR. MACLEOD: It does and there is a 20:48
3 gazebo on part of it. As you see the other 20:48
4 part, which that says self-closing, 20:48
5 self-latching gate, that is the area used for 20:48
6 a table and chairs. Eating area. 20:49

7 MEMBER HILLER: So there is seating 20:49
8 available. 20:49

9 MR. MACLEOD: There is but not right at 20:49
10 the pool. 20:49

11 MEMBER HILLER: Okay. 20:49

12 MR. MACLEOD: If you are monitoring 20:49
13 grandchildren -- 20:49

14 MEMBER KERSTEIN: I can just go back. 20:49
15 The driveway is very nice, but if I am reading 20:49
16 it, it's 48, almost 50 feet wide. 20:49

17 MR. MACLEOD: No. It's not 50 feet 20:49
18 wide. 20:49

19 MEMBER KERSTEIN: I guess I am reading 20:49
20 it incorrectly. 20:49

21 MEMBER GOTTLIEB: 48.83. What does that 20:49
22 mean? 20:49

23 MEMBER FELDER: I think that's the 20:49
24 length. 20:49

25 MR. MACLEOD: The driveway is only about 20:49

1 Rosenberg - 1/20/2021

2 12 feet wide. 20:49

3 MEMBER GOTTLIEB: And the 2,571? 20:49

4 MEMBER FELDER: That's the length of 20:49

5 that piece. 20:49

6 MEMBER KERSTEIN: You are saying from 20:49

7 the street to the garage. Okay. Because I am 20:49

8 reading it and trying to figure it out and 20:49

9 misread it. 20:49

10 MEMBER HILLER: The driveway already 20:49

11 exists. 20:49

12 MR. MACLEOD: We are not asking for the 20:49

13 driveway. 20:49

14 MEMBER KERSTEIN: I know you are not. I 20:49

15 am saying if it wasn't that wide, you could 20:49

16 easily get that coverage. 20:50

17 MR. MACLEOD: Indeed, the driveway is 20:50

18 2,699. 20:50

19 MEMBER HILLER: The pool is already 800 20:50

20 square feet, and you are entitled to the 20:50

21 4-foot walkway which doesn't count. So you 20:50

22 are getting coverage there as well. So the 20:50

23 patio is a no-brainer, you know, as something 20:50

24 that you have to consider moving as is the 20:50

25 shed. 20:50

Rosenberg - 1/20/2021

1
2 MEMBER GOTTLIEB: Or you can make the 20:50
3 pool smaller. 20:50
4 MR. MACLEOD: If we were to -- again, 20:50
5 the shed is 132 square feet, which represents 20:50
6 1.86 percent, almost 2 percent. The patio, 20:50
7 331 square feet represents about 4.7 percent. 20:50
8 MEMBER HILLER: That's almost 7. 20:50
9 MR. MACLEOD: But then we would be 20:50
10 giving up the patio adjacent to the pool. 20:51
11 MEMBER HILLER: Yes but you do have a 20:51
12 patio of 1,100 square feet, and it's not far 20:51
13 from the pool. 20:51
14 MR. MACLEOD: What if we reserved at 20:51
15 least 200 square feet of patio by the pool, 20:51
16 gave up 130 there and 130 from the shed that 20:51
17 would be 260 which divided by 71 -- 20:51
18 CHAIRMAN KEILSON: The answer is no. 20:51
19 Next. 20:51
20 MR. MACLEOD: -- is 3.7 percent. 20:51
21 MEMBER KERSTEIN: You are still 12 20:51
22 percent, 13 percent. 20:51
23 MR. MACLEOD: We are at that number. 20:51
24 Then the only other thing I could suggest is 20:51
25 remove the 331-foot patio which is 4.6 percent 20:51

Rosenberg - 1/20/2021

1
2 and the shed and that's 6 and a half percent 20:51
3 that brings us down to 10. Again, the 20:51
4 driveway has used it up. We don't want to 20:51
5 shrink the driveway, but we have an existing 20:52
6 position there that we are faced with. 20:52

7 MEMBER FELDER: The driveway you use 20:52
8 that whole length? You do? 20:52

9 MEMBER HILLER: I am sympathetic to that 20:52
10 only because you have the existing problems 20:52
11 with the driveway, and you have eliminated 20:52
12 everything except the basic pool itself. 20:52

13 MR. MACLEOD: Correct and taken the shed 20:52
14 down. 20:52

15 MEMBER HILLER: And taken the shed down 20:52
16 and the patio. 20:52

17 MEMBER GOTTLIEB: I have a question for 20:52
18 one of the gentlemen back there. This backs 20:52
19 up on a county road. Does the county have to 20:53
20 approve this prior to our viewing it? 20:53

21 MR. PRESTON: No. 20:53

22 MR. PLAUT: The county was notified. I 20:53
23 sent all the legal notices to them, and they 20:53
24 had a chance to appear at the meeting. 20:53

25 MR. PRESTON: There is no approval 20:53

Rosenberg - 1/20/2021

1
2 requirement. The county need not approve. 20:53

3 MEMBER GOTTLIEB: Just need not 20:53

4 disapprove. 20:53

5 MR. PRESTON: They were notified under 20:53

6 your radius map. 20:53

7 MEMBER GOTTLIEB: Thank you. 20:53

8 MR. MACLEOD: So our position is to put 20:53

9 the pool with a minimum walkway around it, and 20:53

10 that would give us 10 percent overage. 20:53

11 CHAIRMAN KEILSON: It has to come under 20:53

12 10 so figure it out. Do you want to see -- 20:53

13 Mr. Castro, do you want to see the design 20:53

14 tonight? What's your -- 20:53

15 MR. CASTRO: No. 20:53

16 CHAIRMAN KEILSON: Just come up with a 20:53

17 number. 20:53

18 MR. CASTRO: That's it. The final 20:53

19 number it would be reduction of the shed and 20:53

20 patio. 20:53

21 MEMBER GOTTLIEB: Does it matter if the 20:54

22 pool reduction is part pool, part patio, or 20:54

23 are we just looking under 10 percent? 20:54

24 CHAIRMAN KEILSON: For the moment we are 20:54

25 looking under 10 percent. In five minutes we 20:54

1 Rosenberg - 1/20/2021

2 will be 8 percent. 20:54

3 MR. MACLEOD: We would prefer not to 20:54

4 touch the size of the pool if possible and 20:54

5 give up on other things. I can give you an 20:54

6 exact number. 20:54

7 CHAIRMAN KEILSON: It's better if Mr. 20:54

8 Castro gives you a number that he has to be 20:54

9 at. 20:54

10 MR. MACLEOD: Those two items together 20:54

11 are 6.53 percent, which would put you at 9.7 20:54

12 percent. 20:54

13 CHAIRMAN KEILSON: Mr. Castro, is that 20:54

14 correct? 20:54

15 MR. CASTRO: Yes. 20:54

16 CHAIRMAN KEILSON: What's the overage 20:54

17 you are looking for in square footage? What's 20:54

18 the proposed square footage number? 20:54

19 MR. MACLEOD: 707 is our overage. 20:55

20 CHAIRMAN KEILSON: What's the proposed 20:55

21 square footage? That's how he goes by. 20:55

22 MEMBER KERSTEIN: 707 plus 7,079. 20:55

23 CHAIRMAN KEILSON: Mr. Kerstein, let 20:55

24 them come up with the number in case we make a 20:55

25 mistake. 20:55

1 Rosenberg - 1/20/2021

2 MR. MACLEOD: Existing is 7,118 plus 707 20:55
3 is 1 -- I'm sorry. Is -- 20:55

4 CHAIRMAN KEILSON: Mr. Castro, are we 20:55
5 talking about against existing or against 20:55
6 permitted? 20:55

7 MR. CASTRO: It's against permitted. 20:55

8 CHAIRMAN KEILSON: What's the number he 20:56
9 has to shoot for? 20:56

10 MR. CASTRO: 7,786. 20:56

11 MR. MACLEOD: What numbers are you 20:57
12 adding together? 20:57

13 MR. CASTRO: I reduced from the 20:57
14 proposed. 20:57

15 MR. MACLEOD: You are reducing it. 20:57

16 CHAIRMAN KEILSON: Mr. Plaut, what 20:57
17 number do you have? 20:57

18 MR. PLAUT: If you want to be no more 20:57
19 than 10 percent over the allowable coverage, 20:57
20 you have to be over no more than 7,786.9 20:57
21 square feet. 20:57

22 MEMBER HILLER: He is just below that. 20:57

23 CHAIRMAN KEILSON: Mr. Gottlieb, you 20:57
24 wanted to comment on something else? 20:57

25 MEMBER GOTTLIEB: Mr. Macleod, it just 20:57

Rosenberg - 1/20/2021

1
2 has to be pointed out that by removing 331 20:57
3 square feet from the patio, you are actually 20:58
4 adding 108 feet that you are entitled to 20:58
5 because I am sure you are going to put the 20:58
6 4-foot walkway there, which is a freebie. 20:58

7 MR. MACLEOD: Which is already there. 20:58

8 MEMBER GOTTLIEB: But that's not 20:58
9 included in the 331. When you remove that, 20:58
10 you still get to put back 108 feet. 20:58

11 MR. MACLEOD: Yes, we do. 20:58

12 MEMBER GOTTLIEB: Just so the Board 20:58
13 realizes, you are not removing really 331; you 20:58
14 are removing what's called surface coverage of 20:58
15 331, and you are gaining another 108 for free. 20:58

16 MR. MACLEOD: And our total coverages 20:58
17 will be -- our total documented coverage will 20:58
18 be 7,786. 20:58

19 MEMBER GOTTLIEB: I just want the Board 20:58
20 to realize that while it sounds like you are 20:58
21 giving up 331, you are giving up 2-something. 20:58

22 MEMBER KERSTEIN: Yes. 20:58

23 MEMBER HILLER: What's the percentage of 20:58
24 707 overage which they now have of the total 20:58
25 property? It's about -- it's a little from 77 20:59

1 Rosenberg - 1/20/2021

2 -- it's about 10 percent. 20:59

3 CHAIRMAN KEILSON: Okay. 20:59

4 MEMBER GOTTLIEB: So do we have a 20:59
5 proposal? 20:59

6 CHAIRMAN KEILSON: Yes. The proposal is 20:59
7 that he will have 7,786 square feet and he 20:59
8 will come up with his own formula how to 20:59
9 achieve it in conjunction with the village. 20:59
10 Are we comfortable? Mr. Castro, okay? 20:59

11 MR. CASTRO: Yes. 20:59

12 CHAIRMAN KEILSON: Okay. Anyone in the 20:59
13 audience want to speak to the matter? Okay. 20:59
14 So taking into consideration the benefit to 20:59
15 the applicant, Mrs. Rosenberg, who has been a 20:59
16 resident for over 40 years. We are taking 20:59
17 into consideration that there is a front yard 20:59
18 question about the location of the pool which 20:59
19 you say is a technical matter which we are 21:00
20 probably not taking into consideration for the 21:00
21 purposes of this approval, and then we have 21:00
22 the surface coverage, which will be proposed 21:00
23 at 7,786. So let's go. Mr. Felder? 21:00

24 MEMBER FELDER: For. 21:00

25 CHAIRMAN KEILSON: Mr. Hiller? 21:00

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Rosenberg - 1/20/2021

MEMBER HILLER: For. 21:00

CHAIRMAN KEILSON: Mr. Gottlieb? 21:00

MEMBER GOTTLIEB: For. 21:00

CHAIRMAN KEILSON: Mr. Kerstein? 21:00

MEMBER KERSTEIN: For. 21:00

CHAIRMAN KEILSON: Okay. Year and a
half. I am for. Year and a half. 21:00

(Whereupon the hearing concluded at 9:00
p.m.)

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

YAFFA KAPLAN

Court Reporter

Peyser - 1/20/2021

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

January 20, 2021
9:10 p.m.

APPLICATION: Peyser
 82 Park Row
 Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. PHILIP KERSTEIN
Alternate Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. JACOB PLAUT
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Peyser - 1/20/2021

1
2 MR. BRAUM: I can explain. The reason 21:14
3 we are here is the village would have given us 21:14
4 an of right approval if we left the pool in 21:14
5 the same place. In the net change we are 21:14
6 adding for the record 250 square feet to the 21:14
7 pool and moving it within village setback. 21:14
8 CHAIRMAN KEILSON: But you are well 21:14
9 below the existing, correct? 21:14
10 MR. BRAUM: We are. Correct. 21:14
11 CHAIRMAN KEILSON: Mr. Castro, why is he 21:14
12 here? 21:14
13 MR. CASTRO: Under these circumstances, 21:14
14 with the number you are presenting tonight, 21:14
15 you need not be here. I think -- 21:14
16 CHAIRMAN KEILSON: I know you enjoyed 21:14
17 the performance but -- 21:14
18 MR. CASTRO: I believe the numbers that 21:14
19 were represented on some initial application 21:14
20 were showing up high. The proposed was 21:14
21 higher. 21:15
22 CHAIRMAN KEILSON: 18,064. 21:15
23 MEMBER GOTTLIEB: That's what I didn't 21:15
24 understand. 21:15
25 MR. BRAUM: I have a revised code relief 21:15

Peyser - 1/20/2021

1
2 although it's handwritten. What's the 21:15
3 procedure, Mr. Chairman, to allow these folks 21:15
4 to proceed with their pool being that you say 21:15
5 I don't have to be here? 21:15
6 CHAIRMAN KEILSON: You are now in his 21:15
7 hands. 21:15
8 MEMBER HILLER: The truth is however -- 21:15
9 MR. BRAUM: That's a draft copy that 21:15
10 somehow got into the wrong place. 21:15
11 MEMBER HILLER: Want to point out that 21:15
12 the truth is on some documents, which were 21:15
13 your documents, apparently different numbers 21:15
14 showed up. And the village was misled in a 21:15
15 way -- not purposely but by error, but as you 21:15
16 see, had you come with the correct numbers, we 21:15
17 wouldn't be here. 21:15
18 MR. BRAUM: Understood and I -- 21:15
19 CHAIRMAN KEILSON: Well, to be fair, the 21:15
20 village, the declination letter is incorrect, 21:15
21 so it all stems from there as far as I am 21:15
22 concerned. 21:16
23 MEMBER GOTTLIEB: Well, I wouldn't throw 21:16
24 the village under the bus. Okay. It's a moot 21:16
25 point as they say. 21:16

Peyser - 1/20/2021

1
2 MR. BRAUM: So how -- 21:16
3 MEMBER FELDER: File for a building 21:16
4 permit and pool permit. 21:16
5 MR. BRAUM: So we will submit a whole 21:16
6 new package, and you will do it as of right? 21:16
7 MR. CASTRO: Absolutely. 21:16
8 MR. BRAUM: Even though the pool size 21:16
9 increased, but the overall surface coverage 21:16
10 decreased? 21:16
11 MR. CASTRO: Correct. 21:16
12 MR. BRAUM: As well as the pool location 21:16
13 changed to still within as of right limits. 21:16
14 MR. CASTRO: Correct. 21:16
15 CHAIRMAN KEILSON: If you keep talking, 21:16
16 you will end up staying here and you will lose 21:16
17 the pool. 21:16
18 MR. BRAUM: I am leaving. 21:16
19 MEMBER GOTTLIEB: Just to make it clear, 21:16
20 on the application they specifically said they 21:16
21 are looking for 18,064. So this wasn't a 21:16
22 village error. 21:16
23 CHAIRMAN KEILSON: Thank you for coming. 21:16
24 (Whereupon the hearing concluded at 9:16
25 p.m.)

Peyser - 1/20/2021

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

YAFFA KAPLAN

Court Reporter

21:17

21:17

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1 Katz - 1/20/2021

2 INCORPORATED VILLAGE OF LAWRENCE

3 BOARD OF APPEALS

4
5 Lawrence Country Club
6 101 Causeway
7 Lawrence, New York

8 January 20, 2021
9 9:17 p.m.

10 APPLICATION: Katz
11 14 Beechwood Drive
12 Lawrence, New York

13 P R E S E N T:

14 MR. LLOYD KEILSON
15 Chairman

16 MR. EDWARD GOTTLIEB
17 Member

18 MR. DANIEL HILLER
19 Member

20 MR. AARON FELDER
21 Member

22 MR. PHILIP KERSTEIN
23 Alternate Member

24 MR. ANDREW K. PRESTON, ESQ.
25 Village Attorney

MR. JACOB PLAUT
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Katz - 1/20/2021

1
2 CHAIRMAN KEILSON: Okay. Last and 21:17
3 certainly not least, Katz. 21:17
4 MR. FLAUM: Did you potentially save the 21:17
5 best for last? 21:17
6 MR. KATZ: No. They are doing it height 21:17
7 order. 21:17
8 CHAIRMAN KEILSON: I think it's 21:17
9 important to point out for the record, Mr. 21:17
10 Castro, that I got 24,000 e-mails from the 21:17
11 people who picked up the food tonight. Mr. 21:17
12 Flaum, you are up again. 21:18
13 MR. FLAUM: Good morning, members of the 21:18
14 Board. My name is Shmuel Flaum, residing at 19:55
15 194 Wanser Avenue, Inwood, New York 11096, 19:55
16 representing the Katz family at 14 Beechwood 21:19
17 Drive, here tonight seeking variances for a 21:19
18 new proposed rear-yard pool. 21:19
19 There are several variances that are 21:19
20 being sought. I will go through the code 21:19
21 relief, and then we will discuss the more -- 21:19
22 CHAIRMAN KEILSON: Leave off the 21:19
23 sections. We can read. 21:19
24 MR. FLAUM: Okay. 21:19
25 CHAIRMAN KEILSON: Just hone in on the 21:19

Katz - 1/20/2021

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relief.

21:19

MR. FLAUM: We are seeking relief on maximum surface coverage, which is permitted at 3,925 square feet. The existing coverage is currently 4,078 square feet with a proposed coverage of 4,510 square feet. Please note there is an existing overage of 4 percent. This would bring the overage to 14.9 percent. The next setback we are seeking --

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CHAIRMAN KEILSON: Let me ask you a question that will be asked. Was there a prior variance?

21:19

21:19

21:19

MR. FLAUM: Yes, there was a prior variance to be discussed in detail as we go through the code relief items.

21:19

21:19

21:20

CHAIRMAN KEILSON: Okay.

21:20

MR. FLAUM: The next code item is the minimum side-yard setback. Required 15 feet. Currently, they are not in noncompliance with that for the pool. Proposed on one side would be 2 feet 6 inches for the pool equipment. Currently, under the drawings that you are looking at, the pool is in compliance with the setback.

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Katz - 1/20/2021

1
2 CHAIRMAN KEILSON: So the encroachment 21:20
3 has nothing to do with the pool? 21:20
4 MR. FLAUM: Currently but we are going 21:20
5 to possibly request an encroachment into the 21:20
6 side yard enlarging the pool in a moment, so 21:20
7 we will put that on. 21:20
8 MEMBER KERSTEIN: That's plan B. 21:20
9 MEMBER GOTTLIEB: That's usually not the 21:20
10 way plan B works. 21:20
11 CHAIRMAN KEILSON: Mr. Preston? 21:20
12 MR. PRESTON: Mr. Chairman? 21:20
13 CHAIRMAN KEILSON: Do you get the 21:20
14 picture? 21:20
15 MR. PRESTON: I do. 21:20
16 CHAIRMAN KEILSON: Have you ever had 21:20
17 that experience? 21:20
18 MR. PRESTON: This is a new one. 21:20
19 MEMBER FELDER: Are you asking for a 21:21
20 side-yard setback that hasn't been requested 21:21
21 prior? 21:21
22 MR. FLAUM: Correct. 21:21
23 MEMBER FELDER: Does it require notice? 21:21
24 MR. FLAUM: I don't know because it's 21:21
25 under minimum required side-yard setback. We 21:21

Katz - 1/20/2021

1
2 will discuss. 21:21

3 The last item up for relief is the 21:21
4 minimum rear-yard setback, which is required 21:21
5 to be 20 feet. Existing is not compliant -- I 21:21
6 mean, we don't have any noncompliant because 21:21
7 it doesn't exist, the pool. Proposed would 7 21:21
8 feet 9.5 inches with a requested relief, the 21:21
9 12 feet 2 and a half inches from the rear lot 21:21
10 line. 21:21

11 That being said, I think there needs to 21:21
12 be a little history discussed about the people 21:21
13 seeking the variances, what led them to the 21:21
14 current situation, and why these requested 21:21
15 reliefs should be considered under the 21:21
16 request. 21:21

17 CHAIRMAN KEILSON: How about we attack 21:21
18 the ones that we do have? Then maybe we can 21:21
19 just take off the table so to speak like the 21:21
20 rear-yard setback. 21:22

21 MR. FLAUM: The simplest one, the 21:22
22 rear-yard setback is required typically to 21:22
23 minimize noise to the neighbor. This property 21:22
24 abuts Broadway. There are no rear-yard 21:22
25 neighbor. The street is essentially 60, 70 21:22

Katz - 1/20/2021

1
2 feet wide, so there are no rear-yard neighbors 21:22
3 to be concerned about. 21:22

4 CHAIRMAN KEILSON: And there is no 21:22
5 sidewalk? 21:22

6 MR. FLAUM: No. 21:22

7 CHAIRMAN KEILSON: So there is no 21:22
8 pedestrians? 21:22

9 MR. FLAUM: No pedestrians. There is 21:22
10 grass through the curb and the neighbor across 21:22
11 a broad way. That place is called Broadway. 21:22

12 CHAIRMAN KEILSON: We are going to hold 21:22
13 it to the side. Next. 21:22

14 MR. FLAUM: The next one would be 21:22
15 minimum side-yard setback, so currently under 21:22
16 this design we have a 36-foot-wide pool 21:22
17 leaving 13 feet on each side. The pool 21:22
18 equipment has to be in the side yard, so 21:22
19 that's what the variance is being sought for 21:22
20 on that item. 21:22

21 MEMBER KERSTEIN: Why does the pool 21:22
22 equipment have to be on the side yard? 21:22

23 MR. FLAUM: For lack of not blocking 21:22
24 certain other items like the stairs going down 21:23
25 to the basement on the back left of the house. 21:23

Katz - 1/20/2021

1
2 MEMBER FELDER: Stick it on the rear. 21:23
3 MEMBER KERSTEIN: Just said, there is no 21:23
4 issue with Broadway. 21:23
5 MR. FLAUM: I am sure we would be 21:23
6 amenable to that if the village is okay with 21:23
7 that. 21:23
8 MEMBER FELDER: I think it's more 21:23
9 beneficial. 21:23
10 CHAIRMAN KEILSON: Mr. Castro? 21:23
11 MR. CASTRO: Pool equipment on the rear. 21:23
12 MR. PLAUT: Pool equipment has to follow 21:23
13 all of the setbacks that the pool has to 21:23
14 follow. 21:23
15 MEMBER GOTTLIEB: But we can more easily 21:23
16 digest pool equipment not adjacent to the 21:23
17 neighbor. 21:23
18 MEMBER FELDER: It's just a better 21:23
19 suggestion because right now the pool 21:23
20 equipment would have to have much more space 21:23
21 to put on the side. In the rear they would 21:23
22 probably allow you to stick it on the property 21:23
23 line on Broadway. 21:23
24 MR. FLAUM: I am amenable to that as 21:23
25 long as the village is and as long as the 21:24

Katz - 1/20/2021

1
2 homeowner is okay with that. 21:24

3 MR. KATZ: Let's make a deal. 21:24

4 MR. PRESTON: You have a notice problem 21:24

5 if you suggest moving the pool equipment to 21:24

6 the rear yard that it's a rear-yard setback 21:24

7 not triggered by the notice for that meeting. 21:24

8 MEMBER GOTTLIEB: Would that be the 21:24

9 county? 21:24

10 MR. PRESTON: Simply a notice 21:24

11 requirement. You have to republish the 21:24

12 notice. 21:24

13 MEMBER FELDER: Even though it falls 21:24

14 into the rear-yard setback of the pool portion 21:24

15 if the pool equipment has its own notice? 21:24

16 MR. PRESTON: If the pool equipment is 21:24

17 going to be closer to the rear-yard line than 21:24

18 the proposed -- than the notice for tonight's 21:24

19 meeting, that would trigger an additional 21:24

20 variance for that equipment. 21:24

21 MEMBER FELDER: Even if there is no 21:24

22 neighbor behind it? 21:24

23 MR. PRESTON: Sure. 21:24

24 MEMBER FELDER: That's a technicality. 21:24

25 CHAIRMAN KEILSON: One second. There is 21:24

Katz - 1/20/2021

1
2 notice for a variance on the pool equipment 21:24
3 right now? 21:25
4 MR. PRESTON: Correct. 21:25
5 CHAIRMAN KEILSON: It's just moving? 21:25
6 MR. PRESTON: The notice that I have, I 21:25
7 have a problem with the pool equipment being 21:25
8 greater than the denial letter states and 21:25
9 greater than the appeal even though the 21:25
10 official public notice doesn't prescribe it. 21:25
11 There is also the issue that there are -- 21:25
12 well, it's not noticed. 21:25
13 CHAIRMAN KEILSON: Let's proceed because 21:26
14 maybe that's not the only thing. 21:26
15 MR. PRESTON: And again, it isn't 21:26
16 necessarily the end of the world. If it were 21:26
17 to be renoticed, the applicant could -- their 21:26
18 appearance could be waived for future 21:26
19 appearances. 21:26
20 MR. FLAUM: So I guess the main event, 21:26
21 the maximum surface coverage. So going back 21:26
22 in history, the Katzes have been residing here 21:26
23 for over 20 years in the village. 21:26
24 MR. KATZ: No. Forty-one years. At the 21:26
25 current house approximately 20 years. May I 21:26

Katz - 1/20/2021

1
2 speak? 21:26
3 Shlomo Katz, 14 Beechwood Drive. Good 21:26
4 evening, everybody. Thank you for your time. 21:26
5 Mr. Chairman, I want to assure you I have a 21:26
6 good back, and the only exercise I do is 21:26
7 chewing. Mr. Gottlieb, I have been a resident 21:26
8 of the village of Lawrence for 41 years. 21:26
9 Thirty of those years as a paramedic and 21:26
10 firefighter serving the village, and Mr. 21:27
11 Hiller, I don't have the charm to charm you 21:27
12 tonight, but I am going to do my best. 21:27
13 MEMBER HILLER: You already succeeded. 21:27
14 MR. KATZ: And I want to tell you in 21:27
15 light of the COVID pandemic, which I have been 21:27
16 on the front lines, I did not bring 30 of my 21:27
17 neighbors here tonight as I did nine years ago 21:27
18 when we applied for our last variance. I have 21:27
19 one able-bodied representative from Sutton 21:27
20 Park here to speak on my behalf should the 21:27
21 Board deem it necessary. I think everything 21:27
22 speaks for itself. We created a home so that 21:27
23 my parents could move into and that's why we 21:27
24 requested lot variances and what's the other 21:27
25 word? Lot coverage. So we requested that and 21:27

Katz - 1/20/2021

1
2 the village was very kind and the Board 21:27
3 granted it a number of years ago. The reason 21:27
4 we have asked to increase the size of the 21:27
5 pool, we have been advised my father is 21:27
6 suffering from dementia and lacking mobility 21:27
7 at the current time, and it was suggested we 21:27
8 put in a tanning bed. I think it's a depth of 21:27
9 12 or 16 inches that he could lay on and have 21:27
10 some sort of physical therapy in the pool. 21:28
11 And I know it might only be three or four 21:28
12 months a year, but if you guys to want to chip 21:28
13 in for a pool cover, I am all in favor. The 21:28
14 whole village and the whole town is going to 21:28
15 swim in the pool anyhow so come on down. 21:28
16 CHAIRMAN KEILSON: I have not heard the 21:28
17 request yet. 21:28
18 MR. FLAUM: The request is that we are 21:28
19 seeking additional lot coverage to allow for 21:28
20 the larger pool. The pool would end up being 21:28
21 38 feet wide versus 36 and would encroach 21:28
22 either 2 feet onto one side or 1 and 1 to 21:28
23 allow for this additional requirement for the 21:28
24 physical therapy that is being requested. 21:28
25 CHAIRMAN KEILSON: Counsel? 21:28

Katz - 1/20/2021

1
2 MEMBER FELDER: Thirty-eight -- 21:28
3 MR. FLAUM: It would be 38 feet wide 21:28
4 total which is over 36. 21:28
5 MEMBER GOTTLIEB: Triggers a new 21:28
6 variance. 21:29
7 MEMBER HILLER: Can you explain to me, 21:29
8 please, what's that equipment that you need? 21:29
9 MR. KATZ: They call it a tanning bed 21:29
10 where instead of a step when you get into the 21:29
11 pool, it's pretty much one step down but it's 21:29
12 4 feet wide so that, of course, you could lay 21:29
13 on it. 21:29
14 MEMBER FELDER: It's basically the first 21:29
15 step is really wide. It's called a baja step. 21:29
16 MEMBER HILLER: And you can't put in 21:29
17 something temporarily. 21:29
18 MR. KATZ: I am told no. I like to come 21:29
19 up with out-of-the-box solutions. I was told 21:29
20 no. I said could I put something in that 21:29
21 could float up and down? They said they 21:29
22 wouldn't recommend it for a man like my 21:29
23 father. 21:29
24 MRS. KATZ: They said it's not safe. 21:29
25 MR. FLAUM: How old is your father 21:29

Katz - 1/20/2021

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currently?

21:29

MEMBER KERSTEIN: The pool is 36 now, so
if you took the 4 feet you still have 32.

21:29

21:29

MR. KATZ: I am not a pool expert. I
discussed it with them. They said go back to
the Board. It's made of five upstanding, very
nice gentlemen.

21:29

21:29

21:30

21:30

MEMBER KERSTEIN: They don't know us. I
am just trying to understand it.

21:30

21:30

MEMBER FELDER: But that causes another
problem.

21:30

21:30

CHAIRMAN KEILSON: Counsel?

21:30

MR. PRESTON: Mr. Flaum, how does
request number 212-12.1 change by this
modification?

21:30

21:30

21:30

MR. FLAUM: It will increase overage by
lot coverage, but we can take it out of the
paving on the side.

21:30

21:30

21:30

MR. PRESTON: I am looking at the denial
letter. On the first column, requested
surface coverage is 4,510, an excess of 585.
Does that change? If so how?

21:30

21:30

21:30

21:30

MR. FLAUM: So the G, which is the
proposed pool of 432 would end up being

21:30

21:30

Katz - 1/20/2021

1
2 increased by 24. So 24 plus 432 would be 456. 21:30
3 End up being 456 square feet instead of having 21:31
4 -- end up being 4,534 square feet instead of 21:31
5 4,510. 21:31
6 MR. PRESTON: So you are asking for an 21:31
7 increase beyond what's elicited in the denial 21:31
8 letter? 21:31
9 MR. FLAUM: Correct. 21:31
10 MR. PRESTON: The Board does not have 21:31
11 jurisdiction to hear that. 21:31
12 MEMBER HILLER: But you just said you 21:31
13 are going to remove some patio. 21:31
14 MR. FLAUM: But I just realized the 21:31
15 paver doesn't get included in the lot 21:31
16 coverage. It doesn't get counted in the lot 21:31
17 coverage. 21:31
18 MEMBER GOTTLIEB: I have a suggestion. 21:31
19 There are variances we are talking about not 21:31
20 listed on the notice. We are in January. You 21:31
21 don't need the pool until June. Perhaps this 21:31
22 should be reapplied and we adjourn. Come back 21:31
23 next month at the next meeting. You are not 21:31
24 going to lose any time because we are in 21:31
25 January. And we will be, so to speak, 21:31

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1
2 koshered up that the notice will be correct 21:32
3 provided it gets approved. If everybody says 21:32
4 no to your three requests, then we don't have 21:32
5 to come back. 21:32
6 CHAIRMAN KEILSON: Why don't we go 21:32
7 through the three requests and then talk about 21:32
8 adjournment? 21:32
9 MEMBER GOTTLIEB: I thought we did. 21:32
10 CHAIRMAN KEILSON: I want to quantify 21:32
11 exactly -- 21:32
12 MR. FLAUM: The three requests are for 21:32
13 maximum surface coverage to increase another 21:32
14 24 square feet to allow for a 38-foot-wide 21:32
15 pool by 12 feet deep to accommodate this 21:32
16 tanning bed that's being requested. 21:32
17 CHAIRMAN KEILSON: Make believe you are 21:32
18 filling out this document. What is it 21:32
19 reading? 21:32
20 MR. FLAUM: So where it says permitted 21:32
21 3,925, existing 4,078, the proposed 4,534 21:32
22 instead of 4,510. 21:32
23 CHAIRMAN KEILSON: What would the 21:32
24 overage be? 21:32
25 MR. FLAUM: If I had a calculator, I 21:32

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1
2 could tell you. 21:32

3 MEMBER HILLER: Mr. Katz, can I just ask 21:33
4 you who advised you on the tanning bed? 21:33

5 MR. KATZ: Two different pool companies. 21:33
6 Neil -- I don't have their names. I'm sorry. 21:33
7 I can get it. 21:33

8 MEMBER HILLER: Can you? I just want to 21:33
9 hear if there is an alternative. 21:33

10 MR. KATZ: I would like to be in legal 21:33
11 compliance. Obviously I would like to move 21:33
12 things along tonight and be able to tell my 21:33
13 parents that it's moving ahead, so if I need 21:33
14 to remove that and shrink it down to 36 and 21:33
15 that will work, then I will do that. 21:33

16 MEMBER HILLER: Thirty-six will remove 21:33
17 an extra problem. 21:33

18 MEMBER KERSTEIN: One of the problems. 21:33

19 MR. KATZ: I am more than happy to. 21:33
20 Let's make a deal. 21:33

21 MEMBER GOTTLIEB: I thought I was doing 21:33
22 you a -- 21:33

23 MR. KATZ: I understand and I appreciate 21:33
24 that. It's something if I could tell my 21:33
25 parents. Dealing with elderly parents could 21:34

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1
2 be rewarding and challenging. 21:34

3 MR. FLAUM: So back to minimum side-yard 21:34
4 setback so the pool equipment can be relocated 21:34
5 as per the client's agreement. 21:34

6 MEMBER KERSTEIN: Do we need to -- 21:34

7 CHAIRMAN KEILSON: I believe there is an 21:34
8 appellate procedure going on. 21:34

9 MR. KATZ: If it pleases the committee, 21:34
10 my wife would like to know how we proceed and 21:34
11 then perhaps put an adjournment to see about 21:34
12 those 2 feet, remail the application or the 21:34
13 radius. 21:34

14 CHAIRMAN KEILSON: We are going to 21:34
15 renotice, correct? 21:34

16 MR. PRESTON: Correct. So this Board 21:34
17 has jurisdiction after the Building Department 21:34
18 issues a denial letter. The denial letter 21:34
19 that's issued by the Building Department here 21:34
20 doesn't include all of the requested relief. 21:34
21 So procedurally if you are seeking to change 21:34
22 the requested relief, submit a new 21:35
23 application. The Building Department will 21:35
24 presumably deny it, issue a new denial letter 21:35
25 that includes the relief you need. Then you 21:35

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1
2 appeal that to this Board, and this Board can 21:35
3 make the decision February. 21:35
4 MR. KATZ: Is there a February meeting 21:35
5 of the Board? 21:35
6 CHAIRMAN KEILSON: There is. 21:35
7 MEMBER GOTTLIEB: Or we can continue as 21:35
8 you wish. 21:35
9 MR. KATZ: I am up to advice here. 21:35
10 (Discussion off the record.) 21:35
11 MR. FLAUM: So the overage would be 21:36
12 4,534 minus 3,925. Gives me 609 square feet 21:36
13 over. 21:36
14 MEMBER GOTTLIEB: So you are 15 and a 21:36
15 half percent over permitted. 21:36
16 MEMBER HILLER: Why make problems? You 21:36
17 are already asking for 14 percent. Four 21:36
18 percent over existing. But you are 14.9 21:36
19 percent over. Now you have to go into 15, 16 21:36
20 percent so -- 21:36
21 CHAIRMAN KEILSON: Since I was giving 21:36
22 advice, I would urge you to consider some 21:36
23 other modification for surface coverage. 21:36
24 MEMBER GOTTLIEB: Do you need the shed? 21:36
25 MR. KATZ: Theoretically, yes. 21:36

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1
2 MRS. KATZ: We gave up the garage for my 21:36
3 in-laws. 21:37
4 MEMBER GOTTLIEB: And patio you don't 21:37
5 use for any storage? 21:37
6 CHAIRMAN KEILSON: You are balancing a 21:37
7 larger pool against taking off some surface 21:37
8 coverage somewhere. 21:37
9 MEMBER GOTTLIEB: There is no circular 21:37
10 driveway. 21:37
11 MR. KATZ: I would gladly get rid of the 21:37
12 tent in the front. 21:37
13 MEMBER KERSTEIN: That doesn't count. 21:37
14 MR. KATZ: I know. 21:37
15 MEMBER GOTTLIEB: I don't know what you 21:37
16 can -- I will ask the architect. What can you 21:37
17 do about -- 21:37
18 MR. FLAUM: The asphalt driveway? 21:37
19 MEMBER GOTTLIEB: How can you get rid of 21:37
20 the driveway? 21:37
21 CHAIRMAN KEILSON: The wood patio, can 21:37
22 you cut it down somewhat? 21:37
23 MR. KATZ: I am not sure that's really 21:37
24 doable. 21:37
25 MEMBER HILLER: The simpler thing is to 21:37

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1
2 reduce the pool. You are asking for 21:37
3 substantial overage, and that's the simplest 21:37
4 thing. 21:38
5 MR. KATZ: If I get rid of the shed, 21:38
6 that would work? 21:38
7 MR. FLAUM: Yes because the shed is 70 21:38
8 square feet. 21:38
9 MEMBER HILLER: But you may need the 21:38
10 shed. 21:38
11 MR. KATZ: Let me see what I could do to 21:38
12 minimize the shed so it would be an even 21:38
13 trade. 21:38
14 MR. FLAUM: It's a 50-square-foot shed. 21:38
15 MR. KATZ: I can put in like a phone 21:38
16 booth. 21:38
17 MEMBER GOTTLIEB: Where are you going to 21:38
18 store the -- 21:38
19 MEMBER FELDER: Is there a walkway 21:38
20 around the pool? 21:38
21 MR. KATZ: Yes. Four feet. 21:38
22 MEMBER HILLER: But you are also asking 21:38
23 for additional variances on the side-yard 21:38
24 setbacks. Why open a can of worms? 21:38
25 CHAIRMAN KEILSON: The shed is how much? 21:38

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1
2 MR. FLAUM: The shed is currently 73.9 21:38
3 feet. 21:38
4 CHAIRMAN KEILSON: If we took off the 21:38
5 shed, would it solve the problem? 21:38
6 MR. FLAUM: It only solves one of two 21:38
7 problems. 21:38
8 MEMBER GOTTLIEB: It solves 73 feet. 21:38
9 MEMBER KERSTEIN: What is that going to 21:38
10 change the percentage? It doesn't do very 21:39
11 much at all. 21:39
12 MEMBER GOTTLIEB: You are 609 over. 21:39
13 CHAIRMAN KEILSON: One second. You are 21:39
14 going from 4,510 to 4,534. 21:39
15 MEMBER KERSTEIN: That's only for the 21:39
16 add-on on the pool. 21:39
17 CHAIRMAN KEILSON: That's what we are 21:39
18 talking about unless again we didn't discuss 21:39
19 the surface coverage. 21:39
20 MEMBER KERSTEIN: That's what I am 21:39
21 saying. 21:39
22 CHAIRMAN KEILSON: So why don't we 21:39
23 discuss the surface coverage? 21:39
24 MEMBER HILLER: One of the variances on 21:39
25 side-yard setback is going to be triggered 21:39

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1
2 also. 21:39
3 MEMBER KERSTEIN: Either have one or 21:39
4 two. 21:39
5 MR. SEIDEMANN: David Seidemann, 22 21:39
6 Beechwood Drive. The esteemed Board doesn't 21:39
7 need me to tout Mr. Katz's accomplishments for 21:39
8 the community and why if anybody deserves it 21:40
9 they do, but I just want to make two points. 21:40
10 First of all, as far as it being closer or too 21:40
11 close to my property -- 21:40
12 CHAIRMAN KEILSON: Where are you the 21:40
13 neighbor? 21:40
14 MR. SEIDEMANN: As you face the house, I 21:40
15 am on the right. There is no difference 21:40
16 between my property and the Katzes' property. 21:40
17 I come down at 7:00 in the morning, his kids 21:40
18 are in my house eating breakfast; my kids are 21:40
19 eating in his house all day and night. There 21:40
20 is no difference. The closer to my property 21:40
21 that pool, the better. I am trying to have 21:40
22 him build it in my backyard. So to the extent 21:40
23 that the Board would have an issue with or the 21:40
24 village would have an issue that it's too 21:40
25 close to my property, it's -- I welcome it. 21:40

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1
2 The other point I wanted to make was I 21:40
3 grew up in a small Midwest town called a 21:41
4 one-generational town because the parents 21:41
5 lived there but the children and the 21:41
6 grandchildren moved out and the community 21:41
7 basically died. So what keeps a village like 21:41
8 Lawrence or any village or a city vibrant is 21:41
9 the fact that you have grandparents, children, 21:41
10 grandchildren, and great-grandchildren that 21:41
11 can find reasons and things to do to come to 21:41
12 the house. And I live next door to the Katzes 21:41
13 since the day they moved in, and what I 21:41
14 witness now every Friday, the children, the 21:41
15 grandchildren, and the great-grandchildren 21:41
16 come to see Shlomo's father and pay him 21:41
17 respect. And anything that could be done to 21:41
18 help this gentleman enjoy the time he has left 21:41
19 on this earth that God gives him would be a 21:41
20 deed of the highest order. 21:41

21 So that's my appeal to the Board. This 21:41
22 community will benefit when grandparents, 21:41
23 children, and grandchildren and 21:42
24 great-grandchildren populate the village. 21:42

25 CHAIRMAN KEILSON: Mr. Seidemann, as you 21:42

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1
2 know, we are all familiar with the good deeds 21:42
3 of the Katz family, and normally what we do is 21:42
4 we give a plaque. We gave it to him Saturday 21:42
5 night. We gave him a plaque already. So we 21:42
6 don't give variances. We give plaques. 21:42
7 MR. SEIDEMANN: I understand. 21:42
8 MR. KATZ: I can trade a plaque for a 21:42
9 variance. 21:42
10 CHAIRMAN KEILSON: Thank you very much. 21:42
11 Mr. Hiller, we are up to you. You want to 21:42
12 discuss surface coverage because we didn't 21:42
13 discuss it yet. 21:42
14 MEMBER GOTTLIEB: You may not have been 21:42
15 charmed, but I am sure you are feeling guilt 21:42
16 now. 21:42
17 MEMBER HILLER: I don't feel guilty 21:43
18 because I think children, grandchildren, and 21:43
19 great-grandchildren could be just as happy in 21:43
20 a 36-foot pool. I have a bunch of 21:43
21 grandchildren myself. Lloyd Keilson has or 21:43
22 whatever and I want to tell you something. 21:43
23 You are very charming, but you are no John 21:43
24 Capobianco. 21:43
25 CHAIRMAN KEILSON: I think we should 21:43

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1
2 discuss the first request. Do you have an 21:43
3 issue with the surface coverage on the first 21:43
4 request? 21:43
5 MEMBER HILLER: I am willing to work 21:43
6 with the 45. 21:43
7 CHAIRMAN KEILSON: So if we go to 4,534 21:43
8 and take away the shed -- 21:43
9 MEMBER HILLER: I have a problem with 21:43
10 the side-yard setback. 21:43
11 CHAIRMAN KEILSON: Let's finish on the 21:43
12 surface coverage first. 21:44
13 MEMBER HILLER: The surface coverage 21:44
14 doesn't bother me obviously because it will be 21:44
15 less surface coverage. However, the side-yard 21:44
16 setbacks, which aren't necessary and don't 21:44
17 even show up in the plans, plans B of the very 21:44
18 worthy Mr. Flaum. 21:44
19 CHAIRMAN KEILSON: You have an issue 21:44
20 with the encroachment to the side, to 21:44
21 Seidemann's side. Okay. Further down the 21:44
22 Board, Mr. Gottlieb, what is your feeling on 21:44
23 the side-yard encroachment? First of all, 21:44
24 surface coverage, would you be comfortable 21:44
25 with the 45? 21:44

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1
2 MEMBER GOTTLIEB: I would like to ask 21:44
3 Mr. Katz a question. You don't have to get 21:44
4 up. 21:44
5 MR. KATZ: You can hardly see me when I 21:44
6 am standing. 21:44
7 MEMBER GOTTLIEB: You talked about maybe 21:44
8 getting rid of the shed maybe, and you let us 21:44
9 know that you don't have a garage anymore. 21:44
10 Where do you put things like basketballs, 21:44
11 bicycles? 21:44
12 MR. KATZ: Bicycles have to go into the 21:44
13 basement, and basketballs go into the 21:44
14 Rubbermaid. 21:45
15 MEMBER GOTTLIEB: I don't want you to 21:45
16 give up something you are going to need and 21:45
17 then regret later because you don't have a 21:45
18 garage. 21:45
19 MR. KATZ: Mr. Gottlieb, what I need to 21:45
20 do is take care of my parents right now. 21:45
21 That's the number one requirement that I have, 21:45
22 and I will do whatever is necessary. They are 21:45
23 building storage sheds on Rockaway Turnpike. 21:45
24 MEMBER GOTTLIEB: Yes. I think they are 21:45
25 finished. That's the second building. 21:45

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1
2 MR. KATZ: I am sure there is another 21:45
3 one coming soon. 21:45
4 MEMBER GOTTLIEB: There is two in 21:45
5 Hewlett. 21:45
6 CHAIRMAN KEILSON: So let's attack each 21:45
7 one. Surface coverage, are you comfortable 21:45
8 with a 4,510 or 45 -- whether you take away 21:45
9 the shed it's still -- 21:45
10 MEMBER GOTTLIEB: I thought you were 21:45
11 doing percentages. 21:45
12 CHAIRMAN KEILSON: Surface coverage. 21:45
13 MEMBER GOTTLIEB: Problem is it's a 21:45
14 second variance. It's 15 percent over. The 21:45
15 lot is so tight, and yet -- I want to use 21:45
16 English words. You are such a good guy. 21:45
17 MR. KATZ: Don't believe the hype. 21:45
18 MEMBER GOTTLIEB: I want to be as 21:46
19 accommodating as I can. I have such a 21:46
20 compassionate thing here. It's not for his 21:46
21 grandchildren that are never going to show up 21:46
22 because they are already there. 21:46
23 CHAIRMAN KEILSON: Side-yard 21:46
24 encroachment. Mr. Hiller expressed a concern 21:46
25 about side-yard encroachment. 21:46

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1
2 MEMBER GOTTLIEB: One foot. 21:46
3 CHAIRMAN KEILSON: Well, it's 2 feet. 21:46
4 MEMBER GOTTLIEB: One foot each side. 21:46
5 Mr. Seidemann is already here tonight. 21:46
6 MR. KATZ: Mr. Brecher, the other side 21:46
7 neighbor is on a flight to Florida but would 21:46
8 be available to speak to any of the Board 21:46
9 members. 21:46
10 MEMBER GOTTLIEB: He has got half your 21:46
11 tent on his lawn. I don't think he is coming 21:46
12 out against you or maybe half his tent is on 21:46
13 your lawn, but the thing is it's a 21:46
14 66-foot-wide property, which is very narrow 21:46
15 and I think that's the Emes of the problem is 21:46
16 that, you know, you should be on a 100 by 100 21:47
17 and you don't have but it is what it is. The 21:47
18 backyard is no problem, and the surface 21:47
19 coverage I am going to learn to live with it. 21:47
20 CHAIRMAN KEILSON: So are you against 21:47
21 the 2-foot encroachment? 21:47
22 MEMBER GOTTLIEB: No. 21:47
23 CHAIRMAN KEILSON: Mr. Kerstein? 21:47
24 MEMBER KERSTEIN: I think that's a 21:47
25 self-inflicted issue. Seriously. If the pool 21:47

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1
2 is 2 feet shorter or 4 feet shorter, I don't 21:47
3 think that's going to make a difference. The 21:47
4 kids are not going to notice the difference to 21:47
5 me. Maybe I am wrong but I just don't think 21:47
6 they will. The surface coverage as it 21:47
7 currently is is roughly just a little less 21:47
8 than 50 percent of the lot the way you are 21:47
9 proposing it. If I am reading it correctly, 21:47
10 you have got -- 21:47

11 CHAIRMAN KEILSON: Forty-nine percent. 21:47

12 MEMBER KERSTEIN: I was close. So it's 21:47
13 about half the lot. That's a lot. We don't 21:47
14 often do that. I am comfortable with it, but 21:47
15 why make it worse? 21:47

16 CHAIRMAN KEILSON: Well, they are not 21:47
17 making it worse assuming he is taking away the 21:48
18 shed. 21:48

19 MEMBER KERSTEIN: I don't feel that that 21:48
20 really -- you know, I understand the math, but 21:48
21 just in reality he is putting in something. 21:48
22 If the pool was that much shorter, I don't 21:48
23 think it would make that much of a difference 21:48
24 for the enjoyment of the pool. 21:48

25 CHAIRMAN KEILSON: So on the pool 21:48

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1
2 encroachment, you are not comfortable with the 21:48
3 further encroachment to the side yard? 21:48

4 MEMBER KERSTEIN: Correct. Even if the 21:48
5 neighbors are happy with it right now because 21:48
6 neighbors change. 21:48

7 CHAIRMAN KEILSON: I understand. 21:48

8 MEMBER GOTTLIEB: I need to go back and 21:48
9 add something because I realize when you 21:48
10 mentioned the 49 percent coverage and you have 21:48
11 got almost, I don't know, 3 or 400 feet of 21:48
12 additional uncounted pavers which we are not 21:48
13 supposed to count, but when you open this 21:48
14 thing up, you have to look at it. And from an 21:48
15 aerial point of view, it's well over 50 21:48
16 percent now. 21:48

17 MR. KATZ: I am glad to give up some of 21:48
18 those pavers that don't count but -- they 21:48
19 don't count but aerial view they do count. 21:49

20 MEMBER HILLER: I am asking you, please 21:49
21 reduce the pool to the size of the 21:49
22 presentation and not cause -- let us go into 21:49
23 this in a unanimous way without having to have 21:49
24 dissension. 21:49

25 MEMBER GOTTLIEB: What's the size of the 21:49

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1
2 tanning bed? 21:49

3 MR. KATZ: Four feet by the width of the 21:49
4 pool, 12 feet. 21:49

5 MEMBER GOTTLIEB: I was thinking can you 21:49
6 go 4 feet by 12 feet on the side? 21:49

7 MR. KATZ: Because then you are into the 21:49
8 deep end and that becomes a hazard. 21:49

9 MEMBER FELDER: It's just a much larger 21:49
10 first step of the pool. 21:49

11 CHAIRMAN KEILSON: So moving along, I 21:49
12 didn't discuss with Mr. Felder. 21:49

13 MEMBER FELDER: Of course, I have no 21:49
14 problem with whatever Mr. Katz is proposing -- 21:49
15 no, listen. The encroachments are the 21:49
16 encroachments. The neighbor obviously has no 21:49
17 issue with it on his side. Perhaps make 2 21:49
18 feet all go towards Mr. Seidemann. 21:49

19 MR. SEIDEMANN: I have no problem with 21:50
20 that. 21:50

21 MEMBER FELDER: Then you will only be 21:50
22 encroaching on one side. Listen, I think you 21:50
23 are obviously limited here, but I personally 21:50
24 don't have an issue with this application. 21:50

25 MR. PLAUT: On a technical note, you 21:50

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1
2 and now so again, I am going to ask you to not 21:51
3 complicate us with further variances and go 21:51
4 with the 36 feet. The overage is 21:51
5 unconscionable. But you are a person who 21:51
6 probably deserves some kind of consideration. 21:51
7 CHAIRMAN KEILSON: So what we find here 21:51
8 now, the conundrum is as follows: It would 21:51
9 appear that if we vote tonight for that which 21:51
10 it is because we can't vote on the other, 21:51
11 there is no notice, that there seems to be 21:51
12 unanimity. Maybe there isn't all the way to 21:51
13 the right. 21:51
14 MEMBER KERSTEIN: I said I was okay with 21:51
15 it. I was just asking -- I want to understand 21:51
16 what the coverage is. What's involved. 21:51
17 CHAIRMAN KEILSON: Well, the coverage is 21:51
18 whatever the coverage is. 21:51
19 MEMBER KERSTEIN: I know but I just want 21:51
20 to go over -- 21:51
21 CHAIRMAN KEILSON: Ten percent over 21:52
22 existing. I repeat. 10.5 to be precise. The 21:52
23 alternative is it would appear from the 21:52
24 informal polling -- 21:52
25 MEMBER GOTTLIEB: Fifteen percent. 432 21:52

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1
2 over existing. 21:52
3 CHAIRMAN KEILSON: Go ahead. 21:52
4 MEMBER GOTTLIEB: 10.6 percent. 21:52
5 CHAIRMAN KEILSON: Like I said. It's 21:52
6 really a decision that you would have to make. 21:52
7 The consensus seems that the votes would be in 21:53
8 your favor, but we can't vote on it tonight. 21:53
9 Until he gets -- 21:53
10 MR. KATZ: So to be clear, if I were to 21:53
11 reapply through the entire process, get the 21:53
12 denial letter, send the radius, it is the 21:53
13 opinion of the chairman that a future meeting 21:53
14 this would be granted? 21:53
15 CHAIRMAN KEILSON: It seems informally 21:53
16 from what you have just heard that there would 21:53
17 be a majority vote. 21:53
18 MR. KATZ: So then good things come to 21:53
19 those that wait. 21:53
20 MEMBER GOTTLIEB: What are you going to 21:53
21 tell your parents? 21:53
22 MR. KATZ: I am going to tell my parents 21:53
23 that Mr. Kerstein was very mean to me. 21:53
24 CHAIRMAN KEILSON: Taking a moment for 21:53
25 legal counsel. 21:53

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1
2 (Discussion off the record.) 21:58
3 CHAIRMAN KEILSON: We are going to 21:58
4 proceed based on the new proposal, and let's 21:58
5 see if we have a new proposal. Mr. Flaum, if 21:58
6 you can summarize what we are voting. Revised 21:58
7 proposal. 21:58
8 MR. FLAUM: Sure. The revised 21:58
9 proposal -- 21:58
10 CHAIRMAN KEILSON: Go item by item. 21:58
11 MR. FLAUM: Get the code relief open. 21:58
12 The revised proposal would be such as maximum 21:58
13 surface coverage I think I stated the 21:58
14 permitted amount of 3,925. 4,078 exist. 21:58
15 3,925 permitted. 21:59
16 CHAIRMAN KEILSON: Again, the shed is 21:59
17 going. 21:59
18 MR. FLAUM: Shed is going. Okay. So 21:59
19 the permitted 3,925 square feet, existing of 21:59
20 4,078. If we subtract the shed, which is 21:59
21 approximately 73.92, that gives us 4,004.08 21:59
22 and add the 24 square feet for the extra 2 21:59
23 feet of the pool, that brings us to a total of 21:59
24 4,028.08. No. Sorry. My bad. Sorry. 21:59
25 4,460.08. 22:00

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1
2 CHAIRMAN KEILSON: How many feet over? 22:00
3 MR. FLAUM: How many feet over from the 22:00
4 permitted? 22:00
5 MR. CASTRO: 535. 22:00
6 MR. FLAUM: 535. 22:00
7 CHAIRMAN KEILSON: Which equates to? 22:00
8 MR. CASTRO: 13.6. 22:00
9 MR. PRESTON: Which is? 22:00
10 MEMBER KERSTEIN: Which is less than is 22:00
11 currently listed. 22:00
12 CHAIRMAN KEILSON: Correct. Next. 22:00
13 MEMBER GOTTLIEB: Before you go on, just 22:00
14 for the record, Mr. Chairman, that's 9.39 22:00
15 percent over existing. 22:00
16 CHAIRMAN KEILSON: Thank you for that 22:00
17 amendment. 22:00
18 MEMBER GOTTLIEB: You are welcome. 22:00
19 MR. FLAUM: Next one would be the 22:01
20 minimum side-yard setback. Required is 15 22:01
21 feet on either side. Proposed 15 feet on one 22:01
22 side, the neighbor who is not here. Thirteen 22:01
23 feet on the neighbor who is present, Mr. 22:01
24 Seidemann, Esquire, for a total width of 38 22:01
25 feet. So 2-foot encroachment into one side 22:01

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1
2 yard and no encroachment into the other side 22:01
3 yard. 22:01
4 CHAIRMAN KEILSON: Do we have any 22:01
5 aggregate issue? 22:01
6 MR. CASTRO: No. 22:01
7 MR. PLAUT: No. There is no aggregate 22:01
8 for the pool. So there is a 2-foot 22:01
9 encroachment onto which -- 22:01
10 MR. CASTRO: East side. 22:01
11 MR. FLAUM: Yes. East. The easterly 22:01
12 side. The rear-yard setback I don't believe 22:01
13 is changing. I think that is staying 22:01
14 unchanged as proposed, so the required at 20 22:01
15 feet is going to be proposed at 7 foot 9 and a 22:01
16 half. No proposed change to that. 22:01
17 CHAIRMAN KEILSON: How about the 22:02
18 equipment? 22:02
19 MR. FLAUM: The equipment is going to be 22:02
20 located into the rear. 22:02
21 MEMBER GOTTLIEB: Rear east or rear 22:02
22 west. 22:02
23 MR. KATZ: Rear west. Mizrach is to the 22:02
24 front of the house. 22:02
25 MR. FLAUM: The proposed pool equipment 22:02

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1
2 will be in the rear left side or rear west 22:02
3 side of the property. 22:02

4 MR. PRESTON: What is the setback of 22:02
5 that pool equipment? 22:02

6 MEMBER KERSTEIN: Six inches? It's very 22:02
7 close to the back. It's the Broadway -- 22:02

8 MR. FLAUM: There is no neighbor there 22:02
9 so we want to put it at the lot line. Do you 22:02
10 want it at the lot line? 22:02

11 MR. KATZ: I want it wherever the Board 22:02
12 wants it. 22:02

13 MEMBER GOTTLIEB: As far back as 22:02
14 reasonably possible that it becomes 22:02
15 serviceable. 22:02

16 MR. FLAUM: I think we should put it 22:02
17 just beyond the paving area so that it doesn't 22:02
18 obstruct people walking around the walkway. 22:02

19 CHAIRMAN KEILSON: Mr. Castro, do you 22:02
20 have a suggestion? 22:02

21 MR. CASTRO: I wouldn't put it against 22:02
22 the property line. 22:02

23 MR. FLAUM: I didn't say -- I would move 22:03
24 it 2 feet off the property line and 2 feet off 22:03
25 the side property line two by two. 22:03

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1
2 MR. KATZ: We put our air conditioning 22:03
3 equipment on the side. I don't know if it was 22:03
4 a similar variance or just an agreement that 22:03
5 we had. Should we just put it next to the air 22:03
6 conditioning equipment? 22:03
7 MEMBER GOTTLIEB: That's where you have 22:03
8 it proposed now? 22:03
9 MRS. KATZ: Yes. 22:03
10 MEMBER GOTTLIEB: You don't show the air 22:03
11 conditioning equipment. It's just all that 22:03
12 stuff going on on the side of the house. 22:03
13 MR. KATZ: That's an unused side on both 22:03
14 sides. There is trees and bushes overgrowing 22:03
15 that other area. 22:03
16 MEMBER GOTTLIEB: You should plant some 22:03
17 new stuff there. 22:03
18 MR. KATZ: I did five years ago. 22:03
19 CHAIRMAN KEILSON: He is thinking of 22:03
20 leaving the equipment where it's designated on 22:03
21 the plot. 22:03
22 MR. KATZ: I think it's comfortable -- 22:03
23 knowing the property, I think it's comfortable 22:03
24 there. It fits in the dead space between the 22:03
25 houses. There is no sun between the houses. 22:03

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1
2 MEMBER GOTTLIEB: Brecher wouldn't have 22:03
3 a problem with it? 22:04
4 MR. KATZ: Absolutely not. 22:04
5 MEMBER GOTTLIEB: Then we don't need to 22:04
6 change anything for that, but it's going to be 22:04
7 parallel with the air conditioners, the six 22:04
8 air conditioners there. 22:04
9 MR. KATZ: Correct. And we planted 22:04
10 Leylands that are 20 feet high there. 22:04
11 MR. FLAUM: So the proposed minimum 22:04
12 rear-yard setback remains unchanged. And 22:04
13 going back to minimum side-yard setback, we 22:04
14 are going to be seeking the 2-foot-6 setback 22:04
15 on the west side, which is where the pool 22:04
16 equipment is going to be located. And on the 22:04
17 east side will be a 13-foot setback from the 22:04
18 pool. 22:04
19 CHAIRMAN KEILSON: From the pool to the 22:04
20 property line? 22:04
21 MR. FLAUM: Correct. 22:04
22 CHAIRMAN KEILSON: I am not going to 22:04
23 bother going over it again. I will just get 22:04
24 confused. Okay. So we are going to ask 22:04
25 everyone to vote at this point, taking into 22:04

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1
2 consideration the benefit to the applicant, 22:04
3 which has been described in many different 22:04
4 ways. It's a compassionate view of the 22:05
5 situation that's driving our extending unusual 22:05
6 courtesies to the applicant. So we are going 22:05
7 to begin with Mr. Kerstein. 22:05

8 MEMBER KERSTEIN: I am in favor. 22:05
9 Reluctantly as I described it but I am in 22:05
10 favor. 22:05

11 CHAIRMAN KEILSON: Mr. Gottlieb? 22:05

12 MEMBER GOTTLIEB: I agree with whatever 22:05
13 Mr. Kerstein just said. 22:05

14 CHAIRMAN KEILSON: Mr. Hiller? 22:05

15 MEMBER HILLER: In deference to the 22:05
16 applicant and overriding my own instincts, I 22:05
17 will abstain. 22:05

18 CHAIRMAN KEILSON: Okay. Mr. Felder? 22:05

19 MEMBER FELDER: I am for. 22:05

20 CHAIRMAN KEILSON: The Chair is for. 22:05

21 And we will give you a year and a half. 22:05

22 (Whereupon the hearing concluded at 10:06
23 p.m.)

24 *****

25 Certified that the foregoing is a true and accurate

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transcript of the original stenographic minutes in
this case.

YAFFA KAPLAN

Court Reporter

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