

Brenke - 10/28/20

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

October 28, 2020
7:41 p.m.

APPLICATION: Brenke
200 Doughty Boulevard
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. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

1 Brenke - 10/28/20

2 CHAIRMAN KEILSON: Okay. Good evening, 19:40
3 ladies and gentlemen. Welcome to the Lawrence 19:40
4 Board of Zoning Appeals. Please turn off your 19:40
5 phones. If you need to converse, please step 19:41
6 out into the lobby. Thank you very, very 19:41
7 much. Proof of posting, Mr. Castro? 19:41
8 MR. VACCHIO: Mr. Chairman, I offer 19:41
9 proof of posting and publication. 19:41
10 CHAIRMAN KEILSON: Okay. Thank you 19:41
11 very, very much. Okay. The first matter we 19:41
12 are considering, there is a variance extension 19:41
13 application on Brenke, 200 Doughty Boulevard. 19:41
14 Are they under construction? 19:41
15 MR. VACCHIO: Yes. 19:41
16 MR. CASTRO: They are under 19:41
17 construction, yes. 19:41
18 CHAIRMAN KEILSON: There is no specific 19:41
19 time that they are seeking. Any idea? Do 19:41
20 they need a year? 19:41
21 MR. VACCHIO: Yes. 19:41
22 CHAIRMAN KEILSON: A year will do it. 19:41
23 Okay, the Board, any issue? Okay. We 19:41
24 approve. 19:41
25 (Whereupon the hearing concluded at 7:41

Brenke - 10/28/20

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p.m.)

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



YAFFA KAPLAN
Court Reporter

Tessler - 10/28/20

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

October 28, 2020
7:42 p.m.

APPLICATION: Tessler
201 Harborview South
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. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

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1 Tessler - 10/28/20

2 CHAIRMAN KEILSON: Okay. The next 19:41
3 matter will be Tessler at 201 Harborview 19:41
4 South, they or their representative. Let me 19:42
5 just mention before you begin, state your name 19:42
6 for the record. 19:42

7 MR. CAPOBIANCO: John Capobianco, 19:42
8 architect, 159 Doughty Boulevard, Inwood, 19:35
9 New York. 19:35

10 CHAIRMAN KEILSON: This matter was 19:42
11 originally considered on May 18, 2016. And 19:42
12 the applicant is asking us to reconsider our 19:42
13 prior decision as it relates to the sculptures 19:42
14 on his lawn. So we need a member to make a 19:42
15 motion that we should rehear. We need a 19:42
16 unanimous vote on that. 19:42

17 MEMBER GOTTLIEB: Motion to rehear. 19:42

18 MEMBER FELDER: Second. 19:42

19 CHAIRMAN KEILSON: Vote for? Yes, 19:42
20 everybody votes for. Okay. Let me just 19:42
21 mention that in the case of rehearing, under 19:42
22 the village law, all members must vote in 19:42
23 favor as well. So I am sure you will try to 19:42
24 make a very compelling presentation. 19:42

25 MR. CAPOBIANCO: Can I just present a 19:42

Tessler - 10/28/20

1
2 photograph of the subject sculpture in the 19:43
3 front yard? 19:43
4 CHAIRMAN KEILSON: I think it's part of 19:43
5 the file. 19:43
6 MR. CAPOBIANCO: I also want to mention 19:43
7 there should be in your folders of, you know, 19:43
8 interest or actually in favor of the applicant 19:43
9 maintaining the sculpture of the subject 19:43
10 property. I just want to make sure the 19:43
11 letters were put -- I believe Mr. Castro had 19:43
12 put them in the folder so they can be 19:43
13 reviewed. 19:43
14 MEMBER GOTTLIEB: Just a quick question 19:43
15 so we can move quickly. Is it just the one 19:43
16 sculpture that we are looking at, or are there 19:43
17 other sculptures? 19:43
18 MR. CAPOBIANCO: No. One. 19:43
19 CHAIRMAN KEILSON: So -- 19:43
20 MEMBER GOTTLIEB: Everything was removed 19:43
21 to the back except for one sculpture? 19:43
22 MR. CAPOBIANCO: Yes. 19:43
23 MEMBER GOTTLIEB: Is there anything else 19:43
24 we need to consider? 19:43
25 MR. CAPOBIANCO: No. I think it's 19:43

Tessler - 10/28/20

1
2 attractive and goes very beautiful with the 19:43
3 house and just want to mention that. That was 19:43
4 it. That's the only thing we are seeking to 19:43
5 maintain is that sculpture in the front. 19:43
6 CHAIRMAN KEILSON: Any questions from 19:43
7 the Board? Anyone in the audience want to 19:43
8 speak to the matter? 19:43
9 MR. SCHLACHTER: I will speak to the 19:44
10 matter. 19:44
11 CHAIRMAN KEILSON: Please step up. 19:44
12 Introduce yourself. 19:44
13 MR. SCHLACHTER: My name is Harry 19:44
14 S-C-H-L-A-C-H-T-E-R. I live at 206 Harborview 19:44
15 South directly across from the house. So I 19:44
16 will be seeing this every single day when I go 19:44
17 out. The sculpture in question, I heard some 19:44
18 crazy stories about what it's supposed to 19:44
19 represent. When I look at it, I see a 19:44
20 stethoscope. 19:44
21 Two things. The color and the shape 19:44
22 really fits well with the house. I think it 19:44
23 actually enhances it. As you can see from the 19:44
24 picture of the house, the house is black and 19:44
25 white stones. This sits in front of the black 19:44

Tessler - 10/28/20

1
2 stones. I think this is a perfect complement 19:44
3 to the building itself. 19:44

4 MEMBER GOTTLIEB: I thought you were 19:44
5 coming to object. I didn't know where this 19:44
6 was going. 19:44

7 MR. SCHLACHTER: Not at all. And when 19:44
8 you were considering this, I mean, I don't 19:44
9 know what the reasoning is behind it, but I am 19:45
10 saying aesthetically some people walk by, they 19:45
11 look at the house and see how beautiful it is, 19:45
12 and I think the sculpture adds to that. 19:45

13 CHAIRMAN KEILSON: Thank you very, very 19:45
14 much. The history how it came about is not 19:45
15 important at this moment because it's a 19:45
16 16-page transcript which I would have to read, 19:45
17 and I don't think anyone has the patience or 19:45
18 tolerance to listen to that. So without 19:45
19 further ado, Mr. Moskowitz? 19:45

20 MEMBER MOSKOWITZ: For. 19:45

21 CHAIRMAN KEILSON: Mr. Gottlieb? 19:45

22 MEMBER GOTTLIEB: Absolutely for. 19:45

23 CHAIRMAN KEILSON: Mr. Hiller? 19:45

24 MEMBER HILLER: Sort of for. 19:45

25 CHAIRMAN KEILSON: Okay. Not sure. Mr. 19:45

Tessler - 10/28/20

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Felder? 19:45

MEMBER FELDER: I am certainly not going 19:45
to take away Mr. Schlachter's view so I am 19:45
for. 19:45

CHAIRMAN KEILSON: And I vote for as 19:45
well. I agree it fits in beautifully and good 19:45
luck with the house and with the sculpture. 19:45

MR. TESSLER: Thank you very much. 19:45

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

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



YAFFA KAPLAN
Court Reporter

Bar - 10/28/20

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

October 28, 2020
7:46 p.m.

APPLICATION: Bar
26 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. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Bar - 10/28/20

1
2 CHAIRMAN KEILSON: Next matter, that of 19:45
3 Bar, 26 Barrett Road. They or their 19:45
4 representative please step forward. 19:46
5 MR. BAR: How are you? 19:46
6 CHAIRMAN KEILSON: Welcome back. 19:46
7 MR. BAR: Okay. So my name is Ari Bar 19:46
8 from 26 Barrett Road. We would like to put a 19:46
9 pool. We did some of modification. There was 19:46
10 an issue with coverage. We are going to 19:46
11 remove a bunch of square feet of existing 19:46
12 concrete so we will get -- it will be more or 19:46
13 less in the area where we can get it approved. 19:46
14 The distance -- we have the proper distance 19:46
15 from the fencing. 19:46
16 CHAIRMAN KEILSON: So the only issue is 19:46
17 surface coverage; is that correct? 19:46
18 MR. BAR: Yes. Well, I took off -- I 19:46
19 took off -- 19:46
20 CHAIRMAN KEILSON: 1,027 square feet is 19:46
21 reduced from what you had requested, and under 19:46
22 the new law which is just passed, we give you 19:47
23 the benefit of either the old law or the new 19:47
24 law because you applied during the time of the 19:47
25 old law, but under the new law where we merge 19:47

Bar - 10/28/20

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2 both impervious and pervious, your combined 19:47
3 overage is 422 square feet which equates to 19:47
4 7.5 percent of overage. And of course, we 19:47
5 take into consideration the need for pools 19:47
6 today. Everybody has a need in light of the 19:47
7 special circumstances. How long have you 19:47
8 lived in the house? 19:47
9 MR. BAR: Since 1988. 19:47
10 CHAIRMAN KEILSON: Wow. Okay. 19:47
11 MEMBER GOTTLIEB: I have been living 19:47
12 longer. 19:47
13 MR. BAR: He is my neighbor. 19:47
14 MEMBER GOTTLIEB: Yes and I did receive 19:47
15 a letter from his architect or whoever sent 19:47
16 it. 19:47
17 CHAIRMAN KEILSON: As a neighbor you 19:47
18 approve? 19:47
19 MEMBER GOTTLIEB: No. I said I received 19:47
20 a letter. 19:47
21 I just have a question. In your 19:47
22 application there were two diagrams. I don't 19:47
23 know which one you are using for the pool. 19:48
24 One goes along the neighbor's driveway and one 19:48
25 is perpendicular. 19:48

Bar - 10/28/20

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2 MR. BAR: The latest one is right here. 19:48
3 CHAIRMAN KEILSON: I will share it with 19:48
4 Mr. Gottlieb. For some reason -- 19:48
5 MR. BAR: It's to the back yard. 19:48
6 MEMBER GOTTLIEB: Okay. So we are 15 19:48
7 feet away. 19:48
8 CHAIRMAN KEILSON: We are fine on the 19:48
9 encroachment. We are fine. We are absolutely 19:48
10 fine. Any other questions from the Board? 19:48
11 MEMBER HILLER: I want to thank Mr. Bar 19:48
12 for trying to, as best he could, comply with 19:48
13 the wishes of the Zoning Board and reducing 19:48
14 his coverage substantially. 19:48
15 CHAIRMAN KEILSON: Anyone in the 19:48
16 audience want to speak to the matter? If not, 19:48
17 then we will take it under consideration from 19:48
18 the Board, weighing the benefit to the 19:48
19 applicant as opposed to any detriment to the 19:48
20 community, we will ask Mr. Felder to vote. 19:49
21 MEMBER FELDER: I am for. 19:49
22 CHAIRMAN KEILSON: Mr. Hiller? 19:49
23 MEMBER HILLER: For. 19:49
24 CHAIRMAN KEILSON: Mr. Gottlieb? 19:49
25 MEMBER GOTTLIEB: For. 19:49

Bar - 10/28/20

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CHAIRMAN KEILSON: And Mr. Moskowitz? 19:49

MEMBER MOSKOWITZ: For. 19:49

CHAIRMAN KEILSON: And I vote for. And 19:49

we will give you -- when will you put it in? 19:49

Your estimation. 19:49

MR. BAR: Next week. 19:49

CHAIRMAN KEILSON: A year and a half. 19:49

MR. BAR: I have to pull a permit so -- 19:49

I have to pull a permit. 19:49

CHAIRMAN KEILSON: Thank you very much. 19:49

(Whereupon the hearing concluded at 7:49 19:49

p.m.)

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


 YAFFA KAPLAN
 Court Reporter

Jedwab - 10/28/20

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

October 28, 2020
7:49 p.m.

APPLICATION: Jedwab
25 Bayberry 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. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Jedwab - 10/28/20

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CHAIRMAN KEILSON: I also want to 19:49
mention for the record on the matter of Jedwab 19:49
of 25 Bayberry Road they have asked for an 19:49
adjournment. The Board is okay with it? 19:49

MEMBER GOTTLIEB: Yes. 19:49

CHAIRMAN KEILSON: Okay. 19:49

(Whereupon the hearing concluded at 7:49

p.m.)

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



YAFFA KAPLAN
Court Reporter

Hirmes - 10/28/20

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

October 28, 2020
7:50 p.m.

APPLICATION: Hirmes
45 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. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Hirmes - 10/28/20

1
2 CHAIRMAN KEILSON: Next matter is that 19:49
3 of Hirmes. 19:49
4 MS. KUPFERSTEIN: Okay. Good evening. 19:50
5 My name is Barbara Kupferstein, the architect 19:50
6 representing the Hirmes, 45 Washington Avenue 19:50
7 in Lawrence. 19:50
8 And as you can see on the application in 19:50
9 front of you, we are asking for a one-story 19:50
10 extension on the side and rear in order to be 19:50
11 able to enlarge the existing kitchen, which is 19:50
12 very, very small and difficult to work in. We 19:50
13 are limited to that area. There was no -- 19:50
14 really no other alternative. The level of the 19:50
15 house and the adjoining room is a few steps 19:50
16 lower so to the side and back. Right now the 19:50
17 kitchen is less than 10 feet wide. 19:50
18 CHAIRMAN KEILSON: How many years are 19:50
19 they in the house? 19:50
20 MR. HIRMES: Eighteen. 19:50
21 CHAIRMAN KEILSON: Okay. Eighteen years 19:50
22 in the house. 19:51
23 MS. KUPFERSTEIN: I also want to take a 19:51
24 moment to point out originally on the denial 19:51
25 letter there were three points that were 19:51

Hirmes - 10/28/20

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2 noncompliant. One of them, however, we have 19:51
3 addressed since then. That was the pervious 19:51
4 coverage/impervious coverage. We had a 19:51
5 conversation and the homeowners are willing 19:51
6 and will repave the existing asphalt driveway 19:51
7 with impervious pavers and you will see on the 19:51
8 code chart, that brings it under and so that's 19:51
9 -- we don't need any variance on that count at 19:51
10 this point. So it's the side-yard aggregate 19:51
11 and the rear-yard setback which again the 19:51
12 letter says 27 feet. 19:51
13 CHAIRMAN KEILSON: Let's go back to the 19:51
14 coverage. We have been giving the benefit of 19:51
15 the new law which is a combination -- 19:51
16 MS. KUPFERSTEIN: I have been told, 19:51
17 right, so I sort of fell between the cracks 19:51
18 there. 19:51
19 CHAIRMAN KEILSON: So in essence we -- 19:51
20 let's see. You are permitted 3,496. What you 19:52
21 propose is actually 3,112, so in effect you 19:52
22 have no need for that variance. 19:52
23 MS. KUPFERSTEIN: Very good. 19:52
24 MEMBER GOTTLIEB: Will you be changing 19:52
25 the driveway anyway? 19:52

Hirmes - 10/28/20

1
2 MS. KUPFERSTEIN: As part of this job? 19:52
3 Yes. 19:52
4 CHAIRMAN KEILSON: Again, you are not 19:52
5 compelled to. That's what Mr. Gottlieb is 19:52
6 trying to point out. 19:52
7 MS. KUPFERSTEIN: I understand. 19:52
8 MEMBER GOTTLIEB: I was going to suggest 19:52
9 it anyway because it needs some -- 19:52
10 MS. KUPFERSTEIN: Exactly. 19:52
11 MEMBER GOTTLIEB: But my question, 19:52
12 Gerry, Mr. Castro, if you do a pervious 19:52
13 driveway, do you still need the drip? 19:52
14 MR. CASTRO: Yes regardless. 19:52
15 MEMBER GOTTLIEB: So you will make that 19:52
16 part of the application if they do that? 19:52
17 MR. CASTRO: Prior to the approval of 19:52
18 the permit, yes. 19:52
19 MEMBER GOTTLIEB: A drip drain at the 19:52
20 end of the driveway. I am sure -- you are the 19:52
21 architect. You know what it is. 19:52
22 MS. KUPFERSTEIN: I am familiar. That 19:53
23 will be to their advantage for sure. 19:53
24 MEMBER HILLER: The only neighbor that I 19:53
25 see that is somewhat affected by the expansion 19:53

Hirmes - 10/28/20

1
2 of the kitchen is Mr. Tabak or the neighbor to 19:53
3 the right. Have you consulted with them? 19:53
4 MR. HIRMES: Yes. 19:53
5 MRS. HIRMES: They are fine. 19:53
6 MR. HIRMES: They said do what you want. 19:53
7 We don't care. 19:53
8 MEMBER HILLER: You don't have that in 19:53
9 writing? 19:53
10 MR. HIRMES: I don't have that in 19:53
11 writing. 19:53
12 MEMBER HILLER: I believe you. 19:53
13 MR. HIRMES: I wanted to make sure -- 19:53
14 before we put in the application, I wanted to 19:53
15 make sure that they are okay knowing that they 19:53
16 are really the only people being impacted. 19:53
17 MEMBER GOTTLIEB: And there will be no 19:53
18 second floor built above this? 19:53
19 MS. KUPFERSTEIN: No. 19:53
20 MEMBER GOTTLIEB: I imagine if you did, 19:53
21 you would need another variance because you 19:53
22 have height setback ratios. 19:54
23 MS. KUPFERSTEIN: Exactly. 19:54
24 CHAIRMAN KEILSON: Any other questions 19:54
25 from the Board? Anybody from the audience 19:54

Hirmes - 10/28/20

1
2 want to comment or ask any questions? If not, 19:54
3 taking into consideration the benefit to the 19:54
4 applicant as opposed to any detriment to the 19:54
5 community, we recognize that there is a need 19:54
6 for an enlarged kitchen, and so taking that 19:54
7 into consideration, we will vote. Mr. 19:54
8 Moskowitz? 19:54
9 MEMBER MOSKOWITZ: For. 19:54
10 CHAIRMAN KEILSON: Mr. Gottlieb? 19:54
11 MEMBER GOTTLIEB: For. 19:54
12 CHAIRMAN KEILSON: Mr. Hiller? 19:54
13 MEMBER HILLER: For. 19:54
14 CHAIRMAN KEILSON: And Mr. Felder? 19:54
15 MEMBER FELDER: I am for. 19:54
16 CHAIRMAN KEILSON: I vote for. And a 19:54
17 year and a half? Two years? 19:54
18 MS. KUPFERSTEIN: They would like to do 19:54
19 it as soon as possible. 19:54
20 CHAIRMAN KEILSON: Board of Buildings 19:54
21 design? 19:54
22 MR. CASTRO: No. 19:54
23 CHAIRMAN KEILSON: So let's put it down 19:54
24 for two years just so there is no issues. 19:54
25 MS. KUPFERSTEIN: Thank you so much. 19:54

Hirmes - 10/28/20

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CHAIRMAN KEILSON: Thank you very much. 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

Schlaff - 10/28/20

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

October 28, 2020
7:54 p.m.

APPLICATION: Schlaff
131 Richmond 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. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

1 Schlaff - 10/28/20

2 CHAIRMAN KEILSON: Okay. Next matter is 19:54
3 that of Schlaff, 131 Richmond Place. 19:54

4 MR. FLAUM: Good evening, members of the 19:55
5 Board. My name is Shmuel Flaum, 194 Wanser 19:55
6 Avenue, Inwood, New York 11096, representing 19:55
7 Mr. And Mrs. Schlaff. 19:55

8 MR. FISHLER: Yossi Fischler 19:55
9 representing the owners. 19:55

10 MR. FLAUM: We are here before you this 19:55
11 evening requesting code relief for a few 19:55
12 sections with regard to the relocation of a 19:55
13 garage. The subject property currently has an 19:55
14 attached two-car garage in what is the rear of 19:55
15 the property, which is really a side yard 19:55
16 because it's a current yard lot. The current 19:55
17 location of that garage is smack in the middle 19:55
18 of what would be a rear yard. 19:55

19 The Schlaffs have currently seven 19:56
20 children. Seven. Just making sure -- 19:56
21 different family. Have seven children and 19:56
22 they need the recreation space for the 19:56
23 children so they can play outside. By 19:56
24 relocating the garage and attaching it to the 19:56
25 house on an existing impervious surface that's 19:56

Schlaff - 10/28/20

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2 currently paved with concrete would allow them 19:56
3 to efficiently still keep the parking 19:56
4 requirement for the garage but allow them a 19:56
5 much more generous use of the backyard space 19:56
6 that they currently have. Just to note since 19:56
7 they are the corner and they have the two 19:56
8 front yard requirements, this garage would be 19:56
9 technically in the front yard. However, the 19:56
10 front end of the house really faces Richmond 19:56
11 Place of which there is a very large setback 19:56
12 to the street. The setback on the Cumberland 19:56
13 Place side is a much closer front and -- but 19:56
14 it is currently planted and hedged off, so 19:56
15 where the new garage that would be attached 19:56
16 would be located would be screened from any of 19:57
17 the neighbors across the street. 19:57

18 I do have two letters of support from 19:57
19 the neighbors across the street who would have 19:57
20 to suffer the apparent eyesore which wouldn't 19:57
21 be seen. If I can submit those, who wants to 19:57
22 take them? 19:57

23 CHAIRMAN KEILSON: What's the eyesore? 19:57

24 MR. FLAUM: The garage being attached to 19:57
25 the side of the house on Cumberland Street. If 19:57

Schlaff - 10/28/20

1
2 it were visible, I am sure the question would 19:57
3 come up who is going to have to look at that. 19:57
4 CHAIRMAN KEILSON: Some people like 19:57
5 looking at garages. Continue. 19:57
6 MR. FLAUM: So I am going to go through 19:57
7 the different items of request that need code 19:57
8 relief, and I will get these to you after. 19:57
9 The first item up for code relief is minimum 19:57
10 side yard section 212-12.1. The permitted 19:57
11 amount is 15 feet. The existing is 13 foot 9. 19:57
12 Proposed is 3 foot 5. Overage of 11 feet, 7 19:57
13 inches. That's the Cumberland Place side. 19:57
14 Then as aggregate side yard -- 19:58
15 CHAIRMAN KEILSON: That's the side where 19:58
16 the garage is? 19:58
17 MR. FLAUM: Going to be relocated to, 19:58
18 correct. 19:58
19 CHAIRMAN KEILSON: And that's what 19:58
20 accounts for the encroachment? 19:58
21 MR. FLAUM: Correct. 19:58
22 MR. FISCHLER: Where there is currently 19:58
23 paved already over there concrete. 19:58
24 MR. FLAUM: Next section is 212-12.1, 19:58
25 aggregate side yard. Permitted is 30 feet, 19:58

Schlaff - 10/28/20

1
2 existing is 24 foot 2 inches, and proposed is 19:58
3 13 foot 9, an overage of 16 feet 3 inches. 19:58
4 CHAIRMAN KEILSON: Where is that? 19:58
5 MR. FLAUM: That's the aggregate so it's 19:58
6 just the diminution. 19:58
7 CHAIRMAN KEILSON: The byproduct of it. 19:58
8 MR. FLAUM: The next category would be 19:58
9 212-12.1, maximum side-yard height setback 19:58
10 ratio where there is a permitted amount of 19:58
11 1.5, the existing 1.6, the proposed would 19:58
12 become 2.2 with the relocation of that garage 19:58
13 that area, with an overage of 0.7. Depicted 19:58
14 visually on A-100, there is a rear elevation 19:59
15 showing that slight exposure being what it 19:59
16 results to be. 19:59
17 And the last item that requires a code 19:59
18 relief request is the impervious surface 19:59
19 coverage whereby you are permitted 2,895. The 19:59
20 existing is 4,104.3. The proposed would 19:59
21 actually remain 4,104.3, but there is an 19:59
22 overage of 41.7 percent. The important thing 19:59
23 to realize is that the existing overage was 19:59
24 there when the homeowners bought the property. 19:59
25 We are not proposing an increase. We are 19:59

Schlaff - 10/28/20

1
2 proposing a relocation of the coverage so that 19:59
3 there is no increase of overage and they still 19:59
4 get the use that they need out of the rear 19:59
5 yard and they still maintain the requirement 19:59
6 of having the garage on the property. 19:59
7 CHAIRMAN KEILSON: I will point out 19:59
8 again that with the change in the law, it's to 19:59
9 your benefit because with the new law, we are 20:00
10 combining impervious and pervious and you 20:00
11 would be entitled to 3,860. The proposed 20:00
12 would be 4,371, so the overage would be 511 20:00
13 square feet which equates to 13.2 percent 20:00
14 instead of that egregious 41.7 percent. So 20:00
15 that's also to your benefit. 20:00
16 MR. FISCHLER: I do want to add that we 20:00
17 are reducing the building coverage as well 20:00
18 from the two-car to a one-car. So therefore 20:00
19 in the overall site, this building, visible 20:00
20 building, it would be less. It would be half. 20:00
21 And then additionally on that side, everyone 20:00
22 takes that road for the JCC, so therefore the 20:00
23 trees are there anyway for them, for people -- 20:00
24 when they play in the street they like to play 20:00
25 in the backyard because there are lot of cars 20:00

Schlaff - 10/28/20

1
2 garage. Where do you propose you are going to 20:02
3 park cars as these kids grow up? I don't know 20:02
4 how old they are. 20:02
5 MRS. SCHLAFF: They are not getting 20:02
6 cars. 20:02
7 MEMBER GOTTLIEB: That's what I told 20:02
8 mine. 20:02
9 MRS. SCHLAFF: I proposed -- I think we 20:02
10 are going to keep the same driveway. 20:02
11 MR. FISCHLER: The driveway is not 20:02
12 changing. 20:02
13 MRS. SCHLAFF: The driveway is going to 20:02
14 stay the same so it will be there. 20:02
15 MEMBER GOTTLIEB: You are not removing 20:02
16 the slab that's there now? 20:02
17 MR. FISCHLER: Everything is staying. 20:02
18 MEMBER GOTTLIEB: As far as you know, 20:02
19 there is no prior variance to build the 20:02
20 extension to the house? 20:02
21 MRS. SCHLAFF: Not that I know of. 20:02
22 MEMBER HILLER: You are going to keep 20:02
23 the entire driveway up to the garage the way 20:02
24 it is now? That's an enormous driveway. 20:02
25 MR. FLAUM: It's meant to be a 20:02

Schlauff - 10/28/20

1
2 basketball and playing area for the kids 20:02
3 because on the front they have the grassy area 20:02
4 but if a ball goes into the street -- 20:02
5 MEMBER HILLER: By removing the garage, 20:02
6 you are giving yourselves a grassy area? 20:02
7 MR. FISCHLER: If you look at the 20:02
8 drawing, in order to get where the garage is 20:03
9 now you -- 20:03
10 MEMBER HILLER: You need to turn but not 20:03
11 the sides of that garage. The sides of the 20:03
12 pavement going to the garage is enormous. 20:03
13 MR. FISCHLER: We are trying to maintain 20:03
14 and keep the expenses, the budget down for 20:03
15 that also just to keep everything as is and 20:03
16 just move the garage over. 20:03
17 MEMBER HILLER: And the garage will fit 20:03
18 on the present basketball court or you have to 20:03
19 add concrete? 20:03
20 MR. FLAUM: No. The existing concrete 20:03
21 slab is adequate in size. 20:03
22 MEMBER HILLER: What's the size of the 20:03
23 existing slab, the basketball court? 20:03
24 MR. FLAUM: Existing 225 square feet. 20:03
25 MEMBER HILLER: What's the dimensions, 20:03

Schlauff - 10/28/20

1
2 please? 20:03

3 MR. FLAUM: Twenty-one long by 10 foot 8 20:03
4 wide. 20:03

5 MEMBER GOTTLIEB: That's a garage. And 20:03
6 there seems to be -- it seems to be elevated. 20:03
7 The slab where the proposed garage is going to 20:04
8 be, it seems to be somewhat elevated. You are 20:04
9 going to put a ramp there? 20:04

10 MR. FLAUM: Well, there has to be an 20:04
11 apron to connect the new slab to the existing 20:04
12 slab. 20:04

13 MEMBER GOTTLIEB: My biggest issue I 20:04
14 just got to tell you is having a building 3 20:04
15 and a half feet off the property line. I know 20:04
16 the street. That's my -- I am very 20:04
17 sympathetic that you have a bunch of kids that 20:04
18 need someplace to play. I just don't -- and 20:04
19 maybe you don't need a two-car garage. That's 20:04
20 fine, but I just have a problem putting the 20:04
21 building so close to the sidewalk. 20:04

22 MRS. SCHLAUFF: Right now it's actually 20:04
23 -- it's actually gated off. You wouldn't even 20:04
24 be able to see anything because right now we 20:04
25 actually have hedges that are almost higher 20:04

Schlauff - 10/28/20

1
2 than our house, and there is an existing fence 20:04
3 which would like -- which is adjacent even to 20:05
4 where the actual garage would be. So all you 20:05
5 would see would be a little bit part of the 20:05
6 roof as you drive by anyway. 20:05
7 CHAIRMAN KEILSON: Mr. Gottlieb is 20:05
8 concerned about precedent in terms of both 20:05
9 situations where people ask for encroachments 20:05
10 on their side yard, and we are very reticent 20:05
11 about granting it. I think we understand here 20:05
12 the special circumstances that may justify us 20:05
13 being a little more liberal about it including 20:05
14 the screening from the street and the fact 20:05
15 that you have limited area for the kids to 20:05
16 play safely. So that's the balancing task 20:05
17 that we have to do. 20:05
18 MR. FLAUM: In addition, I am reminding 20:05
19 you I have letters of support from the 20:05
20 neighbors across the street who would be 20:05
21 the -- 20:05
22 CHAIRMAN KEILSON: -- most impacted. 20:05
23 Hold onto them. 20:05
24 MEMBER GOTTLIEB: I am not suggesting 20:05
25 it, but did you ever think about making your 20:05

Schlaff - 10/28/20

1
2 existing two-car garage to a one-car garage? 20:05
3 MR. FISCHLER: We thought about it but 20:05
4 it doesn't -- with the layout it just -- 20:05
5 MEMBER GOTTLIEB: I am sure you thought 20:06
6 about it. 20:06
7 MR. FISCHLER: We did a lot of different 20:06
8 scenarios. 20:06
9 MEMBER GOTTLIEB: Those are my 20:06
10 questions. That's it. 20:06
11 CHAIRMAN KEILSON: Any other questions 20:06
12 from the Board? Anybody from the audience 20:06
13 want to comment or ask any questions? If not, 20:06
14 then we are going to vote, taking into account 20:06
15 the benefit to the applicant as opposed to any 20:06
16 detriment to the health, safety, and welfare 20:06
17 of the community, and we will begin with Mr. 20:06
18 Moskowitz. 20:06
19 MEMBER MOSKOWITZ: For. 20:06
20 CHAIRMAN KEILSON: Mr. Gottlieb? 20:06
21 MEMBER GOTTLIEB: As sympathetic as I 20:06
22 am, I can't be for this. 20:06
23 CHAIRMAN KEILSON: Okay. Is that a no? 20:06
24 MEMBER GOTTLIEB: That's a no. Sorry. 20:06
25 CHAIRMAN KEILSON: They don't want your 20:06

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Schlaff - 10/28/20

sympathy. They just want your vote. Mr. Hiller? 20:06

MEMBER HILLER: For. 20:06

CHAIRMAN KEILSON: Mr. Felder? 20:06

MEMBER FELDER: I am for. 20:06

CHAIRMAN KEILSON: The chair votes for and we will give you two years just to be on the safe side. Okay. Good luck with it. Thank you. 20:06

MR. FLAUM: Thank you very much. 20:06

CHAIRMAN KEILSON: Have a good evening. 20:07

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

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



YAFFA KAPLAN
Court Reporter

Abittan - 10/28/20

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

October 28, 2020
8:07 p.m.

APPLICATION:

Abittan
247 Juniper Circle East
9 Keewaydin
Lawrence, New York

20:07

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

1 Abittan - 10/28/20

2 CHAIRMAN KEILSON: Next matter is that 20:07
3 of Abittan, 247 Juniper Circle East. 20:07

4 MR. MEISTER: Good evening, Mr. Keilson. 20:07
5 Warren Meister, M-E-I-S-T-E-R. I am the 20:07
6 architect for the Abittans. 20:07

7 The Abittans have lived in this house 20:07
8 for the past almost 30 years. There was a 20:07
9 fire in it last year that basically destroyed 20:07
10 most of their house from smoke damage, fire 20:08
11 damage, and I was called in basically to look 20:08
12 at the house after meeting with them. 20:08

13 I see that they have an extended family. 20:08
14 Their house is the epicenter of their family. 20:08
15 They have five grown married children, ten 20:08
16 grandchildren, and every weekend everyone 20:08
17 congregates at their house. They also have 20:08
18 two parents who are in their 80s and 90s so we 20:08
19 -- some of the things that were in the 20:08
20 existing house, we needed to add an elevator, 20:08
21 location of the elevator, change a lot of the 20:08
22 layout. And we are looking for a -- the house 20:09
23 itself -- sorry. The house itself is on a 20:09
24 very interesting lot. 20:09

25 MEMBER MOSKOWITZ: Can I cut you off? 20:09

Abittan - 10/28/20

1
2 So let me just say a couple of things. First 20:09
3 of all, we are very familiar with the 20:09
4 application and at least -- I speak only for 20:09
5 myself but the presentation that's been made 20:09
6 with regard to need is very compelling. But 20:09
7 just to come to the heart of the matter, it's 20:09
8 compelling let's say with respect to the 20:09
9 Juniper Circle house. What if someone were to 20:09
10 ask what's the need if you just -- since these 20:09
11 are two separate properties and they have not 20:09
12 been merged, what if someone were to ask you 20:09
13 what is the need for a variance that you could 20:09
14 articulate with respect to the separate 20:09
15 Keewaydin property because the overall picture 20:09
16 is totally compelling. But if someone were to 20:10
17 ask you what's the best argument you can make 20:10
18 for their need for a variance on the Keewaydin 20:10
19 property because they have not been merged, so 20:10
20 you are looking at two different sets of 20:10
21 variances. 20:10

22 MR. MEISTER: What are you asking? 20:10

23 CHAIRMAN KEILSON: Maybe it would be 20:10
24 preferable to allow counsel to articulate what 20:10
25 the concern might be approaching it as an 20:10

Abittan - 10/28/20

1
2 applicant. 20:10

3 MR. PRESTON: There is two applications 20:10
4 before this Board. There is an application on 20:10
5 247 Juniper and 9 Keewaydin. Separate 20:10
6 property, separate owners. 20:10

7 MR. MEISTER: Both of the owners are 20:10
8 here. 20:10

9 MR. PRESTON: I am aware but my question 20:10
10 is there are two applications before the Board 20:10
11 tonight. I see no way for an applicant to be 20:10
12 able to articulate a need with respect to the 20:10
13 9 Keewaydin property because it must stand on 20:10
14 its own as its own application when an 20:11
15 applicant is seeking a variance that runs with 20:11
16 the land from this Board. If the application 20:11
17 before this Board were a single property where 20:11
18 these two are combined ownership as a single 20:11
19 lot, that would alleviate the concern that Mr. 20:11
20 Moskowitz was talking about and the concern 20:11
21 that I have. Without -- and I don't speak to 20:11
22 the merits of the application at all. I am 20:11
23 not a member of the Board -- I don't see how 20:11
24 that burden can be met. 20:11

25 MR. MEISTER: I am not a lawyer. I am 20:11

Abittan - 10/28/20

1
2 an architect, and to me the fact that the 20:11
3 Keewaydin property is basically -- has a 20:11
4 tennis court and a small -- 20:11
5 MR. PRESTON: Pool house. 20:11
6 MR. MEISTER: -- pool house on it. From 20:11
7 an architectural or land-planning point of 20:11
8 view, I see that granted the tennis court does 20:12
9 have certain amount of coverage, but it's 20:12
10 basically green. We are basically leaving 20:12
11 that piece of property open, which in this day 20:12
12 and age, in this community where every inch is 20:12
13 fought for, the fact that we are keeping it 20:12
14 open was a good thing. As far as the location 20:12
15 of the court, the court has a certain size and 20:12
16 could we move it a few feet? We could 20:12
17 possibly move a few feet, but if you are 20:12
18 asking from a legal point of view, if the 20:12
19 properties were combined, it would be more 20:13
20 compelling. I could say that would be fine as 20:13
21 long as there would be some sort of assurance 20:13
22 that if we combine the properties, we could 20:13
23 get these variances that we are requiring 20:13
24 here. 20:13
25 MEMBER MOSKOWITZ: You wouldn't want to 20:13

Abittan - 10/28/20

1
2 go through the trouble of merging the two 20:13
3 properties only then to come back before us 20:13
4 and then be told oops, it's a terrible 20:13
5 egregious application and I understand your 20:13
6 point. 20:13
7 MR. MEISTER: Well, again if we -- 20:13
8 MEMBER MOSKOWITZ: You want to get a 20:13
9 sense of the Board. 20:13
10 MR. MEISTER: If they are willing to 20:13
11 combine properties, okay. We just -- I would 20:13
12 like some reassurance that what we are asking 20:13
13 for would be granted. If it also means that I 20:13
14 have to look at the entire property and tweak 20:14
15 some of it so that I can get some of the 20:14
16 coverage down or maybe things like that, I am 20:14
17 more than happy to look at it. 20:14
18 CHAIRMAN KEILSON: I think there is two 20:14
19 steps here. Number one, if I were the 20:14
20 applicant, I would be consulting legal, okay, 20:14
21 to see if -- he represents the Board. He has 20:14
22 brought to our attention a real impediment to 20:14
23 our considering it. You are entitled to have 20:14
24 your own legal opinion, submit and discuss 20:14
25 with Mr. Preston whether that is warranted or 20:14

Abittan - 10/28/20

1
2 not warranted. That's the first threshold 20:14
3 question. 20:14
4 Then assuming that counsel for the Board 20:14
5 is correct, which he has been many -- in 20:14
6 actually 100 percent of the cases and there is 20:15
7 a need to combine the properties, then we can 20:15
8 look at it with the same generosity of spirit 20:15
9 that we did when we met with the applicant 20:15
10 previously on the matter. We are not looking 20:15
11 to -- 20:15
12 MR. MEISTER: I know you are not looking 20:15
13 to hurt anyone. Believe me. 20:15
14 CHAIRMAN KEILSON: But we certainly want 20:15
15 to do things that are correct and according to 20:15
16 the law so that doesn't bite us at some later 20:15
17 date. 20:15
18 MR. MEISTER: I understand that. I 20:15
19 understand that. I mean, every job has 20:15
20 precedent. I understand that. 20:15
21 CHAIRMAN KEILSON: So if we were 20:15
22 sensitive enough to it beforehand, we would 20:15
23 not have shlepped you down here tonight to 20:15
24 raise it at this 11th hour. 20:15
25 MR. MEISTER: You know something? I 20:15

Abittan - 10/28/20

1
2 thought I would be on at 9:00. It's only 20:15
3 8:15. 20:15
4 CHAIRMAN KEILSON: So there is a 20:15
5 positive -- 20:15
6 MEMBER HILLER: I just wanted to raise 20:15
7 an issue that is important to me. I saw on 20:15
8 the application for the Juniper Circle 20:15
9 property, I saw an extraordinary amount of 20:16
10 coverage, extraordinary amount of patio 20:16
11 coverage, which was very disturbing to me and 20:16
12 certainly the properties are divided. 20:16
13 Considered separately which obviously is an 20:16
14 issue in and of itself, I would have issues 20:16
15 with the coverage on that property. 20:16
16 MR. MEISTER: Again, I can look -- 20:16
17 MEMBER HILLER: Correct. 20:16
18 MR. MEISTER: -- at all of the coverage. 20:16
19 MEMBER HILLER: I don't think anything 20:16
20 is going to be settled here tonight, but I 20:16
21 think we have to get together and see how 20:16
22 these things work out. 20:16
23 MR. MEISTER: That would be fine and I 20:16
24 am more than willing to meet with the Board 20:16
25 privately, not in front -- 20:16

Abittan - 10/28/20

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CHAIRMAN KEILSON: Well, the Board can't 20:16
do that but individually we could, yes. As 20:16
long as the lawyer said it's okay. 20:16

MEMBER MOSKOWITZ: Because some of us 20:16
feel that actually since you are 10,342 now 20:16
and you are only adding just a few feet to the 20:17
overall picture, that's not such a big deal, 20:17
and maybe if you can remove just from the 20:17
excess which is minor, if you can just remove 20:17
that, that would be a less radical change to 20:17
make but maybe you need more feedback. 20:17

MEMBER GOTTLIEB: On the other hand, I 20:17
look at a combined overage of 58 percent over 20:17
on surface coverage, and even though you are 20:17
not adding to where you have been, a lot of 20:17
that surface coverage was driveway and it's 20:17
going to be replaced with other building 20:17
matter I believe. So I guess the first thing 20:17
is to find out whether we can hear this case 20:17
as it is or if the lots need to be merged. 20:17
Was there any reason why the ownership wasn't 20:17
maintained in the same name for both lots? 20:17

DR. ABITTAN: Abraham Abittan and Rachel 20:17
Abittan, the owner. I -- we just -- I am a 20:17

Abittan - 10/28/20

1
2 doctor so doctors, what they do is they put 20:17
3 properties in their wives' name, put 20:18
4 properties under their wives' name in case 20:18
5 there is a lawsuit. So I was unsophisticated 20:18
6 27 years ago when I bought the house but then 20:18
7 I became more sophisticated as time went on, 20:18
8 but certainly the intent was to be the same 20:18
9 owner. 20:18
10 So a couple of things if I can just 20:18
11 address. What you thought was such a large 20:18
12 amount of space, we are actually diminishing 20:18
13 the amount of space by a few hundred square 20:18
14 feet. I don't know what the exact number is. 20:18
15 MR. MEISTER: There was a driveway. 20:18
16 MEMBER HILLER: I will save you a lot of 20:18
17 trouble. The house -- if you had that empty 20:18
18 lot and you wanted to build that house as it 20:18
19 stands now, you would not be able to build 20:18
20 that house. It's already over -- I am not -- 20:18
21 you are entitled to the house. You have it 20:18
22 already. But it's already overbuilt for the 20:18
23 property if we were starting from the 20:18
24 building. If you submitted an application -- 20:18
25 wait. I will listen to you as well. And you 20:18

Abittan - 10/28/20

1 submitted an application to build that house. 20:19
2
3 Therefore, even though you are only adding as 20:19
4 my colleague said 192, 152 -- 20:19
5 CHAIRMAN KEILSON: 142. 20:19
6 MEMBER HILLER: 142 feet, it still -- as 20:19
7 you walk around the house and seeing -- which 20:19
8 we did and seeing what your plans are, it is a 20:19
9 tremendous amount of coverage of patios that 20:19
10 can be diminished and still have your outdoor 20:19
11 play space. 20:19
12 DR. ABITTAN: So let me -- I -- first of 20:19
13 all, I want to just tell you that with the 20:19
14 great work that Warren did, I also did a lot 20:19
15 of background work, met with these great, 20:19
16 great gentlemen here many, many times, met 20:19
17 with you, and we really honed this down and 20:19
18 worked very hard to make it an application 20:19
19 that was sensible. At our little pre-meeting 20:19
20 that we had, Lloyd, we actually calculated a 20:19
21 little incorrectly because we added the 9,790 20:19
22 of the square footage of the property with the 20:20
23 844, but the 9,790 included all the pervious 20:20
24 and impervious. So we have as it exists 20:20
25 10,342, but we are only asking for 9,790. 20:20

Abittan - 10/28/20

1
2 So we are actually asking for 600 square 20:20
3 feet less than what's existing because we 20:20
4 moved the garage to the front, and we didn't 20:20
5 have all of that in the back. So now, granted 20:20
6 6,647 is what we are allowed which I 20:20
7 understand why you think it's an egregious 20:20
8 number, but relative to what's existing we 20:20
9 worked very hard to make sure that those 20:20
10 numbers were something that certainly wasn't 20:20
11 above but was even less. And we can move 20:20
12 those numbers. Those numbers are not going to 20:20
13 be a major issue for us because patio space, 20:20
14 we can take off a little bit of patio space. 20:20
15 As far as this issue which came at the 20:20
16 11th hour, again I met with Danny and Gerry 20:20
17 multiple times, and this is something they 20:21
18 didn't realize, right, it came up at the last 20:21
19 second but the intention that both are really 20:21
20 the same owner even though it's on paper that 20:21
21 it's different. Could we -- this is a -- let 20:21
22 me just tell you that it's a financial 20:21
23 hardship. Hardships that are defined in 20:21
24 different ways, it's a financial hardship for 20:21
25 me to be renting the house. The insurance 20:21

Abittan - 10/28/20

1
2 company is only paying for the house rental 20:21
3 until May. I had my fire -- they paid for 16 20:21
4 months. I had my fire in December. So after 20:21
5 May, it's on me. It's a -- the house that I 20:21
6 am renting is right across the street here. 20:21
7 It's really a lot of money. 20:21
8 MRS. ABITTAN: Already put off because 20:21
9 of corona. 20:21
10 DR. ABITTAN: So I chose Warren probably 20:21
11 in February or March and then corona hit and 20:21
12 we just -- you know, did a few tele things but 20:21
13 we were set back by at least four months or 20:21
14 so, and now it's getting to the point where if 20:21
15 we can't begin and we -- let's say we do 20:21
16 whatever we have to do to combine it and then 20:21
17 we come back here and discuss, it's going to 20:21
18 be December or January and we won't be able to 20:22
19 do the concrete work and that pushes 20:22
20 everything off. I won't be able to start 20:22
21 until March. It's until March. It's really a 20:22
22 hardship for me, so is there any way that we 20:22
23 can proceed and maybe give you the assurance 20:22
24 that it's probably just a matter of semantics 20:22
25 to just make both owners the same name and 20:22

Abittan - 10/28/20

1
2 merge the properties after the variance is 20:22
3 given? 20:22
4 CHAIRMAN KEILSON: So the issue is that 20:22
5 the merging of the properties would change the 20:22
6 computation of the numbers. Is that a fact? 20:22
7 MR. CASTRO: That is a fact. 20:22
8 DR. ABITTAN: We know that and we went 20:22
9 through that exercise together. We spent a 20:22
10 lot of time. Are you legally allowed to 20:22
11 consider each one separate with my assurance 20:22
12 that I am going to then combine it and then 20:22
13 the combination is going to be done? 20:22
14 CHAIRMAN KEILSON: But we don't know 20:22
15 what the combination is as we sit here 20:22
16 tonight. We don't know what the picture will 20:22
17 look like. 20:23
18 DR. ABITTAN: When I combine the 20:23
19 property that's in Nassau County, when I 20:23
20 combine the property, does it just happen, or 20:23
21 are there rules that they look at? Am I 20:23
22 automatically grandfathered in to anything 20:23
23 that's existing on the property? 20:23
24 MR. PRESTON: I can't give you legal 20:23
25 advice. I can advise the Board. I would 20:23

Abittan - 10/28/20

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2 advise you to consult with counsel. I can 20:23
3 recommend counsel even, but I can't give you 20:23
4 legal advice on what the county is going to do 20:23
5 if you seek to combine. 20:23

6 MEMBER FELDER: The county will allow 20:23
7 you to combine. That's not the issue. What I 20:23
8 think what the chairman is saying is how will 20:23
9 that now affect the numbers of what the 20:23
10 allowances are after you combine. 20:23

11 MEMBER FELDER: And then whatever that 20:23
12 impact is, then they are going to need to see 20:23
13 the plan. In other words, you may be asking 20:23
14 for exactly the same thing. Just the variance 20:24
15 request may be different in public notice and 20:24
16 procedural. That's what the problem is. 20:24

17 DR. ABITTAN: But say as an example, 20:24
18 combining both together makes a 20-foot 20:24
19 setback instead of a 15-foot setback but I am 20:24
20 keeping the same foundation, so if I am 20:24
21 impacted where you insist that I do a 20-foot 20:24
22 setback, then I have to actually knock my 20:24
23 foundation down. 20:24

24 CHAIRMAN KEILSON: You may ask for a 20:24
25 variance. 20:24

1 Abittan - 10/28/20

2 MEMBER FELDER: There will just be a 20:24
3 different variance request. 20:24

4 MR. PRESTON: And that's the procedural 20:24
5 problem is that as this application stands 20:24
6 now, in my opinion the Board can't grant it. 20:24
7 It would be a violation of law for the Board 20:24
8 to grant it. So they need to be combined. 20:24
9 Once they are combined -- 20:24

10 MEMBER FELDER: They can probably grant 20:24
11 the 247 variance. 20:24

12 MEMBER HILLER: Doctor, I really 20:24
13 sympathize with your presentation about the 20:24
14 monetary cost. I would like to think we could 20:24
15 do something within the month so that you 20:25
16 appear next month with consultation both with 20:25
17 your counsel, our counsel, maybe individual 20:25
18 members of the Board, not as a board, and be 20:25
19 able to really work out within a month a 20:25
20 comprehensive plan that would be palatable to 20:25
21 everybody. 20:25

22 DR. ABITTAN: Okay. So I have to get 20:25
23 counsel and you will maybe give me some advice 20:25
24 on that? 20:25

25 MEMBER MOSKOWITZ: I think you have two 20:25

Abittan - 10/28/20

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2 pathways. I think if you don't want to 20:25
3 combine the two properties. Then a lawyer is 20:25
4 going to have to see whether he is right or he 20:25
5 is wrong. Your lawyer. If you do combine the 20:25
6 two properties, I don't think you need 20:25
7 counsel. You just combine the two properties, 20:25
8 redo the numbers, come back before us. I 20:25
9 think you are hearing that there is a lot of 20:25
10 sympathy on the Board for the application. 20:25
11 MEMBER HILLER: Let me just ask. 20:25
12 Gentlemen, how long -- let's say you 20:25
13 presuppose that they combine the properties. 20:25
14 Could you tomorrow figure out what the impact 20:26
15 is? 20:26
16 MR. CASTRO: The impact? Absolutely. 20:26
17 MEMBER HILLER: So you can have that by 20:26
18 tomorrow. 20:26
19 MEMBER FELDER: Your variance could 20:26
20 remain identical. 20:26
21 MEMBER HILLER: By tomorrow. 20:26
22 MEMBER MOSKOWITZ: Your plans could be 20:26
23 identical. It's a matter of math. 20:26
24 CHAIRMAN KEILSON: I think it would also 20:26
25 be the recommendation of the Board that we 20:26

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Abittan - 10/28/20

waive the new application fee. 20:26

MEMBER MOSKOWITZ: Yes. 20:26

MR. CASTRO: Okay. 20:26

CHAIRMAN KEILSON: Okay. 20:26

MEMBER HILLER: All right. Let's get
cracking and get this done. 20:26

MEMBER FELDER: Did you have to pay two
fees for the two lots? 20:26

DR. ABITTAN: No. One. 20:26

CHAIRMAN KEILSON: So we are adjourning. 20:26
We are adjourning the matter and we are
adjourning the meeting. 20:26

DR. ABITTAN: Thank you. 20:26

(Whereupon the hearing concluded at 8:26

p.m.)

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



YAFFA KAPLAN
Court Reporter