

Haas - 11/18/2020

19:33

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club  
101 Causeway  
Lawrence, New York

November 18, 2020  
7:33 p.m.

APPLICATION:

Haas  
27 Merrall 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. DANNY VACCHIO  
Building Department

MR. GERRY CASTRO  
Building Department

Yaffa Kaplan  
Court Reporter

Haas - 11/18/2020

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2 CHAIRMAN KEILSON: Good evening, ladies 19:33  
3 and gentlemen. Welcome to the Village of 19:33  
4 Lawrence Board of Zoning Appeals. Please turn 19:33  
5 your cellphones off. If you need to converse, 19:33  
6 please do so in the hall. First matter this 19:33  
7 evening is that of Haas, 27 Merrall Drive, 19:33  
8 looking for an extension on the variance. 19:33  
9 MR. CASTRO: Before proceeding, Mr. 19:33  
10 Vacchio is going to present proof of posting. 19:33  
11 CHAIRMAN KEILSON: Yes. I'm sorry. 19:33  
12 MR. VACCHIO: Mr. Chairman, I offer 19:33  
13 proof of posting and publication. 19:33  
14 CHAIRMAN KEILSON: Thank you very much. 19:33  
15 So on Haas. I think this is the second 19:33  
16 request? 19:33  
17 MR. PLAUT: Either the third or the 19:33  
18 fourth. 19:33  
19 MEMBER GOTTLIEB: Has any work commenced 19:33  
20 yet? 19:33  
21 MR. VACCHIO: I would say 85 to 90 19:33  
22 percent completed. 19:33  
23 CHAIRMAN KEILSON: So what do we need? 19:33  
24 Another year? 19:33  
25 MR. VACCHIO: A year would probably be 19:33

Haas - 11/18/2020

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perfect.

19:33

CHAIRMAN KEILSON: Mr. Castro, what  
precipitated this request?

19:33

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MR. CASTRO: Something expired a year  
and a quarter ago.

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19:34

CHAIRMAN KEILSON: Let's go for a  
one-year extension. And it's a final.

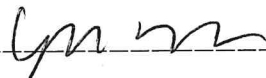
19:34

19:34

(Whereupon the hearing concluded at 7:34 p.m.)

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

\_\_\_\_\_  \_\_\_\_\_

YAFFA KAPLAN

Court Reporter

Russo - 11/18/2020

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club  
101 Causeway  
Lawrence, New York

November 18, 2020  
7:34 p.m.

APPLICATION:

Russo  
3 Meadow 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  
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MR. PHILIP KERSTEIN  
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Village Attorney

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Building Department

MR. GERRY CASTRO  
Building Department

Yaffa Kaplan  
Court Reporter



Russo - 11/18/2020

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2 CHAIRMAN KEILSON: Next matter is Russo, 19:34  
3 3 Meadow Drive. Please step forward. 19:34  
4 Good evening, Mr. Novello. 19:34  
5 MR. NOVELLO: Good evening, chairman and 19:34  
6 members of the Board. My name is John 19:34  
7 Novello, 320 Heather Lane, Hewlett Harbor, 19:35  
8 New York 11557. I am here filling in this 19:35  
9 evening for Mr. Norman Lax. Unfortunately, 19:35  
10 because of his age and some underlying medical 19:35  
11 conditions, he is not attending any -- 19:35  
12 CHAIRMAN KEILSON: You don't have to 19:35  
13 apologize for being here. 19:35  
14 MR. NOVELLO: So I am here on behalf of 19:35  
15 Jennifer and Sal Russo who are sitting right 19:35  
16 behind me, the owners of 3 Meadow Drive in 19:35  
17 Lawrence, and they are seeking -- well, they 19:35  
18 are proposing to enlarge an existing garage 19:35  
19 that exists in their front yard and a swimming 19:35  
20 pool that does not require a variance. 19:35  
21 We are seeking four variances. I will 19:35  
22 go one by one. The first variance is Section 19:35  
23 212.24.D, which is the location of an 19:35  
24 accessory structure. As I stated, there is an 19:36  
25 existing garage that was built -- I believe 19:36

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1 built in 1912 that predates the code. And we 19:36  
2 are just adding -- we are proposing to add a 19:36  
3 one-car addition to the rear of it. 19:36

4 The second variance is from Section 19:36  
5 212-27.C, which is accessory structure height. 19:36  
6 The code permits 12 feet. However, the 19:36  
7 existing garage, as it sits today, is at 19:36  
8 approximately 15 feet 11 inches, and if the 19:36  
9 Board grants us this variance, we would like 19:36  
10 to keep the addition aesthetically in line 19:36  
11 with the existing. 19:36

12 The third variance that we are seeking 19:36  
13 is front -- Section 212-12.1, front yard 19:36  
14 surface coverage. The existing house has a 19:36  
15 very large gravel driveway. So as you know 19:37  
16 again, the house predates the code where in 19:37  
17 nonconformity as it is we are increasing the 19:37  
18 front yard surface coverage by 15 percent just 19:37  
19 to allow entrance -- you know, like an egress 19:37  
20 and ingress in that proposed one-car rear 19:37  
21 addition. 19:37

22 MEMBER HILLER: You are talking about -- 19:37  
23 where you say "the house predates the code", 19:37  
24 you are talking about the garage only? 19:37

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1  
2 MR. NOVELLO: Garage and the circular 19:37  
3 driveway. 19:37  
4 MEMBER HILLER: The circular driveway 19:37  
5 predates the building and that -- 19:37  
6 MR. NOVELLO: Yes. I believe the 19:37  
7 circular driveway has been in existence. It's 19:37  
8 a gravel driveway. 19:37  
9 MEMBER HILLER: That same driveway? 19:37  
10 MR. NOVELLO: Yes. And the last 19:37  
11 variance that we are seeking is from Section 19:37  
12 70-11.B, change of grade. In the drawings 19:37  
13 that we submitted I believe -- and we 19:38  
14 submitted a topographical survey. There is a 19:38  
15 -- from the rear of the property to the 19:38  
16 garage, there is a grade change of about 19:38  
17 elevation 12. -- 12.5 all the way down to 19:38  
18 elevation 7. So there is about a 5-and-a-half 19:38  
19 foot elevation grade. 19:38  
20 So Russo is proposing to install a pool. 19:38  
21 Very difficult to install a pool on such a 19:38  
22 severe slope. It's hard to enjoy property on 19:38  
23 that severe slope. So they are proposing a 19:38  
24 retaining wall right behind the proposed 19:38  
25 addition to the garage. The raising of the 19:38

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1  
2 grade will help us tremendously. We submitted 19:38  
3 soil boring tests. The water table in front 19:39  
4 of the garage is at elevation -- is 3 feet 19:39  
5 below grade. Where we are proposing the pool, 19:39  
6 water table is at 9 feet below grade. We 19:39  
7 submitted a drainage -- we are proposing a low 19:39  
8 profile StormTech SC-310 storm chamber that's 19:39  
9 only 18 inches in depth. By allowing us to 19:39  
10 raise the grade right behind the garage, that 19:39  
11 would give us the opportunity for a drainage 19:39  
12 system for the garage to actually work. 19:39  
13 Because now -- now the grade would be 3 feet 19:39  
14 higher right behind the garage and the drywell 19:39  
15 will not be in water. 19:39

16 The Russos are a family of six. It's 19:39  
17 Sal, Jennifer, their two kids, and Jennifer's 19:40  
18 parents live with them. It's a family of six. 19:40  
19 They have six vehicles at the moment and they 19:40  
20 are using -- they are only able to use the 19:40  
21 attached two-car garage. 19:40

22 Because the existing garage is from 1912 19:40  
23 and all the water from the property is going 19:40  
24 into it, there has been a lot of water damage, 19:40  
25 and you know, when they renovate and hopefully 19:40

Russo - 11/18/2020

1  
2 will be allowed to put the proposed addition, 19:40  
3 they could do some fixing up to make the 19:40  
4 garage operational. So then they can have 19:40  
5 pretty much all the cars off the street, off 19:40  
6 the circular driveway, and parked inside in 19:40  
7 the garages. Detached and attached. 19:40  
8 CHAIRMAN KEILSON: This is the first 19:40  
9 request we have where people want to park cars 19:41  
10 in the garage. It's a delightful change. 19:41  
11 MR. NOVELLO: I think Mr. Russo reached 19:41  
12 out to the Rockaway Hunting Club. If it's 19:41  
13 okay, I would like to distribute -- 19:41  
14 MR. KERSTEIN: We have gotten it. 19:41  
15 MR. NOVELLO: Oh, you have it. So I 19:41  
16 believe the manager, Frank Argente, sent an 19:41  
17 e-mail saying they have no objection to this 19:41  
18 variance and they are directly up front. 19:41  
19 MEMBER HILLER: What about the neighbor 19:41  
20 as you face the house to the right? 19:41  
21 MRS. RUSSO: I can speak to Ms. Russell. 19:41  
22 I am friendly with her. We are at work all 19:41  
23 the time so I don't have a chance, but if you 19:41  
24 would like me to verify, I don't think she 19:41  
25 would have an issue. 19:41

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1  
2 MR. NOVELLO: She was obviously notified 19:41  
3 and she is not here and her house is -- 19:41  
4 MRS. RUSSO: Their house actually faces 19:41  
5 Burton. It's actually a basketball court from 19:41  
6 when their children were younger and they are 19:42  
7 not living there anymore so -- 19:42  
8 MEMBER HILLER: What is the use of the 19:42  
9 space or apartment above the garage? 19:42  
10 MR. NOVELLO: Back in -- I have the 19:42  
11 Nassau County tax assessor's card. So back in 19:42  
12 1912, it's listed as quarters. Obviously 19:42  
13 there is -- 19:42  
14 MRS. RUSSO: Nobody can go in the garage 19:42  
15 right now safely. In fact, we had to pay to 19:42  
16 have a company come to safely trap and release 19:42  
17 I don't know where a raccoon. So at this 19:42  
18 point there is absolutely nobody is allowed in 19:42  
19 or out. 19:42  
20 MEMBER HILLER: I am asking going 19:42  
21 forward. 19:42  
22 MRS. RUSSO: Absolutely not. It would 19:42  
23 be used for -- the loft would be used for 19:42  
24 storage. We simply want to get -- 19:42  
25 MEMBER HILLER: It's not going to be an 19:42

Russo - 11/18/2020

1  
2 apartment or anything like that? 19:42  
3 MRS. RUSSO: I absolutely do not want 19:42  
4 anything to do with that. 19:42  
5 CHAIRMAN KEILSON: No apartment and no 19:42  
6 raccoons. 19:42  
7 MEMBER GOTTLIEB: Will you be rebuilding 19:42  
8 the garage because it's hard to shore up a 19:42  
9 1912 building? 19:43  
10 MR. NOVELLO: We are going to try to do 19:43  
11 our best to renovate it. 19:43  
12 MEMBER GOTTLIEB: But if not, you can 19:43  
13 take it down and rebuild in the same location. 19:43  
14 CHAIRMAN KEILSON: If it's okay with the 19:43  
15 Board and Building Department. 19:43  
16 MEMBER GOTTLIEB: I think I want to 19:43  
17 bring it up because I don't want it to happen 19:43  
18 later that you take down more than 50 percent 19:43  
19 and you may have to reappear, so perhaps we 19:43  
20 address this as a new structure or replacement 19:43  
21 structure. 19:43  
22 MR. CASTRO: I think it's best to 19:43  
23 approve it in that fashion in the worst case 19:43  
24 scenario. 19:43  
25 MR. KERSTEIN: As long as you maintain 19:43

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1 the footprint as approved. 19:43

2 MR. CASTRO: Correct. 19:43

3 CHAIRMAN KEILSON: Thank you, Mr. 19:43

4 Gottlieb. 19:43

5 MEMBER GOTTLIEB: You are welcome, Mr. 19:43

6 Chairman. 19:43

7 MRS. RUSSO: It's an eyesore right now. 19:43

8 It's kind of embarrassing. It's just -- it's 19:43

9 just such an eyesore, and I can't put cars in 19:43

10 it. 19:43

11 CHAIRMAN KEILSON: I don't think anybody 19:43

12 knows where Meadow Drive is. So don't worry 19:43

13 about the embarrassment. 19:43

14 MRS. RUSSO: I like it that we are very 19:43

15 private. 19:44

16 CHAIRMAN KEILSON: I can understand. 19:44

17 MEMBER GOTTLIEB: Mr. Novello, one of 19:44

18 the big issues that always comes up is change 19:44

19 of grade, and you have explained that by 19:44

20 changing the grade. Obviously you can lay the 19:44

21 pool out flat. You will have a retaining 19:44

22 wall. You also mentioned the high water 19:44

23 table, and typically when I walk or bicycle 19:44

24 ride there, there is always an accumulation of 19:44

25



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1 water in the street or often. Are you 19:44  
2 reasonably confident that will not be a 19:44  
3 continued or exacerbated situation? 19:44  
4  
5 MR. NOVELLO: This will alleviate the 19:44  
6 problems that are occurring there tremendously 19:44  
7 because the gutters would be pointed back into 19:44  
8 the grade change, and that's where we showed 19:44  
9 the new drywell system. Right now obviously 19:44  
10 the existing garage has no drainage system. 19:44  
11 MEMBER GOTTLIEB: I saw that. 19:44  
12 MR. NOVELLO: So we are taking care of 19:44  
13 the existing square footage and the new 19:44  
14 addition, so we designed it in excess so no. 19:44  
15 It will be very dry. 19:45  
16 MEMBER GOTTLIEB: I think should this 19:45  
17 get approved, I just want to mention that in 19:45  
18 this case across the street from you are no 19:45  
19 neighbors. It's brush and it's -- 19:45  
20 MR. NOVELLO: It's the Rockaway Hunting 19:45  
21 Club. 19:45  
22 MEMBER GOTTLIEB: Also facing the house 19:45  
23 to the left -- you are on the corner, and that 19:45  
24 house is quite a distance away to the right is 19:45  
25 the Russells' backyard, which is just an 19:45

Russo - 11/18/2020

1  
2 abandoned basketball court. So this is a rare 19:45  
3 example of where change of grade will not have 19:45  
4 any adverse effect on the neighbors. I had to 19:45  
5 put that in for the record just in case we get 19:45  
6 this approved. 19:45  
7 CHAIRMAN KEILSON: Thank you for noting 19:45  
8 it for the record. 19:45  
9 MEMBER GOTTLIEB: My pleasure, Mr. 19:45  
10 Chairman. 19:45  
11 CHAIRMAN KEILSON: Okay. Any further 19:45  
12 questions from the Board? How long has the 19:45  
13 applicant been living there? 19:45  
14 MRS. RUSSO: We moved in in August of 19:45  
15 2019. 19:45  
16 MEMBER GOTTLIEB: Welcome. 19:45  
17 MRS. RUSSO: Sal is returning. 19:46  
18 MR. RUSSO: I grew up in the back. I 19:46  
19 knew what I was getting into. 19:46  
20 MRS. RUSSO: And our business is in 19:46  
21 Lawrence too. 19:46  
22 CHAIRMAN KEILSON: What business is 19:46  
23 that? 19:46  
24 MRS. RUSSO: Russo Development on 19:46  
25 Rockaway Turnpike. 19:46

Russo - 11/18/2020

1  
2 MEMBER HILLER: The demolition? 19:46  
3 MRS. RUSSO: So we can take down the 19:46  
4 garage. 19:46  
5 MEMBER GOTTLIEB: I bet you would enjoy 19:46  
6 that. 19:46  
7 CHAIRMAN KEILSON: So again, any further 19:46  
8 questions from the Board? Any comments from 19:46  
9 the audience? Anybody want to comment? If 19:46  
10 not, we will evaluate in terms of the benefit 19:46  
11 to the applicant as opposed to any detriment 19:46  
12 to the community. As we have discussed, 19:46  
13 actually overall surface coverage, there is no 19:46  
14 change from the proposed. It's really the 19:46  
15 same level as permitted, and it's merely 19:46  
16 affecting the front yard. You have an excess 19:46  
17 as stated. It's a very unusual property, so 19:47  
18 taking that into consideration as well as the 19:47  
19 change of grade, very eloquently described by 19:47  
20 Mr. Gottlieb, is not affecting anyone from our 19:47  
21 perspective. Accessory structure location, 19:47  
22 structure height, I think you have ably 19:47  
23 explained why there is a need. And having 19:47  
24 that in mind, so we will begin to vote. And 19:47  
25 that would be Mr. Felder. 19:47

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2 MEMBER FELDER: I am for. 19:47  
3 CHAIRMAN KEILSON: Mr. Hiller? 19:47  
4 MEMBER HILLER: For. 19:47  
5 CHAIRMAN KEILSON: Mr. Gottlieb? 19:47  
6 MEMBER GOTTLIEB: For. 19:47  
7 CHAIRMAN KEILSON: Mr. Kerstein? 19:47  
8 MEMBER KERSTEIN: For. 19:47  
9 CHAIRMAN KEILSON: And I will vote for 19:47  
10 as well. Two years? 19:47  
11 MR. NOVELLO: Thank you. More than 19:47  
12 enough time. 19:47  
13 CHAIRMAN KEILSON: While Mr. Felder is 19:48  
14 out, I want to say for the record that we 19:48  
15 welcome Mr. Kerstein who is sitting here as a 19:48  
16 rookie tonight. He is an alternate in Mr. 19:48  
17 Moskowitz's chair. We welcome him and I am 19:48  
18 sure he will perform ably. So we look forward 19:48  
19 to your participation. 19:48

20 (Whereupon the hearing concluded at 7:48 p.m.)

21 \*\*\*\*\*  
22 Certified that the foregoing is a true and accurate  
23 transcript of the original stenographic minutes in  
24 this case.

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YAFFA KAPLAN  
Court Reporter

Jedwab - 11/18/2020

INCORPORATED VILLAGE OF LAWRENCE  
BOARD OF APPEALS

Lawrence Country Club  
101 Causeway  
Lawrence, New York

November 18, 2020  
7:48 p.m.

APPLICATION: Jedwab  
25 Bayberry Road  
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON  
Chairman

MR. EDWARD GOTTLIEB  
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MR. GERRY CASTRO  
Building Department

Yaffa Kaplan  
Court Reporter

Jedwab - 11/18/2020

1  
2 CHAIRMAN KEILSON: Next matter is that 19:48  
3 of Jedwab, 25 Bayberry Road. 19:48  
4 MR. MACLEOD: Good evening, Mr. Keilson, 19:48  
5 members of the Board. John Macleod, 595 Park 19:48  
6 Avenue, Huntington, New York. I am here this 19:48  
7 evening representing the Jedwabs for their 19:49  
8 swimming pool. And before we start talking 19:49  
9 about it, I have several letters from the 19:49  
10 neighbors here with letters of support. 19:49  
11 Notably the neighbor who is most affected 19:49  
12 directly behind, the Bentolilas, I have their 19:49  
13 letter here saying they have no objection to 19:49  
14 the project. 19:49  
15 CHAIRMAN KEILSON: Who is that? 19:49  
16 MR. MACLEOD: Leah and Shmuel Bentolila. 19:49  
17 CHAIRMAN KEILSON: We had a different 19:49  
18 name on the radius map. 19:49  
19 MR. MACLEOD: New neighbors. 19:49  
20 CHAIRMAN KEILSON: Unger. Who are they? 19:49  
21 MRS. JEDWAB: It's her parents. 19:50  
22 MR. JEDWAB: Yes. Same family. 19:50  
23 MR. MACLEOD: So I have seven letters of 19:50  
24 support from the adjoining neighbors. 19:50  
25 CHAIRMAN KEILSON: Only. 19:50

Jedwab - 11/18/2020

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MR. MACLEOD: Would you like me to read 19:50  
them to you? 19:50  
MEMBER GOTTLIEB: Seven copies of the 19:50  
same letter? 19:50  
MR. MACLEOD: Each individually signed 19:50  
and named. 19:50  
So we are looking to ask for a variance 19:50  
for a 15-by-30-foot pool in the rear yard of 19:50  
the Jedwab residence, which as you know, is an 19:50  
undersized residential swimming pool. Usually 19:50  
the standard residential pool would be 20 by 19:50  
40 or 20 by 38. Here the backyard is 19:50  
restricted as you know, and so we are trying 19:50  
to fit in something which is still useable by 19:51  
the family and also for therapeutic reasons as 19:51  
well. Fifty-by-30 pool is 450 square feet. 19:51  
We are limited also with our surface coverage. 19:51  
So we are trying to work this in without it 19:51  
creating any disruption to the use of the 19:51  
property as well as not -- not suggesting 19:51  
egregious amounts of surface coverage, and the 19:51  
setbacks are as you see them. 19:51  
CHAIRMAN KEILSON: You have prior 19:51  
variances? 19:51

Jedwab - 11/18/2020

1  
2 MR. MACLEOD: There was a variance for 19:51  
3 this residence when the Jedwabs first moved 19:51  
4 there in 2003. It was under a different set 19:51  
5 of rules at that time, and it was the area 19:51  
6 behind the garage which was filled in. The 19:51  
7 main project that you see in the house now was 19:51  
8 a project I worked with them on a few years 19:51  
9 ago, 2008. 19:51  
10 MRS. JEDWAB: 2009. 19:51  
11 MR. MACLEOD: 2009 and we do not need a 19:52  
12 variance then to build the house, to build the 19:52  
13 second floor of the house. 19:52  
14 CHAIRMAN KEILSON: So in 2009 just a 19:52  
15 second story was added? 19:52  
16 MR. MACLEOD: Yes. 19:52  
17 CHAIRMAN KEILSON: And again the first 19:52  
18 variance was for? 19:52  
19 MR. MACLEOD: Was for a surface area 19:52  
20 building coverage behind the garage. It was 19:52  
21 an empty corner of the like 20-foot space 19:52  
22 behind the garage, directly behind the garage. 19:52  
23 MEMBER GOTTLIEB: There wasn't a rear 19:52  
24 height setback ratio? 19:52  
25 MR. MACLEOD: We didn't have an issue 19:52



Jedwab - 11/18/2020

1 with that with the second renovation. We 19:52  
2 complied. 19:52  
3 MEMBER GOTTLIEB: And the first? 19:52  
4 MR. MACLEOD: The first I was not 19:52  
5 involved, so I am not sure if they needed that 19:52  
6 at the time. 19:52  
7 MEMBER GOTTLIEB: Well, I guess we are 19:52  
8 looking at the structure the way it stands now 19:52  
9 just the same. 19:52  
10 MR. MACLEOD: Yes. So we are proposing 19:52  
11 a 12-foot rear yard where a 20-foot rear yard 19:52  
12 is approved by code, and the pool is at a 19:53  
13 slight angle to the rear property line which 19:53  
14 creates 13 foot 5 at the rear left corner. 19:53  
15 And that leaves us a space between the 19:53  
16 swimming pool, and the back of the house is at 19:53  
17 8 feet 8 inches. This 8 feet 8 inches is the 19:53  
18 main route into the backyard when you approach 19:53  
19 the house from the driveway. The other side 19:53  
20 of the house is not easily accessible. There 19:53  
21 is mechanical equipment, and there is not easy 19:53  
22 access to that. So the normal route into this 19:53  
23 backyard from the street is the right-hand 19:53  
24 side of the house, and since Hurricane Sandy, 19:53  
25

Jedwab - 11/18/2020

1 the owners planted Leyland cypresses on the 19:53  
2 side and the rear of the property, so although 19:53  
3 the site plan that you are looking at looks 19:53  
4 like there is a lot of space around the pool, 19:53  
5 really it's filled in substantially by some 19:53  
6 very healthy screening of Leyland cypresses. 19:53  
7  
8 So the swimming pool where it shows 12 19:54  
9 feet from the edge of the pool to the rear 19:54  
10 property line, a good portion of that is 19:54  
11 already -- is already evergreen plantings and 19:54  
12 the 4-foot walkway is virtually touching it 19:54  
13 already. The 8 foot 8, which is the walkway, 19:54  
14 is at a distance that allows for passage, 19:54  
15 pedestrian passage, and also keeps the 19:54  
16 swimming pool structure at a safe distance 19:54  
17 from the foundation of the house in that area, 19:54  
18 which is a corner. When you are digging next 19:54  
19 to or close to an existing structure, you 19:54  
20 don't want to undermine the footings and 19:54  
21 loosen the soil so that you may get settlement 19:54  
22 within the house. So that's one of the 19:54  
23 reasons we tried to maintain a reasonable 19:54  
24 distance from the house to the swimming pool 19:55  
25 that perhaps two people could walk side by 19:55

Jedwab - 11/18/2020

1 side around the house as opposed to a narrower 19:55  
2 walkway, which would be one-way traffic one 19:55  
3 person at a time. 19:55

4 CHAIRMAN KEILSON: So the issue we have 19:55  
5 is we have never approved anything of this 19:55  
6 nature in terms of a backyard encroachment 19:55  
7 unless there is some very unusual 19:55  
8 circumstances which is no neighbor to the rear 19:55  
9 or there is a driveway to the rear or there is 19:55  
10 a great distance to the other house. Are 19:55  
11 there some extenuating circumstances that 19:55  
12 would explain why we should? 19:55

13 MR. MACLEOD: Well, as I have explained, 19:55  
14 the size of the pool is much less than a 19:55  
15 normal size pool, so it's only 15 feet wide as 19:55  
16 opposed to 18 or 20. 19:55

17 CHAIRMAN KEILSON: We had many pools of 19:55  
18 this size, so let's move on from that one. 19:55

19 MR. MACLEOD: If we were to try to find 19:56  
20 another place on the backyard to put the pool 19:56  
21 right now, there is grass where the pool is 19:56  
22 planned to be. On the other side is a stone 19:56  
23 patio and a small play area just off of the 19:56  
24 patio which is a swing set. And that is 19:56  
25

Jedwab - 11/18/2020

1 directly outside of the kitchen and breakfast 19:56  
2 area, which is very convenient place for a 19:56  
3 Succah, and if we were to move the pool to 19:56  
4 that direction, it would destroy that very 19:56  
5 nice stone patio and put the pool over there. 19:56  
6 It would be right outside the window, right 19:56  
7 outside the sliding doors from the breakfast 19:56  
8 area and it would actually -- it would 19:56  
9 actually not be much further away from the 19:56  
10 rear property line because the property line 19:56  
11 is at an angle. It's a very slight angle. 19:56  
12 You can see over the distance of the length of 19:56  
13 the pool that it's the other corner is -- it's 19:56  
14 only 1 foot 5 inches further away by the angle 19:56  
15 of the back. 19:57

16 MEMBER HILLER: Usually we give a 19:57  
17 variance when there is no other remedy. There 19:57  
18 is a remedy here. It's a difficult choice to 19:57  
19 make, but the stone patio could be reduced, 19:57  
20 the pool could be moved over to that side. 19:57  
21 That would reduce the coverage as well, and 19:57  
22 you would still have room for a Succah where 19:57  
23 the pool is. That's a consideration. 19:57

24 MR. MACLEOD: It's also quite a large 19:57  
25

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1 hardship. 19:57

2

3 MEMBER HILLER: I don't dismiss the 19:57

4 hardship, but there's a remedy. Because you 19:57

5 are asking us to give a variance upon a 19:57

6 variance and you are asking us to ignore the 19:57

7 proximity of the pool to the neighbor of 12 19:57

8 feet, which we generally or never do 19:57

9 regardless of the neighbor's approval. 19:57

10 MR. MACLEOD: Well, yes. I would like 19:57

11 to point out that there is no objection. 19:57

12 MEMBER HILLER: I accept that. 19:57

13 MEMBER GOTTLIEB: No objection noted. 19:58

14 MEMBER FELDER: Just out of curiosity, 19:58

15 if you were to have moved the pool to where 19:58

16 the stone patio is, how many feet would we 19:58

17 actually gain that this would make it 19:58

18 worthwhile to do? Have room for their Succah 19:58

19 experience and everything else that is going 19:58

20 on here? Obviously we wouldn't be bringing it 19:58

21 to 20 feet, so what are we actually gaining? 19:58

22 MR. MACLEOD: If we took the pool and 19:58

23 slid it over in that direction, we would be 19:58

24 moving the pool about 30, 35 feet, so that 19:58

25 would -- at the furthest end, the greatest 19:58

Jedwab - 11/18/2020

1  
2 separation it would increase from say 13 foot, 19:58  
3 5 to 16 feet but about 15 feet. Another foot 19:58  
4 and a half by the time we slide it over here. 19:58  
5 MEMBER FELDER: That's not net gain. 19:58  
6 MEMBER HILLER: That's just sliding it 19:58  
7 over. 19:58  
8 MR. MACLEOD: If we slid it over, moved 19:58  
9 it over to the house, we would obviously pick 19:58  
10 up some more distance, but it's not their 19:59  
11 first preference. 19:59  
12 MEMBER FELDER: It wouldn't even be 19:59  
13 safe. They would be stepping out into a 19:59  
14 swimming pool from their kitchen door. 19:59  
15 MR. MACLEOD: Correct. As you know, a 19:59  
16 swimming pool is not the nicest thing to look 19:59  
17 at all of the year with its covering. 19:59  
18 MEMBER GOTTLIEB: I have a different set 19:59  
19 of thoughts, and it's not the location of the 19:59  
20 pool. You are calling the pool 450 feet which 19:59  
21 I understand by code that's what you are 19:59  
22 calling it, but as a practical proposition, 19:59  
23 it's really 874 feet if you include the 19:59  
24 walkway. I know you don't have to, but I am 19:59  
25 looking at -- you are permitted 4,750 feet. 19:59

Jedwab - 11/18/2020

1  
2 You are overbuilt by 8.2 percent. And then 19:59  
3 you say you are looking for 450 when in 19:59  
4 reality because you are given a gift by the 19:59  
5 village of a 4-foot walkway, it's another 874. 20:00  
6 And when I look at the plan, I just see so 20:00  
7 much built and I think about when I went into 20:00  
8 this neighborhood the morning after Sandy what 20:00  
9 it looked like and there is just -- the issue 20:00  
10 I have is ground coverage in addition to the 20:00  
11 12 feet setback, and I don't know if moving 20:00  
12 the pool is going to change that. Actually, 20:00  
13 it's not going to change it. Unless you 20:00  
14 remove the patio. 20:00  
15 MR. MACLEOD: Indeed, the patio, we 20:00  
16 would need to replace the patio where the pool 20:00  
17 is and now we would have to build a patio to 20:00  
18 accommodate the backyard usage for that 20:00  
19 purpose and I don't see too much -- I really 20:00  
20 don't see an advantage in sliding the pool 20:00  
21 over to the right. In fact, I see it as a big 20:00  
22 disadvantage being that it's now basically 20:00  
23 right in front of you from the breakfast table 20:00  
24 all the time throughout the year when six 20:01  
25 months of the year at least it has a green 20:01

Jedwab - 11/18/2020

1  
2 cover over it. 20:01  
3 MEMBER HILLER: Can I ask Gerry what is 20:01  
4 the coverage on the lot if this variance goes 20:01  
5 through? What's the percentage? 20:01  
6 CHAIRMAN KEILSON: Forty-five -- about 20:01  
7 45.5. 20:01  
8 MR. MACLEOD: The surface coverage? 20:01  
9 CHAIRMAN KEILSON: No. Total lot 20:01  
10 coverage. 20:01  
11 MR. MACLEOD: Total lot coverage would 20:01  
12 be 5,593. It's on the code relief chart. 20:01  
13 CHAIRMAN KEILSON: Percentage of the 20:01  
14 coverage? 20:01  
15 MR. CASTRO: Forty-five. 20:01  
16 CHAIRMAN KEILSON: Forty-five percent. 20:01  
17 Very high. 20:01  
18 MR. MACLEOD: Can I ask is that based on 20:01  
19 the percentage, that 5,000 based on the 20:01  
20 overall lot coverage? 20:01  
21 MR. CASTRO: Yes. 20:01  
22 MR. MACLEOD: Which part of the code do 20:02  
23 you refer to that we need to comply with that? 20:02  
24 MR. CASTRO: That's just -- 20:02  
25 CHAIRMAN KEILSON: We are trying to find 20:02



Jedwab - 11/18/2020

1  
2 a reason to give you the pool that you want. 20:02  
3 So we are twisting and turning in every which 20:02  
4 way. We want you to have the pool, but you 20:02  
5 are asking us to sacrifice all our standards 20:02  
6 in order to accommodate this specific 20:02  
7 instance. So tell us what you would like us 20:02  
8 to do. Just forget about all the standards? 20:02  
9 Throw out every pool in every position? 20:02  
10 MR. MACLEOD: My clients are willing to 20:02  
11 try to work with you to achieve a swimming 20:02  
12 pool. They want to have a swimming pool. 20:02  
13 CHAIRMAN KEILSON: I think it's the 20:02  
14 other way. 20:02  
15 MR. MACLEOD: So let's get together. 20:02  
16 CHAIRMAN KEILSON: But you are asking us 20:02  
17 to do something that we haven't done for 20:02  
18 anybody else unless there is some rationale. 20:02  
19 Tell me the neighbor behind you is 50 feet 20:02  
20 away, has a driveway in between. Tell me 20:02  
21 something I can hang my yarmulka on. 20:02  
22 MR. MACLEOD: We can increase slightly 20:02  
23 the rear-yard setback. We are currently 20:03  
24 asking for 12 and 13 and a half at the other 20:03  
25 corner. Without diminishing the separation 20:03

Jedwab - 11/18/2020

1 between the pool and the house to something 20:03  
2 that is in my mind an unsafe 4-foot walkway 20:03  
3 between a solid wall and a drop-off into a 20:03  
4 pool -- this piece of paper here, by the way, 20:03  
5 is 3 feet wide. This is 36 inches. Here is 20:03  
6 the edge of the pool. This is the house. 20:03  
7 This is a very narrower walkway for someone to 20:03  
8 walk along. 20:03  
9  
10 MEMBER GOTTLIEB: Doesn't look like it 20:03  
11 fits. 20:03  
12 MR. MACLEOD: Currently we are proposing 20:03  
13 8 foot 8. If we were to reduce -- 20:03  
14 MEMBER GOTTLIEB: Oh, I see what you 20:03  
15 mean. By moving it 4 feet over -- 20:03  
16 MR. MACLEOD: Not 4 feet. If we move 20:03  
17 the pool 2 feet closer to the house, we would 20:03  
18 have at least -- we would have 6 foot 8 to 20:03  
19 walk on. 20:03  
20 MEMBER FELDER: If you have been to the 20:03  
21 site, Ed -- 20:04  
22 MEMBER GOTTLIEB: Yes. 20:04  
23 MEMBER FELDER: You have seen all the 20:04  
24 trees around the property are bringing in all 20:04  
25 of these open areas on the plan to not what 20:04

Jedwab - 11/18/2020

1  
2 they seem on the plan so -- 20:04  
3 MR. KERSTEIN: That's on the exterior 20:04  
4 perimeter? 20:04  
5 MEMBER FELDER: In the perimeter and 20:04  
6 also up here at the same. 20:04  
7 MEMBER HILLER: It does provide 20:04  
8 screening, but it doesn't change the plot 20:04  
9 coverage. It doesn't change the proximity to 20:04  
10 the neighbor. 20:04  
11 MEMBER FELDER: We are trying to keep 20:04  
12 the pool at a safe distance from the house 20:04  
13 while allowing them to be able to walk around 20:04  
14 it while still allowing it to be enough of a 20:04  
15 rear-yard setback to be satisfying us. So -- 20:04  
16 MEMBER HILLER: Well, he is offering 20:04  
17 something. 20:04  
18 MR. MACLEOD: So if the pool is moved 2 20:04  
19 feet closer to the house, we will be 15 feet 5 20:04  
20 inches at one corner and 15 at the other 20:04  
21 corner and that would still leave us with a 20:05  
22 6-foot-8 walkway which is reasonable distance. 20:05  
23 Not what my client would like. They would 20:05  
24 really like it to be the 8 foot 8, but I am 20:05  
25 offering it because we definitely don't want 20:05

1. Jedwab - 11/18/2020

2 to move the pool to the right in that whole 20:05  
3 patio and breakfast relationship, that 20:05  
4 breakfast area relationship as well as, you 20:05  
5 know, probably a 30,000-dollar patio expense. 20:05  
6 So we are trying to avoid that and keep the 20:05  
7 pool in this location. We are suggesting and, 20:05  
8 you know, we hope that you will be open to 20:05  
9 moving it slightly towards the house, but not 20:05  
10 as close as we possibly can. 20:05

11 CHAIRMAN KEILSON: You can narrow the 20:05  
12 pool and make it longer? 20:05

13 MEMBER GOTTLIEB: Ten by 40. 20:05

14 MR. KERSTEIN: That wouldn't work 20:05  
15 because if I see this correctly, you are 20:05  
16 running into the existing -- you are 15 feet 20:05  
17 on the side setback now. So if you make it 20:06  
18 longer, you are running into the side setback. 20:06

19 CHAIRMAN KEILSON: That was not my 20:06  
20 suggestion. The other way. 20:06

21 MEMBER KERSTEIN: The other way you are 20:06  
22 running into the patio. 20:06

23 CHAIRMAN KEILSON: I am not running 20:06  
24 anywhere. I am trying to make a pool. 20:06

25 MR. KERSTEIN: I understand but you 20:06

Jedwab - 11/18/2020

1  
2 can't make it longer. You would have to 20:06  
3 remove the patio. 20:06  
4 MEMBER FELDER: You would have to remove 20:06  
5 the barbecue patio. 20:06  
6 MR. MACLEOD: So in discussing it with 20:07  
7 my clients, we were suggesting a 12-feet 20:07  
8 rear-yard setback. If the pool -- if we can 20:07  
9 do what you had suggested, perhaps take that 20:07  
10 15 feet and make it 14 feet and take that 20:07  
11 extra square footage of water and make the 20:07  
12 pool maybe a foot and a half, 2 feet longer to 20:07  
13 make up for it, then we would have a 13-foot 20:07  
14 rear-yard setback at one end and a 20:07  
15 16-and-a-half-foot setback. 20:07  
16 MEMBER HILLER: But still going to add 20:07  
17 the 2 feet to the house so it would be more. 20:08  
18 MR. MACLEOD: One foot out of the width 20:08  
19 and 2 feet. 20:08  
20 MR. KERSTEIN: So you are 3. 20:08  
21 MR. MACLEOD: Three feet closer to the 20:08  
22 house. Sorry. Three feet further away from 20:08  
23 the rear property. 20:08  
24 MR. KERSTEIN: Fifteen and 16 and a 20:08  
25 half. 20:08

Jedwab - 11/18/2020

1  
2 MEMBER HILLER: So you were minimizing 20:08  
3 your own argument. 20:08  
4 MEMBER GOTTLIEB: So make it 14 by 31. 20:08  
5 MR. MACLEOD: Thirty-two. Fourteen by 20:08  
6 32. 20:08  
7 MR. MACLEOD: It will be the same square 20:08  
8 footage that we are proposing, which is 450 20:08  
9 square feet. And would you mind dividing 450 20:08  
10 by 14? 20:09  
11 MEMBER GOTTLIEB: It's 448. 20:09  
12 MR. CASTRO: 448. 20:09  
13 MR. MACLEOD: Thank you. That would 20:09  
14 still give us a 6-feet-8 walkway between the 20:09  
15 house and the pool. 20:09  
16 MEMBER GOTTLIEB: So we are looking at 20:09  
17 15 feet from the property line now? 20:09  
18 MR. MACLEOD: Yes, at the narrowest 20:09  
19 point. 20:09  
20 MEMBER GOTTLIEB: Of course, it doesn't 20:09  
21 address my 49 percent coverage. 20:09  
22 CHAIRMAN KEILSON: Forty-five. 20:09  
23 MEMBER GOTTLIEB: Well, I am including 20:09  
24 the patio around the pool. 20:09  
25 CHAIRMAN KEILSON: It's exempt. 20:09

Jedwab - 11/18/2020

1  
2 MEMBER GOTTLIEB: It's exempt but I 20:09  
3 think as a board we need to consider all these 20:09  
4 additions. 20:09  
5 MEMBER HILLER: Is there anything you 20:09  
6 can do with the patio? I just want to tell 20:09  
7 you, as the chairman said, we are trying to 20:09  
8 work with you. We are trying to give you a 20:09  
9 pool but you have coverage -- you know, the 20:09  
10 normal house in the village of Lawrence has 20:09  
11 coverage in the low 30s, up to 35. You have 20:10  
12 45. And 49 --I will say 45. I won't count 20:10  
13 the walkway. Something has to be done with 20:10  
14 the patio. 20:10  
15 MR. JEDWAB: We can shorten the pool. 20:10  
16 Make it 30 by 14 pool. 20:10  
17 MEMBER HILLER: That's significant. 20:10  
18 MR. JEDWAB: But it's also pool 20:10  
19 coverage. We have terrible flooding. This 20:10  
20 will actually help us, so I don't know why it 20:10  
21 comes to the same type of coverage. 20:10  
22 MEMBER HILLER: Those are the rules. 20:10  
23 MR. JEDWAB: But this coverage actually 20:10  
24 helps us. 20:10  
25 MEMBER HILLER: I can't dispute that, 20:10

Jedwab - 11/18/2020

1  
2 but we can't -- there are other people who are 20:10  
3 going to come after you. There is a precedent 20:10  
4 set. So is there something you can do with 20:10  
5 the patio? 20:10

6 MEMBER GOTTLIEB: What would a 3-foot 20:10  
7 walkway be? 20:10

8 MR. MACLEOD: So although we were 20:10  
9 allowed to have a 4-foot walkway around the 20:10  
10 pool, which doesn't get counted, we would be 20:11  
11 willing to remove the 4-foot walkway on the 20:11  
12 rear and right side of the pool. It doesn't 20:11  
13 affect our numbers, but it does affect the 20:11  
14 concept that we are talking about. 20:11

15 MEMBER HILLER: Is that permitted? 20:11

16 MR. CASTRO: Yes. 20:11

17 CHAIRMAN KEILSON: It's affecting your 20:11  
18 psychological state. 20:11

19 MEMBER GOTTLIEB: It's 180 square feet 20:11  
20 less. 20:11

21 MR. MACLEOD: So that's what we are 20:11  
22 asking for. Fifteen feet rear-yard setback at 20:11  
23 the closest corner. Sixteen feet 5 inches at 20:11  
24 the other corner and no walkway on two sides 20:11  
25 of the pool, the rear and the right, and the 20:11



Jedwab - 11/18/2020

1 pool would be 14 by 32. 20:11

2 MR. CASTRO: When you say "right", do 20:11

3 you mean closest to the existing patio? 20:11

4 MR. MACLEOD: Look at it from the 20:11

5 street. 20:11

6 MEMBER GOTTLIEB: You realize we don't 20:11

7 want to get a call the first heavy rain after 20:11

8 the storm after the pool is there from the 20:12

9 neighbors saying look what you have done to 20:12

10 me. And I think you understand why we are so 20:12

11 cautious. 20:12

12 MR. MACLEOD: We do and I would -- to 20:12

13 alleviate or perhaps just open a discussion on 20:12

14 that, a swimming pool -- usually the water 20:12

15 level is about 8 to 10 inches below the top 20:12

16 surface. 20:12

17 MEMBER HILLER: Mr. Macleod, the pool is 20:12

18 covered eight months of the year. 20:12

19 MR. MACLEOD: If I -- 20:12

20 MEMBER HILLER: We are telling you from 20:12

21 previous experience when the pool is covered, 20:12

22 there is runoff from the pool. Not 20:12

23 absorption. 20:12

24 CHAIRMAN KEILSON: I think we are best 20:12

25

Jedwab - 11/18/2020

1  
2 to not having a colloquy about the merits of 20:12  
3 the pools and what they do because we could 20:12  
4 spend the whole night doing that. 20:12

5 MEMBER GOTTLIEB: We talk about the 20:12  
6 reduced space for percolation of rainwater 20:12  
7 so -- 20:12

8 CHAIRMAN KEILSON: You know how to quit 20:12  
9 while you are ahead? 20:12

10 MR. MACLEOD: I am not saying anything. 20:12

11 MR. KERSTEIN: Good move. 20:12

12 CHAIRMAN KEILSON: So let's summarize 20:13  
13 what the request is. Please summarize so we 20:13  
14 can -- 20:13

15 MR. MACLEOD: So in summary, we are 20:13  
16 proposing that we will amend our pool location 20:13  
17 from being 12 feet from the property line to 20:13  
18 15 feet at its closest point and 16 feet 5 20:13  
19 inches at the other corner towards the rear. 20:13  
20 The pool will also be 14 feet by 32 instead of 20:13  
21 15 by 30, and further there will be no walkway 20:13  
22 on the rear of the pool and no walkway on the 20:13  
23 right side of the pool when you are looking at 20:13  
24 the pool from the street. 20:13

25 CHAIRMAN KEILSON: Any further questions 20:13

Jedwab - 11/18/2020

1 from the board? Any comments from the 20:13  
2 audience? 20:13  
3  
4 MR. CASTRO: Just one question. The 20:13  
5 backwash drywell is located all the way to the 20:13  
6 front yard. Is there a reason why it's there 20:13  
7 and not closer to the back in between the pool 20:14  
8 and the equipment? 20:14  
9  
10 MR. MACLEOD: The pool equipment is on 20:14  
11 that side of the house, and I just thought it 20:14  
12 would be easier to put it in in the front 20:14  
13 yard. 20:14  
14  
15 MR. CASTRO: Okay. That's all. 20:14  
16  
17 CHAIRMAN KEILSON: Mr. Castro is okay? 20:14  
18  
19 MR. CASTRO: Yes. 20:14  
20  
21 MEMBER GOTTLIEB: So there will be no 20:14  
22 backwashing into the street? 20:14  
23  
24 MR. MACLEOD: No. We have a drywell. 20:14  
25  
26 MEMBER GOTTLIEB: They all say that. 20:14  
27  
28 CHAIRMAN KEILSON: Okay. Taking into 20:14  
29 consideration the benefit to the applicant or 20:14  
30 taking into consideration the fact that we 20:14  
31 understand that today there is an important 20:14  
32 purpose served by having a pool and so we have 20:14  
33 shown great flexibility and trying to work 20:14

Jedwab - 11/18/2020

1 with the applicant in every which way 20:14  
2 possible. So certainly taking into 20:14  
3 consideration the benefit to the applicant as 20:14  
4 opposed to any detriment to the community and 20:14  
5 the flexibility shown by the applicant 20:14  
6 modifying to accommodate the request of the 20:15  
7 Board, the Board will now vote. Mr. Felder? 20:15  
8  
9 MEMBER FELDER: For. 20:15  
10  
11 CHAIRMAN KEILSON: Mr. Hiller? 20:15  
12  
13 MEMBER HILLER: For. 20:15  
14  
15 CHAIRMAN KEILSON: Mr. Gottlieb? 20:15  
16  
17 MEMBER GOTTLIEB: For. 20:15  
18  
19 CHAIRMAN KEILSON: Mr. Kerstein? 20:15  
20  
21 MR. KERSTEIN: For. 20:15  
22  
23 CHAIRMAN KEILSON: And I will vote for 20:15  
24 as well, and I guess you will need at least a 20:15  
25 year or a year and a half just to cover? 20:15  
26  
27 MR. MACLEOD: Thank you. Yes. 20:15  
28  
29 CHAIRMAN KEILSON: The Board also 20:15  
30 extends condolences to Mr. Jedwab. Your 20:15  
31 father was a very special person. 20:15  
(Whereupon the hearing concluded at 8:15 p.m.)  
32 \*\*\*\*\*  
33 Certified that the foregoing is a true and accurate  
34 transcript of the original stenographic minutes in  
35 this case.

\_\_\_\_\_  
YAFFA KAPLAN  
Court Reporter

1 348 Central LLC - 11/18/2020

2 INCORPORATED VILLAGE OF LAWRENCE  
3 BOARD OF APPEALS

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

7 November 18, 2020  
8 8:15 p.m.

9 APPLICATION: 348 Central Avenue LLC  
10 348 Central Avenue  
11 Lawrence, New York

12 P R E S E N T:

13 MR. LLOYD KEILSON  
14 Chairman

15 MR. EDWARD GOTTLIEB  
16 Member

17 MR. DANIEL HILLER  
18 Member

19 MR. AARON FELDER  
20 Member

21 MR. PHILIP KERSTEIN  
22 Alternate Member

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

25 MR. DANNY VACCHIO  
Building Department

MR. GERRY CASTRO  
Building Department

Yaffa Kaplan  
Court Reporter

1 348 Central LLC - 11/18/2020

2 CHAIRMAN KEILSON: Next matter is 348 20:15  
3 Central Avenue LLC. They or their 20:15  
4 representatives, please step forward. Good 20:16  
5 evening, Mr. Flaum. 20:16

6 MR. FLAUM: Good evening, chair and 20:16  
7 members of the Board of Zoning Appeals. Good 20:16  
8 evening. My name is Shmuel Flaum, residing at 20:16  
9 194 Wanser Avenue in Inwood, New York 11096. 20:16  
10 I am here on behalf of my clients, plural, the 20:16  
11 owner of the building, Mr. Buyorsky, and the 20:16  
12 owner of the boutique gymnastics that we are 20:16  
13 here to hopefully obtain a variance for this 20:16  
14 evening. 20:16

15 CHAIRMAN KEILSON: We are talking about 20:16  
16 a use variance. 20:16

17 MR. FLAUM: So it's primarily a use 20:16  
18 variance that triggers also a parking variance 20:16  
19 but a little bit more complicated than that. 20:16

20 CHAIRMAN KEILSON: Let me just set the 20:16  
21 table if I might. 20:16

22 MR. FLAUM: Sure. 20:16

23 CHAIRMAN KEILSON: For a use variance, 20:17  
24 an applicant must provide all three of the 20:17  
25 following items: Number 1, a reasonable 20:17

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2 return cannot be realized under current 20:17  
3 zoning. Two, that the owner's plight is due 20:17  
4 to unique circumstances. And number 3, the 20:17  
5 proposed use will not alter the character of 20:17  
6 the neighborhood. The table has been set. 20:17  
7 Please proceed. 20:17

8 MR. FLAUM: So the current space at hand 20:17  
9 is the commercial space or two of the 20:17  
10 commercial spaces that are currently located 20:17  
11 in the Kaiser building that's on the corner of 20:17  
12 Central Avenue -- and trying to remember the 20:17  
13 cross street -- Williams Street. That 20:17  
14 building is probably one of the oldest 20:17  
15 buildings in the village if I had to guess, 20:17  
16 based on the styling and uniqueness of it. 20:17  
17 It's also one of the most, until recently, 20:17  
18 disregarded, and how should we say, 20:17  
19 dilapidated buildings in the Central Avenue 20:18  
20 shopping area. 20:18

21 Having grown up here for the past 25 20:18  
22 years I am highly familiar with Central 20:18  
23 Avenue. I always wondered why this building, 20:18  
24 which is unique in design, only had a vacuum 20:18  
25 shop as its primary use, which always looked 20:18

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2 empty until it shut down many years ago and 20:18  
3 then there was an optical store and a small 20:18  
4 space to the right. So this building, it is 20:18  
5 at the end of the northern side of the Central 20:18  
6 Avenue shopping area in Lawrence itself. It's 20:18  
7 actually located in the K business district, 20:18  
8 and the proposed use that we are seeking here 20:18  
9 would be general regentrification of this 20:18  
10 building, give life to it again, and make it 20:18  
11 useable. 20:18

12 My best guess as a professional as to 20:18  
13 why this building currently sits vacant is a 20:18  
14 number of reasons: One, the fact that there 20:18  
15 is no space for loading and unloading of 20:18  
16 commercial objects that would be sold in the 20:18  
17 potential store that would have been there. 20:19  
18 Two, it's not the largest of commercial 20:19  
19 spaces, and 3, it's not in the hustle and 20:19  
20 bustle of the center of the Central Avenue 20:19  
21 shopping area. 20:19

22 That being said, the building was 20:19  
23 purchased by Mr. Buyorsky who, once he 20:19  
24 purchased it, was looking to find tenants to 20:19  
25 take tenancy in this space. One of the 20:19



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2           tenants that stepped up that was of interest           20:19

3           is Ms. Grace Esses who runs right now in           20:19

4           another location a boutique gymnastics space.           20:19

5           Boutique in the sense that it's small classes,           20:19

6           not large classes. It's not like the Warren           20:19

7           Levi Karate Academy, which has 30 kids at each           20:19

8           session. The sessions here are very small and           20:19

9           obviously given the space of the building           20:19

10          would also be very small.           20:19

11                   CHAIRMAN KEILSON: How small is small?           20:19

12                   MR. FLAUM: What?           20:20

13                   CHAIRMAN KEILSON: How small is small?           20:20

14                   MR. FLAUM: How small is small? We can           20:20

15          go look.           20:20

16                   CHAIRMAN KEILSON: You called it small.           20:20

17                   MR. FLAUM: So there is three stores           20:20

18          fronting the street. The main tenant space           20:20

19          that we are talking about here is the middle           20:20

20          one. It's --           20:20

21                   CHAIRMAN KEILSON: You made reference to           20:20

22          her usage.           20:20

23                   MR. KERSTEIN: How many students at a           20:20

24          time?           20:20

25                   MR. FLAUM: The only number of the           20:20

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1 students at a time would be maxed eight per 20:20  
2 class, two classes, so 16 students all 20:20  
3 together. These students obviously are young. 20:20  
4 They wouldn't be driving to the location. 20:20  
5 They would be dropped off and picked up by 20:20  
6 their parents. Classes typically are about an 20:20  
7 hour at a time. Obviously because it's in the 20:20  
8 shopping district, most parents probably would 20:20  
9 drop off the kids either in a group format and 20:20  
10 obviously either go shopping locally or either 20:20  
11 go back and pick up an hour later. So even 20:20  
12 though the existing use was commercial and the 20:20  
13 proposed use was recreational, the amount of 20:20  
14 people that would be coming to this space 20:20  
15 would be limited because of the size of the 20:21  
16 space. It couldn't handle any more, and they 20:21  
17 wouldn't want any more people there. 20:21  
18

19 CHAIRMAN KEILSON: How long is the 20:21  
20 session? 20:21

21 MR. FLAUM: Each session is an hour for 20:21  
22 the gymnastics. The time frame in which the 20:21  
23 gymnastics space runs is primarily afternoon, 20:21  
24 early evening at the end of the workday, and 20:21  
25 on Fridays in the afternoon and then on 20:21

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2 Sundays during the day. 20:21

3 CHAIRMAN KEILSON: All day? 20:21

4 MR. FLAUM: I am trying to find the 20:21

5 times I have for the operation of the space. 20:21

6 I apologize. 20:21

7 MEMBER GOTTLIEB: While you are looking 20:21

8 for the time, so you are saying the two 20:21

9 garages in the back will be used for eight 20:21

10 students per class with one instructor in each 20:21

11 class? 20:21

12 MR. FLAUM: Not one instructor. I think 20:21

13 it was a total of six employees. Probably one 20:21

14 or two instructors in the class and two 20:21

15 office. 20:21

16 MEMBER GOTTLIEB: What's the space 20:21

17 fronting Central Avenue to be used for? The 20:21

18 storefront, the entrance? 20:22

19 MR. FLAUM: So the central space -- hold 20:22

20 on. I am assuming that's the main space for 20:22

21 access. There is a wheelchair ramp that takes 20:22

22 over a portion of the front side to get into 20:22

23 the space because it's not at grade. Most 20:22

24 likely an area to drop off your belongings or 20:22

25 change into. 20:22

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2 MEMBER GOTTLIEB: So it's not going to 20:22  
3 to be used as a classroom? 20:22

4 MR. FLAUM: I don't think it can be used 20:22  
5 as a classroom because it wouldn't have the 20:22  
6 privacy they are seeking, but I am going to 20:22  
7 defer to the person who is going to run the 20:22  
8 gymnasium. 20:22

9 CHAIRMAN KEILSON: I am confused. You 20:22  
10 are talking about the rear? 20:22

11 MEMBER GOTTLIEB: The entrance to the 20:22  
12 garage is the store in the middle. Three. 20:22

13 CHAIRMAN KEILSON: Three stores 20:22  
14 additional in the front three. 20:22

15 MEMBER GOTTLIEB: Three stores that face 20:22  
16 Central Avenue. The applicant is the center 20:22  
17 store on Central Avenue with access to the two 20:22  
18 garages behind. It's not totally clear to me. 20:23

19 CHAIRMAN KEILSON: I will let the 20:23  
20 architect and applicant speak. 20:23

21 MS. ESSES: I am Grace Esses. Yes. So 20:23  
22 the main entrance is just a reception area, so 20:23  
23 there is just going to be like a desk, some 20:23  
24 cubbies, the bathroom in the front, a pro 20:23  
25 shop. Our closets are our storage space, and 20:23

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2 then the back is just for the gymnastics 20:23  
3 portion. 20:23

4 CHAIRMAN KEILSON: Where is that 20:23  
5 entrance? 20:23

6 MS. ESSES: It's right in the front. 20:23

7 MR. FLAUM: This is the part fronting 20:23  
8 Central Avenue. This space is what we just 20:23  
9 described as the front area. These are the 20:23  
10 two gymnastic area rooms. This is the front 20:23  
11 entry, this is a separate store. That's a 20:23  
12 separate door. So these two are the ones that 20:23  
13 were converted from the garage to gymnastic 20:23  
14 practice areas. This one is separate from 20:23  
15 that one. 20:23

16 CHAIRMAN KEILSON: This area will only 20:23  
17 be for ingress and egress? 20:23

18 MR. FLAUM: If you look carefully, there 20:24  
19 is an entrance door and a ramp, so you can't 20:24  
20 even use this because you need space to 20:24  
21 circulate and probably to get the students 20:24  
22 ready to go into the classroom. So while new 20:24  
23 students are coming up to queue up to go in, 20:24  
24 the other ones are leaving. 20:24

25 CHAIRMAN KEILSON: Where are they 20:24

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2 leaving from? 20:24

3 MS. ESSES: Same entrance. The front. 20:24

4 CHAIRMAN KEILSON: Over here? 20:24

5 MS. ESSES: The doors for in and out and 20:24

6 just the front. Like the main -- the front 20:24

7 space is really just a reception, a locker 20:24

8 room, bathroom, pro shop. 20:24

9 CHAIRMAN KEILSON: Coming in from 20:24

10 Central Avenue? 20:24

11 MS. ESSES: Yes, from Central Avenue. 20:24

12 MR. FLAUM: What are the doors in the 20:24

13 rear? 20:24

14 MS. ESSES: We don't have access to 20:24

15 these doors. We don't use -- 20:24

16 MEMBER HILLER: There are doors in the 20:24

17 rear. 20:24

18 MS. ESSES: Just to get things in and 20:24

19 out, but we don't have kids leave in the back. 20:24

20 Just from the front so we can watch them or 20:24

21 the parents pick them up from the front. We 20:24

22 don't use the back. 20:24

23 CHAIRMAN KEILSON: Is that metered right 20:25

24 now, the front? 20:25

25 MR. FLAUM: What do you mean by 20:25

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2 "metered"? 20:25

3 MR. KERSTEIN: Are there parking meters? 20:25

4 MR. FLAUM: There are no parking spaces 20:25

5 currently in front of this entire building. 20:25

6 The entire frontage of this building is a 20:25

7 blocked-off no parking zone, and I actually 20:25

8 was in the village discussing it, trying to 20:25

9 find out what the reason why it's blocked off. 20:25

10 From Google Streets view, I can see it's 20:25

11 blocked off as early as 2012, and the reason I 20:25

12 was given is if there's any fire trucks coming 20:25

13 down Williams Street, they can turn on to the 20:25

14 Central Avenue, so that was my understanding 20:25

15 as to why it's blocked off versus the other 20:25

16 loading/unloading that the trucks have along 20:25

17 Central Avenue. So I don't know what you call 20:25

18 them. They are not bollards. 20:25

19 CHAIRMAN KEILSON: Right now it's 20:25

20 blocked off for a specific reason, which is 20:25

21 the egress and ingress to Williams. Mr. 20:25

22 Castro, only for the fire engine or also for 20:25

23 visible? 20:26

24 MR. CASTRO: Williams Street is now two 20:26

25 ways, so when you are heading north on Central 20:26

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2 Avenue, you are forced to make a right turn. 20:26

3 You need the visible on left-hand side. 20:26

4 MEMBER GOTTLIEB: So that was done when 20:26

5 they made Williams a two-way street? 20:26

6 MR. KERSTEIN: For nontrucks. It's only 20:26

7 for cars coming out because trucks couldn't 20:26

8 even come. Its only two-way for cars. 20:26

9 MEMBER GOTTLIEB: Okay. 20:26

10 CHAIRMAN KEILSON: So that's an issue. 20:26

11 MR. FLAUM: So they blocked parking 20:26

12 there so that is visible to who? 20:26

13 MR. KERSTEIN: The cars coming out of 20:26

14 Williams Street onto Central Avenue. You can 20:26

15 make a right turn only and in order to be able 20:26

16 to see since Central Avenue is a busy street, 20:26

17 you need to be able to see cars coming towards 20:26

18 you, so they opened that area to allow 20:26

19 visibility for people coming out. 20:26

20 MR. FLAUM: Got it. 20:26

21 CHAIRMAN KEILSON: And also for cars 20:26

22 going into Williams. 20:26

23 MR. CASTRO: Yes. 20:26

24 CHAIRMAN KEILSON: Heading west on 20:26

25 Central, you can make a right into Williams. 20:27



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2 MR. KERSTEIN: Okay. 20:27

3 MR. FLAUM: That wouldn't make any 20:27

4 sense. It would only make sense if you are 20:27

5 going south and you are making a right turn. 20:27

6 CHAIRMAN KEILSON: Going west. 20:27

7 MR. CASTRO: Heading west and making a 20:27

8 right. 20:27

9 CHAIRMAN KEILSON: Going north into 20:27

10 Williams. 20:27

11 MR. PRESTON: Gives extra turning room. 20:27

12 MR. FLAUM: Okay. I got it. Okay. So 20:27

13 there currently is parking in front of that. 20:27

14 That being said, the question becomes the 20:27

15 nature of or the issue is by opening the 20:27

16 gymnasium, we are having kids being dropped 20:27

17 off and picked up. Now, there is Williams 20:27

18 Street as discussed and there is the side 20:27

19 entrance or the rear entrance, but like Ms. 20:27

20 Esses just said, they usually don't take 20:27

21 students in from that location because they 20:27

22 want to have a controlled area so they can see 20:27

23 the kids exiting and entering, so in support 20:27

24 of what we are trying to achieve, we have 20:27

25 actually a parking study that was done by a 20:27

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1 traffic engineer, Schneider Engineering. You 20:28  
2 should all have a copy of the parking study 20:28  
3 done. I don't know if the Board had a chance 20:28  
4 to review the contents of the parking study. 20:28

5 CHAIRMAN KEILSON: We did. 20:28

6 MR. FLAUM: So I am sure there are 20:28  
7 questions regarding the parking. 20:28

8 MEMBER GOTTLIEB: No. 20:28

9 MEMBER HILLER: I have just one comment 20:28  
10 that the parking study ends with the caveat 20:28  
11 that this was study was done during COVID and 20:28  
12 it might not be as realistic. It might be 20:28  
13 much more serious, a traffic problem, a 20:28  
14 parking problem in normal times. 20:28

15 MR. FLAUM: So he did mention that and 20:28  
16 he did put the caveat, but he said even with 20:28  
17 the increase of what would be during normal 20:28  
18 times, he said there would still be parking 20:28  
19 nearby in the two adjacent parking lots which 20:28  
20 I just want to address. There are currently 20:28  
21 two village municipal parking lots for the 20:28  
22 express purpose of accommodating people coming 20:28  
23 to the commercial parking lot. I know the 20:29  
24 area. I know the Seasons -- the one behind 20:29

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the Seasons parking center to the north, 20:29  
that's usually filled. The one on the south 20:29  
on Frost and Rockaway Turnpike, usually even 20:29  
on the most busy days it's not as busy. It is 20:29  
further down the area of Central Avenue, 20:29  
closer to Rockaway Turnpike. 20:29

That being said, the children aren't 20:29  
driving to and from the gymnastics area. The 20:29  
parents are driving the kids, they are 20:29  
dropping them off, and they are picking them 20:29  
up. So obviously we are trying to figure out 20:29  
a way that we can minimize traffic backup or 20:29  
any traffic issues at this intersection by 20:29  
this building. So one of the ideas posited by 20:29  
the traffic engineer and also building owner 20:29  
was perhaps make a loading/unloading zone only 20:29  
where currently blocked off from any parking. 20:29  
We have a series of loading/unloading zones 20:29  
for trucks along Central Avenue so that stores 20:29  
on Central Avenue can receive pickups and 20:30  
deliveries and drop off throughout the day 20:30  
where nobody can park. So the question is can 20:30  
that also be achieved here by this building 20:30  
where it's just a loading/unloading zone 20:30

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because the parents are dropping off, picking  
up the kids, they are not staying long term.  
This would alleviate any potential traffic  
backup on Central Avenue itself as it's a  
one-way street in both directions.

MR. KERSTEIN: What's a one-way street?

MR. FLAUM: Sorry. One-lane street in  
both directions.

MR. KERSTEIN: Go ahead. I'm sorry.

CHAIRMAN KEILSON: A couple of things.  
We already addressed the fact that that's  
probably an impossibility because we have it  
already marked off for purposes of alleviating  
the turning into Williams and coming out of  
Williams, so the likelihood of the Williams  
then turning that into pickup and drop-off for  
young kids and have a lot of young kids that  
need to be escorted out of the car, so the  
likelihood of the village allowing cars to  
stand and drop off at that juncture flies in  
the face of what the real purpose of that  
marked area has been. Number 1.

Number 2, there is a question that arose  
because we have a similar request in an allied

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2 area as to how -- in terms of relying on 20:31  
3 municipal parking, what are the limitations in 20:31  
4 terms of that as far as viewing municipal 20:31  
5 parking as alleviating a parking requirement? 20:31

6 MR. CASTRO: The code states that I 20:31  
7 think within 100 feet, a municipal parking lot 20:31  
8 can be used. Nonetheless it still would 20:31  
9 require the variance for the parking. 20:31

10 MR. KERSTEIN: Can I ask another 20:31  
11 question? On the study that was done, if it 20:31  
12 talks about on a Friday from 12:30 to 1:30 in 20:31  
13 November because that's the anticipated peak 20:31  
14 times of the site in conjunction with the 20:32  
15 surrounding areas, I would be curious to see 20:32  
16 what happens, most of the stores on a Friday 20:32  
17 in November are closed by 2:00. People do not 20:32  
18 do their shopping, for example, in Seasons 20:32  
19 that late in the day. Friday morning you 20:32  
20 would have many more people going because 20:32  
21 people tend not to want to get stuck. The 20:32  
22 stores are closed at 2:00, so I wonder about 20:32  
23 12:30 to 1:30 being the peak hours. Number 1. 20:32  
24 Number 2, Thursday would be a busier day than 20:32  
25 Friday. I don't know where they got their 20:32

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2 idea of what the peak hours and utilization of 20:32  
3 those lots would be. 20:32

4 MS. ESSES: So we don't open until the 20:32  
5 kids get out of school. So we wouldn't be 20:32  
6 opened earlier than that. 20:32

7 MR. KERSTEIN: Thursday afternoon when 20:32  
8 people do their shopping for Shabbos is 20:32  
9 probably much busier than Friday at 12:30. 20:32  
10 That's what I am questioning. 20:33

11 MS. ESSES: Oh, okay. 20:33

12 MR. KERSTEIN: They are saying these are 20:33  
13 the peak utilization times, and I just don't 20:33  
14 think they are. 20:33

15 MS. ESSES: We don't really open until 20:33  
16 3:00 or 4:00 during the week because we 20:33  
17 obviously wait until the kids get out of 20:33  
18 school, and to tell you the truth, we put in 20:33  
19 Monday through Thursday over there, but 20:33  
20 Thursday is the last day I am going to be 20:33  
21 opening. In my Brooklyn location I am not 20:33  
22 even open on those days at the moment. So we 20:33  
23 wouldn't even be open in -- 20:33

24 CHAIRMAN KEILSON: In terms of the 20:33  
25 Brooklyn location, because I went to your 20:33

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2 site, you do have classes in the daytime in 20:33

3 the morning, Mom and Tots. 20:33

4 MS. ESSES: We have Mommy and Me, but I 20:33

5 don't know if I would offer it here. 20:33

6 CHAIRMAN KEILSON: Once we open the 20:33

7 floodgates, we are not here to tell you what 20:33

8 hours to be open or not to be open. So from 20:33

9 our vantage point, we have to assume you are 20:33

10 going to be open all the time. That's the 20:33

11 basis for our -- 20:34

12 MS. ESSES: We are really like not 20:34

13 seasonal, but it's really when the kids are 20:34

14 not in school and Mommy and Me is really just 20:34

15 a very small portion of my business and most 20:34

16 of the business is the older kids after school 20:34

17 and I wouldn't even open Mommy and Me here for 20:34

18 a while if I did do it. It's not a main 20:34

19 portion of the business. It's usually the 20:34

20 older kids after school. 20:34

21 MEMBER GOTTLIEB: Mr. Chairman, I have a 20:34

22 few questions that relate to this. Your name 20:34

23 is Grace? Hey, Grace. 20:34

24 MS. ESSES: Nice to meet you. 20:34

25 MEMBER GOTTLIEB: Nice to meet you. Mr. 20:34

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2 Preston, I need to ask you a question. So 20:34  
3 this is a use variance. Grace, you are going 20:34  
4 to be super successful, and in two years you 20:34  
5 are going to move into a much larger location. 20:34  
6 This can be relet to any other athletic or gym 20:34  
7 type of establishment. 20:34

8 MR. PRESTON: If the board grants a 20:34  
9 variance for use variance, and subsequent 20:34  
10 tenant comes in that is not incompatible with 20:34  
11 the variance granted, then it runs with that 20:35  
12 property. 20:35

13 MEMBER GOTTLIEB: So what I mean to say 20:35  
14 is Grace is super successful, she moves out, 20:35  
15 and Tiger Schulmann comes and packs the place 20:35  
16 with 30 kids in each room, could that be a 20:35  
17 situation that would be permitted? 20:35

18 MR. PRESTON: The answer is yes, based 20:35  
19 on application 1 tenant. 20:35

20 MEMBER GOTTLIEB: The next tenant might 20:35  
21 want to do morning dance classes or Mommy and 20:35  
22 Me, so I guess some of my concerns is not the 20:35  
23 use today, but what we are opening it up to 20:35  
24 for the future. You don't have to answer 20:35  
25 this. It's something you really probably 20:35



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2                   can't answer.                   20:35

3                   Was there a C of O or an application to                   20:35

4                   convert the garage to usable space?                   20:35

5                   MR. FLAUM: Yes. There is an active                   20:35

6                   application to convert one to the other. The                   20:35

7                   strict --                   20:35

8                   MEMBER GOTTLIEB: Did they know what the                   20:35

9                   use was for?                   20:35

10                  MR. FLAUM: Did who?                   20:36

11                  MEMBER GOTTLIEB: When the village gave                   20:36

12                  you the permit, did they know what the use was                   20:36

13                  for?                   20:36

14                  MR. FLAUM: So I am actually not the                   20:36

15                  primary applicant for the alteration. I was                   20:36

16                  brought in to handle the variance, and I was                   20:36

17                  here to fix up what happened in a backwards                   20:36

18                  order which what should have happened, they                   20:36

19                  should have sought the variance first and then                   20:36

20                  the construction. I think they weren't clear                   20:36

21                  when it was filed what its use was. It was                   20:36

22                  just to convert it to commercial space.                   20:36

23                  MEMBER HILLER: When did you become                   20:36

24                  aware?                   20:36

25                  MR. FLAUM: About two weeks ago when I                   20:36

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2                   was called up in an urgent phone call.                   20:36

3                   MEMBER HILLER:   When did the tenant                   20:36

4                   become aware?                   20:36

5                   MS. ESSES:   Probably right when we                   20:36

6                   called you.                   20:36

7                   MR. FLAUM:   I would have to call the                   20:36

8                   owner.                   20:36

9                   CHAIRMAN KEILSON:   Let's call the owner                   20:36

10                  up.                   20:36

11                  MR. BUYORSKY:   I am not from the area.                   20:36

12                  We became aware of it -- we started                   20:37

13                  construction -- we became aware of it by the                   20:37

14                  Building Department.   I wasn't exactly sure                   20:37

15                  how -- I had an architect who was working from                   20:37

16                  Manhattan, but at a certain point I realized                   20:37

17                  that he doesn't know the lay of the land, so I                   20:37

18                  decided that I am going to hire an architect                   20:37

19                  for the variance.                   20:37

20                  I was notified by the city that you need                   20:37

21                  a variance because we took down the garage                   20:37

22                  doors.   As soon as we took down the garage                   20:37

23                  doors, they said you can't do that.   You can't                   20:37

24                  take down the garage doors because you are                   20:37

25                  changing the use of the building.   So they                   20:37

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2 came in and told us you got to file the 20:37  
3 variance, and the Building Department very 20:37  
4 graciously helped us get into this meeting. 20:37

5 MEMBER HILLER: So you started 20:37  
6 construction before going to the Building 20:37  
7 Department to see what you were allowed to do 20:37  
8 or not allowed to do? 20:37

9 MR. BUYORSKY: We had a permit for the 20:37  
10 construction of the building. We had a permit 20:37  
11 that we were allowed to do construction. 20:37

12 MEMBER HILLER: But what about the 20:37  
13 garage? 20:37

14 MR. BUYORSKY: So the garage. The 20:37  
15 garage was really -- when I bought the 20:37  
16 building the garage really -- there wasn't any 20:37  
17 construction done. It was just garbage in 20:38  
18 there. If you can see the garage before and 20:38  
19 after all that was done and the garbage was 20:38  
20 cleaned out, the garage is the same garage. 20:38  
21 It's just a cement floor and cinder block 20:38  
22 walls. 20:38

23 MEMBER HILLER: I understand you 20:38  
24 converted it, but you just did it because you 20:38  
25 felt you could do it? 20:38

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2 MR. BUYORSKY: No. I didn't understand 20:38  
3 there was an issue with -- I didn't understand 20:38  
4 and listen, there was an issue and there was 20:38  
5 no real conversion done because essentially 20:38  
6 it's the same brick wall we cleaned out. 20:38

7 MEMBER HILLER: But it's not a garage 20:38  
8 anymore. 20:38

9 MR. BUYORSKY: Yes. So yes. 20:38

10 MEMBER HILLER: And the other thing, 20:38  
11 when did you first put up the signage for 20:38  
12 gymnastics and say enroll now or whatever it 20:38  
13 says there? 20:38

14 MR. BUYORSKY: I didn't put that up. 20:38

15 MEMBER HILLER: How long ago was that 20:38  
16 put up? 20:38

17 MR. BUYORSKY: Probably six weeks ago. 20:38  
18 A month, six weeks ago. 20:38

19 MEMBER HILLER: At that time you did not 20:38  
20 realize that there was a usage problem? 20:38

21 MR. BUYORSKY: At that point I didn't 20:38  
22 realize there was a usage problem. The 20:38  
23 village called me and then called Grace and 20:38  
24 told us there is a usage issue. 20:38

25 MEMBER HILLER: How long ago? 20:39

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2 MR. BUYORSKY: Six weeks ago. 20:39

3 MEMBER HILLER: At the same time you put 20:39

4 up the signs? 20:39

5 MR. BUYORSKY: Right after we put up the 20:39

6 signs, yes, they realized what was going on. 20:39

7 I mean, the village was coming in, the village 20:39

8 is always there. They are constantly checking 20:39

9 what's going on. We are in very close contact 20:39

10 with the village. I practically speak with 20:39

11 the village on a daily basis now to make sure 20:39

12 everything is being done according to code 20:39

13 with plumbing and electric. 20:39

14 MEMBER GOTTLIEB: That's very good to 20:39

15 hear. We are happy to hear that. 20:39

16 MR. BUYORSKY: So that's it. 20:39

17 CHAIRMAN KEILSON: That's positive. He 20:39

18 is not being facetious. 20:39

19 MEMBER GOTTLIEB: It's good to hear the 20:39

20 village is looking out what they are supposed 20:39

21 to do. 20:39

22 MR. BUYORSKY: They are very involved. 20:39

23 James is there. It's his second home. 20:39

24 MEMBER HILLER: The back of your 20:39

25 building, you have space, paved area that four 20:39

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2 cars can go on. 20:39

3 MR. BUYORSKY: Correct. 20:39

4 MEMBER HILLER: In front of those four 20:39

5 cars which are facing the fence of the 20:40

6 swimming pool, on the other side there is 20:40

7 something covered. 20:40

8 MR. BUYORSKY: It's just a paved area. 20:40

9 There is no swimming pool there. 20:40

10 MEMBER HILLER: Okay. There is 20:40

11 something covered there, could be not a pool 20:40

12 in front of those four-car area. There is an 20:40

13 additional area that could be paved that would 20:40

14 put another two cars there. I am just telling 20:40

15 you. 20:40

16 MR. BUYORSKY: I understand. The only 20:40

17 issue is if you put those two cars there, how 20:40

18 would you pull out? 20:40

19 MEMBER HILLER: You have employees who 20:40

20 are leaving cars. 20:40

21 MR. BUYORSKY: I hear what you are 20:40

22 saying. We would be willing to do that. 20:40

23 CHAIRMAN KEILSON: We have got a lot of 20:40

24 thresholds. 20:40

25 MR. FLAUM: What he is trying to say, 20:40

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1 just summarizing what he is saying, he had an 20:40  
2 alteration permit to fix up the space. He did 20:40  
3 not realize taking down the garage doors would 20:40  
4 be triggering a use variance. It wasn't known 20:40  
5 to him until the village building officials 20:40  
6 made that known to him and said you would need 20:41  
7 to obtain a use variance, which he was 20:41  
8 directed to me and I was retained to put this 20:41  
9 package together for him and the traffic study 20:41  
10 was done in anticipation of tonight's meeting. 20:41  
11 So we have a very lovely lady who is trying to 20:41  
12 open up a business during this wonderful 20:41  
13 pandemic time where businesses are closing 20:41  
14 down, and we are trying to regentrify a 20:41  
15 building that has historical significance on a 20:41  
16 dilapidated corner that has really no other 20:41  
17 usage or has been neglected. A new building 20:41  
18 owner is trying to bring life to this corner 20:41  
19 or this building, and obviously there is a 20:41  
20 concern of the traffic that might be created 20:41  
21 by dropping off and picking up the kids for 20:41  
22 the use that's projected at the space. 20:41  
23  
24 I just want to highlight that again, the 20:41  
25 number of children being dropped off and 20:41

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1  
2 picked up in this specific use is very 20:41  
3 limited, and the concerns that Mr. Gottlieb 20:41  
4 raised about the change in primarily to a 20:42  
5 different type of recreational space in the 20:42  
6 future once the variance is granted, I know 20:42  
7 with other jurisdictions that there is a 20:42  
8 limitation on the use for the current space 20:42  
9 with the person who is currently taking 20:42  
10 tenancy and that it could expire when someone 20:42  
11 leaves that space. I know in the town of 20:42  
12 Hempstead if a use goes uninhabited for six 20:42  
13 months, you lose the use variance for the 20:42  
14 space. So I don't know if that's something 20:42  
15 that the village would consider as a 20:42  
16 contingency but it does exist. 20:42  
17 MEMBER HILLER: Let's consult our 20:42  
18 attorney. 20:42  
19 MR. PRESTON: I would just clarify that 20:42  
20 doesn't change my answer to Mr. Gottlieb's 20:42  
21 question earlier where if this tenant come in, 20:42  
22 vacates, and a new tenant comes in, Tiger 20:42  
23 Schulmann, that use variance stays in place. 20:42  
24 Yes, it is true that if this tenant leaves and 20:42  
25 the place remains dormant for a period of 20:42



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time, if it's no longer using that variance as  
needed, the variance no longer applies to the  
property.

MEMBER HILLER: You can't put a clause  
in that says the use variance only applies to  
the present tenant?

MR. PRESTON: The Board could have the  
power to issue a temporary permit for a period  
of time subject to renewal. That would  
satisfy that.

CHAIRMAN KEILSON: I don't think you  
want to get into that. I think the bigger  
problem is that you are understating the  
usage. As I studied her website in Brooklyn  
and studying the people filling in all of the  
blanks, I think to suggest that it's just a  
few kids being dropped off, you are talking  
about 16 kids in a specific time frame of an  
hour, so you are talking about the cars  
associated with that. You are talking about  
the cars stopping off, loading the kids at the  
same time, then the other cars picking up kids  
from the prior session. Where is all this  
going to take place?

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2 MS. ESSES: There usually is a bit of 20:43  
3 time in between each class, and to be honest, 20:43  
4 a lot of people come -- like siblings come 20:43  
5 together and then people also do carpool a lot 20:44  
6 so it's not -- it wouldn't be 16 cars coming 20:44  
7 in and out because they really do carpool and 20:44  
8 siblings come together. 20:44

9 CHAIRMAN KEILSON: If it was five, it 20:44  
10 would be a problem. Forget about 15 but we 20:44  
11 have a traffic expert. 20:44

12 MS. ESSES: Yes. Let him speak. 20:44

13 MR. SCHNEIDER: I graduated Lawrence 20:44  
14 High School, Steven Schneider, 20:44  
15 S-C-H-N-E-I-D-E-R. Principal of Schneider 20:44  
16 Engineering PLLC, 1 Comac Loop, Suite 1B4, 20:44  
17 Ronkonkoma, New York 11779. I am a licensed 20:44  
18 professional engineer. I have been here 20:44  
19 before many years ago. Mr. Langer and some 20:44  
20 other things that -- other shuls and things 20:44  
21 that went on. But I have been doing this for 20:45  
22 50 years so I have a little bit of an idea 20:45  
23 what's going on and I am familiar with Central 20:45  
24 Avenue obviously. 20:45

25 I have the report which I submitted to 20:45

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2 you. I am not going to go through the whole 20:45  
3 thing now. I just want to hit some of the 20:45  
4 points that you had mentioned. First of all, 20:45  
5 the limitation, the reason why I did, I took 20:45  
6 the counts on Friday was it was before 20:45  
7 Shabbos. I didn't take it after 3:00 because 20:45  
8 they are closed at that time. So later on in 20:45  
9 the day on Friday, it's meaningless. I took 20:45  
10 it when I thought would be one of the peak 20:45  
11 periods. Now, saying that, if you look at the 20:45  
12 numbers, all right, your code requires a total 20:45  
13 of about 26 parking spaces. That's based on 20:45  
14 what is it? Two hundred or 300? 20:45

15 MR. FLAUM: Two hundred square feet. 20:46

16 MR. SCHNEIDER: Plus the apartments 20:46  
17 which there are four there, one at a quarter 20:46  
18 and her is five so five, it comes out to 26. 20:46  
19 With the eight kids in each of the classes, 20:46  
20 total of 16 children, worst-case scenario you 20:46  
21 need 16 cars. Best-case scenario would be 20:46  
22 something less than that because people will 20:46  
23 carpool, people will walk. People will drop 20:46  
24 the kids off and this might not be the 20:46  
25 necessarily the primary trip but a secondary 20:46

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2 trip as well or maybe they are going shopping 20:46  
3 as well so they are parking anyhow. The 20:46  
4 parking lot that's adjacent on Williams 20:46  
5 Street, which is the closest lot, okay, has a 20:46  
6 minimum parking space availability of 18. 20:46

7 Now, here we are talking about 26, but 20:47  
8 of course, you have to realize we don't 20:47  
9 include the five because the five are already 20:47  
10 included in my numbers that I counted. Those 20:47  
11 people are currently here. So I could take 20:47  
12 away from the 26 five spaces that are 20:47  
13 required. Now we are down to 21 and if I 20:47  
14 presume that some will carpool or not, it's 20:47  
15 somewhere between 10 and 15 cars, give or take 20:47  
16 a few, more or less. If you will notice on 20:47  
17 Williams Street that I had taken, there was 20:47  
18 worst-case scenario 18 available spaces. 20:47

19 CHAIRMAN KEILSON: Hold it. 18 spaces 20:47  
20 on Williams? 20:47

21 MR. SCHNEIDER: On the parking lot. I 20:47  
22 meant the parking lot on Williams. I take it 20:47  
23 back. My chart which is table 2, it shows -- 20:47  
24 we call it the parking lot 1. Parking lot 2 20:47  
25 is the one on Central Avenue down Frost. 20:47

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2 Okay. Side road and we looked at how far 20:47  
3 would people walk, et cetera, and people walk 20:47  
4 anywhere from 400 to, you know, over a 1,000 20:47  
5 based on the standards of ITE that we are 20:48  
6 using. Institute of Transportation Engineers. 20:48  
7 I took the lower end in this case, somewhere 20:48  
8 around 400 and 500. That's what I used. So 20:48  
9 when I looked at that, I didn't have to look 20:48  
10 at that because I had enough parking spaces 20:48  
11 for these people in the Williams Street 20:48  
12 parking lot right now. At 1:30 there was 47 20:48  
13 available spaces. If you look at my chart on 20:48  
14 table 2 or table -- there is 223 spaces that 20:48  
15 are available, and in the 12:30 time period 20:48  
16 there was 81 of those were available. The 20:48  
17 rest were taken. 136 at 1:30 were available. 20:48  
18 We could have almost five times the 20:48  
19 amount of parking spaces available for the 20:48  
20 kids that could be parked that could be coming 20:48  
21 to this facility. That's how great the 20:48  
22 numbers are. It's not like you are off by 20:48  
23 one, two, three, or four. I also did not even 20:49  
24 take into account the spaces on the lot, and 20:49  
25 yes, there is space around the side. I saw 20:49

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2                   that as well. Somebody mentioned that before. 20:49

3                   But not even counting those spaces okay, and 20:49

4                   also presuming that carpools, yes, people may 20:49

5                   park, they may just drop the kids off and 20:49

6                   leave and come back in an hour. That's also 20:49

7                   possible. So parking is definitely, 20:49

8                   definitely not an issue. Especially when you 20:49

9                   have eight. If you have 108 obviously that 20:49

10                  could be an issue, but I think that you are 20:49

11                  approving this application, what this 20:49

12                  application is for. You can't really look in 20:49

13                  the future what's going to happen. That the 20:49

14                  Board has to review, not anybody else. You 20:49

15                  can't put that onus on this applicant. 20:49

16                  So my whole point is that parking is not 20:49

17                  an issue at all and that's -- and I suggested 20:49

18                  in here which you would mention that well, the 20:50

19                  parking space or well, but the area in front 20:50

20                  of the building, you were mentioning about 20:50

21                  left turns not being able to see cars coming 20:50

22                  out. You can't make a left turn there. You 20:50

23                  can only make a right turn. 20:50

24                  CHAIRMAN KEILSON: Nobody said anything 20:50

25                  about left turn. You are misquoting. 20:50

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2 MEMBER GOTTLIEB: You have to be able to 20:50

3 see -- 20:50

4 CHAIRMAN KEILSON: So when you make the 20:50

5 right turn so you can see the traffic. 20:50

6 MR. SCHNEIDER: People have to -- 20:50

7 according to the BMT law have to come out and 20:50

8 look to see if it's clear. 20:50

9 CHAIRMAN KEILSON: Mr. Schneider, please 20:50

10 don't say such silly things. 20:50

11 MR. SCHNEIDER: It's not silly. I have 20:50

12 been doing this for 50 years. I understand 20:50

13 it's a sight issue. 20:50

14 CHAIRMAN KEILSON: Just concede that and 20:50

15 move on. 20:50

16 MR. SCHNEIDER: That's fine. Any other 20:50

17 question that you have so I can answer about 20:50

18 the parking that's required? 20:50

19 MEMBER GOTTLIEB: I do have a question. 20:50

20 MR. SCHNEIDER: Sure. 20:50

21 MEMBER GOTTLIEB: Somewhat related to 20:50

22 parking. Did you give consideration to how 20:50

23 many vacant stores and what the square footage 20:51

24 of the vacancies are? 20:51

25 MR. SCHNEIDER: Yes, I did. As a matter 20:51

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1 of fact, in the report I mentioned that. I 20:51  
2 specifically mentioned that the COVID issue is 20:51  
3 an issue and I presume that I have no way of 20:51  
4 even calling up, there is no really chamber of 20:51  
5 commerce here per se. I tried to find that 20:51  
6 if, you know, somebody can tell me how many 20:51  
7 vacancies there were unless I walk down the 20:51  
8 street. 20:51

9  
10 MEMBER GOTTLIEB: You could have walked 20:51  
11 down the street. 20:51

12 MR. SCHNEIDER: I could do that. I said 20:51  
13 35 percent. Now realize we have five times as 20:51  
14 much parking space as we need, so the 35 20:51  
15 percent or 50 percent is not going to be a 20:51  
16 problem. 20:51

17 CHAIRMAN KEILSON: I don't accept your 20:51  
18 numbers. We have other studies done that will 20:51  
19 belie your numbers. We have the Hertzes here. 20:51  
20 Their traffic study just a different period 20:51  
21 before COVID had a different analysis. 20:51

22 MR. SCHNEIDER: In what way? 20:51

23 CHAIRMAN KEILSON: In terms of the 20:51  
24 amount of spaces available. This is your 20:51  
25 observation during a period of time. 20:51



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2 MR. SCHNEIDER: I am talking about the 20:52  
3 35 percent. 20:52

4 CHAIRMAN KEILSON: But you are taking an 20:52  
5 assumption that your numbers are conclusive 20:52  
6 and I am telling you they are not conclusive 20:52  
7 and anybody who lives here knows that's not 20:52  
8 the case, that we don't see a lot of empty 20:52  
9 spaces on Williams. 20:52

10 MR. SCHNEIDER: Then how could you 20:52  
11 approve anybody who needs parking? 20:52

12 CHAIRMAN KEILSON: We are talking about 20:52  
13 this case tonight. 20:52

14 MR. SCHNEIDER: I understand that. 20:52

15 CHAIRMAN KEILSON: It's a special 20:52  
16 request. We have drop-offs and pickups. 20:52  
17 That's not your average situation. 20:52

18 MR. SCHNEIDER: There is a big plus for 20:52  
19 us if it's drop-off. 20:52

20 CHAIRMAN KEILSON: Where are they going 20:52  
21 to drop off and pick up? 20:52

22 MR. SCHNEIDER: In the parking lot. 20:52

23 MR. KERSTEIN: Are they going to take 20:52  
24 little kids in the rain into the parking lot? 20:52  
25 I'm serious. I have a concern. 20:52

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2 MR. SCHNEIDER: I have grandchildren. I 20:52  
3 understand. 20:52

4 MR. KERSTEIN: So do I and that's really 20:52  
5 a concern. 20:52

6 MR. SCHNEIDER: My understanding when I 20:52  
7 spoke to the applicant was that, of course, 20:52  
8 the older kids, I think it's up to age 12 I 20:52  
9 believe. The older kids can get out of the 20:52  
10 car and go into the building. The younger 20:52  
11 kids will be monitored by someone at the 20:52  
12 building to take them physically in. A parent 20:53  
13 would be there, drop them off, and somebody 20:53  
14 would take them into the building. That's my 20:53  
15 understanding. 20:53

16 CHAIRMAN KEILSON: Did you go to the 20:53  
17 Brooklyn site to see how things are done? 20:53

18 MR. SCHNEIDER: No, I didn't. No. The 20:53  
19 Brooklyn site is completely different. 20:53

20 CHAIRMAN KEILSON: Why is it completely 20:53  
21 different? 20:53

22 MR. SCHNEIDER: Because the density 20:53  
23 there is different. 20:53

24 CHAIRMAN KEILSON: Did you visit the 20:53  
25 site? 20:53

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2 MR. SCHNEIDER: Absolutely not. 20:53

3 CHAIRMAN KEILSON: So how can you say 20:53

4 the density is different? 20:53

5 MR. SCHNEIDER: Because it's Brooklyn. 20:53

6 MEMBER GOTTLIEB: He means the 20:53

7 population. 20:53

8 CHAIRMAN KEILSON: I know what he is 20:53

9 saying. 20:53

10 MR. SCHNEIDER: As a matter of fact, I 20:53

11 was born in Brooklyn, how is that, and grew up 20:53

12 in Lawrence. 20:53

13 MR. PRESTON: Chairman, may I? 20:53

14 CHAIRMAN KEILSON: Please. 20:53

15 MR. PRESTON: I don't want to take away 20:53

16 from any of the discussion that's already been 20:53

17 had, but the use variance that being applied 20:53

18 for here requires a specific showing. And 20:53

19 it's that showing being that there is no use 20:53

20 under current zoning for this property. 20:54

21 MR. SCHNEIDER: That's not the traffic 20:54

22 issue. 20:54

23 MR. PRESTON: It's an issue for the 20:54

24 applicant. To show that a reasonable return 20:54

25 can't be made under current zoning and to show 20:54

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2 that the circumstances of this site are 20:54  
3 unique. But for showing that, this board 20:54  
4 can't grant the requested relief for a use 20:54  
5 variance. 20:54

6 MR. SCHNEIDER: That's his question, not 20:54  
7 the traffic. 20:54

8 CHAIRMAN KEILSON: Thank you. Good 20:54  
9 seeing you. 20:54

10 MR. FLAUM: So answer that question. If 20:54  
11 you were right about there being another use 20:54  
12 that would generate a return for the person 20:54  
13 who purchased the property, then it would have 20:54  
14 been done already or it wouldn't be sitting 20:54  
15 vacant for years without any use because 20:54  
16 somebody would have come along and put it to 20:54  
17 good use. 20:54

18 MR. BUYORSKY: Even before COVID. 20:54

19 MR. FLAUM: There are stores right now 20:54  
20 opening up on Central Avenue that have been 20:54  
21 vacant for years. Somebody bought the 20:54  
22 building, fixed them up, gentrified them. Now 20:55  
23 they are taking tenants, but for years they 20:55  
24 have been empty. He is trying to do the same 20:55  
25 thing. 20:55

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2 MR. PRESTON: How long has your 20:55  
3 client -- 20:55

4 MR. FLAUM: He just bought it. 20:55

5 MR. BUYORSKY: I have advertised it on 20:55  
6 the LoopNet, which is a major website. I 20:55  
7 haven't gotten any calls. The only ones that 20:55  
8 I was lucky enough right from the get-go, I 20:55  
9 started working together with Grace and her 20:55  
10 father. You can see there are advertisements, 20:55  
11 I have an agent who is full-time on the 20:55  
12 building, Elisheva Baum. She has not been 20:55  
13 successful in bringing anybody into the 20:55  
14 Lawrence area. I don't know what to tell you, 20:55  
15 but there is a conception stores don't stay 20:55  
16 open on Central Avenue, so right now we have a 20:55  
17 really good opportunity to bring in a good 20:55  
18 tenant where I know myself as a parent where 20:55  
19 you have a nice place where you can bring your 20:55  
20 kid to for an hour and I think maybe an idea 20:55  
21 if the traffic concern is maybe they can do 20:55  
22 their scheduling that they leave ten minutes 20:55  
23 in between classes so they can drop off the 20:55  
24 kids so the people who are dropping off are 20:56  
25 not interfering with people picking up. So 20:56

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2 you can leave a ten-minute slot in between 20:56  
3 class ending and class -- but again, we are so 20:56  
4 concerned about the traffic over there, but at 20:56  
5 the same time the place needs a nice -- a nice 20:56  
6 place like this where it really enhances the 20:56  
7 environment. It brings life into the place. 20:56  
8 I mean, the building is vacant for years and 20:56  
9 years and years. It was just vacant. 20:56

10 MR. FLAUM: Even when it was inhabited, 20:56  
11 it was vacant. A vacuum store here, a store 20:56  
12 that nobody walked in and out. I have been 20:56  
13 here for 25 years. I went to the pizza shop 20:56  
14 across the street every Friday. Nobody uses 20:56  
15 that building because the space is not usable. 20:56

16 MR. PRESTON: The reason I am asking 20:56  
17 you this question is because the record has to 20:56  
18 contain an explanation of these things. The 20:56  
19 second thing that I asked is what's unique 20:56  
20 about this property as opposed to any other 20:56  
21 property that's commercial on Central Avenue? 20:56  
22 What makes this property unique and needing a 20:56  
23 use variance? 20:57

24 MR. BUYORSKY: They probably could use a 20:57  
25 use variance as well. They are trying to rent 20:57

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2 their spaces. I walk down the street. There 20:57  
3 is 35 of them. I happened to be lucky and 20:57  
4 found a tenant who has a good perception. 20:57  
5 Their classes are not classes of 20 people. 20:57  
6 There is one instructor for three kids. It's 20:57  
7 very unique, specialized for the COVID 20:57  
8 situation where there is social distancing, so 20:57  
9 I think it's fits perfectly into this -- if 20:57  
10 they could get a variance -- if they got a 20:57  
11 tenant, they would probably request a 20:57  
12 variance. You are probably right. 20:57

13 You understand I walked by. On the 20:57  
14 street there is literally dozens of stores 20:57  
15 that are vacant from the time I purchased the 20:57  
16 building. In hindsight had I known how hard 20:57  
17 it would be to find a tenant, I wouldn't have 20:57  
18 bought a building. 20:57

19 MEMBER GOTTLIEB: But if you walk up and 20:57  
20 down the street and see there are 35 vacant 20:57  
21 stores, why would you buy a building? 20:57

22 MR. BUYORSKY: Again, it got a lot 20:57  
23 worse. I bought it before COVID. I was in 20:57  
24 contract for a year and a half before COVID 20:57  
25 and I was tied in. I had a nonrefundable 20:58

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1  
2 deposit, so I had to go ahead with the 20:58  
3 purchase of the building and it got a lot 20:58  
4 worse so I think that has to be taken into 20:58  
5 consideration. It got a lot worse, and there 20:58  
6 is really a lot of positive. We are not 20:58  
7 opening up a shop that -- you know what I 20:58  
8 mean? Something that's dangerous or 20:58  
9 detrimental. This is something that's really 20:58  
10 family friendly, and it improves the quality 20:58  
11 of life to the village. 20:58

12 MR. FLAUM: It brings vibrance to the 20:58  
13 village. As was said, it's an empty 20:58  
14 dilapidated building that's now being fixed up 20:58  
15 and -- 20:58

16 MR. KERSTEIN: But this doesn't address 20:58  
17 the question that was asked. 20:58

18 MR. FLAUM: So the uniqueness of the 20:58  
19 property, it probably predates the village 20:58  
20 requirement for parking. 20:58

21 MR. KERSTEIN: We are not talking about 20:58  
22 parking requirement. We are talking about use 20:58  
23 requirement. Two different questions. A use 20:58  
24 requirement is a much more difficult thing to 20:58  
25 overcome than parking. Let's be very frank 20:58



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2 about this. You are addressing parking, and 20:59  
3 we keep coming back to use. 20:59

4 MR. FLAUM: So the term "recreational 20:59  
5 use" is extremely vague. 20:59

6 MR. KERSTEIN: I can show it to you in 20:59  
7 four different definitions in legal 20:59  
8 dictionaries showing what recreational use is. 20:59  
9 This falls into it very clearly. 20:59

10 MR. PRESTON: The petition also 20:59  
11 requests recreational use specifically. 20:59

12 MR. FLAUM: I am agreeing we are 20:59  
13 requesting recreational use, but the fact that 20:59  
14 the village language of the zoning doesn't 20:59  
15 permit something of this nature, which is not 20:59  
16 a detrimental or deleteriously recreational 20:59  
17 use -- 20:59

18 MR. KERSTEIN: I am not suggesting that 20:59  
19 it's detrimental or deleterious. I am merely 20:59  
20 asking you to address the question that was 20:59  
21 raised. Not the parking but the use variance 20:59  
22 is what you are asking for and there are 20:59  
23 certain requirements to overcome. That's what 20:59  
24 was just raised. 20:59

25 MR. FLAUM: So we have discussed the 20:59

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1 parking. 20:59

2

3 MR. KERSTEIN: Before we get to parking, 20:59

4 I think you need to talk about use. 21:00

5 MR. BUYORSKY: What are the bars that 21:00

6 are raised for use? 21:00

7 MR. KERSTEIN: Please. 21:00

8 MR. PRESTON: You have to show that you 21:00

9 can't receive a return under the zoning code 21:00

10 as written in law. Two, you have to show that 21:00

11 the -- your plight is unique as in different 21:00

12 from all the other store owners on Central 21:00

13 Avenue, and 3, you have to show that it 21:00

14 wouldn't harm the neighborhood as a whole. 21:00

15 MR. BUYORSKY: Harming the neighborhood 21:00

16 as a whole, I think we have proven that it's 21:00

17 just -- it would just enhance the 21:00

18 neighborhood. I cannot find -- I have 21:00

19 advertised it on LoopNet. You can check. 21:00

20 It's been advertised on LoopNet for months. I 21:00

21 have had my agent advertised it, I haven't 21:00

22 been able to rent it to anybody else. I 21:00

23 haven't been able to find any tenant who is 21:00

24 willing to take that specific lot, and 21:00

25 especially the way it's designed, it's 21:00

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2           designed in a way that it has two specific           21:00

3           areas in the back with one in the front.           21:00

4           There is no way to feasibly rent it to           21:00

5           someone. You know what I mean? The design of           21:00

6           the building is really unique. It fits           21:01

7           perfectly into this situation where you have           21:01

8           two separate classrooms in the back with one           21:01

9           entranceway in the front. I can't think of           21:01

10          any other -- I tried to think of any other way           21:01

11          -- maybe like any other way to rent that out,           21:01

12          but this was really the only way that it's           21:01

13          unique in the sense you don't have any other           21:01

14          store on Central Avenue with two back areas           21:01

15          where it's segregated. The parents can see if           21:01

16          they want to see. There is a little window           21:01

17          they are able to look into the back. There is           21:01

18          a specific -- and as far as return, I have not           21:01

19          been able to rent it. It's just as simple as           21:01

20          that. I haven't even had calls.           21:01

21                   CHAIRMAN KEILSON: The two other           21:01

22          locations, the store one and store three --           21:01

23                   MR. BUYORSKY: Vacant. They are all           21:01

24          vacant.           21:01

25                   CHAIRMAN KEILSON: There aren't tenants           21:01

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2           upstairs? 21:01

3                   MR. BUYORSKY: Residential tenants, yes, 21:01

4           but the other stores are all vacant. 21:01

5                   CHAIRMAN KEILSON: Four tenants 21:01

6           upstairs? 21:01

7                   MR. BUYORSKY: Yes. 21:01

8                   MR. VACCHIO: What is the proposed use 21:01

9           for store number one? 21:01

10                  MR. BUYORSKY: For store number one 21:01

11           there is no proposed use. 21:01

12                  MR. VACCHIO: So the entrance is from 21:01

13           that store. 21:02

14                  MR. BUYORSKY: What do you mean "store 21:02

15           number one"? 21:02

16                  MR. VACCHIO: The front on Central 21:02

17           Avenue. 21:02

18                  MR. BUYORSKY: I don't have a proposed 21:02

19           use. If I find a tenant -- right now it's 21:02

20           just a white shell. It's just a vanilla box. 21:02

21                  MEMBER HILLER: You have a tenant in 21:02

22           there. 21:02

23                  MR. BUYORSKY: I have a tenant who is 21:02

24           just putting storage stuff in there, but he is 21:02

25           not a real tenant. The money I am getting 21:02

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2 from that is less than what it cost me for the 21:02  
3 property taxes on the building. I don't know 21:02  
4 if you know what the property taxes are, but 21:02  
5 the property taxes on the building is almost 21:02  
6 40,000 dollars a year. 21:02

7 MR. CASTRO: I think Mr. Vacchio's -- 21:02  
8 really his question is if a tenant comes in 21:02  
9 separate from the gymnasium, how do you 21:02  
10 divide -- I mean, do you partition them off? 21:02

11 MR. BUYORSKY: How do you division what? 21:02

12 MR. CASTRO: The use of the entrance and 21:02  
13 exit for the gymnasium. That's going to 21:02  
14 remain? 21:02

15 MR. BUYORSKY: Yes. There is two 21:02  
16 separate storefronts. It's separate 21:02  
17 storefronts. 21:02

18 MR. FLAUM: Very simple. He is saying 21:02  
19 this is the entrance into store one. This is 21:03  
20 the entrance into store two. There is a door 21:03  
21 connecting store one to the back. 21:03

22 MR. BUYORSKY: No. There is no door. 21:03  
23 There is no door. There is no door. 21:03

24 MEMBER GOTTLIEB: I see there is no 21:03  
25 bathroom in store one either. 21:03

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2                   MR. BUYORSKY: There is a bathroom in           21:03

3                   store one in the back corner.                   21:03

4                   MEMBER GOTTLIEB: I don't see it.               21:03

5                   MR. BUYORSKY: It was there. There is a               21:03

6                   bathroom.   21:03

7                   MEMBER GOTTLIEB: What were the garages           21:03

8                   previously used for?                               21:03

9                   MR. BUYORSKY: They would do repairs of               21:03

10                  the vacuum cleaners. When I bought the           21:03

11                  building, it was 10,000 old vacuum cleaners.   21:03

12                  If I showed you pictures of what the place       21:03

13                  looked like, when I went in there -- you know   21:03

14                  what I mean?                               21:03

15                  MEMBER GOTTLIEB: We understand. It's       21:03

16                  an old building and an old proprietor.       21:03

17                  MEMBER HILLER: Can I ask Ms. Esses,       21:04

18                  what is the -- in your Brooklyn location, how   21:04

19                  many children are in your largest group?   21:04

20                  MS. ESSES: Twenty in Brooklyn.           21:04

21                  MEMBER HILLER: So you foresee that       21:04

22                  happening here as well?                   21:04

23                  MS. ESSES: I think the Brooklyn           21:04

24                  location is a little bigger, and we are also   21:04

25                  much more well-known there because I have been 21:04

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2           open in Brooklyn for seven years, so in the           21:04

3           foreseeable future I don't see that here           21:04

4           especially because I am only opening with           21:04

5           three days to start and I would add more days           21:04

6           before I stuffed --           21:04

7                   MEMBER HILLER: These are different           21:04

8           times.           21:04

9                   MS. ESSES: Exactly. Not even talking           21:04

10          about COVID.           21:04

11                  MEMBER HILLER: Right now we are basing           21:04

12          it on the use of eight children and eight           21:04

13          children. So your plan is --           21:04

14                  MS. ESSES: So my program is very           21:04

15          special because I am a boutique recreational           21:04

16          gymnastics studio. We only teach floor, only           21:05

17          teach tumbling. We teach to improve their           21:05

18          skills and they improve very quickly in my           21:05

19          program, so we keep it super small for their           21:05

20          benefit. Not for COVID, not for like any           21:05

21          other reason except for them to improve and           21:05

22          get better.           21:05

23                  MEMBER HILLER: So what do you foresee           21:05

24          as your maximum opportunity?           21:05

25                  MS. ESSES: Sixteen kids because I would           21:05

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2 put eight in each room, and if that filled up 21:05  
3 I would add more hours throughout the night or 21:05  
4 just add more days throughout the week but I 21:05  
5 am not opening with seven days. I don't plan 21:05  
6 to be open that many days a week so maximum 21:05  
7 within three. God willing, it grows four, 21:05  
8 five days a week, but I wouldn't stuff more 21:05  
9 kids in because we keep the groups very small. 21:05

10 MEMBER HILLER: What are the ages that 21:05  
11 you accept? 21:05

12 MS. ESSES: Age 3 and up. Age 3, 4 to 21:05  
13 like the -- I don't know the majority of the 21:06  
14 kids are like 5 to 10, 12 but we do start at 21:06  
15 age 3. 21:06

16 CHAIRMAN KEILSON: Anybody in the 21:06  
17 audience want to speak to the matter? Mr. 21:06  
18 Preston, can we talk for a moment? 21:06

19 (Recess taken.) 21:09

20 CHAIRMAN KEILSON: Back on the record. 21:16  
21 The position of the Board is as follows: As 21:17  
22 has been articulated by counsel to the Board, 21:17  
23 the use variance has specific criteria by 21:17  
24 which we can judge if it will be permitted or 21:17  
25 not. So let's go through the criteria: 21:17



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2 Reasonable return cannot be realized under the 21:17  
3 current zoning. We believe that the applicant 21:17  
4 has shown sufficient evidence to the fact that 21:17  
5 that is the case under the present 21:17  
6 circumstances due to the pandemic, due to the 21:17  
7 realities of the marketplace. 21:17

8 Number 2, the owner's plight is due to 21:17  
9 the unique circumstances. Once again, we are 21:17  
10 living in very unusual times, so I think we 21:17  
11 accede to that fact that it's unique 21:17  
12 circumstances. 21:17

13 Lastly, in terms of proposed use, will 21:17  
14 not alter the character of the neighborhood. 21:17  
15 We believe that sufficient evidence has been 21:17  
16 presented by applicant by the proposed tenant 21:17  
17 that a great value will be contributed to the 21:18  
18 appearance and the general state of affairs in 21:18  
19 the village. However, we are extremely 21:18  
20 concerned about the need for a drop-off and 21:18  
21 pickup area, so we are going to vote, again 21:18  
22 subject to the approval of the Board, to allow 21:18  
23 for the use variance change, at the same time 21:18  
24 making it subject to the approval of the Board 21:18  
25 of Trustees of a specific designated 21:18

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1 pickup/drop-off area. Again, a specific -- we 21:18  
2 are not telling the village where to place it. 21:18  
3 But we believe that we will be shirking our 21:18  
4 responsibility if we allow this to go forward 21:18  
5 without appropriate concern given for the 21:18  
6 safety of the children. 21:18  
7

8 We are very familiar with the location 21:18  
9 both in terms of Central Avenue and the 21:18  
10 Williams Avenue parking lot has been 21:19  
11 designated. We would also like to make it 21:19  
12 subject to a condition that in one year's 21:19  
13 time, you will return to the Board for a final 21:19  
14 permanent approval. Assuming that the Board 21:19  
15 of Trustees provides for the pickup and 21:19  
16 drop-off area, you can go forward conducting 21:19  
17 your business for one year's time from the 21:19  
18 date of the approval and you will be revisited 21:19  
19 by the Board at that point since it's 21:19  
20 conditioned for one year. We have done 21:19  
21 previously with other circumstances and 21:19  
22 hopefully after having lived there for a year, 21:19  
23 we will be able to evaluate whether the 21:19  
24 decision by the Board was well-founded or not. 21:19

25 Okay. That's the proposal I am putting 21:19

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2 before the Board. If you have any specific 21:19

3 question before I put it to a vote, it will be 21:19

4 your responsibility to work with the Building 21:20

5 Department with the Board of Trustees. 21:20

6 MR. BUYORSKY: Who is the Board of 21:20

7 Trustees? 21:20

8 CHAIRMAN KEILSON: We will introduce 21:20

9 you. The governing body for the village of 21:20

10 Lawrence. 21:20

11 MR. KERSTEIN: The mayor and Board of 21:20

12 Trustees. 21:20

13 CHAIRMAN KEILSON: Certainly much more 21:20

14 reasonable than we are. They will turn to the 21:20

15 Building Department I am sure to get your 21:20

16 recommendation as to how to facilitate that, 21:20

17 taking into consideration Williams Avenue 21:20

18 traffic, et cetera, et cetera, et cetera. I 21:20

19 don't think we are equipped tonight to make 21:20

20 that decision. Any further questions? 21:20

21 MR. FLAUM: I fully understand. 21:20

22 CHAIRMAN KEILSON: Okay. Ms. Kaplan, 21:20

23 you have it on the record now? Mr. Kerstein? 21:20

24 MR. KERSTEIN: Agree. 21:20

25 CHAIRMAN KEILSON: Mr. Gottlieb? 21:20

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2 MEMBER GOTTLIEB: As amended and 21:20

3 suggested, yes. 21:20

4 CHAIRMAN KEILSON: Mr. Hiller? 21:21

5 MEMBER HILLER: Simply for. 21:21

6 CHAIRMAN KEILSON: Mr. Felder? 21:21

7 MEMBER FELDER: For. 21:21

8 CHAIRMAN KEILSON: I just want to add 21:21

9 that I think you made a compelling 21:21

10 presentation tonight, I think both the 21:21

11 landlord and the tenant. Okay. I give you 21:21

12 plaudits for the effort that you made tonight, 21:21

13 and let's hope everything works out well. I 21:21

14 vote for as well. Get to work on it. 21:21

15 MR. FLAUM: Thank you very much. 21:21

16 (Whereupon the hearing concluded at 8:21 p.m.)

\*\*\*\*\*

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

19

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YAFFA KAPLAN  
Court Reporter

20

21

22

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24

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Abittan - 11/18/2020

INCORPORATED VILLAGE OF LAWRENCE  
BOARD OF APPEALS

Lawrence Country Club  
101 Causeway  
Lawrence, New York

November 18, 2020  
8:22 p.m.

APPLICATION: Abittan  
27 Merrall 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. DANNY VACCHIO  
Building Department

MR. GERRY CASTRO  
Building Department

Yaffa Kaplan  
Court Reporter

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2 MR. MEISTER: Good evening, gentlemen. 21:22

3 I am Warren Meister, 22 Kendall Drive, New 21:22

4 City, New York, and I am here as the architect 21:22

5 for Mr. and Mrs. Abittan. 21:22

6 DR. ABITTAN: Abraham Abittan speaking 21:22

7 for Rachel Abittan, the owner of both 21:22

8 properties that have now merged. 21:22

9 CHAIRMAN KEILSON: We have evidentiary 21:22  
10 proof of that for the record? 21:22

11 DR. ABITTAN: Given to the village 21:22  
12 attorney. 21:22

13 MR. PRESTON: Chairman, I have -- the 21:22  
14 applicant handed me ten pages at the beginning 21:22  
15 of the hearing. They contain a -- what 21:22  
16 appears to be a quick claim deed. It's not 21:22  
17 filed, it's not recorded in the county so I 21:22  
18 would ask -- 21:23

19 CHAIRMAN KEILSON: Can we hear the case 21:23  
20 anyway? 21:23

21 MR. PRESTON: -- just that the hearing 21:23  
22 be conditional upon the recording of that. 21:23  
23 There is also a correspondence dated November 21:23  
24 3rd from the Nassau County assessor that I 21:23  
25 can't understand, but it's addressed to Mr. 21:23

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1  
2 Neiman, and the reference is Section 40, Block 21:23  
3 18102, Lot 209 with a handwritten "plus 303". 21:23  
4 DR. ABITTAN: Mr. Neiman's wife is the 21:23  
5 attorney and she told me that because of 21:23  
6 corona, it's not going to be filed until a 21:23  
7 week or two later. So she is going to forward 21:23  
8 that to me. 21:23  
9 MR. PRESTON: Assuming there is a 21:23  
10 representation that the lots are merged and 21:23  
11 that will be filed in the county clerk's 21:23  
12 office, subject to that the Board can hear the 21:23  
13 application. 21:23  
14 CHAIRMAN KEILSON: Very good. So we 21:23  
15 proceed. 21:23  
16 MR. MEISTER: We are here as we stated 21:23  
17 last time, the family -- this house is a 21:24  
18 gathering point for a very large family, and 21:24  
19 every weekend everyone congregates at the 21:24  
20 house. So as requested, we combined the lots 21:24  
21 and we are asking. 21:24  
22 CHAIRMAN KEILSON: Ten variances? 21:24  
23 MR. MEISTER: Yes. 21:24  
24 MEMBER GOTTLIEB: Let's go. 21:24  
25 CHAIRMAN KEILSON: So in order to 21:24

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1  
2 expedite -- Mr. Kerstein is new to it but he 21:24  
3 is a quick study, and I think he has already 21:24  
4 reviewed the file and visited the site. So 21:24  
5 why don't we just go through the variances if 21:24  
6 I might lead you through them because there 21:24  
7 are those that I think are more substantive 21:24  
8 than others. So we can move away from the 21:24  
9 things that are not as substantive. So we are 21:24  
10 using the code relief. Do you have your code 21:24  
11 relief, the file? 21:24  
12 MR. MEISTER: I don't have the code 21:24  
13 relief file. 21:25  
14 MR. PRESTON: Mr. Chairman, can the 21:25  
15 record just reflect that I have six letters of 21:25  
16 support from neighbors? 21:25  
17 DR. ABITTAN: Those are the contiguous 21:25  
18 neighbors because it's a corner piece so I 21:25  
19 have six that touch the property. 21:25  
20 CHAIRMAN KEILSON: So let's turn to page 21:25  
21 3. We will just check off the ones as we go 21:25  
22 through them. Mr. Meister, are we on page 3? 21:25  
23 MR. MEISTER: Yes. 21:25  
24 CHAIRMAN KEILSON: Okay. So the one on 21:25  
25 top, Section 212-24.D, village code, 21:25



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1  
2 "accessory structures must be located in the 21:25  
3 side or rear yard". That is to be the front 21:25  
4 yard. I think from all our vantage point it's 21:25  
5 of no consequence. 21:25  
6 MR. MEISTER: Right. 21:26  
7 CHAIRMAN KEILSON: Okay. Next one is 21:26  
8 212-55.A, the village code, "no recreational 21:26  
9 structure shall be constructed in the front 21:26  
10 yard", again a technical type of variance. 21:26  
11 MEMBER GOTTLIEB: Can we specify are we 21:26  
12 talking about the pool house, the pool, or the 21:26  
13 tennis court? 21:26  
14 CHAIRMAN KEILSON: As far as the 21:26  
15 recreational structure to be constructed in 21:26  
16 the front yard? 21:26  
17 MR. CASTRO: Tennis court. 21:26  
18 MR. PLAUT: Tennis court. 21:26  
19 CHAIRMAN KEILSON: Thank you, Jacob. 21:26  
20 MEMBER GOTTLIEB: Thanks for clarifying. 21:26  
21 CHAIRMAN KEILSON: The next one deals 21:26  
22 with setbacks. We are not ready to address 21:26  
23 that. So let's turn to page number 2. Are we 21:26  
24 all on page number 2? Section 212-12.1, 21:26  
25 schedule of dimensional regulation maximum 21:26

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1 side yard height/setback ratio. Okay. 21:26

2 Permitted 1.1, the proposed is 1.91 on the 21:26

3 west, 1.5 on the south. Again, I think from 21:26

4 the Board's perspective it's relatively minor 21:27

5 and modest. 21:27

6 MR. KERSTEIN: Because of the hill? 21:27

7 CHAIRMAN KEILSON: You are over the 21:27

8 hill. 21:27

9 MR. MEISTER: The existing house. 21:27

10 CHAIRMAN KEILSON: Section 212-39.C, the 21:27

11 maximum exterior wall height, again permitted 21:27

12 is 23, existing is 30, proposed 34.19. We 21:27

13 understand because of special circumstances 21:27

14 associated with the hill and the like. Okay. 21:27

15 So move on from there. 21:27

16 Section 212-15.B. Again, maximum height 21:27

17 for single-family dwelling in residential 21:27

18 district BB. Permitted 36, existing is just 21:27

19 shy of 44 feet. The proposed is 44.83 feet. 21:27

20 Mr. Castro, just to elucidate as to why there 21:27

21 is special circumstances governing this. 21:27

22 MR. CASTRO: You mean the difference in 21:28

23 the crown of the road to the road to the 21:28

24 existing height? 21:28

25

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1 CHAIRMAN KEILSON: Okay. Correct. 21:28

2 Okay. So we have addressed five already. 21:28

3 Let's go to page number 1. The maximum front 21:28

4 yard coverage, 526 is permitted, 844 is not 21:28

5 permit -- is the proposed. We will discuss 21:28

6 that in the context of just the coverage 21:28

7 issues, which are going to be the most 21:28

8 challenging. The minimum side-yard setback 21:28

9 which is existing at 14 feet 8.5 inches is 21:28

10 being proposed to remain at the 14 feet 8.5 21:28

11 inches. 21:28

12

13 Next, the minimum aggregate setback, 21:28

14 existing is 20 feet 8 inches, permitted is 40 21:28

15 feet, and proposed is 29 feet. Again we don't 21:29

16 find that to be an issue. 21:29

17 MEMBER GOTTLIEB: How did we get 9 feet? 21:29

18 When we kept the minimum side yards the same, 21:29

19 did we gain 9 feet or is that an error? 21:29

20 MR. MEISTER: I am not sure. 21:29

21 DR. ABITTAN: I think the aggregate 21:29

22 stayed the same. I think it was 29. 21:29

23 MR. VACCHIO: I think because now we are 21:29

24 we have the change in side yard. It's a typo. 21:29

25 The existing should be 29 foot 8 and a half. 21:30

1 Abittan - 11/18/2020

2 MEMBER GOTTLIEB: So that's as is 21:30

3 remaining that particular -- 21:30

4 CHAIRMAN KEILSON: So we are up to the 21:30

5 surface coverage question and then the 21:30

6 encroachment. Mr. Hiller, do you want to 21:30

7 speak about surface coverage? 21:30

8 MEMBER HILLER: Yes. I said it at the 21:30

9 last time I was here and I will repeat it. 21:30

10 There is too much coverage. There are patios 21:31

11 all over the place. You have a pool house 20 21:31

12 by 40. What's the surface of the tennis 21:31

13 court? 21:31

14 MR. MEISTER: 7,200 square feet. 21:31

15 CHAIRMAN KEILSON: What's the surface? 21:31

16 What it's made of? 21:31

17 DR. ABITTAN: Har-Tru. You know, the 21:31

18 red and green blue material typical of tennis 21:31

19 courts. 21:31

20 MEMBER GOTTLIEB: What color are you 21:31

21 planning on using? 21:31

22 MEMBER FELDER: Is it hardcourt or clay 21:31

23 court type? 21:31

24 DR. ABITTAN: It's hardcourt. It's not 21:31

25 clay. I think we are going to blue on the 21:31

1 Abittan - 11/18/2020

2 inside, green on the outside. 21:31

3 CHAIRMAN KEILSON: Are you consulting 21:31

4 your neighbor on that? 21:31

5 DR. ABITTAN: One of my neighbors had a 21:31

6 long discussion. 21:31

7 MEMBER HILLER: Mr. Abittan, you can 21:31

8 solve all your issues -- I know it would be a 21:31

9 burden on you, but you can solve all your 21:31

10 issues practically by making a grass court. 21:32

11 DR. ABITTAN: That sounds really great, 21:32

12 but I don't think it's what my kids want. 21:32

13 MEMBER GOTTLIEB: Works at the hunting 21:32

14 club very well. 21:32

15 DR. ABITTAN: The bounce is different. 21:32

16 MEMBER HILLER: You have an egregious 21:32

17 amount of coverage on the property. You have 21:32

18 patios all over the place. You have the 21:32

19 largest pool house in the Five Towns. You 21:32

20 have, God bless, a nice-sized house with 21:32

21 plenty of bedrooms. I don't fagin you. It's 21:32

22 wonderful, but if I took the ratio, you must 21:32

23 be covering something close to 50 percent. 21:32

24 Can you give me the coverage on the total 21:32

25 coverage percentage? 21:32

Abittan - 11/18/2020

1  
2 MR. PLAUT: Total coverage is -- 21:32  
3 MR. KERSTEIN: -- fifty-one percent or 21:33  
4 52 percent. 21:33  
5 MEMBER HILLER: Fifty percent coverage. 21:33  
6 That is unheard of. Believe me, I sympathize 21:33  
7 with you. I want you to have something that's 21:33  
8 beautiful that you like, but that is, as I 21:33  
9 said, an egregious overbuilding of the 21:33  
10 property. 21:33  
11 DR. ABITTAN: So if I may, we came 21:33  
12 here -- we came here three weeks ago and now 21:33  
13 returned. We merged the two properties 21:33  
14 together because we by law couldn't ask for a 21:33  
15 grievance on an empty piece of property. So 21:33  
16 as my property exists, I don't have the exact 21:33  
17 number off the top of my head. 10,700, 21:33  
18 10,800, 10,342 -- 21:33  
19 MR. PLAUT: 10,342. 21:33  
20 DR. ABITTAN: -- is existing on the 21:33  
21 property now and we are proposing a little 21:33  
22 less now, but on that property from the 21:33  
23 previous request, we were requesting about 400 21:34  
24 square feet less because I am moving the 21:34  
25 garage to the front and there is a parking 21:34

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1  
2 area that is in the back that's now going to 21:34  
3 be grass that's now going to be situated in 21:34  
4 the front but the front was all black asphalt 21:34  
5 as a circular driveway which we are taking 21:34  
6 out. So the initial -- the actual initial 21:34  
7 house that I had was a little under 11,000 21:34  
8 square feet. 21:34

9 Anyway, it's a total of 18,000, but if 21:34  
10 the Keewaydin property was left alone, I would 21:34  
11 have been allowed on that property to build a 21:34  
12 4,000-square-foot house which was what was 21:34  
13 allowed. I actually have a variance and built 21:34  
14 the foundation there, 4,000-square-foot 21:34  
15 property but plus the patios and everything 21:34  
16 else, it would have equalled roughly around 21:34  
17 the same 7,000 square feet, but when we merged 21:34  
18 the two properties together, so now we go 21:34  
19 vault ourselves into that second category of 21:34  
20 19,999 to 3,999, everything changed and now 21:35  
21 the surface coverage shrinks about 35 21:35  
22 percent so -- 21:35

23 MEMBER GOTTLIEB: The allowance shrinks. 21:35

24 MR. MEISTER: Because of merging. 21:35

25 CHAIRMAN KEILSON: No. It's 50 percent 21:35

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1 last time also. 21:35

2 DR. ABITTAN: It's 60 percent. It's now 21:35

3 73 percent. 21:35

4 MR. CASTRO: Fifty-one percent. What we 21:35

5 are referencing now is based on the size of 21:35

6 the lot. It's not on the permitted surface 21:35

7 coverage. 21:35

8 MR. KERSTEIN: We are talking about the 21:35

9 total lot, 36,000 square feet, and you have 21:35

10 proposed 18,380. So you are 51 give or take 21:35

11 percent of the total surface of square footage 21:35

12 of your lot. That's all I am talking about. 21:35

13 DR. ABITTAN: Right. 21:35

14 MEMBER HILLER: What's the area around 21:35

15 the pool around the tennis court made of? 21:35

16 DR. ABITTAN: Grass we are doing. 21:36

17 MEMBER HILLER: Where it says "edge 21:36

18 court", I am not a tennis player, I came from 21:36

19 Brooklyn also. We didn't have tennis courts. 21:36

20 MEMBER GOTTLIEB: The total tennis court 21:36

21 is 7,200 feet. That includes the runaround 21:36

22 area. One hundred twenty by 60. 21:36

23 MRS. ABITTAN: That's why you are 21:36

24 suggesting the grass. 21:36

25



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1  
2 CHAIRMAN KEILSON: The actual tennis 21:36  
3 court itself is 60 feet wide, 120 feet long. 21:36  
4 The playing area is that area you see. 21:36  
5 MEMBER HILLER: In the center? 21:36  
6 MR. MEISTER: Right. All of the space 21:36  
7 around it is for -- I am not a tennis player 21:36  
8 either but if -- 21:36  
9 MEMBER HILLER: Mr Abittan, I would 21:36  
10 respectfully beg you to overlook your 21:36  
11 children's objections and make a grass court. 21:37  
12 DR. ABITTAN: Okay. So I think they 21:37  
13 want to use the court for other things also, 21:37  
14 if they want to play hockey or they want to do 21:37  
15 other things. I have ten little 21:37  
16 grandchildren. 21:37  
17 MEMBER HILLER: They can play on your 21:37  
18 patios. 21:37  
19 DR. ABITTAN: So how about if we modify 21:37  
20 things? Maybe reduce some patios and maybe -- 21:37  
21 make you happy -- add a strip. Because we 21:37  
22 talked about this when we were negotiating 21:37  
23 this. I can add we are going to use turf 21:37  
24 probably instead of grass. Add a strip of 21:37  
25 turf like 3 to 4, 5 feet on each side. So now 21:37

1 Abittan - 11/18/2020

2 the court, instead of being 60 by 120, will be 21:37  
3 let's say 50 by 110 if I add a strip of 5 feet 21:37  
4 all around the periphery. 21:37

5 MEMBER HILLER: Artificial turf? 21:37

6 DR. ABITTAN: Which is considered grass 21:38  
7 by the village. 21:38

8 MR. CASTRO: It maintains the same 21:38  
9 drainage and aesthetic-wise people probably 21:38  
10 get confused, so we would treat it as grass. 21:38

11 MEMBER GOTTLIEB: I have to tell you 21:38  
12 it's not a good idea because you do run on the 21:38  
13 sides and when you run on a different surface 21:38  
14 you are going to trip and fall because when 21:38  
15 you are playing, you are also playing on the 21:38  
16 sides and in the back. When you change the 21:38  
17 material, your footing changes, so 21:38  
18 respectfully just not to cause a problem for 21:38  
19 later, I don't suggest that. 21:38

20 DR. ABITTAN: Even with 5 feet? I am 21:38  
21 not that much of a tennis player. 21:38

22 MEMBER GOTTLIEB: I play once in a 21:38  
23 while. 21:38

24 MEMBER HILLER: But yet you need a 21:38  
25 professional court. 21:38

Abittan - 11/18/2020

1 DR. ABITTAN: If you want to do it, you 21:38  
2 do it correctly. You are saying it's a 21:38  
3 tripping hazard. 21:38  
4 MEMBER GOTTLIEB: I think it's an 21:38  
5 absolute hazard. 21:38  
6 MEMBER FELDER: It all depends on how 21:38  
7 many feet you really want to maintain behind 21:38  
8 the play lines. If you are Roger Federer, you 21:38  
9 may need 40 feet. If you are someone else, 21:39  
10 you may need 10. 21:39  
11 MEMBER GOTTLIEB: There is a standard, 21:39  
12 which is 60 by 120. 21:39  
13 MR. MEISTER: So that's professional. 21:39  
14 DR. ABITTAN: If I would take 5 feet off 21:39  
15 each side. I would be taking 120 square feet. 21:39  
16 Instead of 60 by 120, 60 by 110. Let's say 21:39  
17 the sides maybe I should maintain because of 21:39  
18 what you are saying so that's taking away -- 21:39  
19 actually, I'm sorry. It's going to take 600 21:39  
20 square feet, right, it's 60 by 5 feet. Three 21:39  
21 hundred on each side. 21:39  
22 MEMBER HILLER: Only 7,700 more feet to 21:39  
23 go. 21:39  
24 DR. ABITTAN: But my point is a great 21:39  
25

Abittan - 11/18/2020

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deal of that has to do with what was existing 21:39  
on the other side, other house. So let's do 21:39  
this. Let's subtract all of the square 21:39  
footage on the building, on the actual 21:39  
building and the parking areas from the 21:39  
Juniper property. 21:40

CHAIRMAN KEILSON: Why would we do that? 21:40

DR. ABITTAN: Because really it's -- I 21:40  
understand we are looking at in totality now, 21:40  
but if we looked at individually, that piece 21:40  
of property is roughly 17,000 square feet and 21:40  
the court is 7,200 feet so that represents 21:40  
only 40 percent of the actual property but 21:40  
because I merged it -- remember, we talked 21:40  
about that last time -- we set ourselves up 21:40  
into this situation. 21:40

MEMBER HILLER: Dr. Abittan, believe me, 21:40  
I respect your wishes and we want to do what's 21:40  
best for you but this is overdone. There is 21:40  
too much coverage on this plot. 21:40

DR. ABITTAN: Okay. So let me ask you 21:40  
differently. So it's an empty piece of 21:40  
property. It's a piece of property that 21:40  
should have had a house on it and other 21:40

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1 structures associated with it. So if I look 21:41  
2 at it from the differential standpoint, I am 21:41  
3 really asking you for only 1,000 or 1,500 21:41  
4 square feet more than would have been if I 21:41  
5 sold this off or built a house on it. That's 21:41  
6 my perspective. Plus overall, overall, it's 21:41  
7 opening up the space surrounding it, and I 21:41  
8 think aesthetically it's more appealing that 21:41  
9 way. 21:41  
10

11 MEMBER HILLER: Just based on what I am 21:41  
12 seeing, even if you divided the properties and 21:41  
13 didn't build your tennis court, that you were 21:41  
14 back to your initial property with the pool 21:41  
15 and the decking and the new house, you would 21:41  
16 still be coming to us for a variance. 21:41

17 DR. ABITTAN: No. 21:41

18 MEMBER HILLER: I am sure you would. 21:41

19 DR. ABITTAN: But it's not because -- 21:41  
20 oh, well, I would be coming for a variance but 21:41  
21 I would be asking you for less square footage 21:41  
22 than is actually covered now on the property. 21:41  
23 I would be asking for a variance, but I would 21:42  
24 be asking for 400 less square feet than what 21:42  
25 was existing. It was egregious to begin with. 21:42

Abittan - 11/18/2020

1  
2 It was 10,300 or 10,400 square feet on a 21:42  
3 19,000 square foot of property. It was over 21:42  
4 50 percent just on that Juniper house alone. 21:42  
5 I am now adding an additional space there that 21:42  
6 I am putting that court on. 21:42  
7 MEMBER HILLER: I am going to suggest 21:42  
8 again the grass court to eliminate a lot of 21:42  
9 our problems. 21:42  
10 DR. ABITTAN: I understand. I 21:42  
11 entertained it. I know that would be a 21:42  
12 simplest thing. 21:42  
13 MEMBER HILLER: That wouldn't be a 21:42  
14 hardship. That's not a hardship because they 21:42  
15 can't play ice hockey on that court. That is 21:42  
16 not a hardship. 21:42  
17 DR. ABITTAN: But the court is really 21:42  
18 used for many things, not just tennis. It 21:42  
19 would be -- 21:42  
20 MEMBER HILLER: For instance? 21:42  
21 DR. ABITTAN: It would be used for 21:42  
22 basketball. For anything. I don't know what 21:42  
23 kids -- 21:42  
24 MEMBER HILLER: Are you putting up a 21:42  
25 basketball court? 21:42

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2 DR. ABITTAN: At this point not but 21:42  
3 maybe the kids will. 21:43

4 MEMBER GOTTLIEB: You will have to come 21:43  
5 before us again if you put up a basketball 21:43  
6 court. Recreational structure. 21:43

7 DR. ABITTAN: It's just a much more 21:43  
8 versatile -- it's expensive. The property is 21:43  
9 expensive. If I am doing it, I have to be 21:43  
10 versatile. 21:43

11 CHAIRMAN KEILSON: It's late and we have 21:43  
12 two issues. We have excess surface coverage, 21:43  
13 which has to be addressed. We also have the 21:43  
14 encroachment. You know my pet peeve on the 21:43  
15 encroachment, so we can adjourn, we can vote. 21:43  
16 We have to move. It's a quarter to 10:00 at 21:43  
17 night. 21:43

18 DR. ABITTAN: If I add -- we talked 21:43  
19 about this at our meeting prior to all this. 21:43  
20 If we add a few feet of turf on the sides, 21:43  
21 then I can take off over -- I can take off 21:43  
22 600-plus. If I take off let's say 3 feet on 21:43  
23 each side, it's 3 by 120, it's another 720 21:43  
24 square feet. That would be taking off 1,320 21:44  
25 square feet and it will diminish the 21:44

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1  
2 encroachment a little bit and I probably won't 21:44  
3 trip on those edges because I am only 21:44  
4 taking -- 21:44  
5 CHAIRMAN KEILSON: Is it 12 feet off the 21:44  
6 property line? It's supposed to be 20 so it's 21:44  
7 got to be -- 21:44  
8 DR. ABITTAN: Off of where? From the 21:44  
9 back? 21:44  
10 MR. MEISTER: From the side. 21:44  
11 CHAIRMAN KEILSON: From the side. 21:44  
12 DR. ABITTAN: There is a reason. You 21:44  
13 see how the circle on Keewaydin tapers in and 21:44  
14 there is only 70 feet? There is only 70 feet 21:44  
15 in the front, so I put it right in the middle. 21:44  
16 CHAIRMAN KEILSON: So? 21:44  
17 DR. ABITTAN: So I can't if I do -- 21:44  
18 CHAIRMAN KEILSON: You have an oversized 21:44  
19 pool house. You have an oversized pool. You 21:44  
20 want a tennis court. You want everything. 21:44  
21 It's not going to happen so -- and I am tired. 21:44  
22 Come up with a real proposal. You can caucus 21:45  
23 and discuss it. 21:45  
24 DR. ABITTAN: What do you propose 21:45  
25 besides for a grass court? 21:45



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2 MEMBER HILLER: You know you lost the 21:45  
3 vote with that. 21:45

4 DR. ABITTAN: With the grass court I 21:45  
5 wouldn't even have to ask you. 21:45

6 MEMBER HILLER: Not sympathetic to the 21:45  
7 other uses you intend to put on the court that 21:45  
8 you can overlook the grass court. I think 21:45  
9 those are trivial and I want what I want. I 21:45  
10 think that you have to make a major concession 21:45  
11 here because you are way over on coverage. I 21:45  
12 don't know if you were here before. The 21:45  
13 average or the acceptable coverage on a 21:45  
14 property, on any property in Lawrence is in 21:46  
15 the low 30s, maxed out at 35 percent. You are 21:46  
16 at over 50 percent. Slightly over. That's 21:46  
17 very difficult to overlook. 21:46

18 DR. ABITTAN: My only point is we were 21:46  
19 here three weeks ago -- 21:46

20 MEMBER HILLER: I said the same thing. 21:46

21 DR. ABITTAN: We were here three weeks 21:46  
22 ago and you said the same thing, but if you 21:46  
23 look at that property alone it's only 40 21:46  
24 percent. 21:46

25 MEMBER HILLER: Over 40 percent is also 21:46

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1  
2 over. 21:46  
3 DR. ABITTAN: Okay. But it's a 21:46  
4 reasonable number than 75 and the reason is we 21:46  
5 are aggregating them pushing it. 21:46  
6 MEMBER HILLER: You may think I don't 21:46  
7 have sympathy for what you are doing. I do 21:46  
8 and I want you to have a beautiful grass 21:46  
9 court. So think about it or not. 21:46  
10 MEMBER GOTTLIEB: Did we realize that 21:46  
11 the tennis court as it's proposed runs the 21:46  
12 entire length of the property? 21:46  
13 DR. ABITTAN: It doesn't. The 21:47  
14 property -- 21:47  
15 MEMBER GOTTLIEB: The property looks 21:47  
16 like it's 120 deep. 21:47  
17 DR. ABITTAN: The property includes this 21:47  
18 piece. This piece here is part of this 21:47  
19 property. Keewaydin property includes this. 21:47  
20 CHAIRMAN KEILSON: What's your 21:47  
21 percentage? 21:47  
22 MR. CASTRO: What was the original size 21:47  
23 of the lot, the one in back. 21:47  
24 DR. ABITTAN: I think 16,900. 21:47  
25 MR. VACCHIO: 16,263. 21:47

Abittan - 11/18/2020

1  
2 DR. ABITTAN: Can we perhaps figure 21:48  
3 out -- 21:48  
4 CHAIRMAN KEILSON: Let's just hear what 21:48  
5 the property was before. 21:48  
6 MR. CASTRO: The pool house and the 21:48  
7 tennis court is 8,000. You are at 50 percent 21:48  
8 or just under it. Forty-nine, 49.something. 21:48  
9 CHAIRMAN KEILSON: Again, where the 21:48  
10 house was under the previous, before it was 21:48  
11 merged, what was the lot coverage? 21:48  
12 MR. CASTRO: The principal house lot? 21:48  
13 MR. PRESTON: He was talking about -- 21:48  
14 CHAIRMAN KEILSON: Two. It takes two 21:48  
15 seconds to find out both of them. 21:48  
16 MR. CASTRO: Nineteen. It's over more 21:49  
17 than -- 21:49  
18 DR. ABITTAN: Close to 60 percent. 21:49  
19 MR. CASTRO: Fifty-four. Fifty-four. 21:49  
20 CHAIRMAN KEILSON: Okay. So that 21:49  
21 doesn't help you. 21:49  
22 DR. ABITTAN: Could we move some patios? 21:49  
23 I really don't want to put a grass court. Is 21:49  
24 there any alternative? Maybe I can take off 21:49  
25 some space around. I will put turf around the 21:49

Abittan - 11/18/2020

1 pool. 21:49

2

3 CHAIRMAN KEILSON: Bring it down 45 21:49

4 percent. How many square feet does he have to 21:49

5 take off of coverage? 21:49

6 MR. KERSTEIN: About 1,800? 21:49

7 MR. CASTRO: Yes. 21:49

8 CHAIRMAN KEILSON: About 1,800 square 21:49

9 feet would bring it down to 45. 21:49

10 DR. ABITTAN: How about if I do 21:49

11 something with the driveway? If I do 21:50

12 something with the driveway where I have like 21:50

13 artificial turf mixed with some concrete 21:50

14 strips. 21:50

15 MR. MEISTER: Pervious surface. 21:50

16 DR. ABITTAN: Does that matter? 21:50

17 MEMBER HILLER: Does that count, Gerry? 21:50

18 The driveway wasn't even in the consideration 21:50

19 of the coverage. You are allowed to have a 21:50

20 driveway. 21:50

21 DR. ABITTAN: That's only a certain 21:50

22 width, right, that's not counted? There is a 21:50

23 lot more there. 21:50

24 MR. CASTRO: It's counted because it's 21:50

25 attached to the house. 21:50

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1  
2 MR. PLAUT: If you want to do two 4-foot 21:50  
3 pads for the driveway, those aren't counted. 21:50  
4 MR. MEISTER: Or we could do a pervious. 21:50  
5 CHAIRMAN KEILSON: Mr. Preston, would 21:50  
6 you be uncomfortable -- I know you will be, 21:51  
7 but I will ask the question anyway -- if we 21:51  
8 just set the cap of what the surface coverage 21:51  
9 could be and let them figure out how they are 21:51  
10 going to divide it? 21:51  
11 MR. PRESTON: As long as it's 21:51  
12 conditioned on the approval of the Building 21:51  
13 Department. 21:51  
14 MR. CASTRO: There is finite material 21:51  
15 not included in it, so you would have to be 21:51  
16 amenable to one of those. 21:51  
17 MEMBER GOTTLIEB: We are looking at 21:51  
18 taking off 1,800 feet of minimum impervious -- 21:51  
19 CHAIRMAN KEILSON: Surface coverage. 21:51  
20 Surface coverage. 21:51  
21 DR. ABITTAN: It would be a challenge. 21:51  
22 MR. PLAUT: Represents a 5 percent 21:51  
23 reduction. 21:52  
24 DR. ABITTAN: Can you give me just a 21:52  
25 little more than that? Maybe 1,500. 21:52

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1  
2 MEMBER HILLER: Take off 2,500. 21:52  
3 DR. ABITTAN: I am going to end up with 21:52  
4 a grass home. I will save money. I 21:52  
5 appreciate your stamina. 21:52  
6 MEMBER GOTTLIEB: I need you to 21:52  
7 understand what you are getting. I am looking 21:52  
8 at the tennis court because I like tennis and 21:52  
9 you are bringing the court right to the 21:52  
10 property line. 21:52  
11 DR. ABITTAN: You mean to the Keewaydin 21:52  
12 property line? 21:52  
13 MEMBER GOTTLIEB: Yes. 21:52  
14 DR. ABITTAN: Because there is an extra 21:52  
15 15 feet there. 21:52  
16 MEMBER GOTTLIEB: That's not yours. 21:52  
17 DR. ABITTAN: But it's offset. It's not 21:52  
18 on the street. 21:52  
19 MEMBER GOTTLIEB: I understand but I 21:52  
20 don't recall ever getting an accessory 21:52  
21 structure that goes right to the property 21:52  
22 line, but nobody seems to be objecting to it. 21:53  
23 DR. ABITTAN: I will just tell you that 21:53  
24 that portion of the property is 24 inches 21:53  
25 lower than that little square behind in back 21:53

Abittan - 11/18/2020

1 of it. So it's sort of nestles right in there 21:53  
2 without disrupting the retaining wall that's 21:53  
3 there, so that's why we chose it. It wasn't 21:53  
4 arbitrarily shoved into the corner. It's 21:53  
5 actually an isolated piece of property that's 21:53  
6 2 feet lower. 21:53  
7  
8 MEMBER GOTTLIEB: No grade changes, 21:53  
9 right? 21:53  
10  
11 MR. MEISTER: No grade changes. 21:53  
12  
13 MR. KERSTEIN: And keeps the balls from 21:53  
14 getting lost because it's lower down. 21:53  
15  
16 MEMBER GOTTLIEB: There is a retaining 21:53  
17 wall I see. 21:53  
18  
19 MEMBER GOTTLIEB: So is there a 21:53  
20 proposal, Mr. Chairman? 21:53  
21  
22 CHAIRMAN KEILSON: We are accepting 21:53  
23 everything on here except for the surface 21:53  
24 coverage, and then there is the question of 21:53  
25 the encroachment. But he has tired me out 21:53  
already, so who wants to fight for the 21:53  
encroachment. Mr. Hiller? 21:53  
MEMBER HILLER: I am very disappointed 21:54  
in the 1,800 feet and -- I am just 21:54  
disappointed. 21:54

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2 MEMBER GOTTLIEB: If the 12-foot 21:54

3 encroachment we are talking about -- 21:54

4 CHAIRMAN KEILSON: As opposed to 20. It 21:54

5 should be moved over. He has it centered. 21:54

6 MEMBER GOTTLIEB: It's going to be 21:54

7 Har-Tru material there. 21:54

8 DR. ABITTAN: Complete with a drainage 21:54

9 plan, of course, and different layers. 21:54

10 MEMBER GOTTLIEB: I don't recall if 21:54

11 there are shrubs between this property and the 21:54

12 adjacent property. 21:54

13 DR. ABITTAN: There are Leyland 21:54

14 cypresses that I put in last year that started 21:55

15 off at 14 feet, and they grow 2 or 3 feet a 21:55

16 year. 21:55

17 MEMBER GOTTLIEB: So you do have a 21:55

18 buffer, a total buffer. So they are not going 21:55

19 to see the court. 21:55

20 DR. ABITTAN: They are probably 15 feet. 21:55

21 MEMBER GOTTLIEB: I was there. I just 21:55

22 don't remember. 21:55

23 CHAIRMAN KEILSON: Okay. All right, 21:55

24 ladies and gentlemen. Anyone from the 21:55

25 audience want to speak to the matter? Okay. 21:55



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2 So taking into consideration the benefit to 21:55  
3 the applicant, which is really well beyond 21:55  
4 anything we have ever done, as to the 21:56  
5 detriment to the community, and Mr. Kerstein, 21:56  
6 are you comfortable voting? 21:56

7 MR. KERSTEIN: Yes. In favor. I'm 21:56  
8 sorry. Somebody is raising their hand over 21:56  
9 there. 21:56

10 MR. PLAUT: I just want to remind this 21:56  
11 is one of the conditions that they must file 21:56  
12 the deed with the county. 21:56

13 CHAIRMAN KEILSON: Yes, sir. Thank you, 21:56  
14 Jacob. 21:56

15 DR. ABITTAN: In the front. 21:56

16 MR. KERSTEIN: For. 21:56

17 MEMBER GOTTLIEB: I think -- I'm sorry 21:56  
18 to do this again. You approved everything on 21:56  
19 the list except for -- 21:56

20 CHAIRMAN KEILSON: The surface coverage, 21:56  
21 which has to be diminished by 1,800 square 21:56  
22 feet. The total. 21:56

23 MEMBER GOTTLIEB: 1,800 feet from the 21:56  
24 proposed 18,000, and we are taking off -- 21:56  
25 1,800 will be removed which is almost de 21:56

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minimis. Sure. I am okay with this.

21:56

CHAIRMAN KEILSON: Mr. Hiller?

21:57

MEMBER HILLER: I can't, in good

21:57

conscience, vote for on this. I am

21:57

disappointed in the effort that you made, so I

21:57

unfortunately have to vote against.

21:57

CHAIRMAN KEILSON: Okay. Mr. Felder.

21:57

MEMBER FELDER: Mr. Hiller said I am

21:57

for.

21:57

CHAIRMAN KEILSON: And I am for as well.

21:57

Thank you. Two and a half years?

21:57

DR. ABITTAN: Two and a half years.

21:57

MR. VACCHIO: Board of Building Design.

21:57

(Whereupon the hearing concluded at 9:57 p.m.)

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

  
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YAFFA KAPLAN

Court Reporter