

Mandel - 12/15/2021

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INCORPORATED VILLAGE OF LAWRENCE  
BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

December 15, 2021  
7:33 p.m.

APPLICATION: Mandel  
32 Rosalind Place  
Lawrence, New York

P R E S E N T:

- MR. LLOYD KEILSON  
Chairman
- MR. EDWARD GOTTLIEB  
Member
- MR. ELLIOT MOSKOWITZ  
Member
- MR. AARON FELDER  
Member
- MR. ANDREW K. PRESTON, ESQ.  
Village Attorney
- MR. DANNY VACCHIO  
Building Department
- MR. GERALDO CASTRO  
Building Department
- Yaffa Kaplan  
Court Reporter

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2 CHAIRMAN KEILSON: Good evening, ladies  
3 and gentlemen. Welcome to the Lawrence Board  
4 of Zoning Appeals. Please turn off your  
5 phones, and if there's a need to converse,  
6 please step out into the hallway. Thank you  
7 very much.

8 Proof of posting, Mr. Vacchio?

9 MR. VACCHIO: Mr. Chairman, I offer  
10 proof of posting and publication.

11 CHAIRMAN KEILSON: Thank you very much.  
12 First matter before us this evening will be  
13 Mandel, 32 Rosalind Place. Will they or their  
14 representative please step forward? Introduce  
15 yourself.

16 MR. NEUWIRTH: Good evening. My name is  
17 Samuel Neuwirth. I am representing Mr. and  
18 Mrs. David Mandel.

19 CHAIRMAN KEILSON: Can you speak up a  
20 little bit?

21 MR. NEUWIRTH: Corner of 32 Rosalind  
22 Place.

23 CHAIRMAN KEILSON: Okay.

24 MR. NEUWIRTH: Before I start, we are  
25 going for two variances. One for a side yard,

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2 one for rear yard, and one for front yard. I  
3 actually realized today that I made a little  
4 mistake on one of the dimensions for the front  
5 yard setback. Actually revised it and have it  
6 blown up over here. Instead of 10 foot 2 and  
7 a half, 9 foot 4 and a half.

8 MR. VACCHIO: As opposed to what?

9 MR. NEUWIRTH: 10 foot 2 and a half.

10 (Discussion held off the record.)

11 MR. NEUWIRTH: Because the dimension,  
12 the way it's diagonal, it's the front yard.

13 MEMBER FELDER: The variance request  
14 just got a little larger.

15 CHAIRMAN KEILSON: Is that a problem  
16 with notification?

17 MEMBER GOTTLIEB: It's a 10 percent  
18 difference.

19 MR. PRESTON: In the wrong direction.

20 MR. VACCHIO: So it's worse.

21 MR. NEUWIRTH: Okay.

22 CHAIRMAN KEILSON: Is there any variance  
23 required for that?

24 MEMBER GOTTLIEB: You avoid it by making  
25 the pool 10 inches shorter.

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2 (Discussion off the record.)

3 CHAIRMAN KEILSON: Again, repeat the  
4 error and exactly what you are looking for.

5 MR. NEUWIRTH: So we are now asking for  
6 a front yard setback of 9 feet 4 and a half  
7 inches. Nine foot 4 and a half inches.

8 CHAIRMAN KEILSON: Counsel has pointed  
9 out that the notice does not fail because it  
10 just describes the issue as being a front yard  
11 issue in terms of the variance. Okay, Mr.  
12 Neuwirth. Proceed.

13 MR. NEUWIRTH: My client is looking to  
14 add a small pool for when the kids come and  
15 the grandkids. This was the best location for  
16 safety. Otherwise, the other part would be  
17 off Central Avenue, which would be a little  
18 busy and not so safe.

19 CHAIRMAN KEILSON: Okay. The pool  
20 equipment, do you have any issue with pool  
21 equipment?

22 MR. NEUWIRTH: We are going for a  
23 variance for pool equipment as well. The rear  
24 yard setback we are going for 17 foot 3.  
25 Required is 20 feet.

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2 MEMBER GOTTLIEB: It doesn't show it  
3 here. Are you removing the parking space?

4 MR. NEUWIRTH: Yes. The driveway will  
5 be removed.

6 MEMBER GOTTLIEB: And toward the back  
7 there is a pergola and some other area. Is  
8 that also being removed or that all stays?

9 CHAIRMAN KEILSON: The applicant is  
10 here. Do you want to step forward? It's  
11 really an information question, has no bearing  
12 on the variance.

13 MR. NEUWIRTH: The pergola is staying.

14 CHAIRMAN KEILSON: Okay.

15 MEMBER MOSKOWITZ: The driveway is being  
16 removed to address a surface coverage?

17 MR. NEUWIRTH: There is no surface  
18 coverage in this zoning addition.

19 MEMBER MOSKOWITZ: So why?

20 MR. NEUWIRTH: Because the pool will be  
21 right there.

22 CHAIRMAN KEILSON: The pool is  
23 supplanting the driveway.

24 MEMBER MOSKOWITZ: Got it.

25 CHAIRMAN KEILSON: Any further questions

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from the Board?

MEMBER GOTTLIEB: Any letters of support from the adjacent neighbor?

CHAIRMAN KEILSON: Futersak.

MR. NEUWIRTH: Not a letter but we got a verbal agreement.

CHAIRMAN KEILSON: All right. I will save time. I spoke to Mr. Futersak. He has no objection.

MEMBER GOTTLIEB: Is that on the record, Mr. Chairman?

CHAIRMAN KEILSON: It's on the record.

MEMBER GOTTLIEB: Thank you for clearing that up because I would be uncomfortable without the neighbor's consent.

CHAIRMAN KEILSON: Anyone in the audience want to ask any questions in furtherance of the matter, here is your chance. Okay. So considering a request relief of a very modest encroachment considering some of the other requests that you have had recently for Lawrence, so we are appreciative that you made every effort to stay within some reasonable bounds as far as

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the neighbor.

So taking into consideration the benefit to the applicant as opposed to any detriment to the neighbors, community, and the like, we are going to take a vote. Mr. Felder?

MEMBER FELDER: For.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: I am okay with it.

CHAIRMAN KEILSON: Very good. Mr. Moskowitz?

MEMBER MOSKOWITZ: For.

CHAIRMAN KEILSON: And I am for. And let's see. We are now in December, so a year will be fine?

MR. MANDEL: A year would be fine, thank you. We hope. Thank you very much, folks. Have a good evening.

(Whereupon the hearing concluded at 7:39 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

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

December 15, 2021  
7:39 p.m.

APPLICATION: Platt  
Corner of Atlantic Avenue and  
Rutherford Lane  
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON  
Chairman

MR. EDWARD GOTTLIEB  
Member

MR. ELLIOT MOSKOWITZ  
Member

MR. AARON FELDER  
Member

MR. ANDREW K. PRESTON, ESQ.  
Village Attorney

MR. DANNY VACCHIO  
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MR. GERALDO CASTRO  
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2 CHAIRMAN KEILSON: Okay. Next matter is  
3 that of Platt. They or their representative,  
4 please step forward.

5 MR. BIENENFELD: Good evening, members  
6 of the Board and Mr. Chairman. I am Richard  
7 Bienenfeld. I am the architect of the  
8 project, and my address is 271 North Avenue in  
9 New Rochelle, New York.

10 CHAIRMAN KEILSON: Would you be more  
11 comfortable taking off the mask?

12 MR. BIENENFELD: I would.

13 So we are proposing a new single-family  
14 house over on Atlantic Avenue, which is a kind  
15 of an estate area in the village. And this  
16 particular property is over an acre of land,  
17 but it's bounded by neighbors who are  
18 basically absent. Mostly the -- mostly the  
19 Woodmere Club and -- the Rockaway Hunting  
20 Club, and because of that, the site does sit  
21 very pristinely without encroaching really  
22 very closely to any other buildings. The site  
23 is approximately 5 to 6 feet higher than the  
24 street. Higher than Atlantic Avenue. There  
25 is a rather rapid grade change from the edge

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2 of the pavement up to the property itself. In  
3 fact, well back before the property line. By  
4 the time you get to the property line, the  
5 property is already about 5 or 6 feet above  
6 the street. What we are asking for in the  
7 only noncompliance we have is that the -- by  
8 measuring the height of the eave from the  
9 street, rather than to the surrounding grade,  
10 we come up with an eave height of 28 feet as  
11 opposed to 23 feet, which is the limit that  
12 the code allows, but if you measure from  
13 grade, the eave height is only 22 feet 4  
14 inches.

15 Now, the question of the grade and where  
16 the grade lies was very important to my  
17 client, the owner of the property, Mrs. Platt.  
18 It was very important to her to have that  
19 fully certified before she even purchased the  
20 property, and the seller of the property who  
21 sold it to the Rishan Platt family several  
22 months ago before it was sold and the village  
23 themselves issued a letter stating that the  
24 grade on the property was natural, that it was  
25 not a tampered -- the grade had not been

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2 tampered with and that this is a natural  
3 grade, and because of that, the concerns that  
4 the village normally has about trying to  
5 create a higher structure by hiding it by  
6 piling up dirt against the house and making  
7 the grade appear higher than it naturally  
8 would be. Because of that the village decided  
9 a couple of years ago to measure the height  
10 from the street. Knowing that in certain  
11 cases where the natural grade was quite a bit  
12 higher than the street, they would entertain a  
13 variance. But in general, it would be  
14 beneficial for the village to make sure that  
15 buildings did not, you know, rise so high  
16 above the street artificially. This certainly  
17 is not the case here because number 1, the  
18 building, it sits right on grade, and number  
19 2, the level below the grade level is a crawl  
20 space. It's not a basement. So there is no  
21 incentive here to try to make the house look  
22 lower than it is. This is what the house will  
23 look like, and the house will look like it has  
24 a 22-foot-4-inch eave height above a very,  
25 very wide expansion of basically flat land.

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2 So that's why because of this unusual  
3 circumstance of the crown of the road being 5  
4 or 6 feet below the average grade of a fairly  
5 level property, now we had to come back and  
6 ask for relief from that requirement.

7 CHAIRMAN KEILSON: Will there be any  
8 concern about water runoffs, spill-off?

9 MR. BIENENFELD: No. All the water --  
10 all the stormwater that has to be managed on  
11 the property will be managed by dry wells and  
12 the water will be -- any water created by  
13 runoff will be managed on the property itself.

14 MEMBER GOTTLIEB: You mentioned in your  
15 explanation that there was a letter certifying  
16 that the land was not touched?

17 MR. BIENENFELD: That the land was  
18 restored to its natural grade.

19 MEMBER GOTTLIEB: I don't recall you  
20 saying the word "restored". Okay, so because  
21 there was a lot of earth moved there for  
22 weeks.

23 MR. BIENENFELD: Right but that letter  
24 came from the village.

25 MEMBER GOTTLIEB: Well, I can't

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2 challenge what my village says, can I?

3 MR. CASTRO: Much appreciated.

4 MEMBER GOTTLIEB: And I wouldn't. Not  
5 only couldn't I. So the house sits 40 feet  
6 above the crown in the road.

7 MR. BIENENFELD: The crown in the road  
8 is about 5 feet 8 inches lower than the  
9 average grade. So the grade level, datum  
10 grade level for the property is approximately  
11 10 feet. Ten feet above.

12 MEMBER GOTTLIEB: What I mean is I  
13 couldn't really see it in the plans. What's  
14 the actual height to the roof?

15 MR. VACCHIO: From grade?

16 MR. CASTRO: From grade?

17 MEMBER GOTTLIEB: From grade, not from  
18 the street because it seems you have a 40-foot  
19 height.

20 MR. BIENENFELD: Yes. I believe it's 40  
21 feet.

22 MEMBER GOTTLIEB: But that's not from  
23 grade. That's 40 feet from the crown, so the  
24 house itself would be 45 feet.

25 MR. BIENENFELD: Let me just check. We

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2 are -- we are 12 and 21. We are 38.9 from  
3 grade.

4 MEMBER GOTTLIEB: If you are 38.9 from  
5 grade and the grade is 5 or 6 feet above the  
6 crown, how do we get to 40 feet, a 40-foot  
7 building height as you have proposed on A-003?

8 MR. BIENENFELD: That would be if we  
9 were -- if we were measuring from grade. We  
10 were measuring from grade. From average  
11 grade. You know, the height -- the height  
12 setback planes are measured from the property  
13 lines which are at grade.

14 MEMBER GOTTLIEB: So what I am trying to  
15 find out is the building height of 40 feet.  
16 Danny or Gerry?

17 MR. VACCHIO: I am looking.

18 MEMBER GOTTLIEB: The small plans that  
19 were provided, I couldn't see the numbers.

20 (Discussion off the record.)

21 CHAIRMAN KEILSON: Please for the record  
22 explain what your finding is, Mr. Vacchio, so  
23 that Mr. Bienenfeld can respond.

24 MR. VACCHIO: Okay. Again, it's an  
25 oversight on the Building Department. The

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2 actual 40 feet overall to the ridge should be  
3 counted from the crown of the road, so if  
4 there is a difference in -- you said 5 foot 4?

5 MR. BIENENFELD: Five foot 8.

6 MR. VACCHIO: So in order to not trigger  
7 this variance, the number should be from grade  
8 34.6 or something like that. So this should  
9 be a variance height -- it should be a  
10 variance for --

11 CHAIRMAN KEILSON: For the height.

12 MR. VACCHIO: For the height.

13 MR. BIENENFELD: So if I may say this.  
14 Right. So the objection sheet from the  
15 Building Department picked up the height for  
16 the eave, but the reason for both  
17 noncompliances are the same reason that they  
18 are being measured from the crown of the road  
19 rather than the average grade.

20 MR. VACCHIO: True.

21 MR. BIENENFELD: We are basing -- the  
22 whole explanation is that the crown of the  
23 road is a very, very poor way of measuring the  
24 height of this building because it sits --

25 MEMBER GOTTLIEB: But that's what we do.

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2 This application is not different than any  
3 other one that comes before us for the same  
4 reason. We go by the crown in the road.

5 MR. BIENENFELD: Right. And we came  
6 here tonight to ask that the measurement be  
7 made from average grade rather than the crown  
8 of the road.

9 CHAIRMAN KEILSON: The problem --

10 MR. BIENENFELD: Because of the fact  
11 that this property sits, you know -- the  
12 property sits at a very -- there is a very  
13 steep rise from the edge of the pavement to  
14 the property line. Actually, well before the  
15 property line, but by the time you get to the  
16 property line, you are already at that base  
17 plane height which we argue is the proper base  
18 plane height, not the crown in the road  
19 because of the way that the property sits.  
20 And you know -- you know, our clients were  
21 very careful when they purchased the property  
22 to base their purchase on the fact that the  
23 village themselves had certified that there  
24 was no change in the grade, that this is the  
25 natural grade. The fact that the natural



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2 grade on such a large piece of land sits 5  
3 feet above the road is the reason to come to  
4 this Board because it's an unusual lay of the  
5 land in the village. The village most -- most  
6 properties in the village, the land sits curb  
7 height above the crown of the road.

8 MEMBER GOTTLIEB: Most but not all.

9 Also, I am sure you have been to the site.  
10 You notice if you go to the back of the house  
11 right at the property line, the topography  
12 drops off 5 feet?

13 MR. BIENENFELD: Yes.

14 MEMBER GOTTLIEB: Now, I can't argue  
15 with what the village has deemed acceptable,  
16 but for some reason that doesn't seem natural  
17 to me.

18 CHAIRMAN KEILSON: But that's not the  
19 point. Hold it, Mr. Bienenfeld. As I  
20 understand it, the impact is that not only are  
21 eaves an issue, but now we have a height issue  
22 and height has not been noticed as part of the  
23 notification.

24 MR. PRESTON: That is correct, Mr.  
25 Chairman.

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2 CHAIRMAN KEILSON: How many feet are we  
3 off?

4 MR. VACCHIO: Five and a half feet  
5 something.

6 MEMBER GOTTLIEB: Five feet 8 inches.

7 MR. VACCHIO: From the crown of the  
8 road.

9 MR. BIENENFELD: The average grade on  
10 the site, the difference is between the  
11 average grade on the site and the crown of the  
12 road.

13 CHAIRMAN KEILSON: I understand you want  
14 to say they are both impacted by the same --

15 MR. BIENENFELD: By the same trigger.

16 CHAIRMAN KEILSON: But the byproduct is  
17 there is another variance required that hasn't  
18 been noticed.

19 MR. BIENENFELD: Right.

20 CHAIRMAN KEILSON: So technically we  
21 have an issue.

22 MEMBER GOTTLIEB: Can we ask counsel  
23 what the options are?

24 CHAIRMAN KEILSON: Why don't we ask  
25 counsel what the options are?

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2 MR. PRESTON: I think there is one  
3 option, which is to adjourn and for the  
4 Building Department to issue an amended letter  
5 resulting in an amended appeal and an amended  
6 notice because we have -- we are going to have  
7 two sections of the building code from which  
8 this applicant seeks a variance, one of which  
9 was not noticed here.

10 MEMBER MOSKOWITZ: Is there another  
11 option?

12 MR. PRESTON: The only section noticed  
13 is 212-39.C which contains a restriction for  
14 the height of a single exterior wall and this  
15 is -- this variance request is not that.

16 MEMBER GOTTLIEB: I don't think that's  
17 an option.

18 MEMBER MOSKOWITZ: What section of the  
19 code is implicated by the height one?

20 MR. VACCHIO: We have to look.

21 MEMBER GOTTLIEB: 212-13.B. Just  
22 happened to know that.

23 CHAIRMAN KEILSON: Your erudition  
24 impresses us all.

25 MR. BIENENFELD: Can I make a

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2 suggestion?

3 CHAIRMAN KEILSON: Please.

4 MR. BIENENFELD: If the Board can just  
5 rule on the variance request that is before  
6 you, and the second variance request we will  
7 address at the next meeting.

8 MR. PRESTON: The Board can do that.

9 MEMBER GOTTLIEB: Will that require a  
10 new application? Once you approve this, that  
11 closes this.

12 MR. PRESTON: The Building Department  
13 can speak to that, but they have to submit a  
14 new application after the denial letter.

15 MEMBER MOSKOWITZ: I think if the plan  
16 is to come back a second time, I think what  
17 you are hearing from the Board is that we we  
18 feel good about this one, and so I don't know  
19 that actually really makes a difference to get  
20 what you are asking for tonight and come back  
21 in a month and get the second thing. If there  
22 is some complication that arises from that,  
23 you might as well just come back next month  
24 and get both of them at the same time. Unless  
25 I am misstating the procedural complexity.

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2 MEMBER GOTTLIEB: I don't see why you  
3 would go for one and not the other. You can  
4 start building 30 days earlier, right? That's  
5 the reason why you want to do this.

6 MR. BIENENFELD: Yes. We would like to  
7 start building as quickly as possible.

8 CHAIRMAN KEILSON: Would that facilitate  
9 their building earlier?

10 MR. CASTRO: Technically.

11 MEMBER GOTTLIEB: Is it too late to pour  
12 concrete?

13 MR. CASTRO: Technically yes.

14 CHAIRMAN KEILSON: Technically yes what?

15 MR. CASTRO: It would facilitate earlier  
16 construction.

17 MEMBER MOSKOWITZ: Would they have to  
18 apply again?

19 MR. CASTRO: I think we would need  
20 though a modification on the plans that didn't  
21 show that second variance request. Then a new  
22 set of plans with the other request.  
23 Otherwise we would be approving something --  
24 the Building Department would be stamping and  
25 approving plans that are nonconforming at

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least.

MEMBER GOTTLIEB: So you would have to submit.

MR. CASTRO: It's rather complicated in that fashion.

MEMBER GOTTLIEB: You would have to lower the house by 5 feet 8 inches in order to approve.

MR. VACCHIO: Why don't we approve this and on the record eliminate this high point and come back to it?

MEMBER GOTTLIEB: How do you eliminate the high point?

MR. VACCHIO: If we remove this part and put down in our notes with conditions --

MEMBER GOTTLIEB: That's your purview.

MR. VACCHIO: I am just trying to make it work. If you guys want me to stay out, we stay out.

MR. BIENENFELD: Mr. Vacchio, I think we would agree to that.

MR. VACCHIO: Just a thought.

MR. BIENENFELD: I would be happy to initial it.

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2 MR. VACCHIO: That's an idea, right,  
3 Gerry?

4 CHAIRMAN KEILSON: Consensus from the  
5 Building Department.

6 MR. VACCHIO: So now we are compliant  
7 with the height, and now you can come back  
8 with the variance.

9 MEMBER GOTTLIEB: So we have to just  
10 comply with the 28-foot eave height, and is  
11 that eave height on the front, back, left or  
12 is it all over?

13 MR. BIENENFELD: It's all around.

14 MEMBER GOTTLIEB: So it's basically just  
15 under the roof.

16 MR. BIENENFELD: Right.

17 CHAIRMAN KEILSON: Any more questions  
18 from the Board? Any questions from the  
19 audience? If not, we will take into  
20 consideration the benefit to the applicant as  
21 opposed to any detriment to the community and  
22 the like. So we are going to vote strictly on  
23 the eave height at this point. And Mr.  
24 Moskowitz?

25 MEMBER MOSKOWITZ: For.

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2 CHAIRMAN KEILSON: Mr. Gottlieb?

3 MEMBER GOTTLIEB: I am okay with it.

4 CHAIRMAN KEILSON: Mr. Felder?

5 MEMBER FELDER: For.

6 CHAIRMAN KEILSON: And I am for as well.

7 BBD also. So what? Two years? Two and a  
8 half years?

9 MR. BIENENFELD: Sounds good.

10 MEMBER GOTTLIEB: You are going to come  
11 back next month anyway.

12 MR. BIENENFELD: Two and a half years.  
13 Thank you.

14 MEMBER GOTTLIEB: Do we save these  
15 plans?

16 CHAIRMAN KEILSON: Save them for the  
17 moment. Again, I want the record to indicate  
18 that the quality of the presentation, the  
19 plans, the pictures are really outstanding as  
20 always. The Bienenfeld standard is really  
21 wonderful.

22 MR. BIENENFELD: Very kind of you.

23 CHAIRMAN KEILSON: Very happy to see you  
24 again.

25 MR. BIENENFELD: Always happy to see



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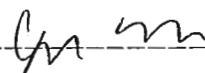
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you. Thank you very much.

(Whereupon the hearing concluded at 8:00  
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

Weiss - 12/15/2021

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

December 15, 2021  
8:00 p.m.

APPLICATION: Weiss  
130 Central Avenue  
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON  
Chairman

MR. EDWARD GOTTLIEB  
Member

MR. ELLIOT MOSKOWITZ  
Member

MR. AARON FELDER  
Member

MR. ANDREW K. PRESTON, ESQ.  
Village Attorney

MR. DANNY VACCHIO  
Building Department

MR. GERALDO CASTRO  
Building Department

Yaffa Kaplan  
Court Reporter

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CHAIRMAN KEILSON: Next matter is Weiss at 130 Central Avenue.

MR. SAVALDI: Amiel Savaldi, 1 Meadow Drive, Woodburgh, New York. I am the architect for the job. Good evening to the Board. The Board was kind enough to grant us a variance somewhat over two years ago.

CHAIRMAN KEILSON: How about five variances?

MR. SAVALDI: Correct. Much appreciated. And at the time there was no notion, no idea to have a pool. As happened to many other families in this neighborhood, during the pandemic the idea of a swimming pool for their own use came up and it was a just recently brought -- decided upon and that's why we are here a second time and we hope that it would be -- we promise that this would be the last time.

CHAIRMAN KEILSON: I don't think you want to do that on the record.

MR. SAVALDI: We hope. What we are proposing to do is the swimming pool, which is 30 feet wide by 10 feet. Thirty-three feet

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wide by 10 feet. Initially we had 10 feet setbacks from the side and from the north. I believe you have the revised plans that we have submitted?

MR. VACCHIO: Yes.

CHAIRMAN KEILSON: Revised in what sense?

MR. SAVALDI: We have two variances. One variance is the setback in the rear. We have 10 feet, required to have 20 feet. The other variance is the front yard -- the pool equipment is located in the front yard. If you see the lot, there isn't much space to work with to put the pool.

CHAIRMAN KEILSON: We noticed that.

MR. SAVALDI: The owner spoke with both neighbors and we have submitted a letter of consent from both of them and including -- that's why we changed the plot plan yesterday because one of the neighbors, the Alters requested that we move it an extra 10 feet from this property and which we did not have a -- the owner was -- had no problem with that. So and the owner --

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2 MEMBER FELDER: Move the pool or the  
3 equipment?

4 MR. SAVALDI: The pool itself was 10  
5 feet from the side yard, and now it's 20 feet.  
6 It's moved away from Alter. And Finestone  
7 also signed a consent letter that he is okay  
8 with this proposal. Again, we wish we could  
9 have increased it, but we have no place to.

10 CHAIRMAN KEILSON: So the issue is -- as  
11 you understand fully is we have never approved  
12 an encroachment to the rear of 10 feet. We  
13 just don't do that. It's a 20-foot  
14 requirement. We have been somewhat flexible  
15 but add to the situation is it's a  
16 self-created hardship. In approving a  
17 variance, why the variance fails is whether  
18 it's a self-created hardship and still under  
19 construction of the variances that were  
20 approved which were very generous variances.

21 I reviewed the record and the like. We  
22 are talking about five variances back on  
23 May 29th in 2019. Now we are coming back with  
24 a pool with an egregious request. So the  
25 question is -- and again, the fact is you are

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asking for a narrow pool, right?

MR. SAVALDI: Yes. Only 10 feet. I can't make it any narrower.

CHAIRMAN KEILSON: Okay. So the question on the table is how close are you to the house? Forsake the patio. You have to come up with a suggestion because 10 feet has never been approved.

(Discussion off the record.)

MR. SAVALDI: Mr. Weiss said it would be okay if we push it 4 feet towards his house. So we are increasing it from 10 to 14 feet.

CHAIRMAN KEILSON: Fifteen feet would be really the minimum I think.

MR. SAVALDI: We will take 15.

CHAIRMAN KEILSON: I mean, they can weigh in but --

MEMBER FELDER: How many feet would that leave you between the house and the edge of the pool?

MR. SAVALDI: Currently we have 16.8, so it would be 11.8.

MEMBER FELDER: That's with a patio?

MR. SAVALDI: The owner says it's okay.

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2 MEMBER FELDER: So you would only be  
3 requesting a 5-foot variance from the rear?

4 MR. WEISS: Shlomo Weiss. Yes, it's  
5 okay.

6 MEMBER GOTTLIEB: And 5 feet is better  
7 than 10 feet.

8 MEMBER MOSKOWITZ: How close will the  
9 pool be to the outdoor kitchen which extends  
10 off of the house?

11 MR. SAVALDI: We may have to change the  
12 location of it.

13 CHAIRMAN KEILSON: The grill?

14 MEMBER MOSKOWITZ: The grill, yes.

15 MEMBER FELDER: Was that in the original  
16 plan from the last variance or this is all  
17 new?

18 MR. SAVALDI: The back is new. It's  
19 generated by the pool.

20 MEMBER GOTTLIEB: Even with the pool  
21 there is no -- we are meeting lot coverage?

22 MR. CASTRO: Yes.

23 MR. SAVALDI: Yes. We have calculated  
24 it all.

25 MEMBER GOTTLIEB: Looks like a lot of

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coverage and not a lot of grass, but if it meets it meets.

MR. CASTRO: I think it was worth it to note that there was a reduction in the driveway, right? You are going to be removing part of the driveway as part of the application?

MR. VACCHIO: Yes.

MR. SAVALDI: I believe so, yes. I think it was reduced.

CHAIRMAN KEILSON: Okay. Any further questions from the Board? Any comments from the audience? Please step forward, Mr. Bernstein.

MR. BERNSTEIN: My name is Josh Bernstein. I am a resident of 69 Sutton Place in Lawrence for the last 50 years. I am looking at this request for, you know, construction of a swimming pool in the front yard. I haven't seen a picture of what the front yard is going to look like after they put this pool in.

MEMBER FELDER: It's not the front yard.

CHAIRMAN KEILSON: The pool is in the



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rear yard.

MR. BERNSTEIN: This is only equipment?

CHAIRMAN KEILSON: Okay. Correct.

MR. BERNSTEIN: What's the size of this equipment and where is it located?

MEMBER FELDER: The equipment is not really in the front yard either. It's on the side of his house.

MR. BERNSTEIN: That's not what this says.

MEMBER FELDER: If you are looking at it this way --

CHAIRMAN KEILSON: Mr. Castro, do you want to take the drawing and show him?

MEMBER FELDER: Can I ask the homeowner, are you amenable to putting up or have you planned on putting screening along the front of your home and blocking your side yard and the equipment specifically?

MR. WEISS: Absolutely. We plan to put trees around it with fencing, and it will be completely not visible from any parts of the streets, side or front.

MEMBER FELDER: Okay. Mr. Bernstein, is

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that satisfactory?

MR. BERNSTEIN: I hope so.

CHAIRMAN KEILSON: Okay. All right.

Any other comments from the audience at this point? Okay. Taking into consideration the benefit to the applicant and any detriment that there might be, notwithstanding the fact that we gave five variances two years ago and the applicant has had a change of heart and decided to put in a pool at this point, we are talking about an encroachment of 15 feet and then also the pool equipment constructed in the front yard and there will be screening. So having said that, Mr. Felder?

MEMBER FELDER: For.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: I am for.

CHAIRMAN KEILSON: Mr. Moskowitz?

MEMBER MOSKOWITZ: For.

CHAIRMAN KEILSON: And I will be for. A year's time?

MR. SAVALDI: A year.

CHAIRMAN KEILSON: Okay.

(Whereupon the hearing concluded at 8:12

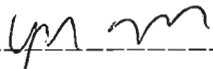
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p.m.)

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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

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INCORPORATED VILLAGE OF LAWRENCE  
BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

December 15, 2021  
8:12 p.m.

APPLICATION: Salem  
7 Copperbeech Lane  
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON  
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Building Department

MR. GERALDO CASTRO  
Building Department

Yaffa Kaplan  
Court Reporter

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2 CHAIRMAN KEILSON: All right. Final  
3 matter this evening is Salem of 7 Copperbeech  
4 Lane.

5 MR. BRAUM: Good evening. My name is  
6 Andrew Braum, B-R-A-U-M, 1924 Bellmore Avenue,  
7 Bellmore, New York 11710. I am an engineer.  
8 I am representing Mr. and Mrs. Salem who are  
9 here with us this evening in the audience.

10 Good evening, Mr. Chairman. Good  
11 evening, everyone.

12 CHAIRMAN KEILSON: Good evening.

13 MR. BRAUM: We are here before you  
14 tonight requesting four variances, the first  
15 of which is for surface coverage, the second  
16 of which is for front yard surface coverage.  
17 As it relates to a proposed swimming pool it  
18 is for a request for a 10-foot rear yard  
19 setback for where 20 feet is required and also  
20 for a swimming pool in the front yard. The  
21 property is a corner property located at West  
22 Copperbeech and North Copperbeech.

23 Currently the home is under  
24 construction. The family were victims of a  
25 fire, and they are currently renting a house

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2 now and as the house is under construction, as  
3 it relates to the request for the circular  
4 driveway, the family currently has four  
5 drivers, soon to be six. Children are 13 and  
6 15 which will soon be of driving age and 17  
7 and 18 which are driving age.

8 In the cul-de-sac you are not allowed or  
9 permitted to park between 3:00 and 5:00 a.m.  
10 and the nearest parking is over two and a half  
11 blocks away in the more interior portions.  
12 The family is concerned with the amount of  
13 tickets they get and the safety of people  
14 walking that far to park. So that's the  
15 request for the circular driveway which  
16 triggers the surface coverage variance which  
17 also triggers the front yard variance. On  
18 paper it looks bad because it's 92.8 percent  
19 because only 826 square feet is permitted  
20 where the driveway makes it 1,593.

21 CHAIRMAN KEILSON: Why isn't it bad in  
22 reality?

23 MR. BRAUM: Well, it's a corner property  
24 with a circular driveway, you know. The  
25 number looks high, and I think I know this

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Board --

CHAIRMAN KEILSON: It is high, isn't it?

MR. BRAUM: That's a matter of opinion  
but --

CHAIRMAN KEILSON: What other opinion is  
there?

MR. BRAUM: Well, it is high as a  
number, but practically when you look at the  
plan it's essentially a circular driveway  
which is what they are trying to achieve to  
have more off-street parking. That's the  
request of the family who is here with us this  
evening.

MEMBER GOTTLIEB: So you have a two-car  
garage, yes?

MR. BRAUM: Yes.

CHAIRMAN KEILSON: What's the length  
from the --

MEMBER GOTTLIEB: What's the length from  
the house to the curb line?

MR. BRAUM: The approximately 30 feet if  
you look at this survey there is one  
measurement given as 30.

MEMBER GOTTLIEB: I am looking at AQ-1.

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2 MR. BRAUM: If you look at the survey,  
3 there is a measurement of 30.4 on it. I can  
4 pass it up. The survey is not on my set of  
5 plans, but it's included in the -- of course,  
6 the submission.

7 MEMBER GOTTLIEB: So it's 30 feet to the  
8 property line and then you have that extra  
9 space because there are no curbs there?

10 MR. BRAUM: Right.

11 MEMBER GOTTLIEB: So you can fit  
12 comfortably six cars without a circular  
13 driveway, no?

14 MR. BRAUM: If the width of the driveway  
15 was made bigger, then we could fit double --  
16 four on the driveway.

17 MEMBER GOTTLIEB: Right.

18 CHAIRMAN KEILSON: Okay. Continue.

19 MR. BRAUM: So that is what triggers the  
20 surface coverage in the front yard request for  
21 surface coverage. As it relates to a pool, we  
22 are requesting a 14-by-36-foot pool. There is  
23 a 20-foot setback where we are requesting 10  
24 feet so that we can fit that size swimming  
25 pool in the backyard. In addition, because



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2 it's a corner property, the equipment being  
3 located on the side of the house triggers a  
4 front yard variance request for a swimming  
5 pool.

6 CHAIRMAN KEILSON: Okay. So is it not a  
7 self-created hardship?

8 MR. BRAUM: Due to the request for the  
9 pool?

10 CHAIRMAN KEILSON: No. You expanded the  
11 house, didn't you?

12 MR. BRAUM: Well, the house was expanded  
13 in one portion of it. It was an existing  
14 screened-in porch that all they did was kind  
15 of fill in a piece. I can show it to you on a  
16 plot plan, but that would not really affect  
17 the size of the pool.

18 CHAIRMAN KEILSON: Well, it could  
19 accommodate it by eliminating the porch or  
20 whatever.

21 MR. BRAUM: Well, that would mean making  
22 the house smaller.

23 MEMBER GOTTLIEB: I think what the  
24 chairman is getting at is it looks on this  
25 plan that the house was extended by 10 feet to

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the rear.

MR. BRAUM: Correct but if you look at the plot plan for the existing survey, this piece was already there. If you can see this distance here. All they did -- correct me if I am wrong and come up -- is went straight across. So they didn't go further back than the existing screened-in porch that was currently there.

CHAIRMAN KEILSON: But you could have accommodated the pool.

MR. BRAUM: So the question is -- or if you are saying we could have accommodated by doing what?

MEMBER GOTTLIEB: In other words --

MR. BRAUM: I don't understand the question.

MEMBER GOTTLIEB: You have choices. You can either expand your house or you could have a pool but now you have expanded the house and you want a pool and you can't fit 10 pounds of potatoes in a 5-pound bag.

MR. BRAUM: Well, the reason the pool was requested at a later date is very similar

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2 to the other homeowners where they came in at  
3 a later date, and due to the corona and other  
4 issues at hand, the family now would like the  
5 benefit of having a swimming pool in your  
6 village.

7 CHAIRMAN KEILSON: So you were here for  
8 the last discussion, right?

9 MR. BRAUM: Right.

10 CHAIRMAN KEILSON: We don't give 10-foot  
11 variances.

12 MR. BRAUM: Correct. So what would the  
13 Board be willing to accommodate here because  
14 because right now the pool is 14 feet. Would  
15 you expect me going down to 12 feet with the  
16 pool?

17 CHAIRMAN KEILSON: We just allowed the  
18 other variance a 15-foot distance from the  
19 rear.

20 MR. BRAUM: Correct but if we do 15  
21 feet, then this pool is going to be very  
22 small. I mean, I can do the math but it will  
23 be less than 8 feet I believe.

24 CHAIRMAN KEILSON: Why would it be less  
25 than 8 feet?

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MEMBER FELDER: Just pull it closer just like they did.

MR. BRAUM: The problem with pulling it closer there are two stairs that leave the house. If you look at my plot plan you will see those, so you will essentially be walking downstairs and going straight to to the pool.

MEMBER MOSKOWITZ: Wouldn't it be 9 feet just as a matter of math?

MR. BRAUM: Sorry. I said I would have to do the math. If we go 5, it would be a 9-foot pool, which is -- in my opinion is not what the family was looking for the pool, not with that many people, and they entertain a lot at the house. So I am asking if the Board would consider 12 feet.

MEMBER FELDER: What do those two stairs go into?

MR. BRAUM: One is the screened-in porch I was mentioning and the other is out from the kitchen, the den.

MEMBER FELDER: Any way to eliminate that stair?

MR. BRAUM: Not practically, no.

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MR. SALEM: My name is Menachem Salem. I am the owner of the property. Essentially the other side is not where the pool is going to be sitting. So the other area where there is a stairwell, there would not be in any direction where the pool is. So there would be no reason to eliminate it; it doesn't affect the pool.

MEMBER FELDER: Which staircase?

MR. SALEM: The staircase -- if you are looking at the property, the right side.

MEMBER GOTTLIEB: The one closer to Copperbeech Lane?

MR. SALEM: No. The other side.

MEMBER GOTTLIEB: The one closer to the neighbor?

MEMBER FELDER: If you were to eliminate the staircase coming out of your covered porch, then you would be able to bring the pool to your house.

MR. SALEM: I'm sorry for the classification. That's not a porch. That's a physical structure. It's part of the house.

MEMBER FELDER: Whatever you converted.

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2 MR. SALEM: It was always -- it was  
3 never a porch. It was an enclosed structure  
4 with a window and door and roof line that was  
5 in addition to the back area of the property  
6 before I purchased it.

7 MEMBER FELDER: My question was is it  
8 inherent in your plan that you maintain that  
9 egress as a second egress, or are you okay  
10 with just having one on the other side,  
11 eliminating that egress, pulling your pool  
12 closer to your house, thereby alleviating the  
13 request for such a large variance in the rear.  
14 That's all. Same thing we did in the last  
15 variance. It's just how much would that  
16 pulling of the pool closer to your house  
17 interfere with your current house of the use  
18 of the property?

19 MR. SALEM: By pulling it back there,  
20 would there be any point of egress from that  
21 location possibly by code, or would I have to  
22 eliminate that egress?

23 MEMBER FELDER: That would be up to you.  
24 If you fit it in -- I guess you could put a  
25 door on the side of your house going out that

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way.

MR. SALEM: How many feet would be between that side of the pool if we did that?

MEMBER FELDER: Well, look -- do you mind if I go to them?

CHAIRMAN KEILSON: It's not our role to redesign.

MEMBER FELDER: My point is we are trying to figure out a way.

CHAIRMAN KEILSON: You are making a request. Your engineer or architect has asked for a 12 feet.

MR. BRAUM: If I may make a comment?

CHAIRMAN KEILSON: Please.

MR. BRAUM: I have been before this Board before with many different pools, and I was able to have this same Board approve 12.6 in the rear.

CHAIRMAN KEILSON: Context. Context.

MR. BRAUM: Very similar house.

CHAIRMAN KEILSON: Again, context. We would have to look at it, see what the context is, what the circumstances are.

MEMBER GOTTLIEB: The distance to the

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adjacent house.

CHAIRMAN KEILSON: Whether there were any other possibilities.

MEMBER GOTTLIEB: Was it adjacent to the road. I mean, every application is looked at separately. There are no precedents here.

MR. BRAUM: No, I understand.

MEMBER GOTTLIEB: Respectfully you have submitted something which we -- which I couldn't approve a 10-foot distance and the coverage in the front is just to me not acceptable. But -- and I say this respectfully -- don't make your plan my problem. All right. You guys have to come up with something. It's only December. You can come up with something else and come back, or you can try to work something out the way my colleague to my east --

MR. BRAUM: I have been discussing with my client another option for the driveway knowing that the Board may not like the high front yard surface coverage. One option that we came up with this, you just very simply see the red lines here on either side of the



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2 existing driveway. We would make the existing  
3 driveway wider by 4 feet on either side. What  
4 would that do is that would eliminate --

5 MEMBER FELDER: You mean remove the  
6 circular driveway? But that doesn't solve  
7 your rear setback issue.

8 MEMBER GOTTLIEB: We are looking at four  
9 variances, one of which is not an issue  
10 really.

11 MR. BRAUM: What that would do is  
12 eliminate the surface coverage variance. It  
13 would take the front yard variance down to 7.6  
14 percent from 92 percent, and then hopefully in  
15 exchange for that we can have some type of  
16 pool at maybe 12 feet.

17 CHAIRMAN KEILSON: Mr. Gottlieb's  
18 suggestion was a valid suggestion. We can't  
19 sit here and do all the mathematics and then  
20 rejigger it. I think that whatever your plan  
21 B or plan C may be, I think it's time for you  
22 to take an adjournment -- as he said, it's  
23 only December -- and then let's reconvene when  
24 you have something to show us or we can vote.

25 MEMBER GOTTLIEB: I say it's only

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December because you don't need that pool for another seven months or so, six months.

MR. BRAUM: With respect, thank you, Mr. Gottlieb, for that. The family is currently renting and that whole thing expires shortly and this makes the driveway portion time sensitive. Would this Board be able to vote on a portion of -- is that very similar to the question we asked the other person, right? So just to finish my question, would the Board be able to vote on the driveway which I would basically ask for the surface coverage to be reduced and then we come back for the pool?

MEMBER GOTTLIEB: So --

MR. SALEM: That's fine.

MEMBER GOTTLIEB: So if that was the case, you would have to reapply. You realize that, right?

MR. BRAUM: For the pool.

MEMBER GOTTLIEB: You would have to do a new application and go through the process all over again.

MR. BRAUM: Or we wait one more month.

MEMBER GOTTLIEB: Is there no driveway

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there now?

MR. BRAUM: There is a driveway there now, but it's under construction. You can look it up on the survey. I can bring it up to you. It shows it very well here.

CHAIRMAN KEILSON: Please send it up.

MR. BRAUM: It's in the corner there.

(Discussion off the record.)

CHAIRMAN KEILSON: I don't think we are going to be able to come up with accurate numbers just standing here like this.

MR. BRAUM: I have accurate numbers.

MR. SALEM: I think we should adjourn and come back.

CHAIRMAN KEILSON: I think so. That would be the prudent thing.

MR. SALEM: We can do the following which would be the next month.

MR. CASTRO: If you are ready.

CHAIRMAN KEILSON: Hopefully for January.

MR. VACCHIO: Just bring in your changes.

CHAIRMAN KEILSON: We will be happy to

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talk to you off the record.

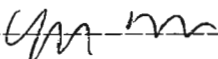
MR. BRAUM: So Mr. Chairman, we respectfully request an adjournment.

CHAIRMAN KEILSON: I think everybody agrees to an adjournment. Thank you for coming in today. Thank you for coming in. Anybody have any questions before we adjourn?

(Whereupon the hearing concluded at 8:30 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