

Abittan - 2/24/2021

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

February 24, 2021
7:37 p.m.

APPLICATION: Abittan
247 Juniper Circle East
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. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. JACOB PLAUT
Building Department

MR. GERRY CASTRO
Building Department

MR. DANIEL VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

Abittan - 2/24/2021

1
2 CHAIRMAN KEILSON: Good evening, ladies 19:34
3 and gentlemen. Welcome to the Lawrence Board 19:37
4 of Zoning Appeals. Please turn off your 19:37
5 phones, and if you have to discuss any matter, 19:37
6 please step outside. Plenty of room this 19:37
7 evening to step out. Okay. Proof of posting. 19:37
8 MR. VACCHIO: Mr. Chairman, I offer 19:37
9 proof of posting and publication. 19:37
10 CHAIRMAN KEILSON: Okay, fantastic. 19:37
11 Thank you very much. Okay. We have several 19:37
12 extensions to discuss. Let's do it as 19:37
13 expeditiously as possible. The first one is 19:37
14 Rachel and Abraham Abittan, 247 Juniper Circle 19:37
15 East. Let's see. The original variance was 19:37
16 granted on November 18th of last year, 2020. 19:37
17 The date of expiration is 2/18/21, which is 19:37
18 just about now, and they are asking for an 19:37
19 extension for construction. So considering 19:38
20 the scope of the work that's being undertaken, 19:38
21 I think we should grant them two and a half 19:38
22 years. Mr. Felder? 19:38
23 MEMBER FELDER: For. 19:38
24 CHAIRMAN KEILSON: Very good. Mr. 19:38
25 Gottlieb? 19:38

Abittan - 2/24/2021

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MEMBER GOTTLIEB: For.

19:38

CHAIRMAN KEILSON: Very good. Mr.

19:38

Hiller?

19:38

MEMBER HILLER: Yes.

19:38

CHAIRMAN KEILSON: And myself, yes.

19:38

Okay.

19:38

(Whereupon the hearing concluded at 7:38

p.m.)

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

_____ *Ym m* _____

YAFFA KAPLAN

Court Reporter

Central Sutton LLC - 2/24/2021

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

February 24, 2021
7:38 p.m.

APPLICATION: Central Sutton LLC
160 Central Avenue
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. JACOB PLAUT
Building Department

MR. GERRY CASTRO
Building Department

MR. DANIEL VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

1 Central Sutton LLC - 2/24/2021

2 CHAIRMAN KEILSON: Next one is Central 19:38

3 Sutton LLC. The family name is Wieder, 160 19:38

4 Central Avenue in Lawrence. Date of 19:38

5 expiration is 6/18/2020. Original variance is 19:38

6 12/18/13. This is a never-ending project. I 19:38

7 think we granted -- counsel. 19:38

8 MR. VACCHIO: Yes, we did. 19:38

9 CHAIRMAN KEILSON: We granted one? 19:38

10 MR. VACCHIO: He needs a little bit more 19:38

11 time. 19:38

12 CHAIRMAN KEILSON: But wasn't that the 19:38

13 last grant? 19:38

14 MR. PLAUT: The last extension you 19:38

15 granted you said would be the final extension. 19:38

16 CHAIRMAN KEILSON: So there is nothing 19:39

17 to talk about; is that correct, counsel? 19:39

18 MR. PRESTON: You actually don't have 19:39

19 jurisdiction over the request since the 19:39

20 request was made after the expiration anyway. 19:39

21 CHAIRMAN KEILSON: I see. 19:39

22 MR. PRESTON: So I don't think the Board 19:39

23 has power to grant it even if it wanted. 19:39

24 MR. VACCHIO: So what do we do in a case 19:39

25 like this? I am curious. 19:39

Central Sutton LLC - 2/24/2021

CHAIRMAN KEILSON: Speak to counsel. 19:39

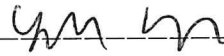
MR. VACCHIO: Okay. Thank you, sir. 19:39

CHAIRMAN KEILSON: Very good. 19:39

(Whereupon the hearing concluded at 7:39

p.m.)

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

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YAFFA KAPLAN

Court Reporter

Adler - 2/24/2021

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

February 24, 2021
7:39 p.m.

APPLICATION:

Adler
227 Juniper Circle South
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. JACOB PLAUT
Building Department

MR. GERRY CASTRO
Building Department

MR. DANIEL VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

1 Adler - 2/24/2021

2 CHAIRMAN KEILSON: The next matter, 19:39

3 Steven Adler, 227 Juniper Circle South in 19:39

4 Lawrence. Date of expiration also has passed. 19:39

5 They hadn't actually started it because of the 19:39

6 COVID situation. They are about to start. 19:39

7 How does the Board feel on the matter. 19:39

8 MEMBER GOTTLIEB: It was granted 19:39

9 initially September of 2019? 19:39

10 CHAIRMAN KEILSON: Correct. 19:39

11 MEMBER GOTTLIEB: No work was done so 19:40

12 there is no harm to the neighbors in terms of 19:40

13 construction? 19:40

14 CHAIRMAN KEILSON: Correct. 19:40

15 MEMBER GOTTLIEB: Same question as to 19:40

16 the one before. Are we permitted to extend 19:40

17 this? It's over one year since it's expired. 19:40

18 CHAIRMAN KEILSON: Are you propounding 19:40

19 that question to counsel? 19:40

20 MEMBER GOTTLIEB: I guess. 19:40

21 MR. PRESTON: The answer is no. 19:40

22 MEMBER GOTTLIEB: We are not permitted? 19:40

23 MR. PRESTON: You are not. 19:40

24 MEMBER GOTTLIEB: What does the 19:40

25 applicant do if this is rejected? 19:40

1 Adler - 2/24/2021

2 MR. PRESTON: If the extension is not 19:40
3 granted, it's a new application to the 19:40
4 Building Department. 19:40

5 MEMBER GOTTLIEB: I just wanted clarity. 19:40
6 Not necessarily to change the situation. 19:40

7 MEMBER FELDER: They have to come back 19:40
8 for a variance again? 19:40

9 MR. PRESTON: They do. The same as the 19:40
10 last one. 19:40

11 CHAIRMAN KEILSON: There we granted it 19:40
12 with a last grant. Do we have any view on 19:40
13 this? 19:40

14 MR. PRESTON: The expiration is even 19:40
15 before the executive order of coronavirus. 19:41

16 CHAIRMAN KEILSON: Right. 19:41

17 MEMBER FELDER: Why did it take so long 19:41
18 to get this here? 19:41

19 CHAIRMAN KEILSON: Good question. We 19:41
20 had once discussed looking at the particular 19:41
21 file to keep track of the extensions. 19:41

22 MEMBER FELDER: Why is it expired 19:41
23 anyway? Wouldn't we have given him two years 19:41
24 from September 2019? 19:41

25 MEMBER GOTTLIEB: They need to start 19:41

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1 construction within three months. 19:41

2

3 CHAIRMAN KEILSON: Oh, a permit. Let's 19:41

4 see if the Building Department has a rabbit in 19:41

5 its hat. Okay. Okay. What's the 19:41

6 clarification? 19:41

7 MR. PRESTON: So after speaking with the 19:41

8 Building Department, I believe the applicant's 19:42

9 date of expiration is incorrect and that the 19:42

10 actual date of expiration is September of '21 19:42

11 which this date incorrectly refers to the date 19:42

12 of permit request rather than the actual date 19:42

13 of expiration of the variance. So the Board 19:42

14 has jurisdiction. 19:42

15 CHAIRMAN KEILSON: We have purview. 19:42

16 Okay. So let's talk about the scope. I don't 19:42

17 remember the scope of the project. Was it 19:42

18 knockdown or expansion? 19:42

19 MEMBER FELDER: It's an expansion. 19:42

20 CHAIRMAN KEILSON: So let's go with two 19:42

21 years. 19:42

22 MEMBER HILLER: Okay. 19:42

23 MEMBER GOTTLIEB: Two years from today? 19:42

24 CHAIRMAN KEILSON: From today. 19:42

25 According to Mr. Castro. 19:42

Adler - 2/24/2021

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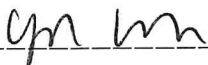
MEMBER GOTTLIEB: When do they have to 19:42
get their permits back? Within three months 19:42
of today? 19:42

MR. CASTRO: Yes. 19:42

CHAIRMAN KEILSON: Okay. All right. 19:42

(Whereupon the hearing concluded at 7:42
p.m.)

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

_____  _____

YAFFA KAPLAN

Court Reporter

Chachas - 2/24/2021

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

February 24, 2021
7:42 p.m.

APPLICATION:

Chachas
280 Albert Place
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. JACOB PLAUT
Building Department

MR. GERRY CASTRO
Building Department

MR. DANIEL VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

1 Chachas - 2/24/2021

2 CHAIRMAN KEILSON: Let's go to the first 19:42

3 matter which is Chachas at 280 Albert Place. 19:42

4 Did I pronounce that correctly. 19:42

5 MRS. CHACHAS: Close enough. 19:43

6 CHAIRMAN KEILSON: We had a whole 19:43

7 discussion as to how we should pronounce 19:43

8 Chachas. 19:43

9 MRS. CHACHAS: You were close. 19:43

10 MR. YOON: Good evening. Young Yoon, 19:43

11 Y-O-U-N-G, Y-O-O-N, 95 Empire Boulevard, 19:43

12 Highland Park, New York 11558. 19:43

13 CHAIRMAN KEILSON: Perhaps go on the 19:43

14 record. 19:43

15 MRS. CHACHAS: Diane Chachas, 211 19:43

16 Central Park West, New York, New York. 19:43

17 CHAIRMAN KEILSON: We will know where to 19:43

18 find you. Proceed. 19:43

19 MR. YOUNG: So we are here seeking 19:43

20 relief from Section 212-48.C, which states 19:43

21 that an accessory structure can't receive more 19:43

22 than two stories -- I'm sorry -- one story nor 19:43

23 the vertical distance from average grade to 19:44

24 the average roof can't be more than 12 feet. 19:44

25 We are composing an additional -- we are 19:44

Chachas - 2/24/2021

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proposing an additional 8 feet in height for 19:44
the distance of 20 feet, and we are also 19:44
proposing a second-story cabana over a garage. 19:44

The property is located in a flood zone. 19:44
It's 80 11 but the average grade around the 19:44
property and around where we are proposing to 19:44
put the structure is 5 feet. So even if we 19:44
were to extend along the cabana, the cabana 19:44
would still have to be 7 feet above grade. So 19:44
we came up with the idea of putting the cabana 19:44
over the garage and with the -- but as a 19:44
standalone cabana, with the 12-foot height 19:44
restriction, it really wouldn't allow you to 19:44
have a proper ceiling height. So we would 19:44
have to come for a relief on that regardless. 19:45

There is an existing two-car garage on 19:45
the site, but it's falling apart so we propose 19:45
to take that down. We did get approval to 19:45
knock that down and build a new two-car 19:45
garage. And the reason why we wanted to put 19:45
the cabana over the new garage is to minimize 19:45
the surface coverage. We thought that would 19:45
be ideal. 19:45

And in the package that I submitted, you 19:45

Chachas - 2/24/2021

1
2 know, one of the reasons why we are requesting 19:45
3 a cabana is because we need -- we need an open 19:45
4 space. We need a space for rehabilitation. 19:45
5 Christopher, Diane and John's son, has a 19:45
6 medical condition -- 19:45
7 MEMBER GOTTLIEB: Mr. Young, the Board 19:45
8 is familiar with the medical condition, and I 19:45
9 don't think you need to go into any details. 19:45
10 It's nobody's concern. We are very cognizant 19:46
11 that you have a serious medical condition that 19:46
12 requires what you are asking for. 19:46
13 CHAIRMAN KEILSON: Thank you. 19:46
14 MR. YOUNG: Thank you. So John and 19:46
15 Diane, they are going to make this into their 19:46
16 primary residence. They currently live in the 19:46
17 city but it's not conducive for their son, so 19:46
18 they want to make Lawrence their primary 19:46
19 residence. 19:46
20 CHAIRMAN KEILSON: That's a good choice. 19:46
21 MEMBER GOTTLIEB: We like it. 19:46
22 MR. YOUNG: The cabana is not going to 19:46
23 be used for any sleeping. It's strictly an 19:46
24 open space. There is a dressing room, there 19:46
25 is a full bath so that it's easily accessible 19:46

Chachas - 2/24/2021

1
2 for Christopher. And we are going to plant 19:46
3 trees -- there is a lot of trees around the 19:46
4 properties already, so we are going to plant a 19:46
5 lot of trees surrounding the property. Just 19:46
6 to screen the structure and also the pool 19:46
7 that's being installed there. And then in our 19:46
8 variance package we also provided other 19:46
9 addresses that has the -- like a carriage 19:47
10 house, the space over a garage. And for these 19:47
11 reasons we are asking you to grant this. 19:47
12 MEMBER GOTTLIEB: Just a couple of 19:47
13 questions. You are removing the current 19:47
14 two-car garage? 19:47
15 MR. YOUNG: Correct. 19:47
16 MEMBER GOTTLIEB: And the replacement is 19:47
17 the garage/cabana? 19:47
18 MR. YOUNG: Correct. 19:47
19 MEMBER GOTTLIEB: So the garage would be 19:47
20 on the ground floor if you will? 19:47
21 MR. YOUNG: Correct. 19:47
22 MEMBER GOTTLIEB: And the cabana would 19:47
23 be because it has to be 12 feet above sea 19:47
24 level or it's on the second floor flood zone? 19:47
25 MR. YOUNG: Correct. 19:47

1 Chachas - 2/24/2021

2 MEMBER GOTTLIEB: And according to the 19:47
3 plans, are you actually going to be able to 19:47
4 use the garage, or are you just making a 19:47
5 garage because you have to have a garage? 19:47

6 MR. YOUNG: So the garage, the existing 19:47
7 garage that they have, they actually use it as 19:47
8 a garage. They put their cars and they are 19:47
9 going to continue to use it as a garage. 19:47

10 MEMBER GOTTLIEB: Is there any height 19:47
11 setback ratio for the cabana vis-à-vis from 19:47
12 the property line? 19:48

13 MR. PLAUT: No, sir. No height setback 19:48
14 ratio requirements for accessory structures. 19:48

15 MEMBER GOTTLIEB: Does your neighbor 19:48
16 know of this project, the one that's adjacent 19:48
17 to you, to the garage? 19:48

18 MRS. CHACHAS: Yes, they do. 19:48

19 CHAIRMAN KEILSON: I assume they have no 19:48
20 objection? 19:48

21 MRS. CHACHAS: They are good friends. 19:48

22 CHAIRMAN KEILSON: They still could have 19:48
23 objection. 19:48

24 MRS. CHACHAS: True, true. But we are 19:48
25 old friends and they understand. 19:48

1 Chachas - 2/24/2021

2 CHAIRMAN KEILSON: Longstanding friends? 19:48

3 MRS. CHACHAS: Yes. Thank you. 19:48

4 CHAIRMAN KEILSON: Okay. 19:48

5 MEMBER GOTTLIEB: And the appearance of 19:48
6 the in-ground pool looks like it's in the 19:48
7 front of the house, but I spoke with the 19:48
8 Building Department. What I thought was the 19:48
9 front is the side and therefore the pool is in 19:48
10 compliance with zoning and there is no 19:48
11 application required for us. 19:49

12 MR. YOUNG: Correct. 19:49

13 MEMBER GOTTLIEB: I am done, Mr. 19:49
14 Chairman. 19:49

15 CHAIRMAN KEILSON: I think the most 19:49
16 exciting part of the application is I never 19:49
17 heard of Albert Place. That to me is a new 19:49
18 part of the village. 19:49

19 MRS. CHACHAS: It's a lovely street. 19:49

20 CHAIRMAN KEILSON: Really isolated out 19:49
21 there. 19:49

22 MR. YOUNG: Did you go out there in the 19:49
23 snowstorm? 19:49

24 CHAIRMAN KEILSON: No. 19:49

25 MR. CASTRO: Not that brave. 19:49

Chachas - 2/24/2021

1
2 CHAIRMAN KEILSON: Gentlemen, any 19:49
3 questions? Comments? Anyone from the 19:49
4 audience want to comment? If not, we are 19:49
5 going to vote using the criteria for variances 19:49
6 which is weighing the benefit to the applicant 19:49
7 as opposed to any detriment to the environs. 19:49
8 We will start with Mr. Gottlieb. 19:49
9 MEMBER GOTTLIEB: I am very much in 19:49
10 favor of the application and glad to hear you 19:49
11 are becoming a full-time resident. 19:49
12 CHAIRMAN KEILSON: Okay. Mr. Hiller? 19:49
13 MEMBER HILLER: For. 19:49
14 CHAIRMAN KEILSON: Mr. Felder? 19:49
15 MEMBER FELDER: I am for. Good luck. 19:49
16 CHAIRMAN KEILSON: I vote for as well. 19:50
17 We wish you luck and health to your son. So 19:50
18 how much time do you need? 19:50
19 MR. YOUNG: They are already in 19:50
20 construction so -- 19:50
21 CHAIRMAN KEILSON: A year and a half? 19:50
22 MR. YOUNG: Year and a half. 19:50
23 CHAIRMAN KEILSON: Say a year and a 19:50
24 half. 19:50
25 MR. YOUNG: Would be perfect. All 19:50

Chachas - 2/24/2021

right. Thank you very much.

19:50

(Whereupon the hearing concluded at 7:50

p.m.)

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

A handwritten signature in dark ink, appearing to read 'Yaffa Kaplan', is written over a horizontal dashed line.

YAFFA KAPLAN

Court Reporter

Urbach - 2/24/2021

19:50

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

February 24, 2021
7:50 p.m.

APPLICATION:

Urbach
178 Broadway
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. JACOB PLAUT
Building Department

MR. GERRY CASTRO
Building Department

MR. DANIEL VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

Urbach - 2/24/2021

1
2 CHAIRMAN KEILSON: Next matter is that 19:50
3 of Urbach at 178 Broadway. They or their 19:50
4 representative. 19:50

5 MS. KUPFERSTEIN: Good evening. I am 19:50
6 Barbara Kupferstein. I am the architect of 19:50
7 record for the application on behalf of the 19:50
8 Urbachs who are here today. We are requesting 19:50
9 an in-ground pool, and we do need a relief of 19:50
10 212-12.1, 212-48.A, and 212-48.B. There is a 19:50
11 minor issue of surface coverage which is 19:51
12 modest. 19:51

13 There is a lot of objection that the 19:51
14 pool is in the front yard, and we are not 19:51
15 allowed to have pools in the front yard. This 19:51
16 is somewhat of a technicality because it's a 19:51
17 corner house, and so hence they have two front 19:51
18 yards. That yard, it appears as a side yard, 19:51
19 and it's on a small street called Mann Place, 19:51
20 which is a short street. There are four homes 19:51
21 on that street, and none of them have a front 19:51
22 facing. I have some photographs here I will 19:51
23 be glad to show you. It's basically fences 19:51
24 all along that block. So -- 19:51

25 CHAIRMAN KEILSON: We all visited the 19:51

Urbach - 2/24/2021

1 site, so you can hold the photographs. 19:51

2 MS. KUPFERSTEIN: Okay. Good. I have 19:51

3 it if you need. And then the issue that 19:51

4 became I guess the most critical issue is this 19:52

5 rear yard required of 20 feet from the rear 19:52

6 lot line to the pool. But because of the 19:52

7 irregular shape of their lot, there is a 19:52

8 portion of that pool that falls short of that 19:52

9 20 feet, and so we are asking for relief from 19:52

10 that part of the pool. 19:52

11 CHAIRMAN KEILSON: Well, from the entire 19:52

12 pool? 19:52

13 MS. KUPFERSTEIN: Correct. 19:52

14 MEMBER FELDER: Are we viewing this as a 19:52

15 side yard or rear yard for purposes of 19:52

16 encroachment? 19:52

17 CHAIRMAN KEILSON: Who are you asking? 19:52

18 MEMBER FELDER: I don't know. I mean, 19:52

19 you stated that this is now a side yard. 19:52

20 MS. KUPFERSTEIN: It's not a side yard. 19:52

21 It's technically a front yard. 19:53

22 MEMBER FELDER: Right but that's a 19:53

23 technicality that we are assuming is gone. So 19:53

24 now what are we calling it? 19:53

25

Urbach - 2/24/2021

1
2 MS. KUPFERSTEIN: Now it's a rear yard. 19:53
3 A rear yard needs 20 feet to the pool. But if 19:53
4 we had the whole 20 feet, the pool would be at 19:53
5 the back door of the house. So there is a 19:53
6 little room, and this is the best place that 19:53
7 we thought it could fit given the conditions 19:53
8 of the irregular lot. 19:53
9 MEMBER GOTTLIEB: If you slid the pool 19:53
10 toward I don't know front from back in this 19:53
11 case, let's say to the -- 19:53
12 MS. KUPFERSTEIN: To the right? 19:53
13 MEMBER GOTTLIEB: To the east, it looks 19:53
14 like it would meet all the requirements. 19:53
15 MS. KUPFERSTEIN: So moving the pool to 19:53
16 the east was considered. There is two issues. 19:53
17 One is that there is a lot of trees there. 19:53
18 Old trees, some on their lot, some on the 19:53
19 neighbors' lot. That makes that a shady spot, 19:53
20 and you know, regardless if that is -- that 19:53
21 spot gets a lot of shade, and if it's moved 19:53
22 over a bit, also the entrance from the house 19:53
23 to the backyard is right there and so that 19:54
24 would end up just opening up the door and 19:54
25 coming very close to the pool. So for those 19:54

Urbach - 2/24/2021

1
2 two reasons we are requesting consideration to 19:54
3 put it in the spot that we requested. 19:54
4 Originally we wanted even more or even less 19:54
5 distance, but in consideration with the spirit 19:54
6 of the village, and you know, not going too 19:54
7 much on that neighbor, we brought it as far 19:54
8 close to the house as possible. I also do 19:54
9 have a letter from that neighbor stating that 19:54
10 they have no objection. I have it here. I 19:54
11 can give it to you. 19:54

12 CHAIRMAN KEILSON: Please. 19:54

13 MEMBER GOTTLIEB: The pool is 12 feet to 19:54
14 the house? 19:54

15 MS. KUPFERSTEIN: Right and another 19:54
16 consideration is that the pool is 16 feet. I 19:54
17 have done other pools for other clients. They 19:54
18 generally ask for 20 by 40. That was another 19:54
19 gesture on behalf of the homeowners to reduce 19:54
20 the size and how close they would get to the 19:54
21 rear neighbor. I have several copies or you 19:55
22 could pass it around. 19:55

23 CHAIRMAN KEILSON: I will pass it 19:55
24 around. 19:55

25 MEMBER GOTTLIEB: So recently we 19:55

Urbach - 2/24/2021

1 approved a pool that was 12. 19:55

2

3 MS. KUPFERSTEIN: The homeowners have 19:55

4 several children in the neighborhood who each 19:55

5 have children of their own and they are 19:55

6 younger. Their houses are more modest. They 19:55

7 are the central meeting point for everybody, 19:55

8 and they want to keep it all in the 19:55

9 neighborhood, so they would like very much to 19:55

10 make the pool on their ground. 19:55

11 MEMBER HILLER: The Board generally does 19:55

12 not approve pools within 15 feet unless they 19:55

13 are at least 15 feet from the neighbor. Is 19:55

14 there some way you could arrange that to 19:55

15 happen? 19:55

16 MEMBER FELDER: Can I just ask, are we 19:55

17 back to the classification of rear yard versus 19:55

18 side yard? 19:55

19 MEMBER HILLER: I consider this a rear 19:55

20 yard for the purposes of this pool. 19:55

21 MEMBER FELDER: Because if it's a side 19:55

22 yard, you would have 5 feet more to play with. 19:55

23 MEMBER GOTTLIEB: But I think there is 19:56

24 also this yard is the neighbor's rear yard as 19:56

25 well, not the neighbor's side yard. How this 19:56

Urbach - 2/24/2021

1 is situated. 19:56

2

3 MS. KUPFERSTEIN: The neighbor's rear 19:56

4 yard, and as you see in the letter, they 19:56

5 support the application. And again, it's an 19:56

6 irregular lot so -- 19:56

7 MEMBER HILLER: But we can't have a 19:56

8 precedent where all of a sudden, one thing is 19:56

9 allowed and you have to take it away from 19:56

10 somebody else. 19:56

11 MEMBER FELDER: How far over -- where do 19:56

12 the trees begin that you do not want to cut 19:56

13 down to make this -- if you had to move it 19:56

14 over 5 feet in that direction, you would be 19:56

15 gaining because since it's an irregular lot, 19:56

16 so you are coming closest in the westerly 19:56

17 corner I believe. Right? Is that west? 19:56

18 MS. KUPFERSTEIN: Right. 19:56

19 MEMBER FELDER: So if you moved it over 19:56

20 5 feet, if you moved it over a few feet this 19:56

21 way and a few feet back without having to 19:56

22 knock down any trees -- 19:56

23 MS. KUPFERSTEIN: Let me consult with 19:56

24 the clients. 19:56

25 MRS. URBACH: The problem was the sun. 19:57

1 Urbach - 2/24/2021

2 I am Mrs. Urbach. I live at 178 Broadway for 19:57
3 30 years. Over 30 years. I am a Lawrence 19:57
4 resident. I have a store in the neighborhood. 19:57
5 I support Lawrence. I love Lawrence. We love 19:57
6 our neighborhood. 19:57

7 CHAIRMAN KEILSON: We all love Lawrence. 19:57

8 MRS. URBACH: I happen to love to swim. 19:57
9 I had a bad back this year and I really swim 19:57
10 all the time at a neighbor every single 19:57
11 morning and I really would love to put in my 19:57
12 own pool so I don't have to run 7:00 in the 19:57
13 morning to a neighbor to get the back exercise 19:57
14 which I need. Besides what they said, thank 19:57
15 God we married off our children. They all 19:57
16 live in Lawrence, and with COVID and 19:57
17 everything we would love to have a pool. The 19:57
18 problem is the property goes a little -- I 19:57
19 don't know. I am not an architect like that. 19:57

20 MEMBER FELDER: We see it. 19:57

21 MRS. URBACH: The sun sets here, so if I 19:57
22 move the pool here, I really don't have sun 19:58
23 and I swim mostly in the morning because I am 19:58
24 a working woman. Besides that I am very 19:58
25 nervous. I have little grandchildren, and if 19:58

Urbach - 2/24/2021

1
2 I move the pool here, the kids literally -- 19:58
3 they are always in the back of the house. 19:58
4 That's why we came for a variance. There is 19:58
5 no room to walk out. So that's why I know we 19:58
6 are -- it's asking a lot but I do have 19:58
7 neighbors, I want to say people who have 19:58
8 gotten variances that have been very close to 19:58
9 other neighbors, and if you grant it I would 19:58
10 so appreciate it. 19:58
11 CHAIRMAN KEILSON: Okay. The issue is 19:58
12 as follows -- and we have had a plethora of 19:58
13 pool applications because of the COVID 19:58
14 situation and one pool breeds another pool. 19:58
15 We have been pretty rigorous about not going 19:58
16 less than the 15 feet on a rear yard, and you 19:58
17 know, there is a lot of acrobatics here to 19:58
18 accommodate. First we have, you know, a 19:59
19 modest, de minimis surface coverage issue. We 19:59
20 have a front yard issue and we want to call it 19:59
21 the rear yard, side yard, so we are trying to 19:59
22 accommodate every which way which is what we 19:59
23 have done for just about everyone, but we do 19:59
24 have to have some red lines. Otherwise there 19:59
25 is no end. 19:59

1 Urbach - 2/24/2021

2 MS. KUPFERSTEIN: Would you agree to a 19:59
3 15-foot average being there is a slope? I 19:59
4 mean, where is the 15 feet? 19:59

5 MRS. URBACH: It's sloped. It's very, 19:59
6 very hard. 19:59

7 MEMBER GOTTLIEB: Mrs. Urbach, you 19:59
8 mentioned that there are trees? 19:59

9 MRS. URBACH: It's very, very shady on 19:59
10 this part. See, she has a circle here. So 19:59
11 that's very, very shady, and also this is the 19:59
12 door that we mostly use from the kitchen for 19:59
13 the kids and everything. There is like a 19:59
14 playroom here, so I am nervous for them to 19:59
15 come straight out here. We use hardly the 19:59
16 other doors. 19:59

17 MEMBER GOTTLIEB: So the reason I am 19:59
18 mentioning trees is it seems that most of the 20:00
19 trees are on this 6-foot fence side. The new 20:00
20 fence. Most of your trees are there, and I 20:00
21 imagine they may come down in order to put the 20:00
22 fence in there on your property. 20:00

23 MS. KUPFERSTEIN: The property between 20:00
24 them and their next-door north neighbor. 20:00

25 MEMBER GOTTLIEB: On the north side is 20:00

1 Urbach - 2/24/2021

2 where I noticed all the trees. 20:00

3 MS. KUPFERSTEIN: No. The trees that we 20:00

4 are talking about, that shade, the area are 20:00

5 the ones here. 20:00

6 CHAIRMAN KEILSON: On the east side? 20:00

7 MS. KUPFERSTEIN: Here on the east side. 20:00

8 MEMBER GOTTLIEB: Those are all 20:00

9 evergreens? 20:00

10 MS. KUPFERSTEIN: They are a mix. 20:00

11 MRS. URBACH: I don't think -- 20:00

12 personally I don't think it's the trees that 20:00

13 are blocking the sun. I think we also have 20:00

14 the school there. I think the way it hits 20:00

15 because the way -- 20:00

16 MEMBER GOTTLIEB: The school is 500 feet 20:00

17 away. 20:00

18 MRS. URBACH: I know but it's a tall 20:00

19 building and I think it hits here. It takes 20:00

20 away our sun on this spot. 20:00

21 MS. KUPFERSTEIN: Also if the pool is in 20:00

22 the middle, that's the whole yard. It's a 20:00

23 pool. Quality of life changes. 20:00

24 MEMBER GOTTLIEB: That's your option. 20:00

25 You have a pool or you don't have a pool. We 20:01

Urbach - 2/24/2021

1
2 have had nothing but pool applications for the 20:01
3 past six or eight months. Every application 20:01
4 is a pool and it's usually where it doesn't 20:01
5 fit. We try to make it work. I can't see 20:01
6 under 15 feet you can make -- this is my 20:01
7 opinion. You can make it work as best you 20:01
8 can. I think it's a little unfair to put a 20:01
9 pool 10 feet from your neighbor, and I assume 20:01
10 you are going to have a 4-foot walkway around 20:01
11 it? 20:01

12 MS. KUPFERSTEIN: Yes. 20:01

13 MEMBER GOTTLIEB: Which virtually means 20:01
14 that you are now 6 feet from your neighbor. 20:01

15 MRS. URBACH: My neighbor plans to use 20:01
16 the pool. We are very, very close friends, 20:01
17 and she is very for the pool. She wants it 20:01
18 more than me. 20:01

19 MEMBER HILLER: Neighbors often don't 20:01
20 realize the noise generated by a pool, the 20:01
21 action that takes place, and thank God, you 20:01
22 have grandchildren who would use it. You have 20:01
23 to try to do something to move the pool 15 20:01
24 feet from the fence. I suggest the right side 20:01
25 or the east side of the yard. If some trees 20:02

1 Urbach - 2/24/2021

2 have to be felled, so be it. 20:02

3 MEMBER MOSKOWITZ: Just so I am clear 20:02

4 because I am getting disoriented, so the 20:02

5 neighbor that we are talking about is located 20:02

6 on the north side; is that right? 20:02

7 MRS. URBACH: She is totally for the 20:02

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8      pool.
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9 MEMBER MOSKOWITZ: There is no neighbor 20:02

10 on the west side because that's the street. 20:02

11 With respect to the north side there isn't -- 20:02

12 parts of the -- parts of the distance or a 20:02

13 part of the edge of the pool is 15 feet or 20:02

14 more away from the neighbor, right? 20:02

15 MRS. URBACH: Yes. 20:02

16 MEMBER MOSKOWITZ: So at what point 20:02

17 along the perimeter of the pool do you get to 20:02

18 below 15 feet? 20:02

19 MRS. URBACH: That's what I asked. 20:02

20 MEMBER MOSKOWITZ: Because it's not 20:02

21 clear to me from the drawing. I know when we 20:02

22 get to the end of the new paving, it's only at 20:02

23 10 feet. I know when we start at the 20:02

24 beginning it's 16 feet. 20:02

25 MS. KUPFERSTEIN: Eleven to 16 so I 20:03

1 Urbach - 2/24/2021

2 guess the 15 comes, you know -- 20:03

3 MEMBER GOTTLIEB: I think it was 20:03

4 answered. 20:03

5 MEMBER FELDER: Maybe just turn the pool 20:03

6 a little bit that way. 20:03

7 MS. KUPFERSTEIN: Make it parallel? 20:03

8 MEMBER FELDER: Follow the lot line. 20:03

9 MRS. URBACH: Do it on an angle? 20:03

10 MEMBER FELDER: I mean, it's dead space 20:03

11 anyway, that corner for you. 20:03

12 MS. KUPFERSTEIN: Take this point. 20:03

13 (Discussion off the record.) 20:03

14 CHAIRMAN KEILSON: You want to caucus? 20:03

15 We will take the next matter and then come 20:03

16 back and you have plenty of room here. Don't 20:03

17 make a rash decision right now. 20:04

18 MS. KUPFERSTEIN: I just -- one last 20:04

19 question. If we do keep it parallel to the 20:04

20 house and not, in fact, parallel to the rear 20:04

21 lot line, would you be in a position to give 20:04

22 me an answer? Does the closest point have to 20:04

23 also be 15 in order to be acceptable? 20:04

24 CHAIRMAN KEILSON: Yes. 20:04

25 MS. KUPFERSTEIN: The closest point? 20:04

Urbach - 2/24/2021

1
2 CHAIRMAN KEILSON: Yes. 20:04
3 MEMBER FELDER: That's the only reason I 20:04
4 suggested to move it in that direction because 20:04
5 that way you wouldn't have to move the whole 20:04
6 pool. That's already 16 feet. 20:04
7 MS. KUPFERSTEIN: So not even an 20:04
8 average? 20:04
9 MEMBER FELDER: That's up to them. 20:04
10 CHAIRMAN KEILSON: Again, I suggest -- 20:04
11 MS. KUPFERSTEIN: We are going to take. 20:04
12 CHAIRMAN KEILSON: We will be here. 20:04
13 (Recess taken.) 20:04
14 MS. KUPFERSTEIN: Client has agreed to 20:04
15 maintain a 15-foot setback from the rear yard 20:31
16 and shift the angle of the pool to be parallel 20:31
17 to the rear lot line. 20:31
18 MEMBER GOTTLIEB: Can you say that 20:31
19 again? Or if you have it drawn, that would be 20:31
20 good. 20:31
21 MS. KUPFERSTEIN: It's a clean sketch. 20:31
22 MEMBER FELDER: It's what I suggested. 20:32
23 It's parallel to the rear lot line at 15 feet. 20:32
24 MEMBER GOTTLIEB: Okay. So basically 20:32
25 it's 15 feet. 20:32

Urbach - 2/24/2021

1
2 MEMBER FELDER: Good. The size stays 20:32
3 the same. Everything stays the same. 20:32
4 CHAIRMAN KEILSON: Okay. So let's go 20:32
5 back to what we are asking for variances. We 20:32
6 are talking about the surface coverage where 20:32
7 excess is only 2.9 percent. No pool in front 20:32
8 yard because of the special circumstances. We 20:32
9 agree that it's a technical situation which we 20:33
10 can ignore for the purposes of our vote, and 20:33
11 then we have a pool in the rear yard, which 20:33
12 requires 20 feet of the setback normally. 20:33
13 Because of the special circumstances regarding 20:33
14 the size of the backyard and our hope and 20:33
15 aspiration to be able to accommodate the pool 20:33
16 and the residents at best we can as long as we 20:33
17 stay within certain minimum standards, so 20:33
18 actually there is -- yes, we have to ask for 20:33
19 15 feet in lieu of 20 for the encroachment and 20:33
20 to some extent ameliorated by the fact that we 20:33
21 can view it as a side yard which only requires 20:33
22 15 feet. Okay. Now that I explained myself, 20:33
23 were you here for the discussion? 20:34
24 MEMBER MOSKOWITZ: Yes. 20:34
25 MEMBER GOTTLIEB: I just wanted to ask 20:34

Urbach - 2/24/2021

1
2 are there going to be pavers around the pool 20:34
3 or patio? 20:34
4 MS. KUPFERSTEIN: Okay. We didn't 20:34
5 include it here. I mean, we did include the 20:34
6 paving in the rear, but my client said she 20:34
7 would rather have it now on the western side 20:34
8 of the -- 20:34
9 MEMBER GOTTLIEB: So that's included in 20:34
10 the 2.9 percent? That's all I wanted to know. 20:34
11 MS. KUPFERSTEIN: Yes. That's included 20:34
12 in the 2.9 percent. 20:34
13 CHAIRMAN KEILSON: Okay. Okay. So 20:34
14 taking into consideration the benefit to the 20:34
15 applicant as opposed to any detriment to the 20:34
16 community, we are going to have Mr. Moskowitz 20:34
17 vote. 20:34
18 MEMBER MOSKOWITZ: For. 20:34
19 CHAIRMAN KEILSON: Mr. Gottlieb? 20:34
20 MEMBER GOTTLIEB: Fifteen feet for. 20:34
21 CHAIRMAN KEILSON: Mr. Hiller? 20:34
22 MEMBER HILLER: For. 20:34
23 CHAIRMAN KEILSON: Mr. Felder? 20:34
24 MEMBER FELDER: I support my own 20:34
25 suggestion. 20:34

Urbach - 2/24/2021

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CHAIRMAN KEILSON: Okay. And I vote for 20:34
as well. And a year and a half. Thank you. 20:34

(Whereupon the hearing concluded at 8:34
p.m.)

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

-----*YK*-----

YAFFA KAPLAN

Court Reporter

Ski Development - 2/24/2021

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

February 24, 2021
8:04 p.m.

APPLICATION: Ski Development
7 Hawthorne Lane
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. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. JACOB PLAUT
Building Department

MR. GERRY CASTRO
Building Department

MR. DANIEL VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

1 Ski Development - 2/24/2021

2 CHAIRMAN KEILSON: Okay. The next 20:04
3 matter is Ski Development. We are on the 20:04
4 record. 20:05

5	MR. PROFESORSKE: Hi. My name is David	20:05
6	Profesorske. I am here with my wife, Sara	20:05
7	Gitty. We are the owners of 7 Hawthorne.	20:05
8	First I want to thank the Board, the esteemed	20:05
9	Board members for coming out and spending the	20:05
10	time to be here as well as I see one of my new	20:05
11	neighbors, our new neighbors here. So thank	20:05
12	you for sitting through. I am --	20:05

13 CHAIRMAN KEILSON: I hope you feel the 20:05

14 same at the end. 20:05

15	MR. PROFESORSKE: That remains to be	20:05
16	seen. I am a local developer. I have	20:05
17	definitely appeared here before the committee	20:05
18	in a different capacity though. I am here	20:06
19	obviously appearing for myself, for myself and	20:06
20	my family. We are moving into this residence	20:06
21	at 7 Hawthorne hopefully early this summer.	20:06
22	And we are requesting relief from code Section	20:06
23	212-48.B. We are moving from Cedarhurst from	20:06
24	a small 5,000 square feet, 50-by-100 lot to	20:06
25	Lawrence primarily to enjoy -- I mean, we all	20:06

1 Ski Development - 2/24/2021

2 love Lawrence. 20:06

3 CHAIRMAN KEILSON: We all love Lawrence. 20:06

4 MR. PROFESORSKE: Really just for that. 20:06

5 But primarily to enjoy a larger property. We 20:06

6 can enjoy an indoor and outdoor environment. 20:06

7 We specifically chose this property because 20:06

8 it's, you know, almost close to 17,000 square 20:06

9 feet. It's one of the larger properties still 20:06

10 in the front of Lawrence. The reason was so 20:07

11 that we could install a pool and utilize the 20:07

12 exterior features of the home in addition to 20:07

13 the interior. 20:07

14 We both come from larger families. 20:07

15 Parents and siblings, elderly, some coming 20:07

16 over. I am sure you know, I don't have to say 20:07

17 it but I will say it anyway. In our present 20:07

18 situation of COVID, we would all love to have 20:07

19 our own pool. I mean, I would love to have my 20:07

20 own pool for my own family to enjoy safely. 20:07

21 This specific lot obviously is irregular. 20:07

22 Much like the other although I didn't see it, 20:07

23 but this is very irregular. It's a cul de sac 20:07

24 and the house which is the way it was 20:07

25 existing, it was an existing condition. The 20:07

1 Ski Development - 2/24/2021

2 house is situated angled on the lot and 20:07
3 therefore, you know, parallel to the average 20:08
4 part of the cul de sac and then behind the 20:08
5 house that ends up a challenging situation to 20:08
6 place a pool with such an irregular shape. 20:08
7 The house was constructed without any 20:08
8 variance. It's completely as of right. 20:08

9 CHAIRMAN KEILSON: Is it a knockdown? 20:08

10 MR. PROFESORSKE: It was -- we saved 20:08
11 most parts or some parts of the house. The 20:08
12 foundation to name one of them. 20:08

13 MEMBER MOSKOWITZ: That house looks 20:08
14 nothing like what it was. 20:08

15 MR. PROFESORSKE: I know you are 20:08
16 familiar with the house across the street. It 20:08
17 also doesn't look anything like it. 20:08

18 MEMBER HILLER: Did you build only over 20:08
19 the foundation or you extended the foundation? 20:08

20 MR. PROFESORSKE: I extended the 20:08
21 foundation. 20:08

22 MEMBER HILLER: In the back or front? 20:08

23 MR. PROFESORSKE: In the side and where 20:08
24 it was extended, it was only for a garage, and 20:08
25 it didn't take away any area that could have 20:09

1 Ski Development - 2/24/2021

2 been a pool.

20:09

3 MEMBER HILLER: Did you build to maximum 20:09

4 surface coverage? 20:09

5 MR. PROFESORSKE: No. I am getting to 20:09

6 that. I even have a note for Mr. Hiller. 20:09

7 There is actually 260 square feet of surface 20:09

8 coverage even after the pool and patios and 20:09

[illegible]

10 MEMBER HILLER: You were here for the 20:09

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11      last --
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12 MR. PROFESORSKE: Let's not remind. 20:09

13 MEMBER MOSKOWITZ: Is part of the reason 20:09

14 because the only reason you have the 3 by 3 20:09

15 concrete pavers for the patio? 20:09

16 MR. PROFESORSKE: I mean, that's just 20:09

17 that small area for the patio, but I think 20:09

18 even if we were to count that as coverage, I 20:09

19 don't think it would be over anyway and yes, 20:09

20 that is one of the reasons because it does 20:09

21 allow for drainage. We are only requesting 20:09

22 one variance which is rare for this committee. 20:09

23 The only variance is purely for the rear 20:09

24 setback, and again, it's driven by the angled 20:09

25 position of the pool versus the lot line. 20:10

1 Ski Development - 2/24/2021

2 MEMBER HILLER: It's also driven by the 20:10
3 beach step and by the fact that you have some 20:10
4 room to move it actually closer to the house. 20:10

5 MR. PROFESORSKE: Okay. Agreed. We 20:10
6 focused the seating area, which I know was a 20:10
7 big factor for the Board, the noise that the 20:10
8 pool generates, and we did focus that away 20:10
9 from the rear yard and not at the rear yard 20:10
10 lines so this way it would not, you know, 20:10
11 bring undue noise to the neighbors. We did 20:10
12 meet with one of our neighbors. The other 20:10
13 ones weren't available to meet, but I spoke to 20:10
14 the both rear-yard neighbors as well as my 20:10
15 next-door neighbor, and we have letters of 20:10
16 support here. 20:10

17 MEMBER MOSKOWITZ: Did you meet with the 20:10
18 58 Auerbach Lane? 20:10

19 MR. PROFESORSKE: Yes and they are 20:11
20 actually here. I also have -- Mr. Gottlieb 20:11
21 loves color pictures -- rendering what the 20:11
22 pool will look like. I only have three. And 20:11
23 to that extent the pool is located -- the 20:11
24 pool, the proposed pool even at the most 20:11
25 extreme part is still over 60 feet away from 20:11

1 Ski Development - 2/24/2021

2 any other neighbor. Yes. And -- 20:11

3 MEMBER GOTTLIEB: I'm sorry. You said 20:11

4 it's 60 feet away? 20:11

5 MR. PROFESORSKE: Yes. From any 20:11

6 neighbor. I mean, from their house. 20:11

7 MEMBER GOTTLIEB: Because it doesn't 20:11

8 look like 60 feet. So you are -- 20:12

9 MEMBER MOSKOWITZ: From the house. 20:12

10 MR. PROFESORSKE: Yes. 20:12

11 MEMBER FELDER: Not from the back yard. 20:12

12 MR. PROFESORSKE: I actually prepared 20:12

13 this drawing, which is basically based off the 20:12

14 surveys from these two properties. 20:12

15 MEMBER GOTTLIEB: Are you showing any 20:12

16 houses on Main Street? 20:12

17 MR. PROFESORSKE: No and that's the side 20:12

18 yard from my property, so it's not an 20:12

19 encroachment there. I am not showing. 20:12

20 MEMBER GOTTLIEB: What you are basically 20:12

21 showing me, you are using your neighbors' 20:12

22 large setbacks to enhance your request. That 20:12

23 doesn't show -- 20:12

24 MEMBER MOSKOWITZ: There is also dense 20:12

25 foliage, is there not, between this property 20:12

1 Ski Development - 2/24/2021

2 and the adjacent one? Would that be 20:12
3 maintained? 20:12

4 MR. PROFESORSKE: The adjacent neighbor 20:12
5 has a row of trees. We had planned our own 20:12
6 row of trees in front as well as a fence, and 20:13
7 yes, I mean, we plan on -- we plan on planting 20:13
8 a row of trees around the whole area there. 20:13

9 MEMBER MOSKOWITZ: What is a beach step? 20:13

10 MR. PROFESORSKE: I know it came up in 20:13
11 the last -- it's like a shallow part of the 20:13
12 pool for little kids. 20:13

13 MEMBER FELDER: It's a platform. A wide 20:13
14 platform. 20:13

15 MR. PROFSORSKE: It's a platform where 20:13
16 the water level is probably 6 inches, a foot. 20:13
17 Some people -- 20:13

18 MEMBER FELDER: It's called a baja step. 20:13

19 MEMBER HILLER: I think the beach step 20:13
20 is a problem. 20:13

21 CHAIRMAN KEILSON: Maybe we will wait. 20:13
22 There is a neighbor here. Maybe we will hear 20:13
23 from the neighbor first. 20:13

24 MR. PICCARD: John Piccard, 20:14
25 P-I-C-C-A-R-D. 522. This is my friend who is 20:14

1 Ski Development - 2/24/2021

2 next door. I don't know. I haven't seen the 20:14
3 plans, but if the house -- if it's in the back 20:14
4 of the house, it does back up to our property 20:14
5 lines and we are worried about runoff and 20:14
6 drainage because ever since the foundation has 20:14
7 been expanded, my sum pump has been going on 20:14
8 nonstop. 20:14

9 MEMBER FELDER: I'm sorry. Which 20:14
10 residence are you? 20:14

11 MR. PICCARD: 522. 20:14

12 MR. WERNER: I am 518 Main Street. 20:14
13 Werner. Shea Werner, W-E-R-N-E-R. 20:14

14 MEMBER MOSKOWITZ: 518? 20:14

15 MR. WERNER: Yes. 20:14

16 MR. PICCARD: So it would back up to us. 20:14
17 It would be on the side of the pool. 20:14

18 CHAIRMAN KEILSON: I gather you haven't 20:15
19 seen these drawings yet. 20:15

20 MR. WERNER: No. We didn't see 20:15
21 anything. 20:15

22 CHAIRMAN KEILSON: Did he come to see 20:15
23 you to discuss the pool? 20:15

24 MR. PICCARD: No. 20:15

25 MEMBER GOTTLIEB: Did you receive notice 20:15

1 Ski Development - 2/24/2021

2 in the mail? 20:15

3 MR. WERNER: We did. That's the only -- 20:15

4 MR. PICCARD: That's the only -- 20:15

5 MEMBER GOTTLIEB: We are only obligated 20:15

6 to. 20:15

7 MEMBER FELDER: Am I misinterpreting 20:15

8 this but both of you gentlemen are in -- he is 20:15

9 maintaining the setbacks as it pertains to 20:15

10 your property. 20:15

11 MR. PICCARD: Is he? 20:15

12 CHAIRMAN KEILSON: This is their first 20:15

13 look at the drawings though. 20:15

14 MEMBER FELDER: But I mean, as far as I 20:15

15 can tell, you are not behind the pool. You 20:15

16 are to the side of the pool, right? And that 20:15

17 over there it's a 15-foot setback, which he is 20:15

18 well above. Side yard I think it's 15. 20:15

19 CHAIRMAN KEILSON: They are talking 20:16

20 about the concern about water runoff. 20:16

21 MEMBER FELDER: So that water runoff, 20:16

22 not because they are too close to them though. 20:16

23 CHAIRMAN KEILSON: I understand but they 20:16

24 have the right to raise the issue. 20:16

25 MEMBER FELDER: Yes, yes. Sure. It's 20:16

1 Ski Development - 2/24/2021

2 America. 20:16

3 MEMBER GOTTLIEB: Mr. Chairman, perhaps 20:16

4 they can do it while we continue our 20:16

5 discussion. 20:16

6 CHAIRMAN KEILSON: No if they can be 20:16

7 brief. If you have a specific question, the 20:16

8 Building Department is here. They can clarify 20:16

9 it immediately. 20:16

10 MR. WERNER: I just don't know where our 20:16

11 property is relative to this. 20:16

12 (Discussion off the record.) 20:16

13 CHAIRMAN KEILSON: If I just may 20:17

14 clarify, the pool as it relates to your 20:17

15 property is appropriately distanced. 20:17

16 MR. PICCARD: Is it okay? 20:17

17 CHAIRMAN KEILSON: That's not to say at 20:17

18 the same time you can't express concerns about 20:17

19 water. 20:17

20 MR. PICCARD: That's what we are 20:17

21 concerned about, we have been concerned about, 20:17

22 and I didn't understand what the notice -- 20:17

23 what the setback was for our particular 20:17

24 property but I still have concern over -- 20:17

25 CHAIRMAN KEILSON: The setback that's 20:17

1 Ski Development - 2/24/2021

2 being discussed is the pool's distance from 20:17
3 the neighbor on the other side. The neighbors 20:17
4 on the other side. Okay? The Davidmans, the 20:17
5 Friedmans. That's where the encroachment is. 20:18
6 It's supposed to be 20 feet, and they are at 20:18
7 10 feet. 20:18

8 MR. PICCARD: So what can be done to 20:18
9 mitigate runoff? 20:18

10 MEMBER FELDER: There is a dry well 20:18
11 there. 20:18

12 MEMBER MOSKOWITZ: They are -- I am not 20:18
13 an engineer, but they are under the 20:18
14 requirement with respect to surface coverage 20:18
15 which is an issue that is most relevant to 20:18
16 whether water runoffs is absorbed by the 20:18
17 property. That doesn't mean additional steps 20:18
18 can't be taken. 20:18

19 CHAIRMAN KEILSON: And have you 20:18
20 historically had issues from water from the 20:18
21 neighboring property? 20:18

22 MR. PICCARD: Not until this year. I 20:18
23 don't know, but ever since the footprint was 20:18
24 expanded, we do have runoff in our yard from 20:18
25 the property. Now I do and you do and I have 20:18

4	MEMBER HILLER: I don't recall. Is your	20:19
5	property level the same as theirs? Higher?	20:19
6	Lower?	20:19

12 MEMBER HILLER: And yours? 20:19

15	MR. VACCHIO: At the end of the project	20:19
16	he has got to maintain the same grade that he	20:19
17	proposed in the beginning. We have a	20:19
18	topographical survey at the end. We are going	20:19
19	to get a final survey, and we are going to	20:19
20	compare the two. It's not to change the	20:19
21	grade. So that's not going to happen. Right	20:20
22	now he is doing construction, and that's the	20:20
23	only reason why you see grades that are being	20:20
24	higher.	20:20

25 MR. PICCARD: But it is creating runoff 20:20

1 Ski Development - 2/24/2021

2 now. I don't know if that will continue. 20:20

3 CHAIRMAN KEILSON: Well, I think knowing 20:20

4 Ski as I do that he would take responsibility 20:20

5 to work with the Building Department to ensure 20:20

6 that any change -- or first of all, we can't 20:20

7 have a change in grade but if there are 20:20

8 ramifications in terms of construction, the 20:20

9 Building Department can work with him to try 20:20

10 to mitigate that even though it doesn't fall 20:20

11 under our purview tonight vis-à-vis the 20:20

12 requested variance. So if you can go on the 20:20

13 record, you will have a commitment from the 20:20

14 applicant, and you will work with the Building 20:20

15 Department. You can consult with the Building 20:20

16 Department to mitigate. 20:20

17 MR. PICCARD: All right. And then if I 20:20

18 understand correctly, you have already said 20:20

19 that we do have -- at least for our 20:20

20 properties, it is the proper -- 20:20

21 CHAIRMAN KEILSON: -- distance. 20:20

22 MR. PICCARD: Okay. 20:21

23 CHAIRMAN KEILSON: That is correct. 20:21

24 MR. WERNER: Okay. 20:21

25 MR. PICCARD: Thank you. 20:21

1 Ski Development - 2/24/2021

2 MR. WERNER: With regards to safety, 20:21

3 what's -- we still have little kids at home, 20:21

4 so what kind of safety is put into place? 20:21

5 CHAIRMAN KEILSON: Mr. Castro, please 20:21

6 elaborate. 20:21

7 MR. CASTRO: I am guessing your concern 20:21

8 is pool, barrier, fence? 20:21

9 MR. WERNER: Correct, yes. 20:21

10 MR. CASTRO: So that pool must be 20:21

11 enclosed with a pool barrier either on the 20:21

12 property line. The fence on the property line 20:21

13 could be used or individual fence around the 20:21

14 pool. I am not sure if anything is specified 20:21

15 on the plans yet. 20:21

16 CHAIRMAN KEILSON: If we may ask the 20:21

17 applicant -- 20:21

18 MR. PROFESORSKE: I mean, I think we are 20:21

19 -- on two sides using -- I mean, on one side 20:21

20 using the property line fence and obviously a 20:21

21 fencing will be installed on the other sides 20:21

22 as per New York State Code and Village Code. 20:21

23 Lawrence. 20:22

24 CHAIRMAN KEILSON: There are specific 20:22

25 laws that relate to pool installation to 20:22

1 Ski Development - 2/24/2021

2 ensure that you do not have safety issues. 20:22

3 MR. WERNER: Okay. 20:22

4 MR. CASTRO: You are welcome to speak 20:22

5 with the Building Department, with us, and we 20:22

6 will let you know exactly what is -- what 20:22

7 comprises the pool barrier itself. Gates, 20:22

8 locks, everything. 20:22

9 MR. WERNER: Okay. Thank you. 20:22

10 CHAIRMAN KEILSON: Thank you for coming 20:22

11 down. Okay, Ski, we are still in. 20:22

12 MR. PROFESORSKE: Just to -- in light of 20:22

13 that, in terms of drainage, I mean, obviously 20:22

14 we did install substantial gravel drainage 20:22

15 beds. Seems to be an inherent drainage issue 20:22

16 of the Village of Lawrence and we probably 20:22

17 will -- I mean, I could go on the record with 20:22

18 this, but chances are we will install some 20:22

19 type of gravel channel along the property line 20:23

20 just to mitigate the specific drainage in that 20:23

21 area. 20:23

22 CHAIRMAN KEILSON: "Chances are" is not 20:23

23 a statement that we rely on but that's okay. 20:23

24 MEMBER FELDER: Doesn't need to be. 20:23

25 MR. PROFESORSKE: I think I can be 20:23

1 Ski Development - 2/24/2021

2 mostly trusted. 20:23

3 CHAIRMAN KEILSON: Correct. 20:23

4 MR. PROFESORSKE: And of course, any 20:23

5 issue, grade issue with the neighbors I am 20:23

6 happy to work out or address. 20:23

7 CHAIRMAN KEILSON: Disappointed that you 20:23

8 haven't approached them in advance of the 20:23

9 hearing. 20:23

10 MR. PROFSORSKE: It's hard because there 20:23

11 is a lot of houses on that block. I just 20:23

12 didn't know -- just to find the rear 20:23

13 neighbors, I had to go through a whole FBI 20:23

14 investigation. 20:23

15 CHAIRMAN KEILSON: It would be a good 20:23

16 idea in future projects to speak to neighbors. 20:23

17 MR. PROFESORSKE: Okay. 20:23

18 CHAIRMAN KEILSON: Communication. 20:23

19 MR. PROFESORSKE: Okay. Agreed. 20:23

20 CHAIRMAN KEILSON: So back to the matter 20:23

21 at hand. Where we have an encroachment that 20:23

22 as you heard from the prior hearing, there is 20:23

23 some red lines that we don't change. I am 20:23

24 sure you are creative. You can come up with 20:23

25 something to get to the 15-yard line. 20:24

1 Ski Development - 2/24/2021

2 MR. PROFESORSKE: So I mean, I am not 20:24
3 familiar with -- you mentioned the previous 20:24
4 applicant. I am not familiar with the swivel 20:24
5 or the angle, you know, but this is a very 20:24
6 severe slope or the angle. Take the pool on 20:24
7 one side of the pool is 10 foot 10. Ten feet. 20:24
8 On the other side of the pool we are probably 20:24
9 closer to 20 -- at least 22 feet. It's 20:24
10 probably more than 23 or 24. So I mean, on 20:24
11 one end of the pool we are obviously 20:24
12 conforming. On the other end of the pool -- 20:24

13 CHAIRMAN KEILSON: Which end are you 20:24
14 talking about? The 16 foot? 20:24

15 MR. PROFESORSKE: The 16 measurement is 20:24
16 to the beach step, so I am just taking the 20:24
17 pool at large just because Mr. Hiller 20:24
18 mentioned the beach step. 20:24

19 CHAIRMAN KEILSON: Does that mean you 20:24
20 concede there is no beach step? 20:24

21 MR. PROFESORSKE: No. I concede there 20:24
22 is one. I am just taking the rectangle at 20:24
23 large. 20:24

24 CHAIRMAN KEILSON: How could you ignore 20:24
25 the beach step? 20:24

1 Ski Development - 2/24/2021

2 MR. PROFESORSKE: Okay. I retract my 20:24
3 statement in that case. Okay. So great. So 20:25
4 we are at 16. There is a little bit of room 20:25
5 to move it closer to the house. I mean, I 20:25
6 think at the smallest point of the house right 20:25
7 now it's about 9 feet. So there is some 20:25
8 slight area there, but I mean closer than 9 20:25
9 feet, I mean, what is the Board's 20:25
10 recommendation if I may ask? 20:25

11 MEMBER GOTTLIEB: I don't want to tell 20:25
12 you what to do and what not to do but two 20:25
13 things strike me. One is you are a 20:25
14 well-qualified builder in the village of 20:25
15 Lawrence. You have been before us many times. 20:25
16 You look too familiar. That's not a good 20:25
17 thing usually. This is new construction. You 20:25
18 are a builder. You know change orders are 20:25
19 more expensive than building a building, and I 20:25
20 just can't imagine that you built this house 20:25
21 and then thought about the pool as a 20:25
22 last-minute thing. 20:25

23 MR. PROFESORSKE: So we actually built 20:25
24 the house as I mentioned as developers. We 20:25
25 actually built the house to sell. We didn't 20:25

1 Ski Development - 2/24/2021

2 think about the pool and then -- 20:26

3 MEMBER GOTTLIEB: I heard that before. 20:26

4 MR. PROFESORSKE: No. 20:26

5 MEMBER GOTTLIEB: Many applications the 20:26

6 builders build it, and then the homeowner 20:26

7 comes in and says but we wanted a pool. 20:26

8 CHAIRMAN KEILSON: Well, Wolf for one. 20:26

9 You don't have to go further than that. 20:26

10 MR. PROFESORSKE: Regardless, each case 20:26

11 is on its own merits. 20:26

12 MEMBER GOTTLIEB: Somebody said that. 20:26

13 MR. PROFESORSKE: What would the 20:26

14 recommendation of the Board be? 20:26

15 CHAIRMAN KEILSON: I mean, I can see my 20:26

16 way clear to 15. 20:26

17 MR. PROFESORSKE: Fifteen at the closest 20:26

18 part? 20:26

19 MEMBER GOTTLIEB: I realize your pool is 20:26

20 15 by 32, which is not a large pool by any 20:26

21 standard and just want you to know we are 20:26

22 aware of that. 20:26

23 MR. PROFESORSKE: Yes. We tried. 20:27

24 MEMBER GOTTLIEB: The chairman is 20:27

25 suggesting 15 feet under construction. That's 20:27

1 Ski Development - 2/24/2021

2 on him. 20:27

3 CHAIRMAN KEILSON: Thank you, Mr. 20:27

4 Gottlieb. 20:27

5 MEMBER FELDER: Would it help to move 20:27

6 the beach step to here? 20:27

7 MR. PROFESORSKE: If we shrink or 20:27

8 relocate the beach step, would that be more 20:27

9 palatable because if that's the case, then 20:27

10 going back to my retracted statement, then at 20:27

11 the largest point you have about 23 or 24 feet 20:27

12 at the largest setback, and at the smallest 20:27

13 you have 10 foot 10 so you still have, you 20:27

14 know, most -- I would say at that point around 20:27

15 70 percent of the pool conforms and you have a 20:27

16 little corner that I know I -- as mentioned 20:27

17 earlier, the Board likes to get to 15 or 20:27

18 stay -- 20:27

19 CHAIRMAN KEILSON: We like to get to 20. 20:27

20 MR. PROFESORSKE: Right. I know but as 20:27

21 mentioned in previous hearings, I would be 20:27

22 remiss not to mention that the surrounding 20:28

23 neighborhoods' regulations are -- 20:28

24 MEMBER FELDER: It would also be -- if 20:28

25 you approve it, it would be encroaching the 20:28

1 Ski Development - 2/24/2021

2 side as opposed to the rear so your 20:28

3 requirements would be less. You know what I 20:28

4 am saying? Right now you are encroaching the 20:28

5 rear, which should be 20 and you are asking 20:28

6 for 10. If you move the beach step around the 20:28

7 corner, now you will be encroaching on the 20:28

8 side yard but maybe by much less. 20:28

9 MR. PROFESORSKE: I thought you meant -- 20:28

10 MEMBER FELDER: If you do it the other 20:28

11 way, you will lose the spot. 20:28

12 MR. PROFESORSKE: It will be much more. 20:28

13 MEMBER FELDER: Only if you keep it at 6 20:28

14 feet. You can play around with it. You know 20:28

15 it better than I do. Unless you move to the 20:28

16 head of the pool. 20:28

17 MR. PROFESORSKE: That's what I meant by 20:28

18 either relocate or -- 20:28

19 MEMBER FELDER: Because there you have 20:28

20 much more space to play with. 20:28

21 MEMBER HILLER: It depends how you move 20:29

22 it. 20:29

23 MR. PROFESORSKE: I think Mr. Felder is 20:29

24 recommending moving it to the northern side. 20:29

25 To the northern side but then that further 20:29

1 Ski Development - 2/24/2021

2 encroaches. If it's here. 20:29

3 MEMBER HILLER: What you can do is move 20:29

4 the beach to the spa area and move the spa 20:29

5 area to the deck area. 20:29

6 MR. PROFESORSKE: So I agree that's -- 20:29

7 MEMBER GOTTLIEB: He is the developer. 20:29

8 We don't have to tell him. 20:29

9 MR. PROFESORSKE: I agree with all these 20:29

10 recommendations, but it still leaves -- I 20:29

11 mean, I might be shooting myself in the foot. 20:29

12 It stills leaves the 10 foot 10 in that 20:29

13 corner. So I am okay with Mr. Hiller's 20:29

14 recommendation. I am okay with Mr. Felder's 20:29

15 recommendation. I am okay with all these 20:30

16 recommendations. I am fine with it. 20:30

17 MEMBER HILLER: Is the 10 foot 10 to the 20:30

18 4-foot walkway? 20:30

19 MR. PROFESORSKE: No. That's to the 20:30

20 pool. 20:30

21 MEMBER HILLER: To the pool itself? 20:30

22 MR. PROFESORSKE: But again, it's only 20:30

23 to the corner, and the way the pool is 20:30

24 designed, it's the deep end where people don't 20:30

25 really hang out in. There is no lounge area. 20:30

1 Ski Development - 2/24/2021

2 There is nothing for anyone to be there for. 20:30

3 MEMBER HILLER: The overwhelming 20:30

4 majority of the pool, like 90 percent of the 20:30

5 pool would comply. I could live with that 20:30

6 personally. If the beach goes to the spa, the 20:30

7 spa goes to where the deck is, and there is 20:30

8 only one tiny area that's about 11 feet away. 20:30

9 CHAIRMAN KEILSON: Where is the rest of 20:30

10 it? 20:30

11 MEMBER HILLER: The rest of it it's 20:30

12 going to be 15 -- over 15 feet away once you 20:30

13 take out the beach step and the area all along 20:30

14 there. 20:30

15 MEMBER FELDER: Is that where the actual 20:30

16 steps to the pool are going to be? You had 20:30

17 intended on the beach step and the rest of the 20:31

18 stairs. 20:31

19 MR. PROFESORSKE: So now it actually is 20:31

20 better for noise because it's even further. 20:31

21 MEMBER HILLER: Okay. 20:31

22 CHAIRMAN KEILSON: I think we need you 20:31

23 to draw something for us. While you are doing 20:31

24 that, we are going to bring back Urbach. 20:31

25 (Recess taken.) 20:31

1 Ski Development - 2/24/2021

2 CHAIRMAN KEILSON: Ski, are we back? 20:35

3 After lengthy conversation and discussion on 20:38

4 the matter there has been an adjustment made 20:38

5 by the applicants so that a significant 20:38

6 portion of the pool facing the backyard is at 20:38

7 least 15 feet. The drawing will be submitted 20:38

8 to the Building Department so that we will 20:38

9 adhere to that drawing, taking into 20:38

10 consideration the distance on the property 20:38

11 line to the neighbor's house, all these 20:38

12 factors which mitigate against the concern or 20:39

13 normal expectation of a 20-foot setback. 20:39

14 Having said that, Mr. Felder? 20:39

15 MEMBER FELDER: For. 20:39

16 CHAIRMAN KEILSON: Mr. Hiller? 20:39

17 MEMBER HILLER: For. 20:39

18 CHAIRMAN KEILSON: Mr. Gottlieb? 20:39

19 MEMBER GOTTLIEB: This is new 20:39

20 construction and I can't approve. 20:39

21 CHAIRMAN KEILSON: Okay. 20:39

22 MEMBER GOTTLIEB: It's a no. 20:39

23 CHAIRMAN KEILSON: Mr. Moskowitz? 20:39

24 MEMBER MOSKOWITZ: For. 20:39

25 CHAIRMAN KEILSON: And I will vote for. 20:39

Rieder - 2/24/2021

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

February 24, 2021
8:41 p.m.

APPLICATION:

RIEDER
171 Harborview South
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. JACOB PLAUT
Building Department

MR. GERRY CASTRO
Building Department

MR. DANIEL VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

Rieder - 2/24/2021

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CHAIRMAN KEILSON: Okay. The next
matter is Rieder. They or their
representative.

MR. MAYERFELD: Okay. Good evening. My
name is Stanley Mayerfeld. I am here this
evening to discuss the application of 171
Harborview South. I am sure the Board has had
a chance to review this application. I know
there has been a couple of applications and a
couple of iterations. We are here tonight to
talk about the current application. Currently
we are seeking -- there are six variances I
believe that's here tonight. One of them is
going to be dropped, but there are six
currently on the table. One of them is about
the grade change to 4 feet that the
homeowner --

CHAIRMAN KEILSON: Tell us about the
family.

MR. MAYERFELD: The family -- Mr. Rieder
knows best the family background, and I will
fill in about the specifics of the coverage
and technical.

MR. RIEDER: Good evening. How are you?

Rieder - 2/24/2021

1
2 Thanks for hearing us. On behalf of my wife 20:42
3 and myself, I would like to share with you the 20:42
4 story behind the application that's presented 20:42
5 here tonight. 20:42
6 We began our plans a few years ago 20:42
7 living in a small apartment in Far Rockaway 20:42
8 with two children. Since then we have moved 20:42
9 to Lawrence. We are renting on Lawrence 20:42
10 Avenue in Lawrence in a house. We have three 20:42
11 children now, and we are a few years past 20:42
12 that. In that interim a lot of things have 20:42
13 changed for our family. We have another child 20:42
14 now. We have also -- thank God. We also in 20:42
15 that time living in the house as opposed to an 20:42
16 apartment had time to feel and understand what 20:42
17 our needs are and what we are looking for in a 20:42
18 house, in the long-term house that we would 20:42
19 like to live in till 120, God willing. And 20:43
20 being that that change and that development, 20:43
21 as our process of our building went, since it 20:43
22 took so long, we understood it and fine-tuned 20:43
23 what we actually -- our requirements are, what 20:43
24 our needs are, how we are going to use the 20:43
25 house and what's important and what's not 20:43

Rieder - 2/24/2021

1
2 important. That being the case, although it 20:43
3 would have been the correct way to apply one 20:43
4 time with all the final desires and 20:43
5 requirements of the house, being that that was 20:43
6 the case, it was over such a long time and 20:43
7 there were so many changes in a young family 20:43
8 and our understanding of what we need, that's 20:43
9 why we are here today and that's why we are 20:43
10 asking for this variance. We have a few basic 20:43
11 variances. I am not going to speak to the 20:43
12 details of the variance because I don't 20:43
13 understand them as well as the Board and as 20:43
14 well as the professionals and the Building 20:43
15 Department. But we have been in constant 20:44
16 communication with the Building Department to 20:44
17 fine-tune and cut back where we can and how we 20:44
18 can in order to stay within the framework of 20:44
19 what's acceptable in the village and the 20:44
20 framework of how to fit in with the 20:44
21 neighborhood and how to be respectful to all. 20:44
22 The grade is the first -- you know what 20:44
23 Stanley mentioned, the grade is the first 20:44
24 point on the -- or the first thing I will 20:44
25 discuss on the application. 20:44

Rieder - 2/24/2021

1
2 CHAIRMAN KEILSON: As long as you are 20:44
3 discussing background because everyone is 20:44
4 aware there were plans submitted to build by, 20:44
5 right? 20:44
6 MR. RIEDER: Right. 20:44
7 CHAIRMAN KEILSON: And work was done 20:44
8 pursuant to that? 20:44
9 MR. RIEDER: We are in the process now 20:44
10 now of building. 20:44
11 CHAIRMAN KEILSON: So I guess the Board 20:44
12 is very interested, very interested in finding 20:44
13 out what happened. When did that change from 20:44
14 no variances to a series of different from 9 20:44
15 variances down to 6 variances maybe 5 20:44
16 variances tonight? 20:44
17 MR. RIEDER: So the first variance, so 20:44
18 what I was speaking to before is the reason 20:45
19 why we are requesting these variances and we 20:45
20 are going out of what the building of right is 20:45
21 because it took so long. We are a young 20:45
22 couple, we are pretty dumb, and as time went 20:45
23 on and we are having more children and dealing 20:45
24 with older family members and different 20:45
25 situations in life and COVID and being at home 20:45

Rieder - 2/24/2021

1
2 and being in Lawrence now as opposed to a 20:45
3 little apartment, we are understanding and 20:45
4 that's why we are here requesting to change 20:45
5 what we originally had built as of right. The 20:45
6 grade change, we always knew the front of our 20:45
7 home was extremely high. For some reason, the 20:45
8 back of the house, it was much lower than the 20:45
9 front of the house. While we were -- and 20:45
10 being that was the case, we always had in the 20:45
11 back of our mind what would be if we took a 20:45
12 survey of the front of the house and back of 20:45
13 the house. I don't know exactly front, back, 20:45
14 side, but we understood that there was the 20:45
15 ability if we were so high and the grade was 20:45
16 so high that we would be able to apply for -- 20:45
17 I don't know if it's FEMA or LOMA and to be 20:46
18 out of the flood zone and be able to have a 20:46
19 basement. That being the case, when we were 20:46
20 putting in the foundation, I was discussing 20:46
21 this with our builder, Aharon Blumenkrantz, a 20:46
22 reputable builder in the neighborhood. 20:46
23 CHAIRMAN KEILSON: We will determine 20:46
24 that. 20:46
25 MR. RIEDER: I am saying what I think. 20:46

Rieder - 2/24/2021

1 He -- his foundation professional or him as a 20:46
2 professional told me that being that they are 20:46
3 making the house a certain way, we have to dig 20:46
4 a foundation that's very deep. That will also 20:46
5 coincide with our wishes of long term hoping 20:46
6 to put in a basement and that's what we did. 20:46
7 With, you know, within right putting the 20:46
8 foundation and that was that. 20:46
9
10 MEMBER GOTTLIEB: Just can we do one 20:46
11 variance at a time because there will be some 20:46
12 questions. So I will let you finish unless 20:46
13 you are done but the first part -- 20:46
14
15 MR. RIEDER: So being that once he -- 20:46
16 once we did the foundation, the foundation, 20:47
17 the footing of the house was now larger than 20:47
18 it was originally because the house was a 20:47
19 little larger, a little longer and standard 20:47
20 procedure, ordered truckloads of dirt to fill 20:47
21 the property, standard procedure. They call 20:47
22 it "backfill" so I am relaying the word 20:47
23 "backfill". They did backfill and he did -- 20:47
24 and he had to submit something to the Building 20:47
25 Department after they finished the foundation, 20:47
some sort of survey or something and when he 20:47

Rieder - 2/24/2021

1
2 did that, he said oh, Moshe, we are out of -- 20:47
3 you know, it seems to be high enough. Me 20:47
4 without calling anybody and just being the 20:47
5 naive person that I am went ahead and sent it 20:47
6 to FEMA, and that's where we stand today. 20:47
7 FEMA approved it. We are out of the flood 20:47
8 zone. 20:47
9 CHAIRMAN KEILSON: Who filled out the 20:47
10 papers with FEMA? 20:47
11 MR. RIEDER: Me. 20:47
12 CHAIRMAN KEILSON: Without consulting 20:47
13 with your builder? 20:47
14 MR. RIEDER: My builder but an architect 20:47
15 was not involved. I called them once I got it 20:47
16 back. I said surprise, I did something for 20:47
17 you. 20:48
18 MEMBER HILLER: Who advised you to put 20:48
19 the backfill to raise the level of the 20:48
20 property? 20:48
21 MR. RIEDER: We didn't raise the level 20:48
22 of the property. Backfill is standardly done 20:48
23 -- as I was explained, whenever they put in a 20:48
24 foundation, they sort of smooth out I guess it 20:48
25 is around the foundation. 20:48

1 Rieder - 2/24/2021

2 MEMBER HILLER: What are the variances? 20:48

3 CHAIRMAN KEILSON: Why don't we have Mr. 20:48

4 Blumenkrantz speak to that so we have the 20:48

5 technical -- it's unfair for the Rieders to -- 20:48

6 MR. RIEDER: Thanks. 20:48

7 MR. BLUMENKRANTZ: My name is Aharon 20:48

8 Blumenkrantz. I am a builder in the 20:48

9 neighborhood. It's one of my clients. 20:48

10 CHAIRMAN KEILSON: What's the name of 20:48

11 your company? 20:48

12 MR. BLUMENKRANTZ: All Boro 20:48

13 Construction. 20:48

14 MEMBER GOTTLIEB: You are not in the 20:48

15 boroughs. 20:48

16 MR. BLUMENKRANTZ: Correct but it's 20:48

17 spelled B-O-R-O. The basic foundation 20:48

18 procedure with any foundation, we dug out the 20:48

19 foundation with tremendous amount of 20:48

20 excavation done on this property because 20:48

21 besides the home, the whole back bulkhead was 20:48

22 redone on this property as well determined by 20:49

23 the builder and by the DEC I believe, and when 20:49

24 we excavated, there is some dirt that's taken 20:49

25 away and some dirt is therefore backfill. 20:49

Rieder - 2/24/2021

1
2 Normally -- I think the Building Department 20:49
3 did this as well and this home probably went 20:49
4 like this and then went way down below both 20:49
5 neighbors. When you backfill, you basically 20:49
6 keep your grade around your home at a constant 20:49
7 level. You are cleaning up the property, you 20:49
8 backfill, and you are not really concentrating 20:49
9 or getting any type of survey telling you 20:49
10 elevation was here before you put it neatly 20:49
11 around the home. 20:49
12 MEMBER HILLER: This is not your first 20:49
13 home? 20:49
14 MR. BLUMENKRANTZ: This is not my first 20:49
15 home. 20:49
16 MEMBER HILLER: So you know there are 20:49
17 regulations regarding change of the grade of a 20:49
18 property? 20:49
19 MR. BLUMENKRANTZ: Correct. 20:49
20 MEMBER HILLER: So you intentionally 20:49
21 changed the grade of the property, yes or no? 20:49
22 MR. BLUMENKRANTZ: I don't know if I 20:49
23 want to answer yes. I wasn't doing anything 20:49
24 intentionally. 20:49
25 MEMBER HILLER: I know you don't want to 20:50

Rieder - 2/24/2021

1
2 answer yes. 20:50
3 MR. BLUMENKRANTZ: I wasn't 20:50
4 intentionally changing the grade. I was 20:50
5 intentionally putting my grade, cleaning up 20:50
6 the property at a constant where it was in the 20:50
7 front of the home. The machine rolled. No 20:50
8 one told the guy make it higher, make it 20:50
9 lower. Just backfilled. 20:50
10 MEMBER HILLER: But you knew the 20:50
11 regulations. 20:50
12 MR. BLUMENKRANTZ: I am aware of the 20:50
13 regulations, correct, but again, it was not 20:50
14 focused on that. The foundation guy didn't 20:50
15 ask me anything. It was just done as a 20:50
16 standard way of backfilling a home. Have I 20:50
17 ever dealt -- I am thinking of it now. 20:50
18 MEMBER FELDER: Did the Building 20:50
19 Department ever require -- not them. I 20:50
20 remember when I applied for something, you had 20:50
21 made me do spot elevations prior to the work 20:50
22 commencing and then after the work concluded. 20:50
23 Do we not do that anymore? 20:50
24 MR. CASTRO: Prior to commencing we do 20:50
25 have that. I don't believe anything 20:50

Rieder - 2/24/2021

1 subsequent. 20:50

2

3 MEMBER FELDER: Because if we didn't 20:50

4 make them do it, they are not at fault. 20:50

5 MR. VACCHIO: We have a topographical 20:51

6 survey prior to the start of the construction. 20:51

7 MEMBER FELDER: But then the Building 20:51

8 Department gives them approval after the 20:51

9 foundation? 20:51

10 MR. VACCHIO: So we do ask for a 20:51

11 foundational location survey once the 20:51

12 foundation is put in to make sure everything 20:51

13 is in order. Setbacks, so they can proceed. 20:51

14 Before construction starts we ask for a 20:51

15 topographical survey as well. This way we 20:51

16 know where the elevations are located. 20:51

17 MEMBER FELDER: That's what I mean. 20:51

18 Spot elevations. 20:51

19 MR. VACCHIO: Right. Topographical is 20:51

20 the same thing. Once construction is 20:51

21 completed, we ask for a final survey showing 20:51

22 the setbacks and elevation matches which is a 20:51

23 topographical survey. 20:51

24 MEMBER GOTTLIEB: But you didn't 20:52

25 complete the second part of this because the 20:52

Rieder - 2/24/2021

1 house is not finished? 20:52

2 MR. VACCHIO: Correct. 20:52

3 MEMBER GOTTLIEB: So how are you knowing 20:52

4 that they changed the grade without having -- 20:52

5 MR. VACCHIO: We received a Letter of 20:52

6 Map Amendment which is LOMA, and I compared it 20:52

7 to the topographical survey. 20:52

8 MEMBER GOTTLIEB: So that's what 20:52

9 triggered it for you to know it changed the 20:52

10 grade? 20:52

11 MR. VACCHIO: Well, we knew in the 20:52

12 beginning it couldn't be -- you couldn't have 20:52

13 a finished basement since you are in a flood 20:52

14 zone. 20:52

15 MEMBER GOTTLIEB: But the application 20:52

16 initially until today -- 20:52

17 MR. VACCHIO: We didn't have a basement 20:52

18 when the construction started. There was no 20:52

19 basement. Just a crawl space. Then again we 20:52

20 got approved by -- the owner said we got 20:52

21 approved by FEMA that he is out the flood 20:52

22 zone, and that's where we stand. 20:52

23 MEMBER HILLER: Did he tell you after he 20:52

24 got the approval of FEMA? Did he go ahead 20:53

25

Rieder - 2/24/2021

1
2 with the basements and then you were told that 20:53
3 he got approval from FEMA? 20:53
4 MR. RIEDER: We still haven't done any 20:53
5 basement. We still -- 20:53
6 CHAIRMAN KEILSON: You asked Dan. Dan, 20:53
7 respond. 20:53
8 MR. VACCHIO: When we arrived there, one 20:53
9 of my inspectors told me there was a basement 20:53
10 there, and it wasn't supposed to be there. 20:53
11 Aharon backfilled it to make it a crawl space 20:53
12 the way it was originally proposed, and that's 20:53
13 where we are at. 20:53
14 MEMBER HILLER: So there is no basement 20:53
15 as of now? 20:53
16 MR. VACCHIO: As of now, no. 20:53
17 MEMBER GOTTLIEB: Is there a foundation 20:53
18 that was backfilled? 20:53
19 MR. VACCHIO: The foundation is deep 20:53
20 enough for a basement but what appears up is 20:53
21 the structural columns, and along with that 20:53
22 the dirt is put in as well so now we are back 20:53
23 to the crawl space. 20:53
24 CHAIRMAN KEILSON: At which point in 20:53
25 time did you receive notification of the LOMA? 20:53

Rieder - 2/24/2021

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MR. VACCHIO: It was after -- maybe it 20:54
was a month or so after the basement was 20:54
filled in. 20:54

CHAIRMAN KEILSON: So at that point you 20:54
knew there was a change in grade? 20:54

MR. VACCHIO: I knew that -- I told them 20:54
that it's high and they were going to bring it 20:54
down at one point. I mean, the middle, the 20:54
rear was low. I mean, I didn't look at all 20:54
the spot elevations at the time. You know -- 20:54

MEMBER GOTTLIEB: Where did the backfill 20:54
for the -- 20:54

MR. VACCHIO: Let's put it this way. I 20:54
look at a map and I see that it's in a flood 20:54
zone and that's -- that's all the information 20:54
I get. I am not sure. I didn't look to see 20:54
if FEMA could take them out of a flood zone. 20:54
That's not my job. They did their 20:54
investigation, and they were able to get out 20:54
of the flood zone. You know, I mean, it 20:54
happens. Their property -- 20:54

CHAIRMAN KEILSON: That phrase "it 20:54
happens", what does that mean? 20:55

MR. VACCHIO: No, what I am saying is 20:55

Rieder - 2/24/2021

1
2 they were able to take the house out of the 20:55
3 flood zone, but the property is still in the 20:55
4 flood zone. Therefore, they can't at this 20:55
5 point do a finished basement. 20:55
6 CHAIRMAN KEILSON: We know that. The 20:55
7 question is the timing. 20:55
8 MR. VACCHIO: Well, at the time the way 20:55
9 I see it it's in a flood zone, so you know, at 20:55
10 one point it got to change. 20:55
11 CHAIRMAN KEILSON: After the regrading? 20:55
12 MR. VACCHIO: After regrading. That's 20:55
13 what it seems like. I feel like I am on trial 20:55
14 here. 20:55
15 CHAIRMAN KEILSON: We just want answers. 20:55
16 MR. VACCHIO: I am telling you that's 20:55
17 how -- 20:55
18 MEMBER HILLER: Did you inform the 20:55
19 village that you were seeking FEMA? 20:55
20 MR. BLUMENKRANTZ: I did not inform the 20:55
21 village. 20:55
22 MEMBER HILLER: Did anybody? 20:55
23 MR. BLUMENKRANTZ: And I didn't even 20:55
24 know I would need to to be honest. I figured 20:55
25 let's see where we are at. Let's see if this 20:55

Rieder - 2/24/2021

1
2 property -- this was a very interesting -- 20:55
3 it's an interesting property. You have two 20:55
4 homes on the right and left that have 20:55
5 properties in the rear yard that were here and 20:55
6 this one stays the same as the neighboring 20:55
7 properties, and about midway of the old house 20:56
8 went like -- there were a lot of roots and 20:56
9 trees and big roots from big trees. When we 20:56
10 took that down to build the house, a lot of 20:56
11 that also got taken away. So very hard to now 20:56
12 put back something so you have a property that 20:56
13 went like this and then suddenly down to the 20:56
14 water. Again, trees out, house down, putting 20:56
15 a foundation in place. You know, we are still 20:56
16 down -- like he said, we are still in the 20:56
17 flood zone, but around the house we are out of 20:56
18 the flood zone because we followed the front 20:56
19 elevation that we had almost halfway through 20:56
20 the old house that had that actually. That 20:56
21 was not changed and neighboring-wise your 20:56
22 level at the front level, it's basic -- it's 20:56
23 not like I built a house in Harborview North 20:56
24 where the driveway is always down there and 20:56
25 the house property -- that was more of a 20:56

Rieder - 2/24/2021

1 straightforward -- the driveway was always on 20:56
2 the elevation of the street. This was like 20:56
3 the whole front was here starting going like 20:56
4 this. We built a new house and took trees 20:57
5 down and just cleaned itself up around the 20:57
6 home, not the old property like Danny just 20:57
7 said, that this happened. It wasn't anything 20:57
8 -- yes, was the foundation full height partly 20:57
9 because you have to go 4 feet in the ground 20:57
10 structurally and at the rear yard 4 feet from 20:57
11 the ground where we have to be at the 20:57
12 elevation close to the top of the foundation, 20:57
13 given that 8-foot foundation that you have to 20:57
14 have a basement. It's not like you have a 20:57
15 10-foot foundation. The foundation was built 20:57
16 at 8 feet even if they weren't putting in a 20:57
17 basement. 20:57

18
19 MEMBER HILLER: Who is the one who 20:57
20 thought or suggested that you go to FEMA for? 20:57

21 MR. BLUMENKRANTZ: Well, we were -- I 20:57
22 don't know how it came up exactly. I did know 20:57
23 that this property had numbers on it that 20:57
24 would take us out of the flood zone. I wasn't 20:57
25 sure if it was the entire home. I made a few 20:57

Rieder - 2/24/2021

1
2 phone calls how does it work? Is it just 20:57
3 around the house that it has to happen? Is it 20:57
4 the whole property? I was made aware that 20:57
5 there were numbers very close at some point in 20:58
6 this property so we winged it. We made a 20:58
7 phone call to an architect who deals with FEMA 20:58
8 applications. Not an architect, a surveyor 20:58
9 and he said he is going to look into it and he 20:58
10 said Aharon, looks like you can go for the 20:58
11 application and I said okay. 20:58

12 CHAIRMAN KEILSON: You are going for it 20:58
13 based on a regrade? 20:58

14 MR. BLUMENKRANTZ: Correct. The answer 20:58
15 to that is correct. In my mind explaining how 20:58
16 this project evolved it wasn't -- there was 20:58
17 really no intention to regrade for this 20:58
18 application. It was really done as atypical 20:58
19 of what would have happened around such a home 20:58
20 that's being built on such a property like I 20:58
21 have been explaining. 20:58

22 CHAIRMAN KEILSON: Do you understand 20:58
23 that if the regrade was not permitted, then ex 20:58
24 post facto the FEMA would not apply? 20:58

25 MR. BLUMENKRANTZ: I at this time -- at 20:58

Rieder - 2/24/2021

1
2 this -- yes, I do. For the back of the house, 20:58
3 correct. 20:58
4 CHAIRMAN KEILSON: What are we talking 20:58
5 about? The back of the house, aren't we? 20:58
6 MR. BLUMENKRANTZ: No, you are right. 20:59
7 CHAIRMAN KEILSON: Okay. Any other 20:59
8 questions of Mr. Blumenkrantz? 20:59
9 MEMBER GOTTLIEB: Is the regrading 20:59
10 finished or are you going to -- if you get the 20:59
11 pool and you get the basement, is that 20:59
12 backfill going to used to increase the space 20:59
13 at the rear part of the property where the 20:59
14 sill is lower than the bulkhead? 20:59
15 MR. BLUMENKRANTZ: Right now it's in 20:59
16 your hands. It would be nice to level off 20:59
17 with the neighbors, not to have to be lower 20:59
18 than the neighbors. 20:59
19 CHAIRMAN KEILSON: That's not on today's 20:59
20 agenda. 20:59
21 MEMBER GOTTLIEB: Well, that's what I am 20:59
22 asking Mr. Castro. 20:59
23 MEMBER GOTTLIEB: Are we approving X or 20:59
24 Y? 20:59
25 MR. CASTRO: There is a request for 20:59

Rieder - 2/24/2021

1
2 change, but there are two different scopes 20:59
3 here that we are discussing at this point. 20:59
4 MEMBER GOTTLIEB: Are we approving 20:59
5 what's already done or -- 20:59
6 MR. CASTRO: That's a change in grade 20:59
7 because I don't believe the plans, there is 21:00
8 any profile or anything that would indicate 21:00
9 the change in the rear. I mean -- or correct 21:00
10 me if I am wrong. I mean, there is but I 21:00
11 didn't note it. 21:00
12 CHAIRMAN KEILSON: Can we get a 21:00
13 clarification from somebody? Because our 21:00
14 understanding is the application, there is an 21:00
15 application to kasher up a previously regraded 21:00
16 backyard. Is that what's on the table or 21:00
17 something else? 21:00
18 MR. RIEDER: Moshe Rieder speaking. I 21:00
19 am not a professional again, but the way our 21:00
20 property is we would have -- every time it 21:00
21 rains or every time somebody poured a Coke 21:00
22 bottle on their backyard, it would literally 21:00
23 just come -- we are like feet lower than the 21:00
24 sides. 21:00
25 MEMBER GOTTLIEB: This is why I was 21:00

Rieder - 2/24/2021

1 asking. 21:00

2 MR. RIEDER: Thank you for bringing it 21:00

3 up. 21:00

4 MEMBER GOTTLIEB: But Mr. Chairman wants 21:00

5 to know if the application is for as is or -- 21:00

6 MR. RIEDER: I think the application for 21:00

7 us for what's done already but to continue to 21:00

8 level off. 21:00

9 CHAIRMAN KEILSON: Absolutely not. 21:01

10 MEMBER HILLER: That's not on the 21:01

11 application. 21:01

12 CHAIRMAN KEILSON: Absolutely not. You 21:01

13 want to caucus with your professionals and 21:01

14 come up with an answer? I mean, this is a 21:01

15 very substantive issue. You have neighbors 21:01

16 here who are concerned about the backyard. 21:01

17 (Discussion off the record.) 21:02

18 CHAIRMAN KEILSON: The petition is very 21:03

19 specific in what they are requesting. 21:03

20 Four-foot-1 grade change, so I ask you again 21:04

21 is that the grade change that's being 21:04

22 requested or is there more to come? 21:04

23 MR. RIEDER: The 4-foot-1 grade change 21:04

24 is -- once that 4-foot-1 grade change like 21:04

25

Rieder - 2/24/2021

1
2 Aharon was explaining because the property 21:04
3 sort of goes like this or sorry, up and down, 21:04
4 then if we are -- I mean, it's hard to say but 21:04
5 over here you want the 4 feet, over here you 21:04
6 want the 4 feet. Once we put the 4 feet, we 21:04
7 just want to level out the property to make it 21:04
8 that 4 feet across even with the neighbors. 21:04
9 Not higher than anyone. Probably still lower 21:04
10 than everyone. 21:04

11 CHAIRMAN KEILSON: That's not the 21:04
12 criteria. The criteria is we have a petition 21:04
13 with a specific request to approve what's been 21:04
14 done already as I understand it, so if we 21:04
15 would be doing more then we have to know about 21:04
16 it before it's the hearing, not during the 21:04
17 hearing. 21:04

18 MR. RIEDER: I think it's possibly 21:05
19 questionable what it means to go for -- what 21:05
20 this 4-foot-1 request is. If the 4-foot-1 21:05
21 request doesn't say on here that we did it 21:05
22 already or we are going to do it -- I think we 21:05
23 are talking about we have a property that 21:05
24 needs a 4-foot -- that we are asking for a 21:05
25 variance for a 4-foot-1 increase. 21:05

Rieder - 2/24/2021

1
2 CHAIRMAN KEILSON: What if, in fact, you 21:05
3 find it's not adequate or it doesn't apply to 21:05
4 other parts of the property? 21:05
5 MR. RIEDER: Then unfortunately, we may 21:05
6 be back here again. 21:05
7 CHAIRMAN KEILSON: No, you won't be back 21:05
8 here again. 21:05
9 MR. RIEDER: But we would be cut off at 21:05
10 4 foot 1. 21:05
11 MR. CASTRO: As Danny stated before, the 21:05
12 variance request is based on the elevation 21:05
13 certificate which is an existing condition and 21:05
14 that's -- 21:05
15 CHAIRMAN KEILSON: Based on the existing 21:05
16 condition. 21:05
17 MR. CASTRO: That's where the request 21:05
18 came from. 21:05
19 MEMBER FELDER: So then that means they 21:05
20 have to come back. 21:05
21 MR. CASTRO: There would have to be 21:05
22 something else showing the rest -- I mean, 21:05
23 because right now the only thing we have is 21:05
24 the elevation certificate which shows that 21:06
25 4-foot increase at the rear wall of the 21:06

Rieder - 2/24/2021

1 foundation of the house. 21:06

2

3 MR. BLUMENKRANTZ: And I would have 21:06

4 gotten in more trouble. 21:06

5 MEMBER HILLER: At least we would have 21:06

6 had notice. 21:06

7 MR. BLUMENKRANTZ: Again, to my point 21:06

8 again -- 21:06

9 MR. RIEDER: My architect is saying that 21:06

10 we were approximately 2 feet lower than each 21:06

11 of the neighbors now, so if we got the 21:06

12 4-foot-1 variance, of course we would not go 21:06

13 higher and the Building Department could 21:06

14 verify and show you that we are not asking -- 21:06

15 it's hard to explain but the three properties, 21:06

16 my two neighbors and myself have bulkheads, 21:06

17 you know, that sort of protect the property 21:06

18 from the water in the back of the house. 21:06

19 Those are lined up. So it would be impossible 21:06

20 to take the grade higher than that wall 21:06

21 because it would just go forward. 21:07

22 CHAIRMAN KEILSON: I call to caucus. 21:07

23 (Recess taken.) 21:07

24 CHAIRMAN KEILSON: Okay. We are going 21:19

25 back on the record. We have the members of 21:19

Rieder - 2/24/2021

1 the committee who will speak to the matter. 21:19

2

3 MEMBER MOSKOWITZ: Happy to begin. A 21:20

4 few of us -- nobody is here to give anybody a 21:20

5 hard time. Obviously you can see we try to 21:20

6 work with the homeowners and come to a 21:20

7 successful resolution. I know there has been 21:20

8 a lot of history and drama around this 21:20

9 application, some of which was more recently. 21:20

10 So there is one issue in particular we have 21:20

11 been discussing the whole night, and then 21:20

12 there are some other issues as well, so I want 21:20

13 to focus on the one issue we are discussing 21:20

14 tonight, which I think is going to preclude 21:20

15 there from being an outcome tonight, but I 21:20

16 think it's fair to you also to give you the 21:20

17 other feedback on the rest of the application 21:20

18 so that when you come back we can address 21:20

19 those other concerns that people have as well. 21:20

20 The issue that's going to preclude just right 21:20

21 out of the box a successful outcome tonight 21:20

22 relates to a grade change issue. As I 21:20

23 understand it -- I am not an engineer, but as 21:20

24 I understand it, the application was to 21:20

25 request a grade change of 4.1 and then that, 21:20

Rieder - 2/24/2021

1
2 you look at the way things are right now on 21:21
3 the property, there is 4.1 that's filled in 21:21
4 with respect to what's been done so far, but 21:21
5 there is additional work that needs to be done 21:21
6 with respect to the balance of the property. 21:21
7 The property slopes down. The original 21:21
8 version of the property slopes down, and so 21:21
9 when additional fill is added to the balance 21:21
10 of the property, there is going to be areas 21:21
11 that are more than 4.1. Could be 5.1, could 21:21
12 be 6 compared to the original grade of the 21:21
13 original property. 21:21

14 So that's the problem with the 21:21
15 application. It has to be figured out what 21:21
16 you are asking for so we can figure out a 21:21
17 proper view on it. Then there are other 21:21
18 concerns that are going to be expressed to 21:21
19 give you some feedback and try to work with 21:21
20 you so we hopefully have a successful outcome. 21:21

21 MR. RIEDER: If -- I don't know but if 21:21
22 Aharon knows that the balance that needs to be 21:21
23 filled in is less than 4.1, can we proceed? 21:21

24 MEMBER HILLER: No because it's going 21:21
25 far beyond what you have on your application. 21:22

Rieder - 2/24/2021

1
2 You are asking -- let me tell you something. 21:22
3 You are asking for things right now that 21:22
4 aren't on the application. Therefore, we did 21:22
5 not study them. We have no opinion on them 21:22
6 right now. So we have to have them in front 21:22
7 of us at least for a week or so to be able to 21:22
8 judge. The village officials, the people who 21:22
9 are knowledgeable as well as the Board to 21:22
10 study them. 21:22
11 I want to tell you something else. 21:22
12 Nothing is going to be resolved tonight, and 21:22
13 also whatever advice we give you, it's really 21:22
14 out of the goodness of our hearts and there is 21:22
15 no guarantee that that advice will lead you in 21:22
16 the right way or that you will come back with 21:22
17 something that's acceptable to the Board. 21:22
18 It's very possible you will ignore our advice 21:22
19 or you will take it so partially that we can't 21:22
20 pass it, but we don't want to make you come 21:22
21 back and give you -- and after arguing about 21:22
22 the grade, all of a sudden present you with 21:22
23 our arguments. So we want to give you sort of 21:22
24 a path to go on so that when you come back the 21:23
25 next time, you will be focused on the concerns 21:23

Rieder - 2/24/2021

1 of the Board members and everybody has 21:23
2 different concerns. For instance, one of the 21:23
3 egregious concerns is the maximum surface 21:23
4 coverage. You have -- you cannot have 17.3 21:23
5 percent overage on maximum surface coverage. 21:23
6 Generally we try to get it in the 6 to 8 21:23
7 percent range. This is double that or more 21:23
8 than double that. 21:23
9
10 MR. RIEDER: What does that mean? 21:23
11 MEMBER HILLER: Your professionals 21:23
12 understand. Don't stand up. Don't start 21:23
13 explaining now. This requires another meeting 21:23
14 with us to look at the figures you come up 21:23
15 with. 21:23
16 MR. MAYERFELD: I do want to speak. 21:23
17 MEMBER HILLER: All right. I am not the 21:23
18 censorship. 21:23
19 MR. MAYERFELD: Because I know there is 21:23
20 numbers that seem very high and there is -- 21:23
21 there was -- before this house was demolished, 21:23
22 it was an existing house and I don't think 21:23
23 this house, preexisting house bothered 21:23
24 anybody, but if you look at some of the 21:24
25 numbers of the preexisting house to what it is 21:24

Rieder - 2/24/2021

1 what we are proposing, the numbers look a 21:24

2 little different. 21:24

3 MEMBER HILLER: Sir, this is new 21:24

4 construction so the -- I don't care what was 21:24

5 on the house before. 21:24

6 MR. MAYERFELD: For the record I am 21:24

7 going to do it anyhow. 21:24

8 MEMBER HILLER: You are very aggressive 21:24

9 tonight. 21:24

10 MR. MAYERFELD: With a smile though. 21:24

11 First, the front yard impervious, I know it's 21:24

12 a huge number -- 21:24

13 CHAIRMAN KEILSON: Don't do that. 21:24

14 MR. MAYERFELD: I'm sorry. I am still 21:24

15 in the old code. The front yard surface 21:24

16 coverage, I know it's a very large number. 21:24

17 It's 45.3 percent. The reality is again first 21:24

18 of all, there are -- you look at the 21:24

19 neighbors, I believe a lot of the neighbors, 21:24

20 all like -- basically all the whole houses on 21:24

21 that block on that side of the block have a 21:24

22 driveway similar to this. 21:24

23 Also, I know we don't want to talk about 21:25

24 the preexisting condition. The preexisting 21:25

25

Rieder - 2/24/2021

1 condition, the coverage was 137 percent over 21:25
2 what was required, and in fact, we brought it 21:25
3 down from what it was. It's decreased by 37 21:25
4 percent. We actually -- we were advised by -- 21:25
5 we talked to the Building Department when we 21:25
6 started this job. We wanted to keep it but -- 21:25
7 we wanted to keep the existing driveway, but 21:25
8 we were just told by the Building 21:25
9 Department -- 21:25
10

11 MEMBER HILLER: All this is for the next 21:25
12 meeting. We saw that. We understand that. I 21:25
13 see the 1,900. You are down 525 feet from the 21:25
14 previous. 21:25

15 MR. MAYERFELD: It's not even -- it's -- 21:25
16 we ran the numbers -- 21:25

17 MEMBER HILLER: Whatever it was. 21:25

18 MR. MAYERFELD: It's even more than 21:25
19 that. 21:25

20 MEMBER HILLER: I am going to say it 21:25
21 again. You are new construction and it's 21:25
22 judged much more intensely, much more 21:25
23 carefully. 21:25

24 MR. MAYERFELD: I understand. 21:25

25 MEMBER HILLER: I am not finished. It's 21:25

1 Rieder - 2/24/2021

2 all right. Don't explain that. Save it for 21:25
3 the next meeting. 21:25

4 MR. MAYERFELD: I just wanted you to 21:25
5 feel better about it because you mentioned 21:25
6 that the Board is bringing up some of these 21:26
7 items so just -- 21:26

8 MEMBER HILLER: But you don't have to 21:26
9 answer them now. You will answer them at the 21:26
10 next meeting. 21:26

11 MEMBER MOSKOWITZ: Where is that data 21:26
12 coming from with respect to the preexisting? 21:26
13 Because that's not in the code relief. 21:26

14 MR. MAYERFELD: This is the survey. 21:26

15 MEMBER FELDER: It's the new code. 21:26

16 MEMBER HILLER: We have it. 21:26

17 MR. MAYERFELD: Because we took the 21:26
18 original survey and I will send out -- 21:26

19 MEMBER HILLER: We have it. 21:26

20 MR. MAYERFELD: Those numbers were run 21:26
21 by the Building Department. We took out our 21:26
22 calculator. 21:26

23 MEMBER HILLER: Okay. Stop. The next 21:26
24 concern is that neighbors have said about the 21:26
25 placement of the pool and you have to speak to 21:26

Rieder - 2/24/2021

1
2 neighbors more carefully and listen to them 21:26
3 and try and do something to ameliorate that 21:26
4 situation, so you have issues here and I am 21:26
5 going to say again. We are very careful with 21:26
6 new construction. You once came in with a 21:27
7 plan that was acceptable and didn't require 21:27
8 any variances. It was admitted that -- I 21:27
9 don't want to use the word "surreptitiously" 21:27
10 but let me say surreptitiously the level was 21:27
11 raised, and all of a sudden, the basement 21:27
12 became viable through a FEMA application. 21:27
13 That is something to consider. Now we 21:27
14 discovered that that's not the only level that 21:27
15 has to be raised, but you want to raise it 21:27
16 across. 21:27
17 So now nothing is going to be done 21:27
18 tonight. Go back, look at your application -- 21:27
19 the garage I forgot to mention. The issues 21:27
20 with neighbors as far as the garage, see if 21:27
21 you can iron that out in a way that's 21:27
22 satisfactory to everybody. Then come back. 21:27
23 We are not your enemies. The enemies were the 21:27
24 people who acted without permission and did 21:27
25 stuff illegally without consulting the 21:27

Rieder - 2/24/2021

1 professionals of the village and just did 21:27
2 stuff. And now you want to continue that 21:28
3 stuff. Come back with a coherent plan with 21:28
4 neighbors on board and something that's closer 21:28
5 to what we can find palatable. 21:28
6
7 MR. MAYERFELD: Just to say what Mr. 21:28
8 Blumenkrantz was saying before, again, the 21:28
9 whole grade change, it may seem like people 21:28
10 were saying elsewhere oh, my gosh, it looks a 21:28
11 little funny. I can tell you, my partner and 21:28
12 I, our firm we didn't even know about the 21:28
13 LOMA. He was talking truth when he said you 21:28
14 have to drop the foundation at a certain 21:28
15 point. You have footings, you have to be a 21:28
16 certain point below grade, and a lot of 21:28
17 contractors, they don't want to do something 21:28
18 called a step footing so they can have 21:28
19 continuous footing. I have with me tonight to 21:28
20 show you the original plan that we submitted 21:28
21 that shows a crawl space and -- but again, you 21:28
22 know what it is when you are doing 21:28
23 construction. He is out in the field, he is 21:28
24 not looking at zoning, he has his drawing, he 21:28
25 has his concrete guy sitting there and the guy 21:28

Rieder - 2/24/2021

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sitting on the tractor. This was not 21:29
something beforehand we are going to hide and 21:29
trick them. We didn't even know. 21:29
MEMBER HILLER: There is no criminal 21:29
activity here yet but just go back. Look at 21:29
the concerns of the Board. Come back with a 21:29
good plan. 21:29
MR. RIEDER: We can speak with the 21:29
neighbors. I know the neighbors are here 21:29
tonight. We did speak with the neighbors in 21:29
regards to the garage and the pool. We pulled 21:29
back our variance because we felt that would 21:29
not give them the comfort they would deserve, 21:29
and we pulled that back. The fact that the 21:29
pool is on our property close to the water 21:29
will be affecting possibly the animal life 21:29
behind or the boaters behind, but standing in 21:29
the pool area, I know there was a site visit, 21:29
you cannot see in the pool with the current 21:29
trees that are all dead and we are going to 21:29
put in new trees. You cannot see and it would 21:29
be further away. 21:29
MEMBER HILLER: But you are talking 21:29
about -- let's not have this argument. Now 21:29

Rieder - 2/24/2021

1
2 you are talking about raising the level so the 21:30
3 pool would be a lot higher than it is now. 21:30
4 Also, it's fairly close to the neighbor on the 21:30
5 right as you face your house property and you 21:30
6 have, thank God, ample room to move it over. 21:30
7 MR. RIEDER: It's 15 feet setback. 21:30
8 That's the law. 21:30
9 MEMBER HILLER: I personally am less 21:30
10 concerned about the rear. 21:30
11 MR. RIEDER: We pulled it back. We are 21:30
12 making it 15. 21:30
13 MEMBER HILLER: But that's not the only 21:30
14 problem. There are other issues. Go back and 21:30
15 come back with a coherent plan. 21:30
16 MR. RIEDER: Can we -- 21:30
17 MEMBER HILLER: It's not going to go 21:30
18 tonight. It's not going to happen tonight. 21:30
19 There is too much to consider. 21:30
20 MEMBER FELDER: Just the one point of 21:30
21 the grade change is that by itself because we 21:30
22 can't measure the depth, we don't know what 21:30
23 the depths are. So when you say 4.1 feet, 21:30
24 it's already been filled to a certain extent. 21:30
25 It was 4.1 feet at the point of your house. 21:30

Rieder - 2/24/2021

1
2 As the property went like this, so this was 21:31
3 4.1 feet -- 21:31
4 MR. RIEDER: We are all concerned about 21:31
5 the same thing. Not to go higher than the 21:31
6 neighbors. 21:31
7 MEMBER FELDER: No, it's not. It's a 21:31
8 technicality. It's an actual number. 21:31
9 MR. MAYERFELD: Just to keep the 21:31
10 conversation going, would we be able to commit 21:31
11 -- if we were to commit and Aharon, you can 21:31
12 correct me if I am wrong, if the variance was 21:31
13 requested at 4.1, you said if we continue to 21:31
14 level it's going to be higher than 4.1. Let 21:31
15 me say -- 21:31
16 (Discussion off the record.) 21:32
17 CHAIRMAN KEILSON: I think we made clear 21:32
18 that we have to come back. 21:32
19 MR. MAYERFELD: I am having a hard time 21:32
20 understanding. 21:32
21 CHAIRMAN KEILSON: You will have to go 21:32
22 home with a hard time. Don't push. You have 21:32
23 been warned in the past about that. 21:32
24 MEMBER GOTTLIEB: I would like to ask 21:32
25 the Building Department a question. 21:32

Rieder - 2/24/2021

1
2 CHAIRMAN KEILSON: I would like to add 21:32
3 one more thing. It may be productive to 21:32
4 discuss some of these other issues so they 21:32
5 have some guidance. Rather than just saying 21:32
6 it's not going to be acceptable if that's 21:32
7 where you are going. Okay. So that's -- if 21:32
8 we are going to go back and reconsider, you 21:32
9 made reference to some suggestions. Again 21:32
10 putting it out for discussion. If members of 21:33
11 the Board want to discuss some of the items so 21:33
12 that we don't have to repeat this. Mr. 21:33
13 Gottlieb. 21:33
14 MEMBER GOTTLIEB: I was going to ask the 21:33
15 Building Department despite what happens here 21:33
16 tonight they can continue building the house 21:33
17 per the plans which were previously submitted. 21:33
18 So there is no stopping of the current work; 21:33
19 is that correct? 21:33
20 MR. CASTRO: Correct. 21:33
21 MEMBER GOTTLIEB: Which is a very 21:33
22 unusual application that you can still 21:33
23 continue. You are not going to be losing much 21:33
24 time if you come back next month. 21:33
25 CHAIRMAN KEILSON: I think it's self 21:33

Rieder - 2/24/2021

1
2 evident there is not much they can do because 21:33
3 everything is contingent on -- 21:33
4 MEMBER GOTTLIEB: But they were working 21:33
5 as of yesterday. 21:33
6 MEMBER FELDER: But you have the garage. 21:33
7 They have to make plans where they want. 21:33
8 CHAIRMAN KEILSON: The bulk of the work 21:33
9 hinges on the pool question. 21:33
10 MEMBER GOTTLIEB: I was looking for a 21:33
11 bright spot. It didn't work. 21:33
12 CHAIRMAN KEILSON: There is a lot of 21:34
13 bright spots. 21:34
14 MEMBER GOTTLIEB: So it's not all doom 21:34
15 and gloom. 21:34
16 CHAIRMAN KEILSON: If you want to expand 21:34
17 on some of these other question areas so they 21:34
18 get a sense. It's true if you want to pull 21:34
19 the pool over 15 feet so there is no 21:34
20 encroachment, there was a discussion among the 21:34
21 members. I don't know if we want to expand on 21:34
22 it. You have plenty of room to keep on moving 21:34
23 it to somewhat ameliorate some of the concerns 21:34
24 of the neighbors who happen to be here tonight 21:34
25 who probably we should give them an 21:34

Rieder - 2/24/2021

1
2 opportunity if they so choose to express 21:34
3 themselves, but as you know, how many feet are 21:34
4 they away from the other property? 21:34
5 MR. CASTRO: With the 15-foot setback 21:34
6 it's 40. 21:34
7 CHAIRMAN KEILSON: Forty feet away from 21:34
8 the property. So there is room without even 21:34
9 encroaching on the neighbor to perhaps 21:34
10 ameliorate some of the concerns of the Isaacs 21:34
11 neighbor we call it. 21:35
12 MR. RIEDER: The reason for it being to 21:35
13 the side, we have children, I actually grew up 21:35
14 in the city with no grass. So I am very into 21:35
15 grass. My wife is here from Lawrence. She 21:35
16 grew up here. My mother grew up here. My 21:35
17 wife's grandmother lives on Broadway, and she 21:35
18 eats with us every Friday night. We are the 21:35
19 closest family members that she has. She 21:35
20 lives all alone, and we would like to have 21:35
21 some grass in the backyard that is not totally 21:35
22 encompassed by a pool, and as sticking with 21:35
23 the guidelines of the Lawrence, the village of 21:35
24 Lawrence, that 15 feet gives their distance. 21:35
25 I don't -- you know, I think that's why we are 21:35

Rieder - 2/24/2021

1 asking for that so we have some grass so I can 21:35
2 play catch with my son. Sons, thank God, and 21:35
3 have some backyard usage. 21:35
4
5 CHAIRMAN KEILSON: At the same time you 21:35
6 you don't want to stick with the 20 feet and I 21:35
7 understand why. Under the rear yard -- 21:35
8 MR. RIEDER: On the back -- 21:35
9 CHAIRMAN KEILSON: On the back. 21:35
10 MR. RIEDER: On the back I am not 21:36
11 encroaching on anyone. 21:36
12 CHAIRMAN KEILSON: But you just quoted 21:36
13 the laws of the zoning regulations of 21:36
14 Lawrence. So you are asking for -- 21:36
15 MR. RIEDER: I think those were probably 21:36
16 made because there was someone behind me who 21:36
17 is going to be disappointed. 21:36
18 CHAIRMAN KEILSON: Again, could be in 21:36
19 other ways, and again, if the neighbor wants 21:36
20 to speak to it, they can speak to it tonight, 21:36
21 or we can just push it to the next hearing. 21:36
22 Then there is the question of the garage. You 21:36
23 know that the detached garage became a 21:36
24 byproduct of discussion to enable us to reduce 21:36
25 the number of variances requested. It may be 21:36

Rieder - 2/24/2021

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if you go to an attached garage, there will be 21:36
more space between the neighbor and you will 21:36
need a variance but you will add at least 3 to 21:36
4 foot in terms of distance from the property 21:36
line. Again, I am telling you there are ways 21:36
to discuss these things to help mitigate some 21:36
of the concerns of the Board members. 21:36

MR. RIEDER: What I am left with is -- I 21:36
appreciate your time. I know it's late and I 21:37
don't want to keep you because we are not 21:37
making a decision. You told me that. I just 21:37
want to say we have been working at this 21:37
variance for months and months. This is not 21:37
something we are just coming here and we will 21:37
just push it off another month. My builder 21:37
calls me all the time, you know, I can't do 21:37
the electric, I can't do the plumbing, I can't 21:37
do the HVAC because we don't know if we have 21:37
the basement. We don't have the basement, we 21:37
have to take out the floor, the garage, same 21:37
sort of thing because workers, when they 21:37
leave -- once they leave a job, I am left high 21:37
and dry. 21:37

We were supposed to have the hearing a 21:37

Rieder - 2/24/2021

1
2 month ago. I believe -- if we are postponing 21:37
3 it again, if there is any way to sit down 21:37
4 together and figure out a resolution that we 21:37
5 don't have this recurring issue that's most 21:37
6 probably our issue that we are not presenting 21:37
7 properly, we are not there for you. So how do 21:37
8 we get to a way that we could by the next 21:37
9 meeting or before the next meeting, whatever 21:37
10 it is, make sure we are all buttoned up and 21:37
11 ready to go, please? 21:37
12 CHAIRMAN KEILSON: Okay. 21:38
13 MEMBER FELDER: Maybe we should hear 21:38
14 from the neighbor. 21:38
15 CHAIRMAN KEILSON: Is the neighbor 21:38
16 interested in speaking tonight? 21:38
17 MRS. ISAACS: Yes. I really just took 21:38
18 some notes. 21:38
19 CHAIRMAN KEILSON: Introduce yourself. 21:38
20 MRS. ISAACS: Linda Isaacs. I didn't 21:38
21 really think this out, but I did take some 21:38
22 notes here this evening as I listened to some 21:38
23 of the other people who had some things to 21:38
24 say. First of all, to the Board members, 21:38
25 thank you. I know it's late. To my neighbor 21:38

Rieder - 2/24/2021

1
2 -- new neighbors, lots of luck to you in your 21:38
3 new home, and I look forward to being good 21:38
4 neighbors and living harmoniously together. 21:38
5 With that being said, Moshe Rieder here 21:38
6 had expressed himself most eloquently in 21:38
7 describing how he has moved from a small 21:38
8 apartment to Lawrence, grown up, has different 21:38
9 needs, and so with all that that you heard 21:39
10 being said, I am going to say at this point in 21:39
11 my life we have specific needs as well. 21:39
12 Certain needs that we like accommodating. 21:39
13 I love pools. I love children. I had 21:39
14 no problem with the neighbors that lived next 21:39
15 door for seven years with ten children next 21:39
16 door to me. They were in my house all the 21:39
17 time. I have grandchildren. My house, Baruch 21:39
18 Hashem, thank God is very well-used. I have 21:39
19 small children now. I have my father and his 21:39
20 wife living in my home, hopefully not for 21:39
21 long, not because I don't want them there but 21:39
22 because I want them to be able to be on their 21:39
23 own again. If not, they are welcome to be in 21:39
24 my home, but with that being said, what I 21:39
25 wanted to explain about the pool is first of 21:39

Rieder - 2/24/2021

1
2 all, I want you to have everything you always 21:39
3 want to have. Totally. The garage, the pool. 21:39
4 CHAIRMAN KEILSON: Mrs. Isaacs -- 21:40
5 MRS. ISAACS: Whatever you want, 21:40
6 whatever the Rieders want, I want them to have 21:40
7 insofar as I feel it doesn't involve imparting 21:40
8 or imposing on our quality of life, privacy. 21:40
9 Whatever that means. Obviously I know a pool 21:40
10 involves children and noise and parties and 21:40
11 night activity and all that good stuff. I do 21:40
12 feel that where the Rieders would like to put 21:40
13 their pool is, you know, an amazing place if 21:40
14 neighbors wouldn't mind it for what they are 21:40
15 looking for, but that piece of land is not 5 21:40
16 acres of land. So it's a brilliant plan and I 21:40
17 wish that it didn't bother me but it does and 21:40
18 I do feel that it strongly will impact our 21:40
19 quality of life. 21:41
20 That particular side of our home, which 21:41
21 has nothing to do with the Rieders but the way 21:41
22 the house lays itself out, on the right side 21:41
23 facing the back of our home in the space where 21:41
24 they have one neighbor, us -- you know, most 21:41
25 of those homes have one neighbor on each side. 21:41

Rieder - 2/24/2021

1
2 We have three neighbors on one side in our 21:41
3 back: The Hirshauts, the Hermans, and 21:41
4 Fessels. Three in the same amount of space. 21:41
5 One doesn't have anything in the backyard. 21:41
6 One has a pool very close to us. 21:41
7 It is what it is, but since I have that 21:41
8 pool very close to me, I do know what this 21:41
9 closeness means with a pool, and I do have it 21:41
10 on that side. The next house has a deck which 21:41
11 is on the water. With that being said, 21:41
12 nothing to do with the Rieders, but on the 21:41
13 other side when they are putting in a corner 21:41
14 really where our properties meet, I feel like 21:42
15 it's very much -- very much asking to impart 21:42
16 on our privacy and quality of life in the back 21:42
17 area of the living space. I don't know how 21:42
18 familiar all of you are with properties on the 21:42
19 water, but the backyards, they are very 21:42
20 beautiful. We love them. The decks, the 21:42
21 dock, they are an extension of the home, and 21:42
22 the truth is that they are used as such not 21:42
23 just by myself, by my children, by my 21:42
24 grandchildren. I have grandchildren that love 21:42
25 to study down there and learn down there. I 21:42

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1 am talking about on the water. 21:42

2

3 Where that pool may be placed is 21:42

4 definitely an imposition on us, and inasmuch 21:42

5 as I appreciate that they removed the request 21:42

6 for the variance of the moving 5 feet closer 21:42

7 than would be allowed on the side, although 21:42

8 there is no back neighbor there, it's sort of 21:42

9 like on the water, your neighbors are back 21:43

10 neighbors as well. It's not that there is no 21:43

11 one except the birds that are going to be 21:43

12 bothered by that pool. And I don't think that 21:43

13 asking for a 5 feet from that water line 21:43

14 specifically that close is a fair request. I 21:43

15 mean, I am not -- I am not here as a board 21:43

16 member, but I mean, if they wanted to hear 21:43

17 suggestions from me, I have them. I can think 21:43

18 of many suggestions, you know but -- I can 21:43

19 think of many suggestions. 21:43

20 MEMBER FELDER: It may be helpful for 21:43

21 the Rieders for their next presentation to 21:43

22 understand your point of view and what your 21:43

23 suggestions might be. Not for us; for them. 21:43

24 MRS. ISAACS: I have actually suggested 21:43

25 some of them to the Rieders, but none of them 21:43

Rieder - 2/24/2021

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were really acceptable. So here I am 21:43
uncomfortable in my own skin, you know. 21:43

MEMBER FELDER: I think it would be 21:44
beneficial for them as well as for us to save 21:44
time for the next hearing. You might as well 21:44
state your suggestions, and then you can weigh 21:44
them together. 21:44

MRS. ISAACS: By the way, just for the 21:44
Board to know and the Rieders to know, this is 21:44
nothing but absolutely nothing personal to do 21:44
with the Rieders. This is just to live 21:44
harmoniously as neighbors and to protect each 21:44
of us in what we want from our homes and 21:44
properties. 21:44

MEMBER FELDER: Having heard many of 21:44
these testimonies before, I can tell the 21:44
Rieders who probably haven't, if your 21:44
neighbors are willing to work with you, 21:44
inasmuch as they are not asking you to get rid 21:44
of any of your requests, which means they are 21:44
not asking you to lose your pool, they are not 21:44
asking you to reduce the size of your pool, 21:44
they are not asking you to lose your garage -- 21:44

MRS. ISAACS: That's correct. 21:44

Rieder - 2/24/2021

1
2 MEMBER FELDER: -- they are not asking 21:44
3 you to lose anything. They, from what it 21:44
4 sounds like, are asking you to rework it 21:44
5 somewhat, which may be of slight inconvenience 21:44
6 to what your original plan was, but I think 21:45
7 that this is something that can be worked out 21:45
8 without us. 21:45
9 MR. RIEDER: We definitely did speak and 21:45
10 I actually bought the house from the Isaacs. 21:45
11 So we have a relationship beforehand and we 21:45
12 spoke. I sat in their house. I explained to 21:45
13 them what we are doing. We discussed all the 21:45
14 different things. We discussed coming closer 21:45
15 with the pool. They were thinking about it 21:45
16 and they called me back and said no. I said 21:45
17 okay. We have been in communication, and we 21:45
18 are both trying to work hard and will be 21:45
19 fantastic neighbors. The suggestion is to 21:45
20 move the pool to the other side to the other 21:45
21 neighbors and I heard the suggestion and I 21:45
22 simply don't understand how -- what relevance 21:45
23 -- like if something affects one side, we 21:45
24 should say as a board or as a suggestion let's 21:45
25 mess up the other neighbor if it messes up -- 21:45

Rieder - 2/24/2021

1
2 MEMBER FELDER: Well, the other neighbor 21:45
3 isn't here tonight. 21:46
4 CHAIRMAN KEILSON: Also you are not 21:46
5 encroaching. We are not asking you to 21:46
6 encroach. We should put on the table that 21:46
7 there are 45 feet from the new placement of 21:46
8 the pool. 21:46
9 MR. RIEDER: For our usage, we are 21:46
10 trying to -- as I mentioned before and not 21:46
11 because we want to put our pool on top of 21:46
12 anyone. I understand you have three 21:46
13 neighbors. Maybe you should have sold me 21:46
14 yours and take this one. I understand the 21:46
15 circumstance and I don't want to 21:46
16 inconvenience -- 21:46
17 MEMBER FELDER: But you wanted it for 21:46
18 the grass for the backyard. Does it affect 21:46
19 your grass in any way by moving it over to the 21:46
20 Jacobs side and leave -- 21:46
21 MR. RIEDER: Jacobs is going to be here 21:46
22 next time screaming -- not screaming. 21:46
23 MRS. ISAACS: So you should understand 21:46
24 you are asking something that's not correct. 21:46
25 You are assuming -- 21:46

Rieder - 2/24/2021

1
2 CHAIRMAN KEILSON: You made your point. 21:47
3 MRS. ISAACS: But my point is if, in 21:47
4 fact, the Rieders and many other people may 21:47
5 feel it's not encroaching -- and by the way, 21:47
6 there may be a point where it's not 21:47
7 encroaching, and I am going to explain why. 21:47
8 The way the backyards are at the present time, 21:47
9 that part of ours let's call living active 21:47
10 part of the backyard -- 21:47
11 MEMBER MOSKOWITZ: Just one second. I 21:47
12 want to make sure I have a clear picture on 21:47
13 your situation. So if you are in your yard, 21:47
14 what part -- what is happening in your yard 21:47
15 that's parallel to where their proposed pool 21:47
16 is which is very close to the water line? 21:47
17 What are you -- what's -- 21:47
18 MRS. ISAACS: That's where we have 21:47
19 lounge chairs and congregate. We have a pool 21:47
20 in the middle of our area. 21:48
21 MEMBER GOTTLIEB: Can we get aerials? 21:48
22 CHAIRMAN KEILSON: Anything else? 21:48
23 MRS. ISAACS: I just want to say if it's 21:48
24 really not imposing, the other people may not 21:48
25 mind. That's what I am saying. I am not 21:48

Rieder - 2/24/2021

1 saying bother someone else. It may not be an 21:48
2 imposition. 21:48
3
4 MR. RIEDER: Can I respond one time? 21:48
5 CHAIRMAN KEILSON: You can sit down. 21:48
6 Thank you. 21:48
7 MR. RIEDER: Thank you. I didn't mean 21:48
8 to say that I was -- let's mess up them 21:48
9 because they will be upset. What I meant to 21:48
10 say was that where we are in this side of the 21:48
11 property, you cannot see -- and to be close to 21:48
12 the water and further away from their pool and 21:48
13 from the back of their house, their balcony 21:48
14 and porch is more distance for a hearing 21:48
15 perspective. So the fact that it's not -- it 21:48
16 affects somebody. Everything will affect 21:48
17 somebody. If I put a pool right in the 21:48
18 middle -- if I put a baby pool, it will affect 21:49
19 my neighbors, but there has to be some sort of 21:49
20 rhyme or reason where we can pinpoint and say 21:49
21 this creates noise, this creates visual. 21:49
22 Something as opposed to -- you know, if I like 21:49
23 to be on my bottom of my dock and look up, I 21:49
24 don't want to see you. It's -- you know, it's 21:49
25 different, sort of bothersome and I don't want 21:49

Rieder - 2/24/2021

1
2 to be bothersome, but it's a different sort of 21:49
3 bothersome than saying, you know, I see you, I 21:49
4 hear you and that's what you are adding. I am 21:49
5 not adding a visual. I am not adding a 21:49
6 hearing issue. 21:49

7 CHAIRMAN KEILSON: So the issue for us 21:49
8 is that you are asking for significant 21:49
9 encroachment to the rear. You have a neighbor 21:49
10 who feels that it's an imposition on her, so 21:49
11 we have to take that into consideration. 21:49
12 That's the balancing test, the benefit to the 21:49
13 applicant as opposed to any detriment to the 21:49
14 neighbor. She perceives to be a significant 21:49
15 detriment to her. That goes into the mix. 21:50

16 MEMBER MOSKOWITZ: We understood your 21:50
17 point that it's not lost on us. The reason we 21:50
18 have side yard encroachment rules is to 21:50
19 protect people on the side, and the reason we 21:50
20 have a rear yard encroachment rule is to 21:50
21 protect people in the rear. So we understand 21:50
22 your point about feeling that the rear yard 21:50
23 encroachment is not affecting them. At least, 21:50
24 in terms of how the rules are set up. That 21:50
25 said, we would take it into consideration. 21:50

Rieder - 2/24/2021

1
2 CHAIRMAN KEILSON: Correct. Now, as far 21:50
3 as the surface coverage issue as you pointed 21:50
4 out as comparing it to the previously existing 21:50
5 house, the front yard coverage is actually 21:50
6 reduced, but overall at the present time you 21:50
7 are looking at about 17 percent excess. On a 21:50
8 new coverage. On a new coverage, on new 21:50
9 construction, under unusual circumstances, we 21:50
10 would be given single digits. We have never 21:50
11 gone as far as giving 17 percent. Again. 21:50
12 Just raising it for the record. 21:51
13 MR. RIEDER: Does the detached garage 21:51
14 cause any of that? 21:51
15 MEMBER FELDER: Yes. 21:51
16 MR. CASTRO: Well, the garage, the size 21:51
17 of the garage itself is -- 21:51
18 MR. MAYERFELD: It's both coverage and 21:51
19 surface coverage. 21:51
20 MEMBER FELDER: In the original plan, 21:51
21 there was no external garage. 21:51
22 MR. RIEDER: That was very, very 21:51
23 minimal. 21:51
24 CHAIRMAN KEILSON: Again, the 21:51
25 contribution towards surface coverage for 21:51

Rieder - 2/24/2021

1
2 having the garage external? 21:51
3 MEMBER FELDER: 231 square feet. 21:51
4 MR. CASTRO: Four and a half percent. 21:51
5 CHAIRMAN KEILSON: Plus how about the 21:51
6 side concrete? 21:51
7 MR. CASTRO: And another 4 percent. 21:51
8 CHAIRMAN KEILSON: Between the garage 21:51
9 and the parking space to the right of the 21:51
10 garage, we are talking about 8 percent. 21:51
11 MR. RIEDER: Can we possibly agree or 21:51
12 settle the garage part of it because the 21:52
13 Isaacs are not having a problem with the 21:52
14 garage? It's only 4 percent or -- 21:52
15 MEMBER FELDER: Eight percent. 21:52
16 MR. RIEDER: Eight percent. 21:52
17 MEMBER FELDER: Between the garage and 21:52
18 the parking. 21:52
19 MR. RIEDER: We should use the asphalt 21:52
20 when we do the whole front variance. Can we 21:52
21 separate out the garage so that -- 21:52
22 CHAIRMAN KEILSON: There is nothing 21:52
23 decided in that area. We don't do it 21:52
24 piecemeal. 21:52
25 MEMBER FELDER: You can't. 21:52

Rieder - 2/24/2021

1
2 CHAIRMAN KEILSON: You can't do it 21:52
3 piecemeal. 21:52
4 MR. RIEDER: So then now that we heard 21:52
5 the Isaacs and the Board, I don't know. Where 21:52
6 does that leave us? How do we get -- 21:52
7 MEMBER GOTTLIEB: On the garage issue I 21:52
8 would suggest you do whatever you can to make 21:52
9 it attached rather than detached. That will 21:52
10 decrease your footprint and make it 21:52
11 aesthetically more pleasing for us. 21:52
12 MR. RIEDER: We originally had that, and 21:52
13 it was suggested to us to separate it. 21:53
14 MEMBER GOTTLIEB: Don't listen to them. 21:53
15 They don't know. 21:53
16 MR. RIEDER: Okay. Thank you. Thanks. 21:53
17 So the garage, put it back in so it doesn't 21:53
18 take up coverage I guess. 21:53
19 MR. MAYERFELD: The coverage is going to 21:53
20 stay the same whether it's attached or 21:53
21 detached. It will just be closer. 21:53
22 MEMBER GOTTLIEB: No, I'm sorry. No. 21:53
23 Inside the house. Restoring -- 21:53
24 CHAIRMAN KEILSON: Restoring it to the 21:53
25 original plan. 21:53

Rieder - 2/24/2021

1
2 MR. RIEDER: But the reason why -- 21:53
3 MEMBER GOTTLIEB: I understand. I read 21:53
4 the application. You are going to lose a room 21:53
5 somewhere. 21:53
6 MR. RIEDER: Lose a ground floor room. 21:53
7 I have parents, in-laws who live in the 21:53
8 neighborhood. My parents, my whole family 21:53
9 lives out of Lawrence. I have three 21:53
10 grandmothers and a great-grandmother, and I 21:53
11 would like to be able to host them. 21:53
12 MEMBER GOTTLIEB: Mr. Rieder, as much as 21:53
13 you think you are unique, almost every 21:54
14 application comes in with parents out of town. 21:54
15 I totally respect it but I don't want to make 21:54
16 decisions for you. This is just what I have 21:54
17 issues with. 21:54
18 MR. RIEDER: Okay. Thanks. 21:54
19 MEMBER GOTTLIEB: They might not. 21:54
20 CHAIRMAN KEILSON: Just as a general 21:54
21 rule, a variance is granted for the minimum 21:54
22 amount necessary to solve a problem, an issue. 21:54
23 You expressed that you have four kids. You 21:54
24 are asking for 11 bedrooms and 11 bathrooms. 21:54
25 It's a lot. 21:54

1

2

MEMBER GOTTLIEB: He has got three

21:54

3

grandmothers.

21:54

4

MR. RIEDER: And I thought I would have

21:54

5

the Board over but I understand there is a lot

21:54

6

of bedrooms but that doesn't solve my first

21:54

7

floor problem and the coverage that we are

21:54

8

over from that garage is 4 percent. It's not

21:54

9

adding any detrimental.

21:54

10

CHAIRMAN KEILSON: We are not your

21:54

11

architects.

21:54

12

MEMBER GOTTLIEB: Many of our applicants

21:54

13

use elevators to take care of their elderly.

21:54

14

MR. RIEDER: Tapped out. This project

21:55

15

is costing a fortune.

21:55

16

MEMBER GOTTLIEB: An elevator is cheap.

21:55

17

CHAIRMAN KEILSON: Vote for motion to

21:55

18

adjourn. Let's put them on the next calendar.

21:55

19

(Whereupon the hearing concluded at 9:55

21:55

p.m.)

20

21


Certified that the foregoing is a true and accurate

22

transcript of the original stenographic minutes in

23

this case.



24

YAFFA KAPLAN

25

Court Reporter