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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

March 9, 2022
7:31 p.m.

APPLICATION: Rubin
                    1129 Doughty Boulevard
                    Lawrence, New York

P R E S E N T :

                    MR. LLOYD KEILSON
                    Chairman

                    MR. EDWARD GOTTLIEB
                    Member

                    MR. AARON FELDER
                    Member

                    MR. ANDREW K. PRESTON, ESQ.
                    Village Attorney

                    MR. DANNY VACCHIO
                    Building Department

                    MR. JACOB PLAUT
                    Building Department

                    Yaffa Kaplan
                    Court Reporter

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2   CHAIRMAN KEILSON: All right. Good

3   evening, ladies and gentlemen. Welcome to the

4   Lawrence Board of Zoning Appeals. Please turn

5   off your phone. Okay. And if you want to

6   converse, please do so in the hallway. Thank

7   you very much.

8   We do have a quorum, just a quorum. We

9   have other people -- I think Mr. Moskowitz is

10   still coming tonight.

11   MEMBER GOTTLIEB: We hope so.

12   CHAIRMAN KEILSON: All right. Proof of

13   posting, Mr. Vacchio?

14   MR. VACCHIO: Mr. Chairman, I offer

15   proof of posting and publication.

16   CHAIRMAN KEILSON: Very good. Thank you

17   very much. Okay. The first matter we will

18   address is a request for an adjournment on

19   Rubin, 1129 Doughty Boulevard. Mr. Flaum,

20   correct? It was asked to be put over to the

21   next date?

22   MR. FLAUM: Correct.

23   CHAIRMAN KEILSON: Very good. Thank you

24   very much.

25   (Whereupon the hearing concluded at 7:32

1

2   p.m.)

3   **

4   Certified that the foregoing is a true and accurate

5   transcript of the original stenographic minutes in

6   this case.

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17   _____

18   YAFFA KAPLAN

19   Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

APPLICATION: Eckstein
                 175 Ocean Avenue
                 Lawrence, New York

Village Hall
196 Central Avenue
Lawrence, New York

March 9, 2022
7:32 p.m.

P R E S E N T :

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

1

2   CHAIRMAN KEILSON: The first matter we

3   will deal with this evening is Eckstein of 175

4   Ocean Avenue. Good evening. I would like the

5   record to reflect that Mr. Moskowitz has

6   joined us. Thank you very much. You missed

7   an adjournment. Now we get to the Eckstein

8   matter. Ms. Elias.

9   MS. ELIAS: Mr. Chairman, as you may

10   remember, we received an approval from the

11   Board of Zoning Appeals last year on May 28th

12   regarding the rear yard setback that was

13   requested. The property at 175 Ocean Avenue

14   is a very strange and odd configuration, and

15   consequently the front yards, the side yards,

16   and the rear yards were very confusing and we

17   worked out a way in which we were able to get

18   the client what they wanted. Subsequent to

19   that approval, the Ecksteins made a decision

20   that they would like to have their house more

21   compact, smaller and --

22   CHAIRMAN KEILSON: Smaller you said?

23   MS. ELIAS: Well, smaller.

24   CHAIRMAN KEILSON: First time we ever

25   had that.

1

2   MS. ELIAS: And in doing so, we

3 redesigned the house and we lopped off the

4 second floor. So it changed from a third

5 floor, we lopped off the third floor, and

6 changed the first floor. So the massing, the

7 height of the building became lower and also

8 we removed the cabana and we integrated the

9 cabana into the lower level of the house. We

10 also compacted in a way the location of the

11 pool and the court to be closer to the house.

12 In doing all this, and accomplishing what they

13 wanted, we are encroaching on the rear yard by

14 4.4 feet, and that is what we are asking the

15 Board to approve and allow us to continue with

16 the project.

17   CHAIRMAN KEILSON: The project has been

18 halted in the interim?

19   MS. ELIAS: Yes.

20   CHAIRMAN KEILSON: Okay. All right.

21 Have the neighbors been contacted? The one

22 most directly related?

23   MS. ELIAS: Yes. Both neighbors have

24 been contacted, and they are both supportive

25 of the encroachment. They have no issue at

1 all with the 4.4 feet on the rear yard.

2 CHAIRMAN KEILSON: Thank you. Any

3 questions from the Board?

4 MEMBER GOTTLEIB: Thank you. Can you

5 tell me the length of the 4.4 foot

6 encroachment and that is not -- is that the

7 pickleball court or the house?

8 MS. ELIAS: No, not at all. Hold on a

9 second. It's the little triangular blackened

10 area.

11 MEMBER FELDER: Just that piece?

12 MS. ELIAS: Just that piece. That

13 triangular area that goes from kind of 0 to

14 4.4 feet and if you --

15 MEMBER GOTTLIEB: So 4.4 is only at the

16 north end if you will?

17 MS. ELIAS: It's on the west end.

18 Northwest end. If you take a look at the

19 property, on the lower right-hand side of the

20 plan, you will see how it gets cinched right

21 there.

22 CHAIRMAN KEILSON: Almost de minimis.

23 MS. ELIAS: Right. If you look at the

24 property lines in relation to the neighbors.

1

2   CHAIRMAN KEILSON: Any further questions

3   from the Board? Anyone from the audience want

4   to speak to the matter? Okay. We are going

5   to take a vote based on the benefit to the

6   applicant as opposed to any detriment to the

7   community, and taking into consideration that

8   Mr. Eckstein has been very forthcoming in

9   general and put up all the screening he

10 promised and I think a very positive

11 relationship with the village. So we will

12 take a vote. Mr. Moskowitz?

13   MEMBER MOSKOWITZ: For.

14   CHAIRMAN KEILSON: Mr. Gottlieb?

15   MEMBER GOTTLIEB: For.

16   CHAIRMAN KEILSON: Mr. Felder?

17   MEMBER FELDER: For.

18   CHAIRMAN KEILSON: And I vote for as

19 well. And whatever the time frame was.

20   MR. PLAUT: We are keeping the time

21 frame as it was.

22   CHAIRMAN KEILSON: Fine. Okay. Thank

23 you very much.

24   MEMBER GOTTLIEB: Does this time get

25 granted onto the time before, the time they

1   have to do this?

2   CHAIRMAN KEILSON: The same time frame.

3   MS. ELIAS: If we, for any reason,

4   require anything, we will come back to the

5   village.

6   CHAIRMAN KEILSON: You know where we

7   are.

8   MS. ELIAS: Thank you very much.

9   (Whereupon the hearing concluded at 7:37

10   p.m.)

11   ***

12

13   Certified that the foregoing is a true and accurate

14   transcript of the original stenographic minutes in

15   this case.

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17   _____

18   YAFFA KAPLAN

19   Court Reporter

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4   INCORPORATED VILLAGE OF LAWRENCE

5   BOARD OF APPEALS

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8   Village Hall
                                                     196 Central Avenue
9   Lawrence, New York

10   APPLICATION: Gluck
                      7 Firethorne Drive
11   Lawrence, New York

12   March 9, 2022
                                                     7:37 p.m.
13

14   P R E S E N T:

15   MR. LLOYD KEILSON
                      Chairman
16
                      MR. EDWARD GOTTLIEB
17   Member

18   MR. AARON FELDER
                      Member
19
                      MR. ELLIOT MOSKOWITZ
20   Member

21   MR. ANDREW K. PRESTON, ESQ.
                      Village Attorney
22
                      MR. DANNY VACCHIO
23   Building Department

24   MR. JACOB PLAUT
                      Building Department
25

                      Yaffa Kaplan
                      Court Reporter

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2   CHAIRMAN KEILSON: Next matter is that

3   of Gluck. Seven Firethorne, they or their

4   representative. Good evening.

5   MR. PROFESORSKE: Good evening. David

6   Profesorske.

7   CHAIRMAN KEILSON: You are back before

8   us because I think there was an oversight on

9   the part of the village in terms of that which

10   was denied, there was an omission as far as

11   the parking variance.

12   MR. PROFESORSKE: Correct and the

13   reserved judgment.

14   CHAIRMAN KEILSON: Correct. That's

15   still pending. So just explain for the record

16   what you are here for.

17   MR. PROFESORSKE: Nothing has changed in

18   terms of the application. I think it was just

19   an oversight on the part of the village that

20   parking variance wasn't listed on the original

21   legal notice. So that's why we are back

22   before you, but nothing changed from the

23   original application.

24   CHAIRMAN KEILSON: Okay.

25   MEMBER GOTTLIEB: Mr. Chairman, for

1   clarity, I can't say it was all an oversight

2   on the village. I think the applicant didn't

3   include the parking variance.

4   CHAIRMAN KEILSON: Fine. Thanks for

5   clarifying the record.

6   MR. PROFESORSKE: Okay. That's fine.

7   CHAIRMAN KEILSON: And again, the

8   commitment is that it's a Sabbath-only so

9   there is no need to drive to the synagogue,

10   and therefore, there would be no requirement

11   for the -- we have waived the parking

12   requirements in the past for the likes of a

13   synagogue where there is Sabbath only.

14   MR. PROFESORSKE: Correct.

15   MEMBER GOTTLIEB: So there will be

16   nobody driving to Shul? No Yomim Tovim where

17   driving is permitted?

18   MEMBER MOSKOWITZ: Well, I think for

19   like a Purim the Shul would propose to be

20   open, and there are these rare exceptions

21   during the year.

22   CHAIRMAN KEILSON: It would be part of

23   the judgment. When we issue -- we are

24   obligated to issue a decision by another 30

1   days, counsel?

2   MR. PRESTON: Sixty days.

3   CHAIRMAN KEILSON: Total 60 days.

4   MR. PRESTON: Total 60 days but this is

5   the same application.

6   CHAIRMAN KEILSON: So extended by

7   another 30 days?

8   MR. PRESTON: Yes.

9   CHAIRMAN KEILSON: So everything will be

10   in our decision.

11   MEMBER GOTTLIEB: As the contractor, do

12   you know if the driveway is going to be

13   smoothed?

14   MR. PROFESORSKE: It's proposed for the

15   existing to remain, but I would have to

16   discuss with the village if --

17   MEMBER GOTTLIEB: My concern is your

18   driveway is a little bit choppy, and you

19   obviously have evening events.

20   MR. PROFESORSKE: Yes.   I mean, we are

21   definitely open to it.   Just as long as the

22   village is okay with that, meaning with

23   resurfacing the driveway.

24   MR. PLAUT: There is no approval

25

1   process. You just have to submit an

2   application and receive a permit.

3   MEMBER GOTTLIEB: I just want that to be

4   done for -- as a matter of safety, for your

5   own congregants. I personally don't walk on

6   your driveway.

7   CHAIRMAN KEILSON: Any questions from

8   MEMBER GOTTLIEB: So what's the next --

9   MR. PROFESORSKE: Okay. So --

10   the audience?

11   MR. HIRMES: Bill Hirmes.   I have some

12   questions. My parents live at 5 Firethorne

13   Drive.   They are in Florida. They missed the

14   first one.   Didn't know about it.   I have

15   never seen plans.   We are just a little

16   concerned. One, I just heard about parking.

17   There is weekday stuff going on there in the

18   morning and there is cars parked.

19   CHAIRMAN KEILSON: They have committed

20   to not have any weekday services.

21   MR. HIRMES: We are also concerned

22   because a lot of water comes off from that

23   side right off Washington Avenue.   Even the

24   house next door to them on Washington Avenue

1   -- not sure what the address is, but water

2   seems to come into their yard and they have

3   flooding a lot.

4   CHAIRMAN KEILSON: And water is coming

5   from which direction?

6   MR. HIRMES: From Washington Avenue.

7   CHAIRMAN KEILSON: From Washington

8   Avenue itself?

9   MR. HIRMES: From Washington Avenue

10   which they abut and the house next door to

11   them also has water. They just did a lot of

12   work, which caused even a lot more flooding to

13   the current yard.

14   MEMBER FELDER: You are talking about

15   the property that's closer to Kenridge?

16   MR. HIRMES: The property that's closer

17   to Kenridge, the one next door that backs up

18   to their backyard. I think the village is

19   aware of that issue.

20   MEMBER GOTTLIEB: Your parents' property

21   is flooded, or are you just saying that the

22   applicant's property floods?

23   MR. HIRMES: My parents' yard floods.

24   Where it exactly comes from, it was worked on

25

1   in the other house. I am not sure it's a

2   Washington Avenue address. It made it even

3   worse. My parents put in a French drain.

4   There are some things they are trying to do,

5   but if they have more lot coverage, that's

6   obviously going to create more water.

7

8   MEMBER MOSKOWITZ: I think they are

9   going down in surface coverage compared to the

10   existing.

11   MR. HIRMES: I haven't seen the plans.

12   CHAIRMAN KEILSON: They are available in

13   the village.

14   MR. HIRMES: I kind of just got a phone

15   call saying hey --

16   MEMBER FELDER: I think as part of every

17   project, the Building Department ensures there

18   is proper drainage on the property that's

19   proposing the change in order to absorb any

20   runoff that's caused by any construction.

21   MR. VACCHIO: Which is proposed on the

22   drawings as well.

23   MEMBER FELDER: It's on the plan.

24   MR. HIRMES: Just want to go on the

25   record to express my concern.

1

2   CHAIRMAN KEILSON: I think it behooves

3   you to visit the Building Department to

4   express your concerns because they ultimately

5   have -- it's within their domain so they can

6   take it into consideration any of the existing

7   issues that you may have.

8   MR. HIRMES: Okay. All right. Thank

9   you. That's it.

10   CHAIRMAN KEILSON: Thank you for

11   appearing.

12   MEMBER GOTTLIEB: Mr. Vacchio, in light

13   of what I just heard, when they go to repave

14   the driveway, can you ensure there is drains

15   there so water is not exacerbating an existing

16   situation? It's not a big deal to put the

17   drip drains.

18   MR. VACCHIO: Yes. We will work on

19   that. There is no increase, but we can

20   propose it.

21   CHAIRMAN KEILSON: Any further questions

22   from the audience? Okay. Taking into

23   consideration the benefit to the applicant as

24   opposed to any detriment to the community, Mr.

25   Felder?

1

2 MEMBER GOTTLIEB: Reservations?

3 CHAIRMAN KEILSON: Reserving decisions.

4 The proposal is to reserve decision along with

5 the prior variance request.

6 MEMBER FELDER: So we are voting on

7 reserving?

8 CHAIRMAN KEILSON: Correct.

9 MEMBER FELDER: For.

10 MEMBER GOTTLIEB: For.

11 CHAIRMAN KEILSON: Mr. Moskowitz?

12 MEMBER MOSKOWITZ: For.

13 CHAIRMAN KEILSON: And I am for as well.

14 (Whereupon the hearing concluded at 7:44

15 p.m.)

16 ***

17 Certified that the foregoing is a true and accurate

18 transcript of the original stenographic minutes in

19 this case.

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23 YAFFA KAPLAN

24 Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

APPLICATION: Solnik
149 Beach 2nd Street
Lawrence, New York

Village Hall
196 Central Avenue
Lawrence, New York

March 9, 2022
7:45 p.m.

P R E S E N T :

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

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3   CHAIRMAN KEILSON: Next matter is that

4 of Solnik, 149 Beach 2nd Street.

5   MR. FLAUM: Good evening, chairman of

6 the Board, members of the Board. Here this

7 evening on behalf of Mr. and Mrs. Hochman,

8 formerly Solnik, regarding their proposed

9 alterations, new building to the existing

10 house at the subject property at 149 Beach 2nd

11 Street.

12   We are seeking a few variances. Some of

13 them primarily due to the fact that we have a

14 very constrained lot in a very specific

15 district that is located in a very small area

16 of Lawrence which has a unique zoning, and

17 given the needs of the homeowners who have

18 been living there for seven years, the family

19 is growing, they find themselves in need of

20 more space for their family and not enough

21 house to accommodate it. So I am going to go

22 through the different --

23   CHAIRMAN KEILSON: This is new

24 construction, correct?

25   MR. FLAUM: It's new construction. I

   think we are salvaging the foundation,

1   extending it, and building it up because it's

2   in a FEMA flood zone. Once you trigger FEMA

3   compliance, you have to adapt the structure to

4   comply with FEMA regulations.

5   CHAIRMAN KEILSON: I am just mentioning

6   it's new construction because historically we

7   try to avoid variances on new construction

8   unless there is some compelling reason.

9   MR. FLAUM: Understood.

10   Moving forward, so the Solniks are

11   looking to construct a new

12   two-and-a-half-story residence with a rooftop

13   deck at the existing property where they have

14   been living for seven years. The variances

15   that they are seeking are as follows: Section

16   212-22.B, maximum building height. Where it's

17   permitted to have a 36-foot structure, the

18   proposed is 39.5 feet, an overage of 3 and a

19   half feet. I will get into more detail about

20   that, but that's primarily an overage for the

21   railing at the upper deck. The structure in

22   full is actually compliant with 36 feet.

23   Section 212-22.E, minimum rear yard

24   setback. Where you are permitted a 10-foot

1

2　rear yard, existing is 42.5 to the existing

3　house that's there. Proposed at 7 feet, an

4　overage of 3 feet into the required rear yard.

5　　　　Section 212-22.F, where you have minimum

6　side yard setback required of 5 feet, we have

7　an existing of 2.4 feet. We are proposing 3

8　feet, and that's an overage of 2 feet.

9　　　　Section 212-22.D, where you have minimum front

10　yard setback required of 10 feet, existing is

11　6 feet. The proposed, we are trying to

12　maintain the same 6 feet which is an overage

13　of 4 feet.

14　　　　Next one is Section 212-39.B for a

15　pitched roof. You are permitted 1 to 1 ratio.

16　The proposed is a 2 to 1 ratio, and where you

17　have Section 212.39-C, maximum exterior wall

18　height, the permitted is 23 feet. The

19　proposed is 24.6, an overage of 1.6 feet.

20　　　　Before I delve into the specifics of the

21　different code reliefs we are requesting, I

22　just want to make it clear to the Board

23　because we are in a FEMA flood zone, the house

24　has to be raised to the design foot elevation.

25　At least the first floor does in order for the

1   house to be legally complying with the FEMA

2   regulations which are then enforced by the

3   town and the village. That being said, the

4   village has specific rules about height and

5   pitched roofs, and all the stuff in general

6   regarding the boundaries of the building don't

7   really accommodate for those changes when FEMA

8   regulations kick in.

9   So some of the items we are seeking

10   relief from are due to the fact that FEMA --

11   again, FEMA has, since Hurricane Sandy,

12   started enforcing the rules and regulations a

13   lot more in the Town of Hempstead and

14   obviously in other jurisdictions as well where

15   there is a lot of damage due to hurricane

16   events. That being said --

17   CHAIRMAN KEILSON: But at the same time,

18   we used to have a 30-foot-high restriction and

19   taking into consideration FEMA and the needs

20   of the applicants, we raised it to 36 already

21   so it's not that --

22   MR. FLAUM: Understood but the problem

23   is where you have certain locations where you

24   have a 5- or 6- or 7-foot-height regulation

1 that you have to lift it an additional amount,

2 it's not taking into account the FEMA's

3 regulation because you have different areas

4 where it's flood zones that have different

5 regulations. So you could be very near the

6 water and not be in a flood zone because you

7 are raised up, but you could be 2 miles inland

8 and be very low down and have to raise your

9 house multiple feet. So it's an elevation

10 question with relationship to the water level.

11 So I hear and I acknowledge that the village

12 has done its best to give a higher elevation,

13 but sometimes even those mitigation efforts

14 don't really adequately deal with all

15 situations for houses in flood zones.

16   MEMBER GOTTLIEB: Can I start with a

17 question on your petition? You mentioned that

18 the homeowners lived there seven years. Did

19 they live there without owning the house?

20   MRS. HOCHMAN: Yes. We rented.

21   MEMBER GOTTLIEB: So you purchased the

22 house in 2018?

23   MRS. HOCHMAN: Yes.

24   CHAIRMAN KEILSON: Okay.

25

1

2   MEMBER GOTTLIEB: I have more questions,

3   but that was just one I didn't understand.

4   You are living there seven years and not

5   owning at that time. Okay.

6   MR. FLAUM: So I am going to delve into

7   the ones that might not be clear for the

8   variances that we are seeking. So if you look

9   at the revised set that you should have all

10 received, we sat down with the homeowners and

11 did our best to revise a design to accommodate

12 an enclosed garage where we previously came

13 with a drawing set that didn't propose any

14 garage. We rethought the whole design and are

15 proposing a new one-car garage at the front of

16 the property. With that being said, we are

17 going to still then need a front yard setback

18 variance because of the fact that we are

19 encroaching into the front yard. Again, we

20 didn't want to increase the noncompliance.

21 The existing front yard is 6 feet and proposed

22 would be 6 feet due to the garage, but the

23 garage was a very important part of the

24 village's request. I know it's in the code

25 and it's a requirement, so the clients and I

1   were able to come to an amicable redesign

2   solution to present in front of the Board for

3   that specific item. So that's relating to the

4   front yard setback.

5

6   The side yard is an interesting one.

7   You have an existing requirement for a 5-foot

8   side yard in the district. The existing house

9   was originally built and had a noncompliant

10   side yard of 2.4 feet. We are proposing to

11   set back that side yard to 3 feet because of

12   New York State Code. In order to have windows

13   and that wall, you need to have 3 feet from

14   the property line. So we are relieving

15   conditions somewhat but we still need a

16   variance to be closer than 5 feet.

17   Regarding the maximum building height,

18   if you scroll to the elevations or turn to the

19   elevations on your drawings, the maximum

20   height of the actual structure itself is

21   compliant with the 36-foot elevation from

22   grade. However, there is a rooftop deck, and

23   the railing for safety purposes is encroaching

24   into that additional height maximum. Being

25   that they are complying with FEMA, the house

1   needs to be lifted approximately from the

2   crown of the road almost 6 feet. So I was --

3   MEMBER GOTTLIEB: Are you lifting the

4   house or creating a new house?

5   MR. FLAUM: They are going to take it

6   down -- technically, they are taking it down

7   to the foundation. They are going to raise up

8   the foundation to then accommodate a first

9   floor at the design flood elevation. There is

10   something called lifting a house. I advised

11   them against that because lifts generally end

12   up destroying what's there and it didn't make

13   sense for the scope of work they were doing.

14   The other thing is to abandon the lowest level

15   and to then raise up the lowest level so that

16   the first floor complies with FEMA

17   regulations. In this instance, it's a design

18   flood elevation of 12 feet where the base

19   flood is 10. So the first floor, the first

20   elevation it can be habitable at is 12 feet,

21   so we are not artificially raising it even

22   higher. We are putting the first floor

23   exactly where it has to be to comply with FEMA

24   regulations which is 6 feet above the crown of

1 the road.

2   MEMBER GOTTLIEB: Okay.

3   CHAIRMAN KEILSON: But the 36 is a

4 byproduct of the height of the individual

5 floors.

6   MR. FLAUM: Correct. So the 36 feet

7 that you have is a byproduct of us working

8 with the design and the narrow lot and the

9 narrow size of the home. So in designing

10 spaces in general, proportion really is the

11 key or operative word when you design spaces.

12 When you have a narrow room that's very short,

13 it also feels very small. To compensate

14 narrow spaces, we sometimes will do a higher

15 ceiling so it doesn't feel as small and has a

16 much larger spatial experience for the owners

17 or people using the space.

18   So in this instance, when you have the

19 house proposed, due to the narrow size of the

20 whole property, your whole entire house is

21 only 22 feet wide out to out or from exterior

22 wall to exterior wall on the frontage. So

23 that's about the size of many brownstones in

24 Brooklyn or semi-attached or fully attached

1

2   houses in other spaces. So it's not a lot of

3   space to work with, but to counteract the

4   narrowness, raising the ceiling or doing a

5   higher ceiling helps to minimize the feel of a

6   tight space. So the heights we are proposing

7   are really not so excessive. For most new

8   construction that I am working on, 9 feet is

9   the bare minimum, 10 feet is actually

10   preferred, and your minimum legal height is 8

11   feet. So we have a 9-foot first floor and 8.6

12   second floor. That's really not much higher

13   than the minimum required by code. With

14   regard to the top floor, I know it says

15   9-foot-6, but some of that is under a sloping

16   roof so it's not a full 9-foot-6. It's still

17   partially under a sloping roof. So you will

18   have some of the space under the 9-foot-6, but

19   some of it will be under a sloping roof which

20   changes in height from the top of the slope to

21   the bottom of the slope. So that's regarding

22   the maximum building height.

23   Minimum rear yard setback is pretty

24   straightforward. You are required to have 10

25   feet. We are proposing 7 due to the

1   programmatic requirements of the client. They

2   wanted to leave some sort of rear yard to the

3   best of their ability, but in order to satisfy

4   the needs for the first floor, they felt that

5   this would allow them to get the best bang for

6   their buck in terms of making the house good

7   for them for now and for their future needs.

8   We spoke about height, front yard, side yard.

9   CHAIRMAN KEILSON: What's on the other

10   side of the property line there? It's showing

11   a garage back there. Is that abutting the

12   property?

13   MR. FLAUM: The rear neighbor or side

14   neighbor?

15   CHAIRMAN KEILSON: Encroaching to the

16   rear.

17   MR. FLAUM: Encroaching to the rear

18   there is a framed garage of the neighbor on

19   the opposite side, and you are encroaching

20   towards that detached garage.

21   CHAIRMAN KEILSON: Okay. That exists

22   today?

23   MR. FLAUM: That exists today.

24   CHAIRMAN KEILSON: Okay.

1

2   MR. FLAUM: Last but not least, pitched

3   roof. Again, we are trying to maximize the

4   space for the owners in their new home.

5   Again, juggling the FEMA requirements, the

6   programmatic requirements, the constraints of

7   the site, so we are seeking relief from the

8   required pitch of the roof. That is a much

9   larger pitch than what would typically be

10   permitted. There is a bit of a streetscape

11   that you have in your package that shows -- I

12   think there is one other house currently

13   that's complying with FEMA. Eventually when

14   all these houses undergo renovations or

15   alterations, they will all have to be FEMA

16   compliant. The house will really look similar

17   to all the other houses on the block due to

18   the size of the lots and the requirements of

19   FEMA for the purposes of being FEMA compliant.

20   MEMBER GOTTLIEB: So we have a

21   3,000-foot lot, yes, 30 by 100, and you really

22   got an awful lot going on here, height, width,

23   depth, and keep in mind this is the least

24   restrictive district which you haven't

25   mentioned. Though you talked about your tough

1   parameters you got to deal with, the FEMA and

2   the village's tight requirements, but you can

3   build more here as of right than any place

4   else in the village.

5   This is obviously speaking for myself.

6   I am not comfortable with the height. I know

7   you want to have 9-foot ceilings in the house

8   and 8-and-a-half-foot upstairs and

9   9-and-a-half-foot on the third floor and then

10   you want to go have a fourth floor, which is

11   very nice. Most people put a hot tub in the

12   backyard. You don't really have a backyard

13   anymore and that's because the surface

14   coverage is not an issue in this particular

15   zone. That's my first issue if you will.

16   There are ways to get around it. And bear in

17   mind, I mean, look, you chose this house for

18   some reason. You like it, you like the

19   street, you want to be near the beach, but

20   it's a 3,000-foot lot and you got -- how big

21   is the square footage of the house, Mr. Flaum?

22   MR. FLAUM: The proposed building

23   coverage is 14.4, so that's been 2,900 on the

24   two floors. The top floor is not the same.

1   So I would say between 35 and 4,000 square

2   feet, 3,500 square feet or 4,000 square feet.

3   MEMBER GOTTLIEB: Which is more typical

4   for a house that might be on a 100-by-100 lot,

5   4,000-foot house. I just think you have an

6   awful lot going on here and I certainly want

7   your clients and our residents to be happy,

8   but I can't go with the 40-foot height, 39.5.

9   MEMBER MOSKOWITZ: What's the height, if

10 you know, of 151 Beach 2nd which is the

11 adjacent house? I am just looking at the

12 streetscape and just with my own --

13   MR. FLAUM: It might be on the survey,

14 so give me one second. I am going to check

15 the survey because sometimes they show the

16 adjoining property.

17   MR. VACCHIO: That was just granted?

18   MR. PLAUT: 147 was just granted last

19 month.

20   MR. VACCHIO: Which was granted for 36.

21   MR. PLAUT: Thirty-six to be in

22 compliance.

23   MR. FLAUM: I think I said it before and

24 the homeowners asked me to iterate, the actual

1   roof of the house itself is complying with 36.

2   The only thing higher than that is the railing

3   for safety enclosure.

4   MEMBER MOSKOWITZ: You mentioned it.

5   MR. FLAUM: They just wanted me to

6   double-check. I don't have on the survey of

7   the adjoining house. It's supposed to be

8   there, but sometimes they don't have it.

9   MEMBER MOSKOWITZ: Right now the

10   adjacent house is much higher than this

11   current existing house. What's going to

12   happen after the construction, at least

13   looking at the streetscape, is that the new

14   house, especially when you consider the height

15   of the railing, is going to be much bigger

16   than -- much higher than 151 Beach 2nd I

17   think.

18   CHAIRMAN KEILSON: It will be higher

19   than 147 which we granted that 36 last month.

20   MR. FLAUM: Be that as it may, and given

21   all that information, the railing is only a

22   portion of the height encroachment. It's only

23   at the rear. It's not visible from the front

24   of the house which is complying with the 36.

25

1   The actual balcony is only at the rear and

2   only a portion of the rear of the top, of the

3   top floor.

4

5   MEMBER MOSKOWITZ: I want to make sure

6   that's true. The streetscape would suggest

7   otherwise.

8   MR. FLAUM: We are showing it because

9   contextually when you look at the elevation,

10   you see everything collapsed into a

11   two-dimensional image. If you look at the

12   elevation in the drawing package, you see the

13   railing is only at the rear from the side

14   elevation. There is only one area you are

15   actually able to stand on the roof deck. So

16   the roof deck doesn't span the entire

17   structure, front to rear. It's only at the

18   rear portion where the stairs come up.

19   MEMBER MOSKOWITZ: If I was standing in

20   front of the house, would I see the railing?

21   MR. FLAUM: You would only see it if A,

22   you intentionally were standing there and

23   looking at -- you have to make a very intended

24   effort to see it if you were standing there.

25   It wouldn't be visible to the regular person

1   driving down the road because it's all the way

2   at the rear.

3

4   MR. VACCHIO: That's the front, that's

5   the back. So it would be very tough. Here is

6   the front of the house, and there is the

7   railing. It looks like it's shown on the

8   streetscape, but that's not the case if you

9   are in the front. It would be very hard to

10   see.

11   MR. PRESTON: You wouldn't see it from

12   across the street.

13   MEMBER GOTTLIEB: How deep is that

14   section of the house?

15   MR. FLAUM: How far back is it?

16   MEMBER GOTTLIEB: How big is it? Ten by

17   10 or 10 by 20?

18   MR. FLAUM: The railing is only 16 feet

19   from the rear of the house. Sixteen feet and

20   it's 14 feet wide, so it's not the whole width

21   of the roof level and it's not the whole depth

22   of the roof level.   It's 14 feet so it's set

23   in. It's 22 feet and it's 14, so it's inside

24   and it's only at the rear that you are seeing

25   it.

1

2   MEMBER GOTTLIEB: So the size of it is

3   actually very relevant being that it is rather

4   -- I don't want to say de minimis but rather

5   small.

6   MR. FLAUM: Right.

7   MEMBER GOTTLIEB: And you are basically

8   only looking over Beach 3rd Street and the

9   channel which is really what you are looking

10   for is to look at the channel and Atlantic

11   Beach.

12   MEMBER MOSKOWITZ: How close is this

13   house to the Far Rockaway border?

14   CHAIRMAN KEILSON: It abuts it.

15   MEMBER MOSKOWITZ: It's on the border?

16   MR. FLAUM: Yes.   The back of the

17   property is on the border.

18   CHAIRMAN KEILSON: How many children?

19   MRS. HOCHMAN: Four, kin ayin hora.

20   MR. FLAUM: I do have letters of support

21   from the neighbors.   We had a third which got

22   misplaced from the last hearing we brought it

23   to but we can supply it but have one from the

24   people who reside at 302 Seagirt Avenue and

25   205 Seagirt Avenue.

1

2   MRS. HOCHMAN: On both sides, 147 and

3   151.

4   CHAIRMAN KEILSON: How about the

5   neighbor to the rear?

6   MRS. HOCHMAN: Our backyard is the

7   Seagirt Avenue. Her backyard faces our

8   backyard so it's perpendicular.

9   CHAIRMAN KEILSON: It's a simple

10   question.

11   MEMBER MOSKOWITZ: The neighbor to the

12   rear, do you have a letter of support from

13   them?

14   MRS. HOCHMAN: They would provide.

15   CHAIRMAN KEILSON: We don't deal with

16   they shoulds.

17   MR. FLAUM: They are new so they don't

18   really know them but the neighbors to the

19   right and left --

20   MRS. HOCHMAN: And the neighbors whose

21   backyard faces our backyard.

22   MEMBER GOTTLIEB: Which are new?

23   MR. HOCHMAN: The back neighbor.

24   CHAIRMAN KEILSON: Any further questions

25   from the Board?

1

2   MEMBER GOTTLIEB: I have a question for

3   Danny. With the house having so much

4   coverage, is there a way to contain the water

5   runoff from the house?

6   MR. VACCHIO: There is room in the rear

7   and a bit in the front.

8   MEMBER GOTTLIEB: There is only 7 feet

9   in the rear.

10   MR. VACCHIO: He has got to show some

11   plans on drainage.

12   MEMBER GOTTLIEB: So you will have a

13   drainage plan?

14   MR. FLAUM: We will probably do a

15   combination of detention tank and leaching

16   field depending on the amount of water.

17   MEMBER GOTTLIEB: Are you sitting on

18   sand or dirt?

19   MR. FLAUM: I am assuming it's a

20   combination of sand and dirt.

21   MEMBER GOTTLIEB: Because you are close

22   to the beach.

23   MR. FLAUM: It's probably salty sand if

24   I had to guess. That's what they call it. I

25   am not making this up.

1   MR. VACCHIO: You are going to use a

2 gravel bed?

3   MR. FLAUM: Yes. I will probably use a

4 gravel bed.

5   CHAIRMAN KEILSON: Anyone from the

6 audience want to speak to the matter? Okay.

7 Our general -- we generally are disinclined

8 when there is a new construction to allow for

9 variances. Certainly the number of variances.

10 At the same time, we are very familiar with

11 Beach 2nd and we see the changing of

12 generation and the -- call it the

13 beautification of Beach 2nd, so I think we

14 have to work with the applicant as much as we

15 can to give them a maximum space considering

16 the nature of the property that's down there.

17 So taking all that into consideration --

18   MEMBER GOTTLIEB: Can I ask a question?

19   CHAIRMAN KEILSON: Of course.

20   MEMBER GOTTLIEB: One last question.

21 Will you be putting in piles to support the

22 house? I ask because the residents from Beach

23 3rd Street last month had asked about --

24   MR. FLAUM: Only if it's required, and

1   the installation of piles in such a sensitive

2   area wouldn't be your typical piles that are

3   boarded with a hammer. They are called

4   helical piles. They are drilled in, and they

5   don't create the vibration and shaking that

6   you are familiar with.

7   MEMBER GOTTLIEB: Was he here last

8   month? Because that was the same answer we

9   got.

10   MR. FLAUM: But it wasn't me who said

11   it.

12   MEMBER GOTTLIEB: But it was the exact

13   same answer.

14   MR. FLAUM: But that's what it is. Do

15   you want a different answer? That would be

16   really bad.

17   MEMBER GOTTLIEB: There was the

18   residents that were here from Beach 3rd Street

19   last month in a similar application.

20   MR. FLAUM: I have done different

21   projects. Some require piles to be bored.

22   Others get drilled in sensitive areas like

23   this.

24   MEMBER GOTTLIEB: This would be drilled

1 because it's always so close to the adjoining.

2   MR. FLAUM: There is a little auger

3 machine on site, and they drill in it until

4 they hit the bearing capacity.

5   MEMBER GOTTLIEB: Or they hit oil.

6   MR. FLAUM: Halevai.

7   CHAIRMAN KEILSON: We are also much more

8 comfortable with the fact that the applicant

9 has lived there for seven years. To ask them

10 to move elsewhere in order to accommodate

11 their needs, so I think you will find sympathy

12 from the Board in that respect as well. So

13 taking into consideration the benefit and the

14 unusual circumstances surrounding this request

15 for variances, we are going to ask Mr. Felder

16 to vote.

17   MEMBER FELDER: I am very sympathetic.

18 I am for.

19   CHAIRMAN KEILSON: Mr. Gottlieb?

20   MEMBER GOTTLIEB: I withdraw my

21 objection to the height in this case and I

22 vote for.

23   CHAIRMAN KEILSON: Mr. Moskowitz?

24   MEMBER MOSKOWITZ: For.

25

1

2   CHAIRMAN KEILSON: I vote for as well.

3   And talking about two and a half years?

4   MR. FLAUM: Yes. That's fine.

5   CHAIRMAN KEILSON: The Board of Building

6   Design.

7   MR. FLAUM: Yes. Next phase is going to

8   Board of Building Design.

9   (Whereupon the hearing concluded at 8:09

10   p.m.)

11   ***

12   Certified that the foregoing is a true and accurate

13   transcript of the original stenographic minutes in

14   this case.

15

16   _____

17   YAFFA KAPLAN

18   Court Reporter

19

20

21

22

23

24

25

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

March 9, 2022
8:10 p.m.

APPLICATION: Leb
                   77 Margaret Avenue
                   Lawrence, New York

P R E S E N T :

                   MR. LLOYD KEILSON
                   Chairman

                   MR. EDWARD GOTTLIEB
                   Member

                   MR. AARON FELDER
                   Member

                   MR. ELLIOT MOSKOWITZ
                   Member

                   MR. ANDREW K. PRESTON, ESQ.
                   Village Attorney

                   MR. DANNY VACCHIO
                   Building Department

                   MR. JACOB PLAUT
                   Building Department

                   Yaffa Kaplan
                   Court Reporter

1

2

3 CHAIRMAN KEILSON: Next will be Leb.

4 Okay, Mr. Flaum. Welcome to the neighborhood

5 if nobody ever tells you welcome to the

6 neighborhood.

7 MR. LEB: Thank you.

8 MR. FLAUM: Good evening, chairman,

9 members of the Board. I am here tonight on

10 behalf of my clients Mr. And Mrs. Leb who are

11 recent inhabitants of Lawrence. They moved

12 from their former place of denizen in Queens,

13 and they purchased this lovely residence, 77

14 Margaret.

15 The house on the inside is in actually

16 very good condition. Aesthetically on the

17 outside though, there is a lot to be desired.

18 The clients are looking to improve the

19 aesthetics of the existing structure. In

20 doing so, they are triggering a variance at

21 the front for new covered porch.

22 You do have plans and elevations and a

23 streetscape that should tell the whole story

24 for you there. While you are looking at those

25 and familiarizing yourself with the project, I

am going to go through the code relief so we

1 are going to get acquainted with the variances

2 we are pursuing.

3   Section 212-12.1, maximum building

4 coverage.   We are permitted 3,072 square feet.

5 We have an existing overage of 3,022.7. We

6 are proposing 3,151, which is 79 square feet

7 or 2.5 percent overage on the lot coverage for

8 buildings. Section 212-12.1, maximum surface

9 coverage.   We have an existing coverage of

10 4,436, proposed 5,213 with an overage of 393

11 square feet or 8.1 percent.

12   Section 212-12.1, maximum surface

13 coverage.   We are permitted 4,820 square feet

14 of coverage.   We have an existing coverage of

15 4,436, proposed 5,213 with an overage of 393

16 square feet or 8.1 percent.

17   Section 212-48.B, minimum rear yard

18 setback for a pool. Where we have permitted

19 setback of 20 feet from the rear yard to the

20 pool, we are proposing 15, an overage of 5.

21 And last but not least, 212-48.C, minimum side

22 yard setback for pool. Permitted amount of 15

23 feet to the pool. We are proposing 10 feet,

24 which is an overage of 5 feet as well.

25   So I am going to go first to the front

1   assistance to help them alleviate what's the

2   pockmark on this wonderful block. The house

3   is again, inside internally in a very good

4   condition. However, aesthetically the Lebs

5   felt there was a lot to be improved upon.

6   After multiple iterations we came to a final

7   design which you have in front of you both in

8   form of elevations and the streetscape, and I

9   think the streetscape really does a good job

10   of telling the whole story. I am not sure how

11   the previous front elevation was approved by

12   the Board of Building Design in the village,

13   but I think it might have been filed one way

14   and built a different way.

15   The Lebs are very sensitive to the

16   aesthetics. Mr. Leb takes pride in the things

17   he builds, so much so that he has albums

18   dedicated to the work he does and that being

19   said --

20   MRS. LEB: We don't have of our

21   children. We have of our other house. He

22   took the pictures with him.

23   MEMBER FELDER: What are the side yard

24   setbacks for this particular house? Regular

1 structure 15 feet?

2 MR. VACCHIO: This is a B district.

3

4 Yes, 15.

5 MEMBER FELDER: So they are existing

6 nonconforming right now?

7 MR. VACCHIO: Yes, that's correct.

8 MR. FLAUM: Existing nonconforming on

9 the driveway side, but we are not proposing

10 any construction on the left side. All the

11 proposed additional alterations is on the

12 right side to comply with the 15-foot setback

13 on that new porch addition. That being said,

14 we have tried several different ways of not

15 encroaching or creating a new noncompliance in

16 the front with frontage, but Mr. Leb and

17 myself came to an understanding that we just

18 couldn't fix th aesthetics of this house

19 without giving balance to the front porch and

20 pulling it forward. Ultimately that created a

21 situation where you are getting an overage of

22 building coverage, and that is why we are here

23 in front of you today seeking a variance for

24 that specific covered porch. It's simply to

25 help give the house a better aesthetic and

1   improve the aesthetic of that structure

2   overall. I know you are not the Board of

3   Building Design, but I do think that as a

4   board you can understand the needs to the

5   house to be improved visually.

6

7   MEMBER GOTTLIEB: Looking at the first

8   two sections if you will, or rather the first

9   section, the building coverage. The

10   aesthetics are actually very, very nice and

11   very welcome. And it looks like it's just 79

12   feet over 2.5 percent and that pertains

13   exclusively to the front porch or the front

14   area.

15   MR. FLAUM: Correct.

16   MEMBER GOTTLIEB: I think it's

17   masterfully designed. Hope it comes out as

18   nice.

19   MR. FLAUM: Oh, it will.

20   CHAIRMAN KEILSON: Okay.

21   MR. FLAUM: So that is the overage on

22   building coverage. Then we are going to talk

23   about the proposed pool at the rear. Again,

24   we have a very unique site here. We have --

25   you know, this is a very elongated house that

49

1   sort of tapers towards the rear and then the

2   brick garage.   So we have the two-car garage,

3   we have the existing house, and aside for some

4   minor interior work they are doing and front

5   porch, they weren't going to do a major

6   alteration to this house.   That being said,

7   they want to install a pool.   The backyard,

8   given the fact that it's a unique shape and

9   the fact that they would also like to balance

10   a pool with also having a backyard for them to

11   enjoy, obviously there is other ways in making

12   this pool comply that would obliterate any

13   sort of backyard from being present aside from

14   just having a big pool.   That being said, the

15   Lebs and I decided we would propose a pool

16   behind the brick garage, thereby allowing us

17   to balance getting a pool in the larger area

18   of the rear yard and a rear yard or backyard

19   of sorts in the other area which is slightly

20   askew in shape.

21

22   MEMBER FELDER: If you were to rotate

23   the pool the other way, which I am sure you

24   don't want to do because obviously you think

25   it leaves you more land, I am just curious

1   because at least visually, if you would just

2   rotate it, you would end up with the same

3   amount of square footage behind the pool

4   that --

5

6   MR. FLAUM: Except when you are walking

7   down the stairs, design-wise you are walking

8   right into the pool, and you are setting the

9   pool -- again, the setback here is 15 feet.

10   MEMBER FELDER: Well, the concrete patio

11   I would assume would become incorporated into

12   the walkway around the pool itself.

13   MR. FLAUM: Right. Again, if we had

14   proposed a compliant pool, then we couldn't

15   fit it where we are proposing it now behind

16   the garage because you would have to set back

17   another 5 feet, and we couldn't build the pool

18   that close.

19   MEMBER FELDER: You would have to set it

20   back.

21   MR. FLAUM: It's supposed to be 20 feet

22   from the rear. We are proposing 15.

23   MEMBER FELDER: But that means if you

24   flip it this way.

25   MR. FLAUM: If you flip it that way, you

1 have an issue that you have the piece that's

2 20.47. You have to be 15 feet from that.

3 MEMBER FELDER: That would be a minor --

4 MR. FLAUM: You want to get a normal

5 shape pool, and so putting it closer behind

6 the 17.99 rear yard, you have to setback 20

7 feet from that, so there is a lot of setback

8 we would have to deal with on this particular

9 lot that you wouldn't ordinarily have if you

10 have a rectangular lot that didn't have this

11 weird geometry.

12 MEMBER FELDER: But it would only affect

13 a very small sliver of the pool.

14 MR. FLAUM: Correct but if you did

15 locate the pool on the right side behind the

16 concrete patio, you are walking down right

17 into the pool. You don't have a backyard that

18 you are walking into. You are just walking

19 into a pool, and I think from a safety or just

20 aesthetic perspective, they didn't want that

21 either. They like the pool to be cordoned off

22 so when they are not using it during the year

23 they will still have a backyard they can

24 actually utilize off the rear of the house.

25

1   The pool -- we all know, we live in New York,

2   we are not using it 12 months of the year

3   unless someone is enclosing it. So that being

4   said, when we are not using it, it's nice that

5   it's sectioned off, fenced off, and you still

6   have a rear yard to utilize for the purposes

7   of entertaining or relaxing.

8   And again, this is where we are coming

9   to the additional variances being sought which

10   is the overage on surface coverage. Where

11   previously we were complying, we are now

12   triggering an overage of 309 square feet,

13   which is primarily the pool itself creating an

14   overage. And the setbacks we are seeking to

15   fit it nicely behind the brick garage in that

16   area while still giving the Lebs a sizeable

17   rear yard to entertain and use, we are seeking

18   a 5-foot encroachment into the required rear

19   and side yards.

20   MEMBER FELDER: Do you have letters of

21   support?

22   MR. FLAUM: To our support we have seven

23   letters of support.

24   CHAIRMAN KEILSON: What about Mr.

1   Borgen?

2   MR. FLAUM: Mr. Borgen was in full

3   support. He is the first one to submit his

4   letters of support. I have Mr. Borgen, I have

5   Isaac Englander of 6 Marbridge Road. I have

6   Dr. Charles and Dvorah Knoll of 78 Meadow

7   Lane, Avi and Rivka Mandel of 73 Margaret

8   Avenue.

9   CHAIRMAN KEILSON: Who is directly

10   behind them?

11   MR. FLAUM: Who is the neighbor directly

12   behind? Englander and Knoll. So we have a

13   letter from both Englander and Knoll in

14   support. Rivka and Avi Mandel, 73 Margaret.

15   David and Malka Friedman of 2 Margaret, and

16   Isaac Levy of 325 Marbridge. I am going to

17   submit these letters of support.

18   MEMBER GOTTLIEB: Mr. Flaum, this is now

19   your new standard to come up with 15 letters

20   of support for each application.

21   MR. FLAUM: I must give credit where

22   credit is due. Mr. Leb is a very charismatic

23   person, and so I believe the credit is due to

24   him. I am just simply his spokesperson.

1

2

3   CHAIRMAN KEILSON: What separates you

4   from the Borgen property?

5   MS. ELIAS: There is currently a vinyl

6   fence. There is a vinyl fence with planting

7   currently between them and Borgen.

8   MEMBER GOTTLIEB: Do they have a

9   basketball court on that side of the house?

10   MR. FLAUM: It's on the back left side

11   of the Borgens' property.

12   CHAIRMAN KEILSON: As you know, we are

13   loathe to given encroachments willy-nilly. I

14   understand the circumstances. That they are

15   new to the property again militates against

16   it. Any reason we can't move the pool over a

17   drop, maybe 10 foot? Mr. Engineer?

18   MEMBER GOTTLIEB: Mr. Flaum, the way

19   that I look at it, you are seeing that you are

20   penalized 18 feet by 20 feet, the cutout. And

21   the way I look at it is you have the benefit

22   of 54 feet by 20 feet because 150 is certainly

23   a very deep lot and 170 is what, two-thirds of

24   that width. So you say you are penalized

25   because it's a little bit of an odd shape. I

26   look at it as a bonus, and that's why I was

1   listening to my colleague to my left over

2   there, Mr. Felder, asking about turning the

3   pool sideways. Which I understand you don't

4   want to do.

5

6   MR. FLAUM: So I hear that, but at the

7   same time, if you take a look at the shape of

8   the house, right, the house is not a perfect

9   square or rectangle. It's, you know, a

10   tapered I guess you call it rectangle and that

11   tapers to the right. So if this house was

12   more squared and pulled up, I could see how

13   rotating the pool wouldn't be an issue, but

14   from a perspective of the homeowner, I believe

15   Mr. Leb probably marked out the pool himself

16   to see spatially where it falls out because he

17   is very into mocking things up and making sure

18   that things make sense, and from his

19   perspective it would just seem, you know, poor

20   design to put the pool so close to the rear

21   patio where the stairs are.

22   MEMBER GOTTLIEB: When you talk about

23   how the house is not squared or squared up, it

24   looks like it was extended some years ago from

25   where that AC bump is to the back.

1

2   MR. FLAUM: There definitely was an

3   extension by a previous answer.

4   MEMBER FELDER: I think the chairman is

5   suggesting to alleviate one of the variances

6   which is just the side, so by keeping in the

7   existing shape, you would still maintain a

8   fairly large backyard space.   And we wouldn't

9   be blocking your staircase or your patio by

10   doing that.   Really it would end up --

11   basically your pool would end up starting

12   where your walkway is being laid out right now

13   another 4, 5 feet, whatever.

14   MR. FLAUM: Okay.   Yes, so the

15   homeowners I think are amenable.

16   CHAIRMAN KEILSON: Moving it over 5?

17   MR. FLAUM: We are amenable to shifting

18   the pool over an additional 5 feet to bring it

19   into compliance with the side yard setback.

20   We are still requesting the rear yard setback

21   of 15 if possible.   We would only be seeking

22   one setback variance for the pool.

23   MEMBER GOTTLIEB: So you would be 15 by

24   15?

25   MR. FLAUM: Correct.

1

2   MEMBER GOTTLIEB: Potentially reducing

3 -- oh, the walkway around the pool is 3.5, so

4 you are not -- that doesn't count for

5 anything.

6   MR. FLAUM: Right.

7   MEMBER FELDER: That's not included. So

8 everything will stay the same, just shifting

9 over 5 feet.

10   CHAIRMAN KEILSON: Very good. Okay,

11 gentlemen, any other questions? Anyone left

12 in the audience? Ske, you want to ask any

13 questions?

14   MR. PROFESORSKE: No.

15   CHAIRMAN KEILSON: Are we ready? Taking

16 into account the benefit to the applicant and

17 welcoming him to the community, as opposed to

18 any detriment to the neighborhood, to the

19 community, to life, to everything else that we

20 value so and cherish, Mr. Moskowitz?

21   MEMBER MOSKOWITZ: For.

22   CHAIRMAN KEILSON: Mr. Gottlieb?

23   MEMBER GOTTLIEB: For.

24   CHAIRMAN KEILSON: Mr. Felder?

25   MEMBER FELDER: I commend the applicants

1   on working for this compromise and I am for.

2   CHAIRMAN KEILSON: And I am for as well.

3   Two years just to make sure.

4   MR. LEB: Yes.

5   MR. FLAUM: Yes, we are agreeable to

6   that.

7   CHAIRMAN KEILSON: Board of Building

8   Design?

9   MR. VACCHIO: Yes, Board of Building

10   Design. Prior to issuing the permit.

11   MR. FLAUM: That's our next stop.

12   CHAIRMAN KEILSON: We are adjourned.

13   Thank you.

14   (Whereupon the hearing concluded at 8:25

15   p.m.)

16   **

17   Certified that the foregoing is a true and accurate

18   transcript of the original stenographic minutes in

19   this case.

20

21   _____

22   YAFFA KAPLAN

23   Court Reporter

24

25