

Goodstein - 4/6/2022

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

April 6, 2022
7:39 p.m.

APPLICATION:

Goodstein
14 Hawthorne Lane
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. AARON FELDER
Member

MR. DANIEL HILLER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERRY CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

Goodstein - 4/6/2022

CHAIRMAN KEILSON: Okay. Good evening, ladies and gentlemen. Welcome to the Lawrence Board of Zoning Appeals. Please turn off your phones. And if you need to converse, please step out into the hallway. Thank you very much. Okay. Proof of posting, Mr. Vacchio.

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

CHAIRMAN KEILSON: Okay. Thank you very much. Okay. The first matter addressing tonight is a request for an extension of Goodstein at 14 Hawthorne Lane and they had a variance for a pool and the reason -- and the expiration date of the variance is on July 22, 2022.

MEMBER GOTTLIEB: Mr. Chairman, do you think by July they won't have the pool finished?

CHAIRMAN KEILSON: Evidently they feel they are concerned, so they are looking for an extension.

MEMBER GOTTLIEB: I guess erring on the side of caution.

CHAIRMAN KEILSON: Yes. Somebody

1 Goodstein - 4/6/2022

2 finally did.

3 MEMBER GOTTLIEB: It can happen.

4 CHAIRMAN KEILSON: The reason for the
5 extension. The pool company is delayed in
6 completing the pool. Shortages due to COVID
7 has delayed the backyard work, and they
8 anticipate finishing hopefully by the end of
9 July, 2022. I would say we should extend it
10 six months just to be assured. So they don't
11 have to come back to us. If that be the case,
12 Mr. Felder?

13 MEMBER FELDER: For.

14 CHAIRMAN KEILSON: Mr. Hiller?

15 MEMBER HILLER: For.

16 CHAIRMAN KEILSON: Mr. Gottlieb?

17 MEMBER GOTTLIEB: For, but when you say
18 "six months", six months from July or from
19 now?

20 CHAIRMAN KEILSON: No, from the
21 expiration date. Let's just make sure there
22 are no issues. Okay.

23 (Whereupon the hearing concluded at 7:39

24 p.m.)

25 *****

Goodstein - 4/6/2022

1
2 Certified that the foregoing is a true and accurate
3 transcript of the original stenographic minutes in
4 this case.

5 Ym
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YAFFA KAPLAN

Court Reporter

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Murer - 4/6/2022

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

April 6, 2022
7:39 p.m.

APPLICATION:

Murer
314 Central Avenue
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. AARON FELDER
Member

MR. DANIEL HILLER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERRY CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

Murer - 4/6/2022

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2 CHAIRMAN KEILSON: The matter of Murer
3 of 314 Central Avenue, they asked for an
4 adjournment, so I assume there is no objection
5 to adjourning it to the next available date.
6 They expressed the fact that they are going to
7 get a traffic study.

8 MR. VACCHIO: Parking.

9 CHAIRMAN KEILSON: Parking study. Okay.
10 Parking study. Okay.

11 (Whereupon the hearing concluded at 7:39
12 p.m.)

13 *****
14 Certified that the foregoing is a true and accurate
15 transcript of the original stenographic minutes in
16 this case.

17 Ym

18 YAFFA KAPLAN

19 Court Reporter
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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

April 6, 2022
7:39 p.m.

APPLICATION:

Congregation Kahal Chassidim
7 Firethorne Drive
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. AARON FELDER
Member

MR. DANIEL HILLER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERRY CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

1 Congregation Kahal Chassidim - 4/6/2022

2 CHAIRMAN KEILSON: Next matter this
3 evening is the matter of the decision on
4 Firethorne. Actually it's the matter of the
5 application of Congregation Kahal Chassidim of
6 Lawrence. It's 7 Firethorne. Okay. We have
7 circulated a decision to all the members of
8 the Board. It's been reviewed and I believe
9 there has been an affirmative decision, so I
10 make a motion to adopt the decision with the
11 following modification, that we not ask the
12 owner, the applicant to submit a separate
13 Building Department application and fee on the
14 an ensuing application. Okay. So can we have
15 a vote and then we will -- well, on the motion
16 and that we will waive the application. Mr.
17 Felder.

18 MEMBER FELDER: For.

19 CHAIRMAN KEILSON: Mr. Hiller?

20 MR. HILLER: For.

21 CHAIRMAN KEILSON: Mr. Gottlieb?

22 MEMBER GOTTLIEB: For.

23 CHAIRMAN KEILSON: And of course, I do
24 as well. So I guess you will circulate the
25 decision to the parties?

1 Congregation Kahal Chassidim - 4/6/2022

2 MR. PRESTON: I will, Mr. Chairman.

3 CHAIRMAN KEILSON: And to counsel.

4 Okay.

5 (Whereupon the hearing concluded at 7:39

6 p.m.)

7 *****

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

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12 YAFFA KAPLAN

13 Court Reporter
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Respler - 4/6/2022

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

April 6, 2022
7:39 p.m.

APPLICATION:

Respler
69 Harborview West
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. AARON FELDER
Member

MR. DANIEL HILLER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERRY CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

1 Respler - 4/6/2022

2 MEMBER GOTTLIEB: You were in middle
3 school maybe.

4 MR. FLAUM: I don't know the full
5 history, but I do understand variances were
6 granted previously for an alteration to a
7 house that had variances for lot coverage,
8 building coverage, surface coverage. Tonight
9 we are here instead to talk about a new
10 in-ground lap pool. It would be located at
11 the rear of the subject property. And new
12 pool equipment to be located in the rear yard
13 adjacent to the pool as well.

14 Let me open up the code relief and we
15 will go through the code relief that's being
16 sought for this application. For code relief
17 items we are seeking two variances, Section
18 212-48.B, minimum rear yard setback. Where
19 it's permitted to have 20-foot rear yard, we
20 are proposing 10.25 feet to the pool and then
21 the pool equipment to be 7.1 to the equipment.
22 The overage for the pool is 7.11, and for the
23 pool equipment it's 12.11.

24 The second variance we are seeking is
25 Section 212-48.C, minimum side yard setback

Let me go back. The pool drawing --

MR. FLAUM: West side 8.7 feet.

Go ahead.

MR. FLAUM: No problem. The Board has a copy of the proposed in-ground lap pool in front of them. Obviously the pool is encroaching severely to the rear yard, but as is indicated on the drawing of the site plan, the back of the property faces Bannister Creek, so there is no immediate neighbor to the rear that it would have a direct effect on in terms of encroaching into a rear yard of an opposing neighbor, which is what would be

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typical in most properties, the rear yard faces the rear yard of another house.

The bigger item I think of concern would be the pool equipment. That being said, I don't own my own pool, but from what I understand, pool equipment is relatively quiet compared to that of AC condensers or gas generators that would be located.

MEMBER HILLER: And jet-propelled planes.

MR. FLAUM: I am not familiar with the flight path. I thought he is talking about the planes flying overhead in that location.

MEMBER HILLER: Go ahead.

MR. FLAUM: That being said, if you put pool equipment, it would be a filter, heater, and a screened-in pad. The filter probably doesn't make noise, but the heater might make a little bit of some sound but not compared to other equipment that would be typically located for mechanical equipment purposes.

Those are the variances we are seeking.

If the Board would like to ask any questions or open up a discussion, we would be glad to

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entertain.

CHAIRMAN KEILSON: So there has been a cacophony, an avalanche of noise from neighbors, not from the machinery, as to when this will ever end. This is going on in 2008. Okay? And patience is long gone. It's a disgraceful dump. I should send you pictures. Forward the pictures to Mr. Flaum as to the condition of the property. It's a blight on the neighborhood. It's been a blight on the neighborhood for well over a decade.

MR. FLAUM: So being that I am a new applicant on the project, I have been brought up to date on what has happened, and unfortunately and much to, you know, my lament for Mr. Respler, he had retained professionals who really were not professional in certain aspects. They took advantage of him, provided documents that were conflicting, disorganized, and I spent a better part of the past six months sorting through difficult -- different pieces of information to just sort out what's really going on in the site. Whether it was the architects or the engineer. There just

CHAIRMAN KEILSON: Mr. Flaum, Mr. Flaum. Mr. Flaum, since I do have a personal involvement from the inception -- I think Mr. Gottlieb also has been -- it's disingenuous to suggest that is attributable to professionals. Okay. There were variances, there were, you know, lawsuits against the village, appeals, a long, long history. So coming before us and asking us to extend and give a variance at this stage of the game is extremely challenging. All the more so, when speaking to the neighbors most directly affected, they don't want it to happen. Okay and since they are the one most directly affected, we always give them the greatest credence. Neighbor to the right, neighbor to the left, unless you have letters of approval.

MR. FLAUM: So I don't know which

DR. BERK: I am Thomas Berk. I live at 73 Harborview. Yes. For me obviously, the pool part of it is certainly not an issue. You know, the only concern that I would have would be the -- you know, whether the mechanics, you know, are, you know, set beyond the -- what the setbacks are.

DR. BERK: Yes. The pool part of it
itself, you know, that's -- you know.

MEMBER HILLER: But you also object but you are phrasing it in a different way. I don't object to the pool; I object to the noise.

DR. BERK: Well, I mean, you know, maybe it's surrounded or whatever, but I mean, we

are not objecting to the pool in any way.

3 MEMBER HILLER: You just object to the
4 noise the pool makes?

5 DR. BERK: You know --

6 MEMBER HILLER: A silent scream.

7 DR. BERK: That's -- the --

8 MEMBER HILLER: I want to add something
9 else. Just we have heard from the neighbors
10 and they have been treated shabbily for years
11 and years and it's really --

12 CHAIRMAN KEILSON: If I may, Dr. Berk,
13 how long have you been --

14 DR. BERK: We have only been here for
15 about a year. We bought it from Mr. Krum.

16 CHAIRMAN KEILSON: So you missed the
17 first 12 years.

18 MEMBER HILLER: But there is something
19 else here. You can make the pool 12 by 30,
20 and then you wouldn't have any side yard
21 problems.

22 MR. FLAUM: But it wouldn't be a lap
23 pool.

24 MEMBER HILLER: What's your definition
25 of a lap pool? Twelve by 43?

for your neighbors that has been lacking up to now and you could make the pool 12 by 30 and you would be 15 feet from each side.

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MR. RESPLER: So the last time we were

here, it was final, there was finally a settlement all around. We got our variance. We agreed that the pool is going to be put in -- there was a pool there existing. We filled that pool in. We are asking to retake out the dirt that we filled the pool in. It's all existing. It's all done. Just has to be the final plaster and the pool equipment and it's operational. We filled it in because the previous architect figured out a way in which the pool -- to put the pool inside the home and that was the variance application that we brought to you and we got an approval to

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2 there was no way to put the pool inside the
3 home because we lost about 2 feet in height.
4 Eighteen or 20 inches in height based upon the
5 new datum. Had to repave the entire set of
6 new plans. As we were building, there are all
7 kinds of problems. Experts all had to come
8 in. I brought in Motty, the construction
9 manager like a year and a half ago so that we
10 could all work on this together.

11 You know, it's not that we have been lax
12 on this home. It's just been a real haul. We
13 redid the plans. As a matter of fact, you
14 know, something that Shmuel was saying, we are
15 trying to figure out the front of the home and
16 the whole elevations and how that's all set
17 up. It took almost six months to do that
18 because it's just all the plans, everything
19 was messed up but we kept moving ahead. We
20 kept spending the money, we kept building it,
21 but the pool could not go inside the home and
22 that was what the original application was.
23 There was an existing pool that was approved
24 that expired, and what we are asking for is to
25 have that pool reopened up. It's in the back

Respler - 4/6/2022

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2 of the home, I believe.

3 MEMBER HILLER: You are entitled -- you
4 are not entitled --

5 MR. RESPLER: I didn't say anything
6 about entitled.

7 MEMBER HILLER: You are not entitled to
8 take advantage of your neighbors. The
9 neighbors have been victimized for about 12
10 years. I am listening to what you say. I
11 think you look like an intelligent person who
12 could have solved this six years ago instead
13 of 12 years ago instead of just now since it's
14 going on for 12 years, but you are not
15 entitled to further victimize your neighbors
16 by building what you want because you want it.
17 If you have consideration for them, and they
18 have already -- they have already suffered I
19 think enough, and they are trying to work with
20 you, then you will try to work with them also.
21 I'm sorry that your pool -- your indoor pool
22 fell through, but it's certainly nobody's --
23 nobody's -- none of your neighbors' fault. So
24 you can solve one big area of your setbacks by
25 making the pool 30 feet by 12.

MR. RESPLER: I understand. I am not arguing.

MR. RESPLER: My only comment was it was existing.

MR. RESPLER: The other, if I may,

without being confrontational, is that the neighbor to the right I think that you are talking about, there is only two neighbors.

MEMBER GOTTLIEB: So clearly close to 50 percent coverage, and I know we don't use percentage coverage as a rule but it's just sort of a reference.

13 MR. FLAUM: You mean for the house? The
14 original house?

17 MR. VACCHIO: Seven.

19 MR. CASTRO: Plus two.

MEMBER GOTTLIEB: I hope I didn't allow

22 that. I just have a suggestion and I don't
23 know how the Board would feel about this, but
24 I am going to throw it out there. Finish the
25 house. Get it done and then if you still want

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2 plans done.

3 MR. SCHIFFER: So about a year and a
4 half ago.

5 CHAIRMAN KEILSON: Counsel, can you show
6 him the pictures? Are you responsible for the
7 picturesque scene? You are not embarrassed?

8 MR. SCHIFFER: It could be done a little
9 bit cleaner.

10 CHAIRMAN KEILSON: A little bit cleaner?

11 MR. SCHIFFER: We just pulled the
12 scaffold off two days ago. This picture was
13 taken this morning. The scaffold, this is the
14 front of the house. The scaffold just came
15 off the front of the house within two days.

16 CHAIRMAN KEILSON: What does that have
17 to do with the piles of dirt?

18 MR. SCHIFFER: The piles of dirt is part
19 -- it's what they use or we are finishing up
20 the basement floor right now. We just --

21 CHAIRMAN KEILSON: The rest of it is all
22 attributable to the scaffold?

23 MR. SCHIFFER: So the fence you are 100
24 percent correct. There is no arguments on the
25 fence. It should be cleaned up.

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2 CHAIRMAN KEILSON: Are you there
3 regularly?

4 MR. SCHIFFER: Yes.

5 CHAIRMAN KEILSON: And you allow this to
6 continue to look like a dump site?

7 MR. SCHIFFER: The answer is yes, it's
8 under my --

9 CHAIRMAN KEILSON: After 12 years of the
10 neighbors complaining and living with it, with
11 vermin coming out of that site for so many
12 years and having to go down with
13 exterminators?

14 MR. SCHIFFER: I am responsible for
15 anything that's on the site now, so the answer
16 is yes. I will make sure that it's 100
17 percent cleared up but yes. The pile you
18 can't see, but that's actually gravel what
19 they are using currently but you are right.

20 MEMBER HILLER: I personally don't have
21 an argument with you. You are trying to
22 correct perhaps -- I am not privy to this. I
23 wasn't on the Board at that time when it
24 started. Nor the second time when you came
25 back. I am not privy to that. I know what's

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2 there now, and my main concern is the
3 neighbors' rights. You want a pool, your
4 neighbors have rights. They -- and that's --
5 that's what we are here for. You are asking
6 for a variance. You have the ability without
7 suffering to make the pool smaller and remove
8 a large part of the objections of your
9 neighbors to their proximity of the pool to
10 their property line. This is your
11 opportunity. Don't blow it.

12 MEMBER GOTTLIEB: While you are cleaning
13 up the site, the best picture which is missing
14 is that of the Porta-Potty right on the curb
15 line which I mean, if I lived there, I had to
16 open my front door across the street or drive
17 down the street, it's just so un -- terribly
18 unsightly, and it's not just the past year and
19 a half. I think it was I recall years ago
20 there was wood around the house for years.

21 So --

22 MR. SCHIFFER: I am going to take off
23 the fence, and we will refence it.

24 MR. VACCHIO: You can put the felt up.
25 Screen it.

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Respler - 4/6/2022

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2 MR. FLAUM: So withdraw it until the
3 house is completed, the site is cleaned up,
4 and we can reapproach the situation.

5 MR. PRESTON: It's your prerogative.
6 It's the owner's prerogative.

7 MR. RESPLER: Unless they can adjourn it
8 for six months. I don't know what the
9 legality is between adjourning.

10 CHAIRMAN KEILSON: Counsel is suggesting
11 that you withdraw.

12 MR. CASTRO: Withdraw and reapply.

13 CHAIRMAN KEILSON: Okay. Withdrawn.

14 (Whereupon the hearing concluded at 8:03

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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21 YAFFA KAPLAN

22 Court Reporter

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Rubin - 4/6/2022

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

April 6, 2022
8:03 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. DANIEL HILLER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERRY CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

Rubin - 4/6/2022

CHAIRMAN KEILSON: Rubin of 1129 Doughty Boulevard.

MR. FLAUM: Good evening, members of the Board, Chairman. My name is Shmuel Flaum, residing at 194 Wanser Avenue in Inwood, New York 11096, on behalf of the owners of the property, 1129 Doughty Boulevard.

MR. RUBIN: Hi, good evening. Michael Rubin, residing at 1222-A Caffrey Avenue in Far Rockaway. Owners of the home at 1129 Doughty Boulevard in Lawrence, New York. My wife.

MRS. RUBIN: Chava Rubin.

CHAIRMAN KEILSON: Welcome.

MR. FLAUM: Good evening, everyone. So we are here tonight seeking a few different variances for a proposed new house at the subject property. Just to summarize quickly, the property is one of those awkward properties that straddles two different jurisdictions. The majority of the property is located in the Lawrence village, and a portion of it or approximately 20 percent of it is located in Queens County.

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2 That being said, the difficulty that we
3 have that arises is that the new house we are
4 looking to build to accommodate the growing
5 family of the Rubins is met with even more
6 restrictive variances than would typically be
7 encountered if the property was solely located
8 in the village itself. And to that effect, we
9 have provided for you two different zoning
10 analysis breakdowns on T-101 so you can see
11 how the variances are more egregious when you
12 deduct the area that's located in Queens
13 County but are less egregious and are in the
14 line of what the village looks for when you
15 fully count that area of the property. So you
16 have that on I think the second of the pages
17 of the drawing set. Right there at the bottom
18 and then there is also surface coverage and
19 building coverage calculation for each option.

20 I am just going to go through the
21 variances that are being sought because bear
22 in mind, these variances are when you solely
23 look at 5,000 square feet of the property
24 located within the village alone, not
25 including the portion of the property that's

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outside the village location. Is that clear?

CHAIRMAN KEILSON: Perfectly.

MR. FLAUM: Good. So the variances we are seeking for this application are Section 212-12.1, maximum building coverage. We are permitted allowable 1,880 square feet which is 37.6 percent of the lot. The existing house that is currently there, not yet demolished, is 1,693.47 square feet. And I gave the percentage just for reference 33.8 percent. The proposed coverage of the new house would be 2,173 square feet or approximately 43.5 percent of the lot. This equates to an overage of 293 square feet in coverage or 15.6 percent of what's allowed.

Second variance we are seeking is Section 212-12.1, maximum surface coverage. We are permitted allowable 2,675 square feet. Approximately 53.5 percent of the lot. Existing surface coverage calculated from the existing survey is 2,051.30 square feet or 41 percent. The proposed surface coverage of the house and any impervious surfaces that trigger coverages would be 3,256.98 square feet,

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approximately 65.1 percent as outlined in the zoning analysis in more detail, and that's an overage of 581.98 square feet or 21.8 percent. Again, this is looking only at the 5,000 square feet of the property, not the full 6,250 which you have a comparison chart to look at on the drawing set.

The third variance we are seeking is Section 212-19.D 12(B), maximum rear yard height setback. We are permitted 1.1 as a ratio. The existing is indeterminate from the survey but I know complies with the zoning requirements because it's a relatively low house. The proposed would be 1.65 or .55 in ratio.

The fourth variance we are seeking is Section 212-19.D1, minimum rear yard setback. We are permitted 20 feet. Existing house is 47 foot 10 inches, and this is from the rear of the property in actuality, not the village of Lawrence one, but the proposed would be 14.7 to the village. So if we just subtract, it would be 25 from 47 would be the existing to the village of Lawrence setback line is in

1 Rubin - 4/6/2022

2 actuality 22-foot-10 and we are proposing 14.7
3 inches. I'm sorry. I should have put that
4 in. That's an overage of 5 feet 5 inches
5 obviously.

6 The next variance would be a Section
7 212-26.C, one-car garage. Where you are
8 required to have one either enclosed or
9 detached parking spot, we have an existing
10 garage located inside the existing dwelling.
11 The proposed would have no garage in the
12 Lawrence portion of property, so it wouldn't
13 be in compliance, but there is a proposed
14 detached one-car garage located in the
15 property rear yard that's fully within the
16 Queens boundary of the property. The lot
17 coverage is just a duplication from what's
18 above in the first one, but again, lot
19 coverage would be 581.98 square feet in
20 overage or 21.8 percent in lot coverage.

21 MEMBER GOTTLIEB: You actually cover
22 that on line 2.

23 MR. FLAUM: Right. I don't know why
24 it's repeated. So those are five variances in
25 total that we are seeking for this proposed

1 Rubin - 4/6/2022

2 application for a new single-family dwelling.
3 There is a lot to say on a lot of different
4 matters. I am not sure if the Board wants to
5 cut straight to some thing, I am not sure if
6 the homeowners want to speak.

7 CHAIRMAN KEILSON: I think we should go
8 to the analysis based on Queens being
9 included.

10 MR. FLAUM: That's fine. So we could
11 take a look.

12 CHAIRMAN KEILSON: What you want to
13 express is it skews because we are only taking
14 into consideration X percent of the entire
15 lot.

16 MEMBER FELDER: What are the exact
17 dimensions of the lot?

18 MR. FLAUM: The lot is approximately 50
19 by 125.

20 MEMBER FELDER: Including Queens?

21 MR. FLAUM: Including Queens.

22 MEMBER FELDER: Fifty by 125.

23 MR. FLAUM: If you don't count the
24 Queens area, it's only 50 by 100.

25 MEMBER FELDER: If I am reading this

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correctly, if we take into account the Queens lot, there is only one variance being sought.

CHAIRMAN KEILSON: He is about to go through that now.

MR. FLAUM: So in contradistinction to what was allowed as of right, taking into account only 5,000 square feet, when you look at the lot in totality including both jurisdictional areas which equals a gross area of 6,250, the only variance you are seeking is building coverage. Where you would be permitted 2,217.5, you are proposing 2,404.1 square. It's 18.4 percent over what's allowable. All the other variances that we would be triggering would not be applicable because they wouldn't be triggered, so it's a very big difference between one and other.

MEMBER GOTTLIEB: Can I ask you a question while you are right there? So looking at the zoning analysis which includes Far Rockaway and you look at surface coverage, you have maximum permitted is 3,075 and then you are showing proposed is 3,055 but on the other side your proposal is 3,256.

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1
2 MR. PLAUT: I believe he is including
3 the garage in the secondary calculation.

4 MEMBER GOTTLIEB: Then it should be
5 higher, not lower.

6 MR. PLAUT: Correct.

7 MR. FLAUM: But you get to exclude the
8 driveway because you get to exclude the
9 driveway for the length of the house until you
10 get to the rear where you don't get to exclude
11 it.

12 MEMBER GOTTLIEB: So you are taking the
13 100-foot-by-10-foot freebie so to speak.

14 MR. FLAUM: Yes.

15 MEMBER GOTTLIEB: So that's why it comes
16 out less.

17 MR. FLAUM: Yes. You don't get the
18 exclusion if you are not going to a garage.
19 If it was paved fully, you wouldn't get that
20 exclusion.

21 CHAIRMAN KEILSON: I direct your
22 attention to the chart at the top. The
23 surface coverage on the 6,250 where he has
24 that analysis; is that correct?

25 MR. FLAUM: Yes, correct.

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1
2 CHAIRMAN KEILSON: Where the deduction
3 is shown. That's what accounts.

4 MEMBER GOTTLIEB: Okay. Thank you. You
5 are pretty good at this, Mr. Chairman.

6 Let me not stop you.

7 MR. FLAUM: So now that we have covered
8 the distinction between the full property
9 located within both jurisdictions versus just
10 the Lawrence jurisdiction, the Board I think
11 can see that clearly the need for the variance
12 arises because we don't have, as per the
13 variance, as per the zoning requirements, the
14 ability to do this house without a variance,
15 but when we take into account the additional
16 lot area, the variances we are seeking are not
17 egregious or excessive and I think comply with
18 most of what the village looks for when going
19 for variances is keeping in line with
20 expectations.

21 That being said, why go for a variance
22 at all because it's a brand-new house? I know
23 the question. It gets asked a lot. The
24 answer is simply the Rubins are a growing
25 family. They have brought for your viewing

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2 entertainment pictures of their current living
3 situation and I am sure they would like to
4 explain the situation they currently live in
5 and I think the Board will understand why they
6 need what they are asking for which compared
7 to a lot of Lawrence houses is not a lot but
8 it is a lot for this general area but there is
9 a reason why they are seeking to move here as
10 well and I am going to open the floor to the
11 owners, but first I would like Mrs. Rubin who
12 has the images of their current situation pass
13 just the images forward. All of them, there
14 is only one copy but --

15 CHAIRMAN KEILSON: It's okay.

16 MR. FLAUM: Pass it toward to the
17 chairman, and he can distribute as needed.

18 MR. RUBIN: While you view those
19 wonderful photos of our beautiful home, we
20 lived in Far Rockaway since we got married. I
21 myself work in the neighborhood. I am
22 employed by Shor Yoshuv Institute. We like
23 the community very much and specifically want
24 to stay in the community being that we are not
25 only employed by the yeshiva, but I daven and

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2 learn and spend much of my time there. Our
3 goal was to get closer to the institution.

4 In addition, for your humor we have
5 toggled back and forth between wanting to stay
6 in Far Rockaway as our family was born and
7 raised there and all our friends and family
8 are there. Friends, so to speak. And when
9 this property came up, so we looked at it as
10 if we are getting Far Rockaway and Lawrence
11 together and we actually are so and it also
12 cuts down -- we currently live on Caffrey and
13 Mott Avenue. And we are -- we are looking to
14 move closer to the yeshiva. This cuts our
15 actual walk -- not that it's major but from .8
16 to .3. Right.

17 MR. FLAUM: When you are walking with
18 kids --

19 MEMBER FELDER: Did I calculate seven
20 children?

21 MR. RUBIN: Seven children. God bless.
22 We have a 7-month-old up to an 18-year-old.

23 MEMBER FELDER: More power to you.

24 MR. RUBIN: With many, thank God, in
25 between.

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2

MR. FLAUM: Residing in how many

3

bedrooms?

4

MR. RUBIN: Currently residing in three

5

and a half bedrooms, and I say a half bedroom

6

because we cut a room in half and you can see

7

that from the picture and not only that, we

8

have -- you know, thank God, we have two cribs

9

in our home, one in our bedroom, one in our

10

nursery which is the half room. And it's a

11

beautiful home. We have had wonderful times

12

there, but it's time to move on and give our

13

family a spacious, you know, place to live.

14

And when this property came up, not only

15

did it fit that, but secondly it was also in

16

an affordable property for us being that it's

17

located on Doughty Boulevard and was a little

18

bit less interesting to many buyers because it

19

was on the market for a while. So for us it

20

was very advantageous to purchase it. It also

21

gave us the affordability to have a few

22

dollars to put into the home whereby if we go

23

into the market today's date for ourselves --

24

personally not complaining, but we maybe would

25

cut down what we could put into the home to

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1
2 renovate. So we jumped on the opportunity and
3 bought the house for all these reasons
4 discussed.

5 In addition, as far as the variances
6 that we are seeking, we purposely as much as
7 there is, you know, an overage in coverage, if
8 you look at the houses to the left and right
9 of us, our neighbors who both renovated and
10 built their homes in the last five, six years,
11 we chose on purpose not to even request to
12 move our rear wall of our home any further
13 back than both of those homes. So we are
14 lining up exactly with the homes behind us.
15 Specifically to your left which was the house
16 that was the most recently built, they
17 themselves went for five variances, which I
18 believe in doing our research were the same
19 variances that we are going for being that the
20 house sits on two lots. We didn't ask for
21 anything further back.

22 In addition, the home to the left of us
23 requested a variance for side yard. Was
24 approved at 4 feet. We are not asking for any
25 change in side yard. We want to abide by what

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2 is required. As far as height, I know one
3 thing we are doing differently is we are --
4 it's probably no secret to you, the more
5 modern-day building is with a mansard roof
6 which affords you more useable space in the
7 attic of the home, so that's the only
8 difference that we will have from the houses
9 that are to the left and right, but as far as
10 our height, it will be the same as the houses
11 that sit to the left and right of our home.

12 MR. FLAUM: But this is taking advantage
13 of the change in the Lawrence zoning to allow
14 for taller buildings with less variances for
15 pushing forward, back, and to the side. So
16 aside from lot coverage, you wouldn't be
17 triggering any of those other egregious
18 variances that have been sought in the past.

19 MR. RUBIN: Right.

20 MEMBER HILLER: I want to ask a
21 question. How are you going to build the --
22 how are you going to get a car into the
23 proposed garage?

24 MR. FLAUM: The driveway.

25 MEMBER HILLER: Because in the space

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1
2 that you are showing for the driveway, there
3 is a light pole which is in the street
4 blocking it. Also it seems very narrow, the
5 space, and there is a tree which you share
6 with a neighbor which is also blocking the
7 driveway, proposed driveway. So how is this
8 driveway going to be built, and also are we
9 guaranteeing that you are building that garage
10 or is that garage going to magically
11 disappear?

12 MR. FLAUM: So first things first. The
13 utility pole can be relocated between the two
14 properties. That would be our request going
15 to the Nassau County Department of Public
16 Works.

17 MEMBER HILLER: You have put in a
18 request?

19 MR. FLAUM: They will if they get
20 approval to build. You don't put in a request
21 to change something until you have approval
22 because it's an expense, but I know in my
23 property in Inwood I have two properties, two
24 driveways adjacent like this one, and the
25 utility pole is smack in the middle of the

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2 two, so I don't think that's an issue. I am
3 sure they can get the approval to shift it
4 over with the proper paperwork and filings.

5 Regarding the driveway, so we have two
6 window wells that are at grade meaning they
7 are not going to be higher than the
8 surrounding driveway. So the grates are
9 flush. The pavement is flush to accommodate
10 for the --

11 MEMBER HILLER: The car is going to
12 drive over the window wells?

13 MR. FLAUM: There is a grate, steel
14 grate and that will allow the car to go to and
15 from the garage. There was one more point.

16 MEMBER HILLER: Is the garage something
17 for real or is it --

18 MR. FLAUM: Currently right now it's
19 planned to be for real because it has to be
20 built to accommodate the Lawrence
21 requirements. I am not sure what the question
22 is. They have to build it. They have to
23 build it.

24 MEMBER HILLER: Okay.

25 MR. RUBIN: And the tree, you mentioned

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2 the tree. The tree is situated mostly on our
3 property, and it's an overgrown weed.

4 MEMBER HILLER: I don't know what the
5 laws are. I am not sure what the laws are
6 about a tree shared by neighbors even
7 partially. Does anybody have a -- it's mostly
8 on your property I know.

9 MR. RUBIN: Not entirely.

10 MR. FLAUM: I don't know if there is any
11 specific rule.

12 MEMBER HILLER: I am wondering if the
13 neighbor has -- I am speculating. I don't
14 know this either. I am wondering if the
15 neighbor has a right to say you can't cut down
16 a tree because it's partially on my property.

17 MR. RUBIN: It's also -- I think if you
18 look at the drawing of the property line, it
19 looks minimally on our neighbor's property.

20 MEMBER HILLER: It's mostly on your
21 property.

22 MR. FLAUM: The 37-inch radius tree you
23 are talking about -- I'm sorry. 37-inch
24 diameter. It's on the survey; I am not making
25 this up. I am reading it from the document.

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2 So that being said, 37-inch diameter trees
3 probably start off at 2- or 3-inch diameter.
4 At that point it was probably fully on the
5 subject property. I don't see why the
6 neighbor would have an aversion, but this is a
7 discussion piece, but again, unless they are
8 taking care of the tree, most people are very
9 happy to demolish trees that are eyesores or
10 maintenance issues.

11 MEMBER HILLER: And you intend to back
12 out of the driveway, the whole length of the
13 driveway?

14 MR. FLAUM: So there is this new
15 technology called rear-facing cameras.

16 MEMBER HILLER: I love when people are
17 sarcastic with me.

18 MR. FLAUM: No, no, I am not being
19 sarcastic. They really have them. With the
20 technology we have nowadays --

21 MEMBER HILLER: Thank you very much.

22 MR. FLAUM: I agree with you. If we
23 didn't have such technology, I would never
24 want this anywhere, but honestly it's a
25 lifesaver for me and my wife because the car

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1
2 is less damaged so --

3 MR. RUBIN: If it adds anything, we live
4 down a 200-foot private road right now. A
5 very rare road in Far Rockaway and we back up
6 and down it daily so we are very, very well --

7 CHAIRMAN KEILSON: Mr. Flaum, there is
8 some thought about moving the garage. Is that
9 off the table?

10 MR. FLAUM: Right now the clients don't
11 know what to do because I think they were
12 shifted or like distracted by a bunch of
13 hearsay and conjecture that came up about
14 their plans and they actually came tonight and
15 requested to speak because they wanted to
16 clarify the air and dispel any rumors that
17 have been circulating.

18 CHAIRMAN KEILSON: We will get to the
19 other rumors, but let's stay on fact. Is the
20 garage staying because it will be an issue
21 later?

22 MR. FLAUM: Currently right now the
23 garage is planning to be there.

24 CHAIRMAN KEILSON: As depicted?

25 MR. FLAUM: As depicted on the plan. We

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are not changing anything.

CHAIRMAN KEILSON: Okay. Good.

MEMBER GOTTLIEB: Well, you might say good. I am not happy with the garage in the back. I think you have enough house. You can put a one-car garage in the house, eliminate the entire side from being paved and reduce an awful lot of coverage.

MR. FLAUM: So Mr. Gottlieb?

MEMBER GOTTLIEB: Yes.

MR. FLAUM: You are an illui. You are mechaven to what we have discussed.

CHAIRMAN KEILSON: He is not familiar with the jargon.

MR. FLAUM: You hit upon a very important point that me and my clients were discussing earlier this morning.

Unfortunately, there was not enough time for us to think about a reworking of the plan. We did touch upon it in my office, but they were distracted by multiple phone calls and follow-ups about things that they were planning but really weren't planning and so we didn't really have a chance to take that

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1
2 further but right now, our plan is to put the
3 garage there. There might be a possibility
4 that we would eliminate it if we redid the
5 layout, but we didn't come up with a solution
6 that would satisfy anybody.

7 CHAIRMAN KEILSON: The Board will be
8 very uncomfortable reviewing something that's
9 openly subject to change at this point.

10 MR. FLAUM: Well, the question would be
11 if we are eliminating surface coverage and it
12 makes the situation better.

13 CHAIRMAN KEILSON: That doesn't
14 automatically get a by.

15 MR. RUBIN: If we were eliminating
16 coverage by moving the garage to the front
17 left side of the home but not changing the
18 envelope of the property at all, meaning
19 keeping the exact structure form of the home
20 as you see it, just whereby you see now in the
21 plans there is a study and a den in the front,
22 moving that study and den to the back where
23 you currently see pool storage and a little
24 garage area, making the garage there, that
25 would essentially be the change, but your

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1
2 form, shape, and exact envelope of the
3 property would not change in the least bit.

4 CHAIRMAN KEILSON: Again, we have had
5 requests to change subsequent to a variance
6 being granted. It's reviewed on a
7 case-by-case basis and evaluated so it's not
8 automatic.

9 MR. FLAUM: Understood but at this point
10 there is not enough time in a single workday
11 and not even workday. An hour, two hours to
12 come up with a rejiggering of the layout. We
13 do know the footprint of the house is not
14 changing, but the question is if spatially we
15 can make it work to satisfy everyone.

16 CHAIRMAN KEILSON: It's possible that
17 the building coverage would drop.

18 MR. FLAUM: The building coverage -- I
19 mean, the garage would -- if the garage were
20 eliminated.

21 CHAIRMAN KEILSON: If that was the case,
22 we wouldn't need to be discussing that
23 variance.

24 MR. FLAUM: Well, is it building
25 coverage or surface coverage? But that being

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said.

MR. VACCHIO: Can I ask a question? So in our letter that we had that was sent out is based on the plans that I am showing here and the ones that were distributed, the roof, the flat roof portion seems to be over 35 percent. Also the pitch seems to be under 3-inch which considers that flat.

MR. PLAUT: Both sets of plan note an 8/26/21 project number 396. He is referring to page 6 of 20. They are all page 6 of 20.

MR. VACCHIO: I am not sure why that is. There should have been a denial for the flat. This one here doesn't show 35 percent. It shows that it's under. Where the roof plan that everybody else is looking at on page A-104, seems to be much more than 35 percent than the overage, and on top of that there is a section -- I think the next page, Gerry, the elevation is showing 1. -- a roof pitch of 1 and a half or 1 and three quarter instead of a 3-inch pitch.

MR. PLAUT: .75. A roof pitch of .75.

MR. VACCHIO: Yes and that's not what I

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1
2 was -- I am looking at these plans for denial
3 and now everybody has these plans. I am not
4 sure why there was a change.

5 MR. FLAUM: Probably because the design
6 got augmented, but it was never denied for
7 that one item because you couldn't hear the
8 case for that anyway but noted there was a
9 change probably in the design.

10 MR. VACCCHIO: Well, at this point now it
11 should be denied over 35 percent.

12 MR. PLAUT: It could also be denied for
13 having a greater than 1.

14 (Discussion off the record.)

15 MR. CASTRO: The current denial letter
16 does not deny the plans that were submitted.

17 MR. FLAUM: It was a designer that got
18 involved in the project.

19 CHAIRMAN KEILSON: I am not interested
20 in an explanation.

21 MR. FLAUM: I understand.

22 MEMBER GOTTLIEB: So would it just be a
23 matter of lowering the roof height?

24 MR. FLAUM: It would just be a matter of
25 adjusting the pitch on the roof.

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1
2 MEMBER GOTTLIEB: So if you adjust the
3 pitch on the roof, do we need a new variance
4 or can we proceed?

5 CHAIRMAN KEILSON: No, no, no.

6 MR. FLAUM: He would want it to be
7 resubmitted.

8 CHAIRMAN KEILSON: The Building
9 Department is going to want it to be accurate
10 because we had a situation just recently where
11 we had a variance and then papers were
12 submitted and we never looked at the papers
13 and there was a variance with the variance and
14 so on and so forth. So --

15 MR. FLAUM: Be that as it may, it would
16 just be whatever that initial variance on top
17 of lot coverage, but it doesn't take away from
18 the fact that we would still be complying with
19 all the other items. But did you have any
20 other questions, Mr. Gottlieb?

21 MEMBER GOTTLIEB: Sure. I always have a
22 question. What time is it? So by the way,
23 all of your plans are page 6 of 20 which was
24 funny. So I just would like to see the garage
25 attached and reduce not only the building

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1
2 coverage with the garage but also remove all
3 that excess asphalt on the side of the house.
4 Even though you don't count it, you still see
5 it. So that's -- really it could be as much
6 as 1,000 feet of coverage. And then it was
7 just mentioned that this is a pool storage
8 area.

9 MR. FLAUM: It was originally a pool
10 storage area when there was a pool there, but
11 since we have withdrawn the pool, that negates
12 the use for the space. So there is no longer
13 pool storage because there is no pool. So it
14 would have to be repurposed, which was the
15 meeting we had today.

16 MEMBER GOTTLIEB: So that the bike
17 storage would also be part of the pool storage
18 and you would have a nano wall?

19 MR. FLAUM: It's a glass wall.

20 MEMBER GOTTLIEB: And that opens up to
21 the backyard?

22 MR. FLAUM: Correct.

23 MEMBER GOTTLIEB: Where there is a
24 bathroom and table, sort of like a cabana?

25 MR. FLAUM: Correct. Any other

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2 questions?

3 MEMBER GOTTLIEB: The more you talk, the
4 more I will question.

5 MR. FLAUM: It's not a bad thing.

6 MEMBER GOTTLIEB: No, not at all.

7 MR. FLAUM: Can we address the other
8 issue?

9 CHAIRMAN KEILSON: I would think that
10 since there are going to be changes now, that
11 we not jump onto that issue yet.

12 MR. FLAUM: Just adjourn?

13 CHAIRMAN KEILSON: Adjourn and give an
14 opportunity to speak to the neighbors to
15 defuse any concerns they may have.

16 MR. RUBIN: We spoke with every
17 neighbor.

18 MR. KULKA: No, you haven't. When you
19 are ready for me.

20 CHAIRMAN KEILSON: In a moment. In a
21 moment. So I guess you didn't speak to every
22 neighbor.

23 MR. RUBIN: I guess not.

24 CHAIRMAN KEILSON: It would be an
25 opportunity to speak to neighbors. Those that

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1
2 you are aware of that and those that you are
3 not aware of. So that everybody is -- you
4 know, as much as possible to defuse it before
5 we appear next time because now there are new
6 issues to confront, okay. But since this
7 neighbor was kind enough to come down, I don't
8 want him to go home without having his day in
9 court. Would you like to come forward?

10 MR. KULKA: Sure. Peter Kulka, 9 Luquer
11 Road, Plandome Manor. I own one house on
12 Doughty Boulevard, and my brother owns
13 another. One at 1213 and one at 1235. So
14 basically when I received the letter, what
15 concerned me the most was the issue of
16 parking. Doughty Boulevard is one of the only
17 places in Lawrence where you can park a
18 residential vehicle overnight on the street.
19 We have a shortage of parking.

20 So when I saw the variance and you know,
21 I glanced at this -- and actually in my town I
22 sit where you sit. So I am a little bit
23 familiar with the process, and I love what you
24 are doing so far. Everything -- and you are
25 sharp. I am serious. I haven't looked at the

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2 plans and so I am here to listen and I support
3 the Rubins. I support the Rubins because I
4 understand New York City, Queens property and
5 backyard. That's what I have as well. And I
6 understand the setback. So I am here somewhat
7 in favor and somewhat in question, and what's
8 in question I leave to the Board.

9 To begin with, what concerned me most
10 was the parking. We have a shortage
11 especially at night. And when I saw that they
12 were going to ask for a variance for relief of
13 a garage, I asked myself, uh-oh, this is a
14 problem. That's why I am here. I can see Mr.
15 Gottlieb's point about having that garage in
16 the back is an issue because no one is going
17 to go backwards 100 feet unless you have a
18 turnaround. So that was very sharp.

19 MEMBER GOTTLIEB: Thank you.

20 MR. KULKA: Unless there is a
21 turnaround. So the tree issue I understand
22 and so forth and so on and then the telephone
23 pole, that is an issue and I can't see
24 granting a variance for something when you
25 already have a telephone pole and who knows if

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1
2 LIPA is going to even want to do anything
3 about it and they are expensive to relocate
4 from my experience. So I think before you
5 even grant any of these, where the driveway is
6 going to go, we need to know where the LIPA is
7 going to go with the telephone pole. I am
8 also concerned about the neighbors having air
9 conditioners on the left or right side of the
10 house which is permitted I believe, and I
11 don't know what the sky plane requirements are
12 here either in this town, but if there are
13 then I leave to you.

14 So basically as far as relief from the
15 rear yard, I favor -- I support that. I can
16 see how they need it especially if they have a
17 large -- need a large house with children.
18 And you know, I also have New York City
19 property in the backyard and it's always sort
20 of like it's like another country but why
21 can't I use it or get closer to it? Why
22 should I be limited to I don't know what it
23 is, 20 feet or something that we have or 30
24 feet to the rear property line? So why can't
25 I use the other 25 feet or get closer to the

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border?

So yes, I am in favor of it and I see the need. As far as the FAR, I leave that in your hands, but remember, anything we do at this property sets a precedent for all the neighbors down the street, and I don't know if the precedent has already been made by any of the neighbors encroaching on that city property line but I am not saying it's -- you know, I favor it but this is a precedent and one day I may be here or I may sell the house to somebody just like this couple and they may want to do the same thing. So I leave this in your hands.

CHAIRMAN KEILSON: Well, their buying this house and building it up is going to be very good for your property.

MR. KULKA: Oh, I know that. I know that. That's why I am also here in support but also concerned about parking that we make sure any house in that area, in that district gets not one spot in front of the house, but maybe is forced to have two or keep a garage.

MEMBER FELDER: Well, not to interrupt

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1
2 you but it looks to me from the --

3 MR. KULKA: I haven't seen the plans.

4 MEMBER FELDER: I am just saying from
5 the depiction, it looks like there are at
6 least two spots directly in front of the
7 house. Whether they drive 100 feet to the
8 structure of the garage or even use the garage
9 to park or don't park is inconsequential. As
10 long as they have room to be off Doughty
11 Boulevard.

12 MR. KULKA: Right but a garage can give
13 you that third.

14 MEMBER FELDER: They can park 14 cars.
15 The driveway allows you to park off the
16 street.

17 MR. KULKA: That was my main issue was
18 the parking.

19 CHAIRMAN KEILSON: Thank you for
20 visiting.

21 MR. KULKA: It's actually great standing
22 on this side.

23 MEMBER GOTTLIEB: Just to answer
24 something you asked about the sky plane, after
25 Superstorm Sandy, sometime after we had to

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1
2 raise our heights from 30 feet to 36 feet to
3 accommodate for flood zones. This particular
4 property isn't in the flood zone, but they did
5 get to take advantage to have a full third
6 story.

7 MR. KULKA: They are at the top of the
8 village?

9 MEMBER GOTTLIEB: They are at the part
10 of the village where you can't inhabit the
11 first ten feet or so because they are in the
12 flood zone.

13 MR. KULKA: Good to know. Thank you.
14 So I wish you well.

15 MR. RUBIN: Thank you.

16 CHAIRMAN KEILSON: Thank you very much.
17 So Mr. Flaum, where are we up to? Looking for
18 an adjournment? Anybody else in the audience
19 who wants to speak to the matter at this
20 point? Step forward; don't be shy. We are
21 all family.

22 MS. GERSTEN: Lorraine Gersten and I
23 live on Alonzo Road in the backyard. 615
24 Alonzo Road. So the first variance said that
25 they were going to build a pool to zero feet

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2 of my property line, but we discussed that and
3 the Rubins politely gave me assurance that
4 that will not happen. I would just like to
5 know why there will be a pool house with a
6 cabana if there won't be a pool.

7 CHAIRMAN KEILSON: I guess there won't
8 be a pool house with a cabana in the plans
9 that are now being prepared by Mr. Flaum.

10 MEMBER GOTTLIEB: There won't be a pool.

11 MS. GERSTEN: Okay. Thank you.

12 CHAIRMAN KEILSON: So are we going to
13 adjourn and somebody else want to speak? Okay
14 so --

15 MR. FLAUM: So before we close just
16 because it's important, can we get on the
17 record just the letters.

18 CHAIRMAN KEILSON: I suggest since the
19 letters are now academic because they haven't
20 seen the new drawings --

21 MR. FLAUM: Granted but I don't think it
22 hurts to mention she did get letters of
23 support from the previous application even
24 though that's changed now.

25 MR. PRESTON: Would you like to have

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1
2 them submitted to the record?

3 MR. FLAUM: I am assuming we have to get
4 new letters of support when we hand in the
5 plans, but I would think the record should
6 show that the previous application as filed
7 also received letters of support, and we are
8 doing even more now to accommodate the
9 neighbors.

10 MEMBER GOTTLIEB: I think letters of
11 support are important even though they are
12 superfluous at this point. Sometimes we don't
13 get them. Now that we have them, we should
14 embrace them.

15 MR. SOLOMON: I would like to speak if
16 that's okay. Michael Solomon from 1125
17 Doughty Boulevard.

18 CHAIRMAN KEILSON: Where do you live in
19 proximity?

20 MR. SOLOMON: Immediately adjacent
21 neighbor to the right. To the left. Facing
22 the house is to the left.

23 CHAIRMAN KEILSON: Okay.

24 MR. SOLOMON: We did submit a letter of
25 support and we are very excited to have them

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2 as neighbors and we are happy for them to
3 build a large house even if that requires some
4 variances. One thing I did ask Mr. Rubin and
5 he did give me a verbal assurance and I would
6 like that to be, you know, a real assurance is
7 that there won't be a pool even though
8 actually in the letters I did say I am in
9 support of a pool, but after further thought
10 and consideration, I would say realizing the
11 impact of a pool in such a small property,
12 small lot, such close lots, that would be a
13 real concern and I think what was just --

14 MEMBER GOTTLIEB: Lucky for you the pool
15 is off the table.

16 CHAIRMAN KEILSON: Well, he is not
17 saying that.

18 MR. SOLOMON: He might still have a
19 cabana and bathroom and it was earlier, you
20 know, until very recently the plan although
21 maybe it wasn't initially going to be built,
22 but in the big picture the plan was to have a
23 pool someday. We would just really like to be
24 assured there would not be a pool because that
25 would just be damaging down the line. Thank

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you.

CHAIRMAN KEILSON: Mr. Rubin, you can choose not to respond at this time and wait until the next hearing or you can respond.

MR. RUBIN: The response is we pulled the pool out of the plans, and there is no plan to build a pool.

MR. SOLOMON: Now or in the future I would imagine.

MR. RUBIN: We don't have plans to build a pool.

CHAIRMAN KEILSON: Would you agree in the event that you want to build a pool, you would be bringing it back to the Board of Zoning Appeals?

MR. RUBIN: One hundred percent.

MR. SOLOMON: Even if it's in the Queens property?

MR. RUBIN: Correct. The assurance I gave you earlier, I would not be building an illegal pool.

CHAIRMAN KEILSON: Okay. Motion to adjourn is approved, I guess.

(Whereupon the hearing concluded at 8:44

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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