

Vilardi - 5/11/2022

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

May 11, 2022
7:35 p.m.

APPLICATION:

Vilardi
210 Beach 2nd Street
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. ELLIOT MOSKOWITZ
Member

MR. GERRY CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

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CHAIRMAN KEILSON: Okay. Good evening, ladies and gentlemen. Welcome to the Lawrence Board of Zoning Appeals. No conversations please. If need be, you can step out into the hall. Turn off cellphones, please.

Okay, Mr. Vacchio, proof of posting?

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

CHAIRMAN KEILSON: Thank you very much.

Okay. First matter before us is a request for a variance extension. Name is Vilardi at 210 Beach 2nd Street. And the request of the extension, the original variance was July 18, 2018, and the reason is sewer connection is not available on Beach 2nd Street. The applicant is attempting to access New York City through a connection on Beach 3rd. Process is extremely difficult and time-consuming as would be expected in New York City. The lack of sewer access presents an extreme hardship for the applicant.

MEMBER GOTTLIEB: Do we know what they use for sewer now? It's not a new house.

CHAIRMAN KEILSON: Yes, it is.

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MR. CASTRO: Yes, it's new.

MR. VACCHIO: Townhouse.

CHAIRMAN KEILSON: The townhouses we approved back then. They have not moved at all on that.

MEMBER GOTTLIEB: Does it matter that it's approaching four years?

MR. CASTRO: Well, I think considering the fact -- considering the circumstances, I -- I know for a fact the issues that he had because I was dealing with him in Nassau County and he just -- it was out of their hands.

MEMBER GOTTLIEB: No, I have no problem agreeing with it. I just want to know if it's okay that we approve it after it was issued four years ago.

CHAIRMAN KEILSON: Well, I am sure he has been endeavoring to facilitate during that period of time. I can tell you that I have an institution based in Far Rockaway that's working with the city on a similar issue with a sewer, and we are talking about ten years.

MEMBER GOTTLIEB: What is the request

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for?

CHAIRMAN KEILSON: They are not specific. I would say let's give them three years.

MEMBER GOTTLIEB: And nothing has started, correct? There has been no work that started, no inconvenience to neighbors?

MR. CASTRO: No.

CHAIRMAN KEILSON: What say you, Mr. Felder?

MEMBER FELDER: For.

CHAIRMAN KEILSON: Everybody is for.

MEMBER MOSKOWITZ: For.

MEMBER HILLER: For.

CHAIRMAN KEILSON: Three years.

(Whereupon the hearing concluded at 7:38 p.m.)

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

YAFFA KAPLAN

Court Reporter

Third Nassau Corp. - 5/11/2022

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

May 11, 2022
7:38 p.m.

APPLICATION:

Third Nassau Corp.
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. ELLIOT MOSKOWITZ
Member

MR. GERRY CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

Third Nassau Corp. - 5/11/2022

CHAIRMAN KEILSON: Next matter before us tonight will be Third Nassau Corp., 314 Central Avenue. They or their representative, please step forward.

Good evening. Stand over there. Name and address?

MR. FAZYLOV: Igor Fazylov, 312 Central Avenue, Lawrence, New York.

CHAIRMAN KEILSON: Okay. So just give us a quick synopsis of what you are doing.

MR. FAZYLOV: So we are moving MUR to a bigger place.

CHAIRMAN KEILSON: You are currently at what address?

MR. FAZYLOV: 310.

CHAIRMAN KEILSON: You are moving it to where?

MR. FAZYLOV: 312. Next door.

CHAIRMAN KEILSON: Are you expanding or just moving?

MR. FAZYLOV: No. The existing place is turning to like a high-end dairy place and the other new restaurant, MUR, is moving to next door. 312 Central Avenue.

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MEMBER MOSKOWITZ: The dairy place would
be open during the day and the evening?

MR. FAZYLOV: That's something that's
not -- I think it will be more dinner because
of the price point.

MEMBER GOTTLIEB: But you are not going
to be the dairy restaurant?

MR. FAZYLOV: I am. I own both
restaurants.

MEMBER MOSKOWITZ: So just the MUR, that
name is moving to 312. You are maintaining
310 but changing the concept?

MR. FAZYLOV: The concept.

MEMBER HILLER: The 185 dining spots,
that's both restaurants together?

MR. FAZYLOV: No. 185 dining spots would
be just the MUR.

MEMBER HILLER: How much do you have in
the other one?

MR. FAZYLOV: Forty-five.

CHAIRMAN KEILSON: 185 will be meat?

MR. FAZYLOV: Yes.

MEMBER GOTTLIEB: And 45 dairy?

MR. FAZYLOV: Yes.

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2 CHAIRMAN KEILSON: And anticipated hours
3 of the meat restaurant that we are discussing?

4 MR. FAZYLOV: Well, we open at 5:00, but
5 we don't get clients now until 6:30, about
6 that time, and as I said, we don't usually
7 have problems with parking issues at that
8 time. During the day it might be a little
9 deliveries and schools, a little hectic, but I
10 don't operate during the day.

11 MEMBER GOTTLIEB: The same with the
12 dairy?

13 MR. FAZYLOV: Dairy I can't say anything
14 right now because I don't know. Again, my
15 price point on the menu is a little high.

16 MEMBER GOTTLIEB: I understand. That's
17 what you were asking.

18 MR. FAZYLOV: If I tell you no now and
19 it's yes --

20 MEMBER GOTTLIEB: It's okay. It's not
21 really the subject of the application I guess.

22 CHAIRMAN KEILSON: So the variance
23 that's requested tonight is a parking
24 variance. Based on the capacity of the
25 restaurant, you are required to have 40

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2 parking spots. Okay. To that end you
3 retained an engineering firm to do a study?

4 MR. FAZYLOV: Yes. Twice.

5 CHAIRMAN KEILSON: Okay. By the way,
6 three is a charm but okay.

7 MR. FAZYLOV: All right. No problem.

8 CHAIRMAN KEILSON: The second one was
9 the one submitted by Schneider on April 28th.
10 They did a study that evening, and they
11 represent that they are well beyond the
12 necessary 40 spots that are available on a
13 given evening.

14 MR. FAZYLOV: Yes.

15 CHAIRMAN KEILSON: I can tell you that I
16 did my own study without cost to you, and I
17 went there Sunday night at 7:30 and I counted
18 along with my wife 62 empty spots so --

19 MR. FAZYLOV: I was honest with you from
20 the first days.

21 CHAIRMAN KEILSON: We are not talking
22 about honest. We are talking about facts.

23 MR. FAZYLOV: Okay.

24 MEMBER GOTTLIEB: Not to compete with
25 you, Mr. Chairman, but I was there on a

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Tuesday night and found similar results.

CHAIRMAN KEILSON: Really?

MEMBER GOTTLIEB: Yes.

CHAIRMAN KEILSON: Okay. Very good.

MEMBER GOTTLIEB: And I didn't charge either.

CHAIRMAN KEILSON: All right. Anything further from you?

MR. FAZYLOV: No. That's it.

CHAIRMAN KEILSON: Okay. So anyone in the audience want to speak to the matter?

Taking into consideration the benefit to the applicant and the concern we have for parking has now been ameliorated, so Mr. Moskowitz, how do you vote?

MEMBER MOSKOWITZ: For. Best of luck.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: I look forward to the new venture in our village and wish you luck.

CHAIRMAN KEILSON: Okay. Mr. Hiller?

MEMBER HILLER: For.

CHAIRMAN KEILSON: Mr. Felder?

MEMBER FELDER: For. Good luck.

CHAIRMAN KEILSON: I am voting for.

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Okay. Good luck.

MR. CASTRO: Two years, right?

CHAIRMAN KEILSON: Two years.

MR. CASTRO: Hopefully you will need
nowhere near that.

MR. FAZYLOV: I will be done hopefully
by August.

(Whereupon the hearing concluded at 7:43
p.m.)

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

Ym
YAFFA KAPLAN

Court Reporter

Rubin - 5/11/2022

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

May 11, 2022
7:44 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. ELLIOT MOSKOWITZ
Member

MR. GERRY CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

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CHAIRMAN KEILSON: Okay. Next matter will be Rubin, 1129 Doughty. Welcome back.

MR. FLAUM: Good evening, members of the Board, Chairman. My name is Shmuel Flaum, residing at 194 Wanser Avenue, Inwood, New York 11096, here on behalf of the owners/applicants for the variance, and we are back here hopefully -- we have taken into consideration all the concerns of the neighbors, of the Board members, and we are hoping that tonight we can present a presentation for the variances we are seeking that will be acceptable and amenable to the Board.

CHAIRMAN KEILSON: Hope springs eternal.

MR. FLAUM: So under the code relief form that you all received an updated version of, we are now currently seeking 1, 2, 3, 4, 5 variances. I will list them off, go through them again. Section 212-12.1, maximum building coverage. Where you are permitted 1,880 square feet, the existing house currently in the location is 1,693.47. We are proposing 2,181 square feet which is 301

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square feet or 16 percent overage. Section
212 --

CHAIRMAN KEILSON: Again, just for the
record, this is taking into consideration
solely the Lawrence --

MR. FLAUM: This is taking into
consideration solely the portion of the
property that resides in Lawrence. I will
amend the discussion of variances once I get
through this.

CHAIRMAN KEILSON: I thought before we
go through all of them, it should be made
clear this is solely based on Lawrence.

MR. FLAUM: The property currently sits
or straddles two different jurisdictions.
Five thousand square feet of the property sits
in the Lawrence jurisdiction. The remaining
1,250 sits in Queens, so all these number we
are about to go through are solely looking at
the 5,000 square feet area that's located in
Lawrence, not taking into account the
additional lot that's in the Queens portion.
I will then reiterate how it is or isn't a
variance. We took it with that additional

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square footage of the property that's located in the Queens jurisdiction, so all these numbers now under the code relief are the numbers as per the Lawrence area only, which is 5,000 square feet.

The second variance being sought is Section 212-12.1, maximum surface coverage. We are permitted 2,675 square feet. The existing is 2,051.30. And proposed 2,821 square feet which is 146 square feet or 5.4 percent over. The third variance being sought is Section 212-19.D2(b), maximum rear yard height setback. We are permitted 1.1. The existing is indeterminate because it's a smaller house, but we more than comply. The proposed would be 1.71 which is an overage of 0.61.

The fourth variance being sought is Section 212-19.D1, minimum rear yard setback. We are permitted 20 foot or are required to have 20 feet. We have 14 foot 7 inches, so we are only over by 5 feet 5 inches. And lastly we have Section 212-19D.2(a), maximum front yard height setback ratio. Where you are

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permitted 1.1, we are proposing a 1.61, an
coverage of .51.

Now, just to summarize, these five
variances being sought is due to the fact that
our lot currently is undersized at 5,000
square feet when you look at the area that's
solely located in Lawrence. If we take a look
at the same property and look at it as if the
entire property is located within the village
of Lawrence, not discerning between the Far
Rockaway and Lawrence area, the numbers are
drastically different and you end up
eliminating some of those variances
completely. So for example, if we would look
at the lot only in Lawrence regarding building
coverage, we would comply if we had the whole
lot fully located in the village of Lawrence.
Where you would be permitted to have 2,217.5
square feet, we would be under 2,181.2 square
feet. Same things goes for surface coverage.
We would be under -- we would be providing
2,820.87 where you are allowed to have 3,075
square feet. So those would be two variances
that wouldn't be needed if the property is

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2 fully located in Lawrence instead of being
3 split between two jurisdictions.
4 Additionally, the rear yard setback variance
5 -- because we have a setback that's closer due
6 to the fact that 25 feet of the property is
7 located in Far Rockaway, we have a need for a
8 rear yard sky exposure plane variance. That
9 would be eliminated completely if we had that
10 additional portion of the property. The other
11 item -- hold on. Additionally, the setback
12 from the lot line at the rear, again if we
13 were fully within the village of Lawrence, we
14 would not need a variance for that rear yard
15 setback because we have more than ample space
16 from the rear of the house to the rear
17 property line. So essentially four of the
18 five variances would be nonvariance issues if
19 the lot was fully located within the village
20 of Lawrence which it currently is not. The
21 only one variance that remains which cannot be
22 solved by having the entire property located
23 in the village of Lawrence is the front height
24 setback ratio. It is what it is based upon
25 the geometry of the roof which again, given

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2 the limitations of the lot, we are trying to
3 maximize the area on all the levels
4 specifically the attic level contributing to
5 additional bedrooms for the Rubins and their
6 growing family and we would lose a significant
7 amount of floor area if we were complying with
8 it, but we have tried very much to listen to
9 all the other concerns from the Board from the
10 past hearings.

11 We relocated the garage to the front of
12 the house on the left so there is no longer a
13 driveway going on the right side. We
14 eliminated a lot of the surface coverage, and
15 we actually had to design the entire house to
16 make this work. So I am not sure if you
17 looked through the plans, but a lot of time
18 and energy was spent redesigning the entire
19 house to really listen to the concerns of both
20 the Board and the neighbors to really make
21 everyone happy and that there shouldn't be any
22 other issues that would be offensive to any of
23 those parties. So that is --

24 CHAIRMAN KEILSON: What are the open
25 variances? Based upon on the combined --

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2 MR. FLAUM: On the combined lot, if the
3 entire property was joined and we had all
4 6,250, there is only one variance.

5 CHAIRMAN KEILSON: Two.

6 MR. FLAUM: Just one. Just the front
7 height setback ratio.

8 CHAIRMAN KEILSON: How about the front
9 yard?

10 MEMBER GOTTLIEB: Front yard, 40 percent
11 front yard surface coverage.

12 MR. FLAUM: Oh, yes. That's a funny one
13 because if the lot was smaller, you would have
14 a larger amount of coverage but if the lot is
15 larger --

16 MEMBER GOTTLIEB: So for that particular
17 variance, we should go back to the Lawrence
18 only, right?

19 MR. FLAUM: We eliminated almost 1,000
20 square feet of paved surface on the right
21 side, so I am hoping that would translate to
22 it not being an issue.

23 CHAIRMAN KEILSON: Again, simple
24 question which required a simple answer. So
25 there are two variances, correct, under the

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combined property?

MR. FLAUM: Hold on. Let me just

double-check it. Front yard surface coverage.

Yes. Sorry. That was another one. Front

yard surface coverage is required to be at

400. We are at 458.33, and the reason why

that is is because you have 40 percent of the

front yard whereby if you had the smaller lot,

you would be 50 percent of the front yard and

we would be under because that's 500 square

feet and we have 458.33 so it's a wash.

CHAIRMAN KEILSON: It's not a wash.

It's another variance required under the

combined property.

MEMBER GOTTLIEB: So to be technically

correct, we have to consider it as a variance

although it didn't show up on the code relief

chart but you picked it up on the zoning

analysis.

CHAIRMAN KEILSON: Correct.

MEMBER GOTTLIEB: Good catch, Mr.

Chairman.

CHAIRMAN KEILSON: No, he presented it

very clearly. So again, we thank you for all

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2 the changes. I think it was very productive
3 this period allowing you to rejigger the
4 house, and I think in many ways it's very
5 positive. I see there is contemplated a pool
6 in the basement.

7 MR. FLAUM: We are just putting it in
8 now as a thought. I don't know after all is
9 said and done if it's even feasible, but this
10 way it's on the record that it's a possibility
11 even though it might not be a probability.

12 CHAIRMAN KEILSON: So just for the
13 record, there were concerns last time, for
14 instance, about the pool in the backyard, et
15 cetera and I think -- again, I don't want to
16 speak for you, but you had represented on the
17 record that you had no intention of putting a
18 pool at the time in the backyard.

19 MR. RUBIN: Correct.

20 CHAIRMAN KEILSON: Okay. And that if
21 you did put it in, you would be complying with
22 Lawrence variance or zoning concerns.

23 MR. RUBIN: Correct.

24 CHAIRMAN KEILSON: Good.

25 MEMBER GOTTLIEB: Real estate 101 is

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2 that no two pieces of real property are
3 identical. So when I look at the front height
4 yard, the front setback, and I realize there
5 are no houses across the street for maybe 500
6 feet and very often that's an issue because
7 you don't want to have like a tunnel vision as
8 you are going down a street. So I personally
9 have no issue with the height setback ratio in
10 this instance. That's it.

11 MEMBER HILLER: I wanted to commend you
12 on the efforts that were made to change your
13 plans, to comply with a lot of the rules, and
14 I do see it as a combined plot for the
15 purposes of the variance. I just -- I am now
16 again concerned about the pool. The way I
17 read the plans, there is a pool. Now I
18 discover it's a possible pool and that though
19 I hear how carefully you stated that you would
20 not at this time contemplate a pool in the
21 backyard, I think that leaves open the
22 possibility that there could be a pool in the
23 backyard.

24 MR. RUBIN: I think what Mr. Hiller is
25 saying, it leaves open the fact if we choose

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2 to, we could put a pool in. I can't state
3 anything further than if we were to put a pool
4 in, we would comply with Lawrence's
5 requirements. I think that's more than fair.

6 MEMBER GOTTLIEB: Well, if the pool is
7 in Queens and you can certainly put the entire
8 pool in Queens, then you wouldn't come back
9 before us and I think that's why Mr. Hiller
10 wants a commitment or an understanding from
11 the start as to what your feelings are because
12 I don't think that you need to come back to us
13 if the pool stays in Queens.

14 MR. RUBIN: Our commitment is that we
15 would not put a pool in against Lawrence code
16 and --

17 MEMBER GOTTLIEB: It wouldn't be in
18 Lawrence.

19 MR. RUBIN: It wouldn't be in Lawrence
20 anyway. Now the plan is if we put a pool in,
21 we are adjusted our entire basement to put an
22 indoor pool in the basement.

23 MEMBER HILLER: But then we hear it's a
24 possibility, that it's just a possibility of
25 the pool.

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2 MR. RUBIN: The possibility is due to
3 financial constraints at this point. It's
4 much more expensive to put a pool in the
5 basement of your home, so it is something that
6 I will reassess while building as well as in
7 the future, you know, based on my financial
8 abilities, but not due to leaving it open so
9 that we can put a pool in the backyard. At
10 this point we have zero plans of putting a
11 pool in the backyard at the moment.

12 MEMBER HILLER: "At the moment". You
13 are very careful. I appreciate that.

14 (Discussion off the record.)

15 MEMBER HILLER: When I see a plan, I
16 take it literally. I saw a pool put in, and I
17 congratulated you on being able to have a pool
18 and satisfy your neighbors. Now what I am
19 hearing is much different than what I was led
20 to believe by being presented these plans.
21 And I also -- I am also very much aware of the
22 careful nature of your replies.

23 MR. RUBIN: Mr. Hiller, we removed the
24 pool house that was built into the back of our
25 home, which was very important to us with the

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pool.

MEMBER HILLER: Okay.

MR. RUBIN: Not only the garage was moved but the pool house itself that was like a cabana-like structure that's built into the home. It's gone. It's being put into the basement, so to speak, with the gym area.

MEMBER HILLER: But it may not be put into the basement.

MR. RUBIN: The entire setup around this pool is being put into the pool other than the pool itself with the intention of putting the pool into our basement. That's -- there is -- if you look at the plans of the basement, the plan is to put a pool into that basement. Can I tell you -- I am not going to sit here and -- we spoke about this as well, Chairman, that it would be a title issue if I signed anything today saying I couldn't put a pool in my backyard because if I sold the house in five years, someone else would have to come to the Board here and have this discussion if they wanted to put a pool in. In real estate there is title issues if I would commit to

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2 something that a bank or title would not
3 allow. The plan is right now and it's in our
4 plans to put a pool in our basement. We do
5 not have plans to put into our backyard a
6 pool. I am being careful simply because the
7 future will tell, but we would sit here in
8 front of you if need be.

9 MEMBER HILLER: If need be. But need
10 may not be.

11 CHAIRMAN KEILSON: I think based on the
12 amount of space that's in the Far Rockaway
13 portion, I think it would be very difficult to
14 put in a pool without somehow impacting on the
15 Lawrence side, and so I think it's almost ipso
16 facto he would have to come back here to ask
17 for a variance of some sort.

18 MR. RUBIN: Not to mention if you look
19 at the plans in the first place, we didn't
20 want a pool on the back portion of our home
21 because if you look at the plans, we were
22 putting in an Aquashield. We wanted a pool
23 that could be used 12 months a year and not
24 three months a year. We are not interested in
25 taking what's already a small backyard and

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2 using up 60 percent of it for a pool that
3 could used for three months. So the plan at
4 the moment would be 100 percent to put the
5 pool in the basement.

6 CHAIRMAN KEILSON: Which also begs the
7 question about AquashIELD because is that on
8 tomorrow's trustee's agenda? In terms of the
9 AquashIELD and the covers?

10 MR. CASTRO: Yes.

11 CHAIRMAN KEILSON: Lawrence has not
12 defined yet whether those structures will be
13 permitted.

14 MR. RUBIN: Right. Well, people are
15 putting them up. It's becoming a more popular
16 item in modern day because they are actually
17 affordable and create a 12-month, year-round
18 pool.

19 MR. FLAUM: Just going back, Mr. Hiller,
20 just to reiterate, the entire basement, almost
21 the entire house was redesigned to accommodate
22 both the pool in the cellar and to accommodate
23 the fact that he wanted a year-round use.
24 That being said, no one knows what the future
25 holds but the intention is to put the pool in

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2 and we don't know what the cost is because I
3 don't think most people do basement pools. At
4 least, I have never done one before. This
5 would be my first. So he is just saying, you
6 know, his goal is to do this. He would like
7 to financially be able to afford to put in a
8 basement pool and have use of it 12 months a
9 year, foregoing the Aquashield and pool in the
10 rear yard, but he is definitely not putting in
11 two pools. It's one pool and one pool only
12 and the intention is to put it in the
13 basement. That's it.

14 MEMBER HILLER: I hear.

15 CHAIRMAN KEILSON: Any further questions
16 from the Board? Anyone want to comment from
17 the audience?

18 Okay. Taking into consideration the
19 benefit to the applicant, I think you also
20 have to acknowledge, as I did already for the
21 record, it should go clearly that we
22 appreciate the efforts expended. It's a lot
23 of time expended before this Board, meetings,
24 and the calls, and I think that the applicant
25 was quite responsive in terms of trying to

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satisfy all parties and their concerns.

We recognize the fact that you have a very large family and this will give you some breathing space and also it's in proximity to where you are employed, so I think all the very positive things give a substantial credence to the request. So taking into consideration the benefit to the applicant against any potential detriment to the community and the like, we are going to vote on it right now. Mr. Felder?

MEMBER FELDER: For.

CHAIRMAN KEILSON: Mr. Hiller?

MEMBER HILLER: I am going to take into consideration that you seemingly are being straightforward in your intentions, and I hope I am not disappointed. I will vote for.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: I am as altruistic as Mr. Hiller, and I will vote for.

MEMBER HILLER: You are less altruistic.

CHAIRMAN KEILSON: Mr. Moskowitz?

MEMBER MOSKOWITZ: For.

CHAIRMAN KEILSON: I will vote for and I

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think we should give at least two and a half
years. Maybe even three. It's up to you.

MR. FLAUM: Three is fine.

CHAIRMAN KEILSON: I think three is --
you are dealing with the city to some extent.

MR. VACCHIO: Did we do BBD yet?

MR. FLAUM: The next phase would be BBD.

MR. VACCHIO: We need BBD.

CHAIRMAN KEILSON: BBD for the audience
is Board of Building Design.


CHAIRMAN KEILSON: Okay. Thank you.

MR. FLAUM: Thank you. Okay. Thank you
very much. Have a wonderful evening.

(Whereupon the hearing concluded at 8:02

p.m.)

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



YAFFA KAPLAN

Court Reporter

Moerman - 5/11/2022

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

May 11, 2022
8:02 p.m.

APPLICATION:

Moerman
240 Juniper Circle East
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. ELLIOT MOSKOWITZ
Member

MR. GERRY CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

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1
2 CHAIRMAN KEILSON: Next matter is Sax.
3 270 Breezy Way.

4 MR. FINER: Carl Finer. I have to
5 apologize. I am with Elterman Finer
6 Architects. I am the architect of record on
7 the job. The lead designer is Louis Fusco
8 Architects. He is stuck in traffic right now
9 and on his way down from upper Westchester.
10 He has been five minutes away for about 35
11 minutes. He said he is on some road that
12 hasn't moved in an hour. I apologize. Is
13 there any way that we can --

14 CHAIRMAN KEILSON: Yes. Thank you very
15 much. We will defer it.

16 Okay. Moerman, 240 Juniper Circle East.

17 MR. SHRIKE: My name is Daniel Shrike.

18 I am a representative from John Capobianco
19 Architects' office, 159 Doughty Boulevard,
20 Inwood, New York, here on behalf of Mr. And
21 Mrs. Moerman, the property located at 240
22 Juniper Circle East.

23 We are applying for a pool in the rear
24 yard, and we are seeking relief from three
25 variances. The first one is Section 212-12.1

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2 for surface coverage. We are requesting 4,377
3 square feet where 4,071 square feet is
4 allowed. That's an overage of 7.5 percent.
5 The second variance is Section 212-48.B, for a
6 rear yard setback for the pool where we are
7 requesting 14 feet where 20 feet is required,
8 and Section 212-48.C for the pool equipment.
9 We are requesting 10.5 feet where 15 feet is
10 allowed.

11 So they want to put in a 10-by-35 pool.
12 We had initially filed for a pool with a
13 12-foot rear yard setback and was encouraged
14 to come back with a -- to push the pool off of
15 that property line a little bit more. As you
16 can see, this property is a corner lot and a
17 lot of restrictions come with a corner lot.
18 So we did try and comply with the village's
19 comments and move the pool away from the rear
20 yard. We are also modifying the existing
21 staircase to allow for more area to walk past
22 the pool because right now it's -- as you can
23 see, it's a tight backyard and without the
24 modifications to the stairs, you are only
25 going to have a two-foot walkway around the

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2 stairs and we want to make sure there is no
3 issue of anybody falling in the pool or
4 anything like that.

5 So the other variance for the pool
6 equipment. Currently existing on the side
7 yard, there is a whole equipment platform and
8 we are adding a small little area right
9 against the backyard for the location of the
10 pool equipment.

11 MRS. MOERMAN: I have letters from the
12 neighbor.

13 MEMBER GOTTLIEB: Can you tell me how
14 much of the stairway you are proposing to
15 remove?

16 MR. SHRIKE: Right now the stairs is 5
17 feet. We are taking 1 foot off of it. There
18 is an upper deck.

19 MR. VACCHIO: Can we have the whole
20 thing to show them?

21 MR. SHRIKE: Sure. I also have --

22 MEMBER GOTTLIEB: I notice in the
23 picture on the left there is a house that's
24 red, but there is no red house on the drawing
25 on the right. What I am trying to accomplish

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2 is the distance between your property line and
3 the house to the west.

4 MR. SHRIKE: So on the first image, that
5 picture was taken today. You can see the
6 backyard. That was taken from approximately
7 around here.

8 MEMBER GOTTLIEB: Right, yes.

9 MR. SHRIKE: And there is a shed
10 currently right up almost against the property
11 line, 1.1 feet off of the property line and
12 the house is right next to that, 7 and a half
13 feet off the property line.

14 MEMBER GOTTLIEB: So the adjacent house
15 is 7 and a half feet?

16 MR. SHRIKE: Correct.

17 MEMBER MOSKOWITZ: Is one of the letters
18 of support you have from the occupants of that
19 house?

20 MRS. MOERMAN: Maldi, yes.

21 MEMBER MOSKOWITZ: You want to hand that
22 up?

23 MRS. MOERMAN: Sure.

24 MEMBER HILLER: I want to understand
25 what you are doing when you remove the

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2 staircase. I understand it's coming in at 1
3 feet. So there is footing there holding up
4 the staircase and there is a well and then --

5 MR. SHRIKE: There is a staircase,
6 concrete staircase that you enter from the
7 north side of the property that goes down to
8 the basement, and above that is a wood frame
9 staircase that goes up to the first floor.
10 There is an existing 8-inch concrete wall
11 which will remain there. They will cut it
12 down, and they can either pour a wall up
13 against that or use concrete block and build
14 up to enclose it and the wood stair could be
15 cut back.

16 MEMBER HILLER: You are only cutting
17 back a foot?

18 MR. SHRIKE: Correct. If we don't cut
19 it back with a 14-foot side yard and a 10-foot
20 pool, it only allows 2 feet to move past the
21 edge of the pool and the staircase itself.

22 MEMBER FELDER: So those footings are
23 now going to be in a new wall that's interior
24 to where the wall is now?

25 MR. SHRIKE: The existing wall can

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2 remain in there. It more or less gets buried,
3 and they just pour or like I said 8-inch CMU
4 or 12-inch CMU block right up against it.

5 MEMBER FELDER: It's probably going to
6 get destroyed if you build the pool 2 feet
7 away from it anyway. They have to dig it out.

8 MR. SHRIKE: Not necessarily. It
9 depends how deep we have to go. That goes all
10 the way down to the basement, so the footings
11 are going to be lower than the pool would be.

12 MEMBER HILLER: I know it was not 100
13 percent precise, but in my measurements from
14 the present balcony or where this -- where you
15 are going to take in a foot to the outer wall
16 was not 27 feet. It was 24 feet. I think 27
17 feet would be from the other part of the
18 building to the wall. And the pool is going
19 to go across that middle section. Even if you
20 take it back a foot, that would only really be
21 25 feet to the outer wall. So you have a few
22 problems. You have -- if you have 14 foot
23 from the back fence to the pool, and a 10-foot
24 pool, that would leave 1 foot, not 2 feet. I
25 think the 3 feet only come into play

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2 irrespective of what it says here on the
3 survey. This is just my informal measurement
4 to the entire building, not to the outcropping
5 of the building, so that's one issue. The
6 other issue is we have -- especially when
7 neighbors -- as it is the code requires 20
8 feet as you know. You are asking for a
9 variance. We have never given a variance
10 under 15 feet.

11 MR. SHRIKE: I understand.

12 MEMBER HILLER: And anything we do sets
13 a precedent for future variances. So I see
14 two issues but reassure me that I am wrong.

15 MR. SHRIKE: I mean as you said in the
16 previous presentation, each lot is different
17 and this lot being a corner lot, it's very
18 restrictive. The house gets pushed back
19 towards the rear yard. It gets pushed toward
20 the side because you have to maintain the
21 front yard on both sides of the house.

22 MEMBER HILLER: I respect that and I
23 understand that.

24 MEMBER GOTTLIEB: Well, actually if I
25 can make a comment. It was omitted from the

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petition, but prior variances were issued for this property. I don't recall what they were but you are claiming the corner hardship but you were granted variances when this was first built. You were not the architect.

MR. SHRIKE: Yes.

MEMBER GOTTLIEB: I don't hold you in contempt for that. I just mentioned it was not previously mentioned, but it's something the Board must consider.

MR. SHRIKE: I understand.

CHAIRMAN KEILSON: Does anybody from the Building Department know what variances were permitted?

MR. VACCHIO: The only thing I can see, Chairman, is the front yard setback.

MR. CASTRO: On Juniper Circle East?

MR. VACCHIO: I can't recall.

CHAIRMAN KEILSON: So there is no variances that impact on the backyard situation?

MR. VACCHIO: Let's see. No, there shouldn't have been because that rear -- that's actually the rear yard. The front is

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2 Juniper Circle East. That means opposite of
3 that is the rear, and they can comply with 30
4 so they had 31. Their setback seems to be
5 okay from the --

6 MEMBER HILLER: In the surface coverage
7 that is existing, was the patio taken into
8 consideration or that section, the present
9 patio to be destroyed?

10 MR. SHRIKE: The present patio was taken
11 into consideration.

12 MEMBER HILLER: In the surface coverage?

13 MR. SHRIKE: Correct.

14 CHAIRMAN KEILSON: It's being reduced.

15 MEMBER HILLER: It's being removed.

16 MR. SHRIKE: No, no. There is going to
17 be a small seating area over here that will
18 remain, but I think we reduced almost just
19 under 200 square feet, 180 maybe of the patio
20 area to make surface area for the pool.

21 CHAIRMAN KEILSON: What is indicated at
22 577 down to 482?

23 MR. SHRIKE: Correct.

24 MEMBER GOTTLIEB: Is there any
25 consideration for a Succah?

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MEMBER HILLER: On the patio.

3

MRS. MOERMAN: I think Faigy made

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sure -- my designer discussed that and I think
5 there is enough surface for the Succah. I
6 hope so.

7

MEMBER MOSKOWITZ: What's the width --

8

the distance between the house and the pool in
9 the area that's not the 3-foot area?

10

MR. SHRIKE: Seven feet.

11

MEMBER MOSKOWITZ: And you have no
12 safety concern about the 3-foot area.

13

MR. SHRIKE: I do but it's -- there are
14 walkways, patios around the pool that are 3
15 feet typically. I mean, it's not -- it's
16 tight when it's up against the railing but --

17

MEMBER MOSKOWITZ: I guess one doesn't
18 have to go in there in order to enter the
19 pool. One could actually go around, correct?

20

MR. SHRIKE: Correct.

21

MEMBER MOSKOWITZ: In other words, one
22 could exit the house and remain the entire
23 time not in the 3-foot area and access the
24 pool?

25

MR. SHRIKE: Absolutely.

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2 MEMBER HILLER: Where is the fencing
3 around the pool?

4 MR. SHRIKE: There is fencing on the
5 rear yard, side yard, and there is a gate
6 access here at the edge of the house and same
7 on the north side of the house.

8 MEMBER HILLER: Show me the side of the
9 house. Where is the fence?

10 MR. SHRIKE: Right there there is a
11 gate. It's not on the renderings, but there
12 is a gate right here.

13 MEMBER HILLER: Where does the fence
14 extend to?

15 MR. SHRIKE: Goes all the way to the
16 backyard.

17 MEMBER HILLER: There is fencing along
18 the back?

19 MR. SHRIKE: Yes. Fencing along the
20 rear yard and the side.

21 MEMBER MOSKOWITZ: The tree remains or
22 the tree gets cut down?

23 MRS. MOERMAN: I think it has to get cut
24 down.

25 MR. SHRIKE: I believe we are going to

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try to keep it, but when you start digging and touching roots --

MEMBER GOTTLIEB: It's interesting that you show a fairly bare tree in the existing, but in the proposed you have 100-year-old birch tree which is --

MR. SHRIKE: The trees are growing in right now.

MEMBER MOSKOWITZ: The old tree and the fantasy tree are both not going to be there.

MEMBER GOTTLIEB: Right.

MEMBER MOSKOWITZ: What's the distance to the red house from the property line?

MR. SHRIKE: Seven and a half feet.

MEMBER MOSKOWITZ: To state the obvious, that wouldn't be allowed if that were constructed today. It's an existing nonconforming situation.

MR. SHRIKE: Correct.

MEMBER GOTTLIEB: I don't know. What's the side yard for the zone?

MR. SHRIKE: Fifteen. Thirty aggregate.

MEMBER FELDER: Can I ask, are you opposed -- because I know that because it's a

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2 precedent issue, they already stated that I
3 don't think we ever approved, right? Usually
4 never less than -- we don't.

5 Are you opposed to moving the pool
6 closer to the house in order to allow you to
7 maintain the -- at least the 15-foot setback?
8 Because I will tell you why. I have been
9 around a lot of pools here. That 3 feet is
10 more dangerous to leave and have people walk
11 in than actually just limit it almost entirely
12 because you are encouraging people to walk in
13 something that's more dangerous. This would
14 also allow you to build your pool the way you
15 want it as opposed to probably having to think
16 of alternate options to satisfy at least 15
17 feet from the rear yard. If they are even
18 amenable, if anyone is amenable to that.

19 MEMBER HILLER: The alternative is you
20 could have a 9-feet-by-35-foot pool.

21 MR. SHRIKE: We initially tried to go by
22 for a 12-foot pool, and by encouragement of
23 village we reduced it down to 10 feet.

24 MEMBER HILLER: We encourage you
25 further.

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2 MEMBER FELDER: That's why I think it
3 may be more beneficial to think of that

4 because then you are able to maintain --

5 MRS. MOERMAN: I am not sure. I am not
6 knowledgeable enough to say it's going to
7 work, but it sounds feasible to me. It sounds
8 like it make sense. I don't know. I
9 understand they want it closer to the home.

10 MEMBER FELDER: The 3 foot really
11 doesn't do you anything.

12 MR. SHRIKE: It's making people
13 uncomfortable walking around.

14 MEMBER FELDER: It will be very
15 uncomfortable to walk around the pool.

16 MRS. MOERMAN: So I would trust you if
17 you feel like you know more, but I would love
18 to run it by Faigy.

19 MR. SHRIKE: I do agree with him. It's
20 going to cut it back more. It also gives --
21 the kids will jump off the railing if it's too
22 close. Three feet is not much, but there is
23 still pros and cons to all of it.

24 MEMBER FELDER: I am just saying for the
25 sake of maintaining the integrity of the

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2 request of the applicant as best we can while
3 trying to satisfy the requirement as best as
4 we can. I can tell you my parents have that
5 exact situation.

6 MRS. MOERMAN: Do you think it's safe?

7 MEMBER FELDER: They moved the pool
8 closer to the house.

9 MRS. MOERMAN: Do you think it's safe?

10 MEMBER FELDER: It's safer because no
11 one walks on that side. They only walk on the
12 other three sides.

13 MR. SHRIKE: We did one over at another
14 house, Wolf I believe, where same instance
15 where we moved it almost right up against
16 their railing.

17 MEMBER FELDER: I mean, I can tell you
18 that walkway will never be used. It's almost
19 never going to be used.

20 MEMBER HILLER: It will also give you
21 the size that you want.

22 MEMBER FELDER: It will give you the
23 size that you want.

24 MRS. MOERMAN: I am good with it as long
25 as it's safe. I am really all into safety.

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2 MEMBER FELDER: I don't think there is
3 going to be a big difference in safety between
4 3 and 2 feet. In fact, I think 2 might be a
5 little better because it will discourage
6 people from even trying. In case of an
7 emergency, you can walk down a 2-foot path.

8 MEMBER GOTTLIEB: You have coping
9 anyway. If there is an emergency, you will
10 have coping.

11 MEMBER FELDER: It will be more like an
12 infinity pool.

13 MR. VACCHIO: The 3 foot is with the
14 coping, so it's going to be 1 foot of coping
15 and 1 foot of concrete.

16 MEMBER FELDER: You won't use that side.

17 MEMBER HILLER: Mrs. Moerman, we are
18 trying to work with you. It may seem we are
19 being complicated.

20 MEMBER FELDER: Plus you will also get
21 an extra foot on the other side which you can
22 use more lounge chairs on the other side which
23 is much more comfortable on the other side.

24 MRS. MOERMAN: Sounds great.

25 MR. VACCHIO: So you are going to go to

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2 and then 15 in the rear?

MR. SHRIKE: Yes.

MEMBER HILLER: I was going to bring up the fact that you can put the pool system on the other side, not encroach on the neighbor, but since you have a bank of electrical equipment already on that side, I didn't say it.

MEMBER GOTTLIEB: It sort of belongs there because the generator is there.

MEMBER HILLER: That's the loudest. That makes me overlook.

MEMBER FELDER: If you are modifying the staircase already, if you want to modify that to 3 feet, then you will get an extra foot back on the walkway around the pool. It's just a give and take on the staircases in this particular instance just to get down to the pool.

MEMBER GOTTLIEB: With this proposal are we modifying the staircase?

MEMBER HILLER: Not yet.

MEMBER FELDER: No, they are modifying the staircase.

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2 MEMBER GOTTLIEB: As proposed down to 3
3 feet versus 5?

4 MEMBER FELDER: Four feet versus 5.

5 MR. SHRIKE: We would have to still --

6 MEMBER FELDER: The question is if you
7 want to do that further because again, it's
8 the same logic as the walkway.

9 CHAIRMAN KEILSON: I think it's in
10 essence. We are recommending go to 15 and
11 what they do with the staircase --

12 MEMBER FELDER: -- is up to you.

13 CHAIRMAN KEILSON: -- is up to you. If
14 you want to narrow it and gain further
15 distance, all the better, but I think it
16 allows us to stay within the 15 feet that we
17 occasionally have granted. Do I --

18 MEMBER HILLER: Smile.

19 MRS. MOERMAN: I am going to trust that
20 it's safe. That's all I care about.

21 CHAIRMAN KEILSON: Well, you have his
22 phone number.

23 MRS. MOERMAN: Then I am fine with that.

24 MEMBER FELDER: You can make it safer
25 back to your original plan by just shrinking

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1
2 your staircase to 3 feet. It's just a give
3 and take.

4 MRS. MOERMAN: Yes. If Faigy was here
5 she would -- you know, I trust everybody else.
6 I am not knowledgeable enough.

7 MEMBER GOTTLIEB: I think we should say
8 that a pool itself is not safe, but I think
9 the proposal is no less safe as proposed
10 currently.

11 MR. SHRIKE: Yes.

12 CHAIRMAN KEILSON: Okay. Any comments
13 from the audience? Those who remain?

14 MRS. SCHARF: I am for the pool. Chani
15 Scharf. I am a back neighbor on the other
16 side.

17 CHAIRMAN KEILSON: Do you want to check
18 with your husband?

19 MRS. MOERMAN: He doesn't -- whatever.
20 He has plenty of say in everything but just
21 the house he doesn't care.

22 CHAIRMAN KEILSON: So let's just
23 summarize where we are up to. Surface
24 coverage request, again, the permitted is
25 4,071, proposed 4,377. That doesn't change.

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Right? It doesn't?

MEMBER GOTTLIEB: It kind of does. We are reducing the walkway by a foot.

MR. VACCHIO: It wasn't counted because of 3-foot.

MEMBER GOTTLIEB: But it's attached to a building.

MR. VACCHIO: With the landing and all. That's true.

MEMBER GOTTLIEB: It will certainly be no worse.

MR. VACCHIO: That little piece, the 3-foot wasn't counted.

CHAIRMAN KEILSON: Okay. It's staying at the 7.5.

MR. SHRIKE: It was counted. It's all solid ground.

MR. VACCHIO: But the landing is one. Separate between the pool and landing.

MR. CASTRO: It was and now you are saying it would be reduced by virtue of --

MR. SHRIKE: If we keep the patio where it is and we can either reduce the 1 foot on that west side of the property or put a 3-foot

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walkway on that other -- on the neighbor's side of the pool.

CHAIRMAN KEILSON: Let's assume that will be the case, and so we will go with the 7.5 percent. Hopefully it will work itself out. As far as the rear yard variance, we are going to 15 feet instead of the 20 feet, and then you have the pool equipment location, permitted 15 feet, we are asking for 10 and a half feet. Okay. So this will enable you to not have to come back to see us again.

Taking into consideration the benefit of the applicant as opposed to any detriment of the community, we are going to vote. Mr. Moskowitz?

MEMBER MOSKOWITZ: For.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: For.

CHAIRMAN KEILSON: Mr. Hiller?

MEMBER HILLER: For.

CHAIRMAN KEILSON: Mr. Felder?

MEMBER FELDER: I am for.

CHAIRMAN KEILSON: I vote for as well and a year and a half?

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2 MR. SHRIKE: Sure. You want to get the
3 pool in this summer?

4 MRS. MOERMAN: We are going to try.

5 MR. SHRIKE: Definitely by next summer.

6 CHAIRMAN KEILSON: Okay.

7 (Whereupon the hearing concluded at 8:25

8 p.m.)

9 *****

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

13 -----
 Ym

14 YAFFA KAPLAN

15 Court Reporter

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2 INCORPORATED VILLAGE OF LAWRENCE

3 BOARD OF APPEALS

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5 Village Hall
6 196 Central Avenue
7 Lawrence, New York

8
9 May 11, 2022
10 8:27 p.m.

11 APPLICATION:

12 Sax
13 270 Breezy Way
14 Lawrence, New York

15 P R E S E N T:

16 MR. LLOYD KEILSON
17 Chairman

18 MR. EDWARD GOTTLIEB
19 Member

20 MR. AARON FELDER
21 Member

22 MR. DANIEL HILLER
23 Member

24 MR. ELLIOT MOSKOWITZ
25 Member

MR. GERRY CASTRO
Building Department

MR. DANNY VACCCHIO
Building Department

Yaffa Kaplan
Court Reporter

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CHAIRMAN KEILSON: Let's go on the record. The matter of Sax at 270 Breezy Way. It's actually the applicant is technically 270 Breezy Way LLC, and we are just noting for the record that the applicant is not here.

MR. FINER: My name is Carl Finer. I am with Elterman Finer Architects. My associate Louis Fusco is the landscape architect and will be here momentarily. 217 Tree Top Crescent, Rye Brook, New York 10573.

MEMBER GOTTLIEB: The plans we have were drawn by Louis Fusco?

MR. FINER: By Louis Fusco and the pool house drawings were drawn by Elterman Finer Architects.

MEMBER GOTTLIEB: So the plans we are looking at are only Louis Fusco?

MR. FINER: He took care of sending in the drawings so I just -- I am not sure. I think he also sent in the architectural drawings.

MEMBER MOSKOWITZ: What's your role in the project?

MR. FINER: I am the architect for the

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pool house.

MEMBER MOSKOWITZ: Only for the pool house but not for the rest of the project?

MR. FINER: If there are any other architectural components to it, I will be the architect of record on that. I believe that all the rest of the work is considered landscape architecture.

MEMBER GOTTLIEB: How about if we just talk about the pool house for now?

MR. FINER: Okay. It's a deal. So right now I guess our pool house sits at 897.25 feet. There is an accessory building coverage of 3,557.6 feet.

MEMBER HILLER: I'm sorry. Say that again.

MR. FINER: So the accessory building coverage, the allowable is 3,557.6 square feet. We are proposing 898.25 square feet. The accessory building square footage --

MEMBER HILLER: Where do you see that? Am I missing something here?

MEMBER GOTTLIEB: It's not there.

MR. CASTRO: It's not on the code

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relief.

MR. FINER: And the landscape architect is here. But we can continue with the pool house if that's --

CHAIRMAN KEILSON: I think we should look at the big picture.

MR. FUSCO: Good evening. And I so apologize. I have been sitting on Rock --

MEMBER FELDER: Rockaway Turnpike.

MR. FUSCO: I left Pound Ridge, New York Bedford at 5:15, made it to JFK at a quarter to 7:00 and sat for an hour and a half. So I am so sorry. I apologize for any waiting you had to do. Good evening. My name is Louis Fusco, Landscape Architects, representing the Saxes.

CHAIRMAN KEILSON: Do you know why the applicant is not here?

MR. FUSCO: They asked if they needed to be here and I said you know, we would be presenting, and you know, she felt if we needed her here but --

CHAIRMAN KEILSON: Okay. Very unusual for the applicant not to be here because very

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2 often there are questions that only he or she
3 or they can respond to but proceed.

4 MR. FUSCO: Okay. So we did --
5 Chairman, I know and I appreciate and I also
6 want to say I appreciate you taking the time
7 to have a pre-meeting with us, and I don't
8 know if you have seen the plans. We made a
9 significant reduction in the square footage.

10 CHAIRMAN KELSON: We have all seen --
11 we have all visited the site, and we
12 appreciate the fact that you made the effort
13 to really --

14 MR. FUSCO: Really cut back and
15 basically I have some photos of the property.
16 If you have all been to the property, you are
17 aware that our biggest constraint with regard
18 to coverage is the fact that the house is set
19 back further. We have got -- the driveway
20 takes up a lot of coverage area, and as in the
21 existing condition it's already considerably
22 over. We actually, in the reworking of the
23 driveway, have been able to shave some so that
24 we have reduced the existing coverage for the
25 driveway. So the earlier application that we

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2 were submitting had an increase in coverage
3 for the front yard setback for the driveway
4 area primarily and we have decreased that.

5 MEMBER HILLER: Where did you cut back
6 because we were told by the owners that you
7 are extending the driveway and widening it?

8 MR. FUSCO: We are extending it in one
9 entry area where she is parking, and we cut
10 back in different areas in the drive itself.

11 MEMBER HILLER: Where did you cut back?

12 MR. FUSCO: Okay. This is the curb loop
13 that goes to the rear of the property. Right
14 now we have increased a little here and cut
15 back a big section here. It's extra wide in
16 this area, but because of the geometry of it,
17 it puts you in a weird curve so we were able
18 to eliminate some square footage here. We
19 have also eliminated along this curve also.

20 It's a pretty wide exit area that we were able
21 to eliminate also, and our earlier proposal
22 had additional driveway here which has been
23 eliminated as well. So in the end our square
24 footage has been reduced.

25 MEMBER HILLER: You are reducing it from

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1
2 what? You extended it.

3 MR. FUSCO: No. We are reducing it.

4 The present condition is 3,672 square feet.

5 We are down to 3,665. It's not a significant
6 reduction.

7 MEMBER HILLER: It's 7 feet.

8 MR. FUSCO: Yes. It's a reduction.

9 That's what I am saying.

10 MEMBER HILLER: Well put.

11 MEMBER GOTTLIEB: You have the red
12 dashed lines throughout the driveway. Do they
13 signify anything?

14 MR. FUSCO: The lines signify how your
15 town verifies front yard setback for
16 calculations for -- not setback. For lot
17 coverage. You have setbacks. You have a
18 front yard 50-yard setback. I know somebody
19 that came to the client today had some
20 questions about it, and it could have been on
21 the smaller, the 11 by 17. It may have been
22 more difficult to see some of the setbacks,
23 but we have a 10-foot setback for accessory
24 buildings which is for the pool house and
25 cabana. We have a 20-foot setback which is

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1 listed here for the pool and we are --

2
3 MEMBER HILLER: Wait a minute. You have
4 a 10-foot setback from the cabana to the
5 property edge?

6 MR. FUSCO: Yes.

7 MEMBER HILLER: Aren't they required to
8 have more?

9 MR. VACCHIO: A District is 10.

10 MEMBER GOTTLIEB: I see that outlined in
11 the dash. I guess because you were talking
12 about the driveway and I see where the 50-foot
13 front setback is and there is something in the
14 front that says Breezy Way. It's sort of a --
15 not a trapezoid but some sort of polygon.

16 MR. FUSCO: This here. That's just the
17 street.

18 MEMBER GOTTLIEB: Yes. I just didn't
19 know -- I am trying to figure out, as Mr.
20 Hiller is, the reduction in the driveway.

21 MEMBER HILLER: There is virtually no
22 reduction in the front.

23 MR. FUSCO: There isn't an increase.

24 There is a 7 feet --

25 MEMBER HILLER: That's true.

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2 MR. FUSCO: Basically that was in
3 response -- we originally had the client was
4 hoping for a lot more parking in the front so
5 they wouldn't have parking out on the street
6 at all and we had additional spaces. In
7 speaking to your chairman, we worked it out to
8 eliminate all that and not add for any
9 increase on the driveway.

10 MEMBER FELDER: But they have extra
11 spots around the bend. You have two spots
12 there.

13 MR. FUSCO: Is the driveway.

14 MEMBER FELDER: Then you have where the
15 cars are and the driveway.

16 MR. FUSCO: Yes. So basically we are
17 keeping the existing driveway as is. We have
18 reduced it slightly as I mentioned. It is --
19 you know, it's not unusual for the area. I
20 got on one of these boards also, we can see
21 some photos of looped driveways in the area
22 are not uncommon. And it is -- you know, the
23 fact that the house is set the way it is and
24 the angle, the driveway is taking up a
25 considerable amount of the lot coverage. So

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2 MR. FUSCO: They are fine with lawn.

3 MEMBER HILLER: That was easy. We can
4 have more lawn if you want. One thing I love
5 in plans, the people are very nice also. We
6 went to the property and spoke to them. They
7 asked you to give us the surface coverage of
8 various parts that we believe are difficult to
9 read on the map. So let's start with the
10 closest to the house, the paved area that has
11 the --

12 MR. FUSCO: This area here?

13 MEMBER HILLER: What is this?

14 MR. FUSCO: The square area there is
15 just around 1,000 square feet.

16 MEMBER HILLER: What is it exactly?
17 What are the dimensions?

18 MR. FUSCO: It is -- hold on. It's 25
19 by 40 feet. I just measured that earlier.
20 It's 40 by 25. However, when you take out the
21 actual bay windows, it's probably about --

22 MEMBER HILLER: 950.

23 MR. FUSCO: Something like 950.

24 MEMBER HILLER: What's the actual area?

25 Since the gentleman from the village, the fire

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2 pit area does not count as coverage if it's
3 all grass; is that correct?

4 MR. CASTRO: That's correct.

5 MR. VACCHIO: If it's grass it doesn't
6 count.

7 CHAIRMAN KEILSON: I'm sorry. On the
8 ground drawing is it grass or is it --

9 MEMBER HILLER: This is going to be
10 grass. They said originally gravel but where
11 the fire pit is --

12 MR. FUSCO: We changed that to grass.

13 MEMBER HILLER: It's back to grass.

14 CHAIRMAN KEILSON: How is it computed on
15 your chart? Is it surface coverage or not?

16 MR. FUSCO: I will double-check if that
17 was covered as coverage there.

18 MEMBER HILLER: Can you give me now
19 the --

20 CHAIRMAN KEILSON: Hold on.

21 MR. VACCHIO: So I look at it this way.
22 The fire pit in the center, if he has got a
23 4-foot diameter around that, it's the same
24 thing as not counting a 4-foot walkway.

25 MEMBER HILLER: That's fine with me. I

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2 am not disputing that. I need now the surface
3 area of the pool and the stone area around the
4 pool excluding the buildings. Excluding the
5 spa building and cabana. The pool is a
6 square, a little cutout. What is the side
7 area? All right. Give me the width and
8 length.

9 MR. FUSCO: About 1,600 square feet,
10 that whole area. The patio is 850 square
11 feet, and the pool is 19 by 38.

12 MEMBER HILLER: Don't give me that.

13 Make this area a box. You see it extends all
14 the way to almost to the property line on the
15 other side. Give me the width and length of
16 the box which includes the pool in the middle
17 of it.

18 MEMBER FELDER: And the spa.

19 MR. FUSCO: We are 56 feet by 32 feet.

20 MEMBER HILLER: What does that come to?

21 MR. CASTRO: 1,792.

22 MEMBER HILLER: 1,792 and now the spa,
23 the spa buildings. They are about 40 feet in
24 length side to side. They are about 40 feet
25 in length because you have almost 19 and --

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2 MEMBER HILLER: It's 40 by what?

3 MR. FUSCO: It's 40 by 22 in the center
4 if you want to take an average.

5 MEMBER HILLER: About 20.

6 MEMBER GOTTLIEB: We actually have the
7 number from the architect who says it was 898
8 square feet.

9 MR. FINER: Which we are going to reduce
10 back to --

11 MEMBER HILLER: You are reducing it to
12 what?

13 MR. FINER: So there is an issue. One
14 of the variances, I guess the pool has -- the
15 maximum square footage for a pool house is
16 600. Am I --

17 MR. VACCHIO: Are you talking about lot
18 coverage, 8.5 percent of the lot?

19 MR. FUSCO: No. The size of the actual.

20 MR. FINER: Of the building itself.

21 MR. FUSCO: Of an accessory structure.

22 MR. VACCHIO: Accessory structure can't
23 exceed 8.5 percent of the lot.

24 MEMBER GOTTLIEB: So the 600 feet is not
25 an issue?

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2 already. She knew that that area might have
3 to be lawn, and she was fine with that.

4 CHAIRMAN KEILSON: When did the
5 applicant move into the house?

6 MR. FUSCO: I believe they have been in
7 two years.

8 MR. FINER: About two years.

9 MR. FUSCO: They have been in almost two
10 years.

11 CHAIRMAN KEILSON: How many people
12 living on the site?

13 MR. FUSCO: They have three -- five of
14 them.

15 CHAIRMAN KEILSON: Five children?

16 MR. FUSCO: Three children, two adults.

17 And his parents stay from time to time so they
18 do have --

19 CHAIRMAN KEILSON: Okay.

20 MEMBER GOTTLIEB: Off the record.
21 (Discussion off the record.)

22 MEMBER GOTTLIEB: Where did you want to
23 cut back now that you see the numbers?

24 MEMBER HILLER: Now I don't need
25 anything cut back. So now the numbers add up,

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2 so it's just a question whether we want to
3 give the 10 percent overage on surface
4 coverage. That's the variance, but at least
5 the number I am voting on is an accurate
6 number.

7 MEMBER GOTTLIEB: Who has got a
8 calculator?

9 MEMBER FELDER: Me.

10 CHAIRMAN KEILSON: In terms of lot
11 coverage, I will just share with you.
12 Permitted is .28, 28 percent. And they are
13 looking for 31 percent.

14 MEMBER GOTTLIEB: Is 31 percent
15 reasonable in the A District?

16 CHAIRMAN KEILSON: Mr. Castro?

17 MEMBER GOTTLIEB: Is 31 percent
18 reasonable in the A District?

19 MR. CASTRO: Yes.

20 MR. VACCHIO: 30.8 percent.

21 CHAIRMAN KEILSON: Thirty-one percent is
22 considering those applications that come
23 before us.

24 MEMBER GOTTLIEB: But they are not with
25 41,000-square-foot lots.

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2 CHAIRMAN KEILSON: I am saying so it's
3 even less egregious. Less impactful. And the
4 fact that they were able to rejigger
5 everything and come down dramatically,
6 dramatically, it makes his two-hour trip,
7 three-hour trip worthwhile.

8 MR. FUSCO: Anything for you.

9 MEMBER GOTTLIEB: I noticed that you
10 have 3 I guess 4-foot-by-2-foot pavers or
11 stepping stones.

12 MR. FUSCO: Stepping stones.

13 MEMBER GOTTLIEB: Clearly that was for
14 the purpose of not including it, right?

15 MR. FUSCO: Yes but even if we

16 originally had calculated all the walkways and
17 your building inspector was able to inform us
18 that the walks would not count --

19 MR. VACCHIO: I didn't count them.

20 MEMBER GOTTLIEB: I just wanted that to
21 be clear because they may really not want to
22 use those stones and keep the existing
23 walkway. The house is very pretty. It's an
24 option.

25 MR. FUSCO: I think they liked the look

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2 of the stepping stones, but they can
3 technically -- if they wanted to do one of
4 them as a solid, that's also an option.

5 MR. VACCHIO: Your choice.

6 MEMBER GOTTLIEB: Because they have the
7 walkway going all the way to the back. It
8 looks very pretty.

9 MR. FUSCO: If you have been to the
10 site, the site is probably one of the most
11 screened from all the neighbors so there is no
12 real impact to any of the neighboring sites
13 and we are going to be doing some additional
14 planting as well in the few locations where
15 you can see behind the driveway one of the
16 neighbors.

17 MEMBER GOTTLIEB: In the rear left side
18 of the property, there is a drop-off as it
19 goes to I think it's Willow Way. There will
20 be -- all the water runoff will be contained
21 on this site?

22 MR. FUSCO: All water will be contained
23 on the site. That drop-off wall that you saw
24 there is on property by a few feet. About 4,
25 5 feet in that area. There is some area

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2 there, there is some plantings that we will be
3 adding into the lower, but we try to do
4 everything to remediate all water, obviously
5 remediate it all onsite, and we also integrate
6 some bio-retention rain guards in areas just
7 to keep --

8 MEMBER GOTTLIEB: It looks like the
9 property behind it takes on water just from a
10 visual. It looks as if that property is set
11 several feet below this property.

12 MR. FUSCO: Yes.

13 MEMBER GOTTLIEB: And it takes on water.
14 Whether it be runoff or just lower line.

15 MR. FUSCO: We will keep that in mind in
16 the final working of it all.

17 CHAIRMAN KEILSON: Any further
18 questions? I want you to laud you for the
19 presentation. I think it's quite admirable in
20 terms of all the material that you prepared.
21 Really very professional.

22 MR. FUSCO: Thank you.

23 CHAIRMAN KEILSON: It really stands out.
24 So I think we are very appreciative of that.

25 So taking into consideration the benefit

to the applicant, taking into consideration the ability of the applicant and its representatives to bring his numbers back into line, benefit to the applicant versus any detriment, Mr. Felder?

MEMBER FIELDER: FOR.

CHAIRMAN KEILSON: Mr. Hiller?

MEMBER HILLER: Please express to the owners our disappointment that they are not here this evening. They were very charming and very nice to meet in the afternoon, and really they should have been here.

MR. FUSCO: Then it's my fault.

MEMBER HILLER: That being said, I vote for.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: FOR.

CHAIRMAN KEILSON: And Mr. Moskowitz?

MEMBER MOSKOWITZ: For.

CHAIRMAN KEILSON: I vote for as well.

And how much time?

MR. VACCHIO: Two years enough?

MR. FUSCO: Also I should have -- one of the neighbors did send a letter also just this

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afternoon.

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CHAIRMAN KEILSON: Approving or

4

objecting?

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MR. FUSCO: Approving.

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CHAIRMAN KEILSON: Two years.

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(Whereupon the hearing concluded at 8:52

8

p.m.)

9

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

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YAFFA
YAFFA KAPLAN

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Court Reporter

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