

Mendelsohn - 6/24/20

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

June 24, 2020
7:35 p.m.

APPLICATION:

Mendelsohn
290 Narragansett Avenue
Lawrence, New York

19:35

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

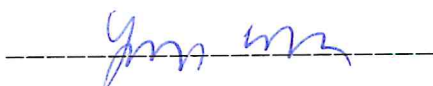
MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

19:35
19:35

Mendelsohn - 6/24/20

1
2 CHAIRMAN KEILSON: Okay, ladies and 19:35
3 gentlemen. Welcome to the Lawrence Board of 19:35
4 Zoning Appeals. Please no conversations. 19:35
5 Turn off your phones. 19:35
6 Mr. Castro, proof of posting? 19:35
7 MR. CASTRO: I am actually going to have 19:35
8 Mr. Vacchio offer proof of posting. 19:35
9 MR. VACCHIO: Mr. Chairman, I offer 19:35
10 proof of posting and publication. 19:35
11 CHAIRMAN KEILSON: Thank you very much. 19:35
12 Very good. We have a request for an 19:35
13 adjournment on the Mendelsohn matter at 290 19:35
14 Narragansett Avenue. They have asked to put 19:35
15 it over to the next meeting. Any concern on 19:35
16 the part of the Board? 19:35
17 MEMBER MOSKOWITZ: Fine. 19:35
18 (Whereupon the hearing concluded at 7:35 p.m.)
19 *****
20 Certified that the foregoing is a true and accurate
21 transcript of the original stenographic minutes in
22 this case.
23 
24 YAFFA KAPLAN
25 Court Reporter 19:35

Berkowitz - 6/24/20

19:35

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

June 24, 2020
7:35 p.m.

APPLICATION:

Berkowitz
2 Regent Drive
Lawrence, New York

19:35

P R E S E N T:

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Court Reporter

1 Berkowitz - 6/24/2020

2 CHAIRMAN KEILSON: The first matter we 19:35
3 will consider this evening is Berkowitz at 2 19:35
4 Regent Drive. They or their representative, 19:35
5 please step forward. 19:35

6 CHAIRMAN KEILSON: Good evening. 19:36

7 MRS. BERKOWITZ: Good evening. 19:36

8 CHAIRMAN KEILSON: Introduce yourself to 19:36
9 the stenographer. 19:36

10 MRS. BERKOWITZ: Ruth Berkowitz and I 19:36
11 live at 2 Regent Drive, Lawrence. 19:36

12 CHAIRMAN KEILSON: Okay. 19:36

13 MRS. BERKOWITZ: We would like to put in 19:36
14 a pool in our backyard. I think there is a 19:36
15 problem -- there are two problems with that 19:36
16 situation that we have. 19:36

17 CHAIRMAN KEILSON: Just speak up a 19:36
18 little bit. 19:36

19 MRS. BERKOWITZ: I think we have two 19:36
20 problems that we were told about and we asked 19:36
21 for a variance, which was the first one was 19:36
22 that the way the house is built, the front of 19:36
23 the house is the backyard and we can't have a 19:36
24 pool in the front of the house. But that's 19:36
25 not -- the way -- I don't know why that is, 19:36

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2 but our house, it is the backyard. The pool 19:36
3 -- where we want to put the pool is in the 19:36
4 backyard. 19:36

5 CHAIRMAN KEILSON: It's technically 19:36
6 called the front yard? 19:36

7 MRS. BERKOWITZ: Right. Technically 19:37
8 called. 19:37

9 CHAIRMAN KEILSON: Okay. 19:37

10 MRS. BERKOWITZ: And the other thing was 19:37
11 about -- the other point was the amount of 19:37
12 coverage that our house is on the land, how 19:37
13 much coverage we have. 19:37

14 CHAIRMAN KEILSON: Correct. Okay, 19:37
15 specifically on the impervious surface 19:37
16 coverage you have an excess of 257 square 19:37
17 feet, equivalent of 6.9 percent. If we treat 19:37
18 the pervious and impervious as a single total 19:37
19 of surface coverage, you would have 4,973 and 19:37
20 let's see. I think the total -- the number 19:37
21 here -- 19:37

22 MEMBER GOTTLIEB: Do we have those 19:37
23 numbers? 19:37

24 CHAIRMAN KEILSON: Gerry, what were the 19:37
25 numbers we had on the pervious and impervious? 19:37

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2 MR. CASTRO: Combined? 19:37

3 CHAIRMAN KEILSON: Yes. Proposed -- 19:37

4 actually, it's only 3,971, right? There is no 19:38

5 pervious. 19:38

6 MR. VACCHIO: Would be 4,973 -- 19:38

7 CHAIRMAN KEILSON: -- is on the 19:38

8 permitted and proposed is 3,971. 19:38

9 MR. CASTRO: So -- 19:38

10 CHAIRMAN KEILSON: So if we put that in 19:38

11 terms of the total surface coverage, they are 19:38

12 well below. Okay. Any questions from the 19:38

13 Board? 19:38

14 MEMBER HILLER: You intend to put in 19:38

15 screening around the pool since your pool is - 19:38

16 the pool is on the side of the house or to the 19:38

17 rear side of the house you have traffic coming 19:38

18 nearby, pedestrians coming by? 19:38

19 MRS. BERKOWITZ: Whatever we need to do, 19:38

20 yes. 19:38

21 MEMBER HILLER: What does that mean? 19:38

22 MRS. BERKOWITZ: If we need to put up 19:38

23 screening, we will. Well, we want to have 19:38

24 privacy. That's a very important factor. 19:38

25 MEMBER HILLER: A fence? 19:38

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2 MRS. BERKOWITZ: Yes. 19:38

3 MEMBER HILLER: And trees substantial 19:38
4 enough to avoid people looking in for your own 19:38
5 benefit? 19:38

6 MRS. BERKOWITZ: Absolutely. 19:38
7 Absolutely. 19:39

8 MEMBER GOTTLIEB: You have been living 19:39
9 in the house about 16 years? 19:39

10 MRS. BERKOWITZ: No. We have been 19:39
11 living there for 26 years or 27 years. 19:39

12 MEMBER GOTTLIEB: I actually did the 19:39
13 wrong math. That's even better. 19:39

14 From the Building Department's point of 19:39
15 view, let me ask you a question. 19:39

16 MR. CASTRO: Yes. 19:39

17 MEMBER GOTTLIEB: Because pools are not 19:39
18 allowed in the front yard so we don't have a 19:39
19 front-yard setback established for the pool. 19:39
20 In this case it's almost 17 feet. I don't 19:39
21 know what Herrick -- 19:39

22 MR. CASTRO: From the property line on 19:39
23 Herrick Drive. 19:39

24 MEMBER GOTTLIEB: I don't know what 19:39
25 reasonable is considered because we don't have 19:39

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2 guidelines for setbacks on a front yard. 19:39

3 MR. CASTRO: I mean, if it were to be 19:39

4 considered a side yard, then it would be 19:39

5 compliant. 19:39

6 MEMBER GOTTLIEB: Fifteen feet would be 19:39

7 a side yard. 19:39

8 MR. CASTRO: This is a C-1 district. I 19:39

9 believe it's 10 in this district. 19:39

10 MR. VACCHIO: Are we talking about the 19:39

11 rear or the side? 19:39

12 MEMBER GOTTLIEB: Depends how you would 19:40

13 like to look at it. So I am talking about 19:40

14 Herrick Drive, the setback from Herrick Drive. 19:40

15 Again, because we don't have any front-yard 19:40

16 setback. 19:40

17 MR. CASTRO: For our zoning we are 19:40

18 calling it a front yard because -- 19:40

19 MEMBER GOTTLIEB: Because it's smaller. 19:40

20 CHAIRMAN KEILSON: It's a side yard. 19:40

21 MEMBER FELDER: It's a side yard in the 19:40

22 rear of the house. 19:40

23 MEMBER GOTTLIEB: Another question I 19:40

24 have, do you have any letters of support from 19:40

25 your next-door neighbor? 19:40

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2 MRS. BERKOWITZ: No, I don't but I spoke 19:40
3 to them. I can get if you need. 19:40

4 MEMBER GOTTLIEB: This would be the time 19:40
5 to have it. 19:40

6 MRS. BERKOWITZ: I do have a letter from 19:40
7 my doctor about the need. 19:40

8 MEMBER GOTTLIEB: Unless your doctor 19:40
9 lives next door, it's not -- thank you. The 19:40
10 only concern -- 19:40

11 MEMBER FELDER: They are not encroaching 19:40
12 on that neighbor. 19:40

13 MRS. BERKOWITZ: I asked the neighbor, 19:40
14 but we didn't produce it. I don't have a 19:41
15 letter from them. 19:41

16 MR. VACCHIO: Since it's located in the 19:41
17 rear, it's technically the front, but there is 19:41
18 no property behind her. 19:41

19 CHAIRMAN KEILSON: Good evening. 19:41

20 MEMBER MOSKOWITZ: Does he need to 19:41
21 present? 19:41

22 CHAIRMAN KEILSON: To shed any light on 19:41
23 it? 19:41

24 MR. DRUCKER: I am Robert Drucker from 19:41
25 Long Island Gunite Pools. We are presenting 19:41

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1
2 the application to install a gunite swimming 19:41
3 pool, and I know that we are requesting it to 19:41
4 be in the classified two front yards on this 19:41
5 property. But there is really no other 19:41
6 location that it could be placed on the 19:41
7 property. We are requesting a 15 by 30 with a 19:41
8 4-foot walkway around the pool, which is part 19:42
9 of the Lawrence requirements or conditions if 19:42
10 that's allowed. We are about 17 feet from the 19:42
11 property line on Hendrick -- 19:42
12 CHAIRMAN KEILSON: Herrick. 19:42
13 MR. DRUCKER: Herrick, sorry, and we are 19:42
14 enclosing the entire pool as per New York 19:42
15 State Code with an approved fence, and we have 19:42
16 all the details on the plans. 19:42
17 CHAIRMAN KEILSON: Okay. The applicant 19:42
18 did a very able job. 19:42
19 MR. DRUCKER: She was very good? 19:42
20 CHAIRMAN KEILSON: Yes. She was really 19:42
21 very good. She may take it up as a living. 19:42
22 Any questions for Mr. Drucker? Okay. Is 19:42
23 there anyone else in the audience who wants to 19:42
24 speak to the matter? Otherwise, we will 19:42
25 evaluate the benefit to the applicant as 19:42

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2 opposed to any detriment to the community, and 19:42

3 we will vote beginning with Mr. Moskowitz. 19:42

4 MEMBER MOSKOWITZ: This was an easy one. 19:42

5 Yes. 19:42

6 CHAIRMAN KEILSON: Mr. Gottlieb? 19:42

7 MEMBER GOTTLIEB: For. 19:42

8 CHAIRMAN KEILSON: Mr. Hiller? 19:43

9 MEMBER HILLER: For. 19:43

10 CHAIRMAN KEILSON: Mr. Felder? 19:43

11 MEMBER FELDER: For. 19:43

12 MR. PRESTON: Mr. Chairman, is there a 19:43

13 condition of screening on this? 19:43

14 MR. DRUCKER: Well, the pool is already 19:43

15 screened. Whatever the grounds around the 19:43

16 perimeter. 19:43

17 CHAIRMAN KEILSON: We visited the site 19:43

18 and indicated that it's sparse. 19:43

19 MEMBER HILLER: It was sparse. 19:43

20 MR. DRUCKER: I am sure they wouldn't 19:43

21 mind adding additional evergreen coverage. 19:43

22 CHAIRMAN KEILSON: The question is as 19:43

23 counsel suggested that we make it a condition 19:43

24 so I think is that okay with the Board? 19:43

25 MEMBER GOTTLIEB: Sure. 19:43

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MEMBER MOSKOWITZ: Yes.

19:43

CHAIRMAN KEILSON: Mr. Hiller, you were
about to vote.

19:43

19:43

MEMBER HILLER: I vote for.

19:43

CHAIRMAN KEILSON: The chairman votes
for the screening.

19:43

19:43

MEMBER FELDER: For.

19:43

CHAIRMAN KEILSON: And of course, any
questions about the screening you will submit
to the Building Department.

19:43

19:43

19:43

MR. DRUCKER: Okay.

19:43

CHAIRMAN KEILSON: How much time do you
want to give them? One year? One year will
be fine.

19:43

19:43

19:43

MR. DRUCKER: Yes.

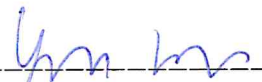
19:44

CHAIRMAN KEILSON: Thank you very much.

19:44

(Whereupon the hearing concluded at 7:44 p.m.)

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



YAFFA KAPLAN

Court Reporter

19:44

Bodner - 6/24/2020

19:44

INCORPORATED VILLAGE OF LAWRENCE

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Bodner
26 Bayberry Lane
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19:35

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Bodner - 6/24/2020

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CHAIRMAN KEILSON: Next matter is that
of Bodner at 26 Bayberry. They or their
representative, please step forward.

MS. KUPFERSTEIN: Good evening. I am
Barbara Kupferstein, and I am the architect of
record. I am representing the Bodners in
their request for a swimming pool. As you can
see from the petition, the circumstance is
that their property has a street in front and
a street in back. And so therefore, through
no device of their own, they are in a
circumstance where they have two front yards.
And so we are asking for relief from the no
pools in the front yard. If there is any
question, it's all on the drawing.

MEMBER HILLER: The main concern I had
was I understand Kenridge is in back of you.
Really that's your backyard. My main concern
was the neighbor today to the right, do you
have any letters of support from the neighbor
to the right of the house?

MS. KUPFERSTEIN: So I know my client
got a verbal approval. That doesn't help you.
The neighbor to the right is a previous client

Bodner - 6/24/2020

1
2 of mine for whom I -- they didn't need a 19:45
3 variance, but I did the application for their 19:45
4 pool last year and they were the ones who 19:45
5 recommended me to the homeowners. So if you 19:45
6 want to verify that, of course, I understand 19:45
7 but that's -- you know, that would sound like 19:45
8 a vote of approval to me. 19:45
9 CHAIRMAN KEILSON: Well, they are not 19:45
10 encroaching? 19:45
11 MEMBER HILLER: No. 19:45
12 CHAIRMAN KEILSON: Nice to have their 19:45
13 approval. 19:45
14 MEMBER HILLER: That's correct. 19:45
15 MEMBER GOTTLIEB: So this is another 19:45
16 case of front yard pools. 19:45
17 MS. KUPFERSTEIN: Except it's not on the 19:45
18 street but technically yes. 19:45
19 CHAIRMAN KEILSON: Same. 19:45
20 MEMBER GOTTLIEB: So I just have to tell 19:45
21 you, I have been on the Board for a few years. 19:45
22 We have a lot of pools coming in. A 5-foot 19:46
23 yard just seems a little tight. Like, you 19:46
24 know, I am not -- I think that again, there is 19:46
25 no requirement for front yards for a pool, so 19:46

Bodner - 6/24/2020

1
2 I just don't see how you can have a 5-foot 19:46
3 setback, which is 5 feet from the fence that 19:46
4 would be there or will be there. 19:46
5 MS. KUPFERSTEIN: The fence is there. I 19:46
6 have a photograph and an aerial shot to give 19:46
7 you a better picture. 19:46
8 MEMBER GOTTLIEB: Do we already have 19:46
9 those? 19:46
10 MS. KUPFERSTEIN: No. I have two sets, 19:46
11 so I guess you can share. 19:46
12 MEMBER GOTTLIEB: I know the Kenridge 19:46
13 side very well. 19:46
14 MS. KUPFERSTEIN: That's what I am 19:46
15 showing you. 19:46
16 MEMBER GOTTLIEB: Please hand it to the 19:46
17 chairman out of respect. 19:46
18 MS. KUPFERSTEIN: I'm sorry. This is an 19:46
19 aerial of the property, and this is the 19:46
20 street. So what I would say is that besides 19:46
21 the fact that, you know, I don't want to get 19:47
22 -- it's a circumstance of double jeopardy. Is 19:47
23 it a front yard or backyard? But that being 19:47
24 said, I would just sort of appeal to your 19:47
25 reason, which is that the back fence which you 19:47

Bodner - 6/24/2020

1
2 will see here offers substantial privacy. 19:47
3 There is a wide street, it's a county street, 19:47
4 and then there is a very significant setback 19:47
5 to the house on Kenridge on the other side so 19:47
6 that while the law -- you know, the code that 19:47
7 governs how far pools have to be from the yard 19:47
8 are to ensure the neighbors don't butt up and 19:47
9 each one has their privacy, this particular 19:47
10 circumstance, you know, that's not going to be 19:47
11 an issue. 19:47
12 CHAIRMAN KEILSON: You are concerned 19:47
13 about the -- 19:47
14 MEMBER GOTTLIEB: Well, I will give you 19:47
15 an example. The last application, just by 19:47
16 coincidence I was questioning if 16 feet from 19:47
17 the street is reasonable and now we are at 5 19:47
18 feet. 19:47
19 CHAIRMAN KEILSON: The question is who 19:47
20 will be disturbed. 19:47
21 MEMBER GOTTLIEB: We always have that 19:48
22 question. 19:48
23 CHAIRMAN KEILSON: No. In this 19:48
24 particular case traffic. 19:48
25 MS. KUPFERSTEIN: I understand. Five 19:48

Bodner - 6/24/2020

1
2 feet in a different circumstance would be very 19:48
3 little. 19:48
4 MEMBER GOTTLIEB: Are you going to have 19:48
5 a walk around the pool, a patio? 19:48
6 MS. KUPFERSTEIN: That is new pervious 19:48
7 pavers around. 19:48
8 MEMBER GOTTLIEB: So then I virtually 19:48
9 have nothing; just the fence, pavers, and the 19:48
10 pool. 19:48
11 MS. KUPFERSTEIN: On that side. 19:48
12 MEMBER GOTTLIEB: There will be no 19:48
13 greenery if you will. 19:48
14 MS. KUPFERSTEIN: On that side but I can 19:48
15 ask my client what they are willing to 19:48
16 negotiate but right now it's not. 19:48
17 MEMBER FELDER: Are there trees there 19:48
18 now? 19:48
19 MS. KUPFERSTEIN: I have a photo what's 19:48
20 there. Just the aerial. 19:48
21 MEMBER GOTTLIEB: It didn't make its way 19:48
22 back there. It's caught up in litigation. 19:48
23 MS. KUPFERSTEIN: I mean, there is grass 19:49
24 there. Maybe you can tell me -- 19:49
25 CHAIRMAN KEILSON: Why don't you step 19:49

Bodner - 6/24/2020

1
2 forward? Let me just state the applicant is a 19:49
3 nephew of mine, Donny Bodner. 19:49
4 MR. BODNER: Currently we have removed 19:49
5 most of the trees in the yard in order so that 19:49
6 we can clear the space and the roots so that 19:49
7 the trees can be built. We have maintained a 19:49
8 distance from the neighbors and spoken to 19:49
9 every neighbor that is connected to our yard, 19:49
10 and they have all been extremely supportive. 19:49
11 If I knew that getting something in writing in 19:49
12 advance was helpful -- 19:49
13 MEMBER HILLER: But you did. 19:49
14 MR. BODNER: I did. You are right. I 19:50
15 didn't realize it was a deal-breaker. 19:50
16 MEMBER MOSKOWITZ: That in itself is not 19:50
17 a deal-breaker. It certainly would have 19:50
18 helped. 19:50
19 MEMBER FELDER: Is it this property 19:50
20 behind the trees? 19:50
21 MS. KUPFERSTEIN: No. Behind the fence. 19:50
22 MR. BODNER: So the distance between the 19:50
23 pool and the houses on Kenridge is probably 19:50
24 about 50 feet. 19:50
25 MS. KUPFERSTEIN: More. To the next 19:50

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1
2 house. 19:50
3 MEMBER HILLER: The difference 19:50
4 between -- 19:50
5 MS. KUPFERSTEIN: It's like 100 feet. 19:50
6 MEMBER HILLER: The difference between 19:50
7 this property and the previous one is there 19:50
8 was a neighbor to the rear of the previous 19:50
9 property. This has a street. To me that 19:50
10 makes a difference. 19:50
11 MEMBER FELDER: This has an additional 19:50
12 probably 5 feet to the curb after the fence. 19:50
13 MR. BODNER: Another difference between 19:50
14 the previous situation is that this is an 19:50
15 actual backyard. This is my rear yard. They 19:50
16 are calling it a front yard. 19:50
17 MEMBER GOTTLIEB: We understand that. 19:50
18 If it was your backyard, your requirement 19:50
19 might be 15 or 20 feet. So it's a little 19:51
20 different in this case. 19:51
21 MS. KUPFERSTEIN: You also have to look 19:51
22 at the depths. If you look at the plan, the 19:51
23 amount of space from the back of the house to 19:51
24 the rear lot line, you know, is -- 19:51
25 MEMBER FELDER: Which is the next 19:51

Bodner - 6/24/2020

1
2 neighbor that you represented that has the 19:51
3 pool. 19:51
4 MS. KUPFERSTEIN: When you are looking 19:51
5 at the front door of this home, it's to their 19:51
6 right. 19:51
7 MEMBER FELDER: Because I don't see a 19:51
8 pool there. 19:51
9 MR. BODNER: Jonathan Korn. 19:51
10 MS. KUPFERSTEIN: It was done that last 19:51
11 summer. 19:51
12 MEMBER GOTTLIEB: Their house faces 19:51
13 Kenridge. 19:51
14 MS. KUPFERSTEIN: The front door is on 19:51
15 Kenridge. 19:51
16 MR. BODNER: They gave me all the advice 19:51
17 of how to build a pool, so they certainly 19:51
18 support -- every nuance of this plan was based 19:51
19 on their advice. Even my friend to my left 19:51
20 goes to -- 19:51
21 MEMBER GOTTLIEB: For full transparency, 19:51
22 and obviously I don't speak for the other 19:51
23 members, I do have an opinion on 5 feet. So 19:52
24 in my opinion, it's either move the pool or go 19:52
25 a little bit smaller but I never approved less 19:52

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than 10 feet but that's just me and I am not 19:52
your uncle -- you are not my nephew, but I 19:52
certainly don't -- that's just my own opinion. 19:52

MEMBER FELDER: Just remember the 5 feet 19:52
outside of the fence to the street means that 19:52
would be a property line if there were a 19:52
neighbor. So he is really 10 feet now. 19:52

MEMBER GOTTLIEB: Not necessarily 19:52
because there is always right of way. Right 19:52
of way is a difference between the curb and 19:52
the property line. 19:52

MS. KUPFERSTEIN: But not in the 19:52
backyard. 19:52

MEMBER GOTTLIEB: Correct. Correct. 19:52

MEMBER HILLER: Just hypothetically 19:52
asking. I know the property is on two levels 19:52
sort of in the back. There is a retaining 19:52
wall and then a step up. Had you been able to 19:52
move the pool 5 feet let's say further from 19:52
the fence, would that have affected that step? 19:53
Would you have had to add to the ground and 19:53
raise the level? 19:53

MS. KUPFERSTEIN: Of course. 19:53

MR. BODNER: It would create a 19:53

Bodner - 6/24/2020

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complication because they would have to 19:53
continue the wall forward to advance the pipe. 19:53
MEMBER HILLER: Now you want to use the 19:53
wall as one of the pool sides? 19:53
MR. BODNER: Correct. So we kind of 19:53
designed the pool based on the presence of 19:53
that difference in property level, so if we 19:53
moved it 5 feet forward, not only is it closer 19:53
to the house, of course, we have to change the 19:53
width of the pool from 20 to 15, but also if 19:53
we maintain 20 feet now, we are closer to the 19:53
house and have the complication of the 19:53
different levels of the ground. So it's 19:53
tricky. 19:53
MEMBER GOTTLIEB: That's a practical 19:53
hardship. 19:53
CHAIRMAN KEILSON: Yes. So maybe you 19:53
will bend your principle. 19:53
MEMBER MOSKOWITZ: For the record, I 19:53
don't have the same principles. I like to 19:53
care about people if they are prejudiced and 19:54
here there is no such person, so I have no 19:54
problem with your pool being 5 feet away from 19:54
nobody. So that's my view on it. 19:54

Bodner - 6/24/2020

1
2 CHAIRMAN KEILSON: Anyone in the 19:54
3 audience want to speak to the matter? If not, 19:54
4 we will take a vote and we will weigh the 19:54
5 benefit to the applicant as opposed to any 19:54
6 detriment to the neighbor, the neighborhood, 19:54
7 et cetera, et cetera. We begin with Mr. 19:54
8 Felder. 19:54
9 MEMBER FELDER: I think it's okay. 19:54
10 Especially because your fence is not -- it's 19:54
11 not a chain-link fence. Nobody is going to 19:54
12 see what's behind there even if you are 5 19:54
13 feet. You got the curb. I am for. 19:54
14 MEMBER HILLER: I am for even though you 19:54
15 ignored my advice to ask the neighbor for a 19:54
16 letter. I am overlooking that. 19:54
17 CHAIRMAN KEILSON: I appreciate it. Mr. 19:54
18 Gottlieb? 19:54
19 MEMBER GOTTLIEB: I appreciate your 19:54
20 desires, but I vote against it. 19:54
21 CHAIRMAN KEILSON: Mr. Moskowitz? 19:54
22 MEMBER MOSKOWITZ: For. 19:54
23 CHAIRMAN KEILSON: And I vote for as 19:54
24 well. You have a year. 19:55
25 MR. CASTRO: Just for the record, I 19:55

Bodner - 6/24/2020

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think the ugly guardrail on the outside of 19:55
your fence there needs to be cleaned up a 19:55
little bit. Would you agree, Ed? 19:55

MEMBER GOTTLIEB: I requested a timber 19:55
guardrail there. I assume you never had a car 19:55
go through your fence. 19:55

MR. BODNER: It's funny. A car hit that 19:55
guardrail and crashed through my fence about 19:55
six months ago. I left a voice note for the 19:55
village to maybe improve upon that guardrail, 19:55
but I didn't get a response. 19:55

CHAIRMAN KEILSON: Can't be. 19:55

MEMBER GOTTLIEB: Gerry, can you perhaps 19:55
work with the powers that be and put up a nice 19:55
secure guardrail that maybe extends further 19:55
than the one we have now have and to be sure 19:55
that maybe it extends a little bit further to 19:55
protect his yard? 19:55

MR. CASTRO: Something secure and at the 19:55
same time aesthetically pleasing? 19:56

MEMBER GOTTLIEB: Yes, please. 19:56

MR. CASTRO: Okay. Anything for you. 19:56

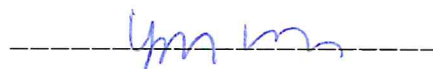
CHAIRMAN KEILSON: We will follow up. 19:56

MR. BODNER: Thank you so much. 19:56

Bodner - 6/24/2020

(Whereupon the hearing concluded at 7:56 p.m.)

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



YAFFA KAPLAN

Court Reporter

19:56

19:56

Tomaszewski - 6/24/20

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

June 24, 2020
7:56 p.m.

APPLICATION:

Tomaszewski
50 Central Avenue
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

1 Tomaszewski - 6/24/20

2 CHAIRMAN KEILSON: All right. Next 19:56
3 matter is that of Tomaszewski. They or their 19:56
4 representative, please step forward. 19:56

5 MR. NEUWIRTH: Good evening. My name is 19:56
6 Samuel Neuwirth. I am representing Mr. and 19:56
7 Mrs. Zachary Tomaszewski. So we are proposing 19:56
8 to put a 512-square-foot pool in the rear 19:56
9 yard. 19:56

10 MEMBER HILLER: I'm sorry, my fault. I 19:56
11 was reading your -- what's the size of the 19:56
12 pool? 19:56

13 MR. NEUWIRTH: 512 square feet. 19:56

14 MEMBER HILLER: What's the exact 19:56
15 dimension? 19:57

16 MR. NEUWIRTH: Thirty-six by 16. It's 19:57
17 on the plan. Thirty-two by 16. The property 19:57
18 right now existing right now, it's already 19:57
19 over the impervious coverage, so we tried our 19:57
20 best because if you look at the plans, 19:57
21 everything is pervious except for the house 19:57
22 and the garage and a bit -- and 260 square 19:57
23 feet of the driveway. So we propose to take 19:57
24 out the impervious driveway and make it 19:57
25 pervious, and that would bring it down to -- 19:57

1 Tomaszewski - 6/24/20

2 with the pool would bring it down to 3,605 19:57
3 square feet of impervious, which is 17 percent 19:57
4 over the allowed. I mean, it's 500 -- it's 19:57
5 533 square feet over the allowed impervious 19:57
6 coverage. 19:57

7 CHAIRMAN KEILSON: But you also have an 19:57
8 encroachment, do you not? 19:57

9 MR. NEUWIRTH: Oh, right. Sorry. The 19:57
10 rear yard is -- the code is 20 feet. We are 19:57
11 proposing 15 feet, so the reason is because 19:57
12 there is already an existing pervious deck. 19:58
13 They want to have more space for the kids to 19:58
14 play, and moving it back gives the kids a 19:58
15 little bit more space to play between the kids 19:58
16 and the house. 19:58

17 CHAIRMAN KEILSON: How long have they 19:58
18 been in the house? 19:58

19 MR. TOMASZEWSKI: Ten years. Zach 19:58
20 Tomaszewski, the owner of the property. Do 19:58
21 you want me to stand up? 19:58

22 CHAIRMAN KEILSON: It's okay. You have 19:58
23 come before us for prior variances, didn't 19:58
24 you? 19:58

25 MR. TOMASZEWSKI: Yes. 19:58

1 Tomaszewski - 6/24/20

2 CHAIRMAN KEILSON: What was that for? 19:58

3 MR. TOMASZEWSKI: That was for -- I 19:58

4 think it was for the deck. I don't remember. 19:58

5 CHAIRMAN KEILSON: Okay. 19:58

6 MEMBER GOTTLIEB: Does anyone here 19:58

7 remember? 19:58

8 MR. TOMASZEWSKI: Oh, no, I'm sorry. It 19:58

9 was for the front porch. The front porch 19:58

10 encroachment. 19:58

11 MEMBER GOTTLIEB: That wasn't that long 19:58

12 ago. 19:58

13 MR. TOMASZEWSKI: It was to cover the 19:58

14 porch. We had an existing porch, and we 19:58

15 requested to just put a roof over it. 19:58

16 CHAIRMAN KEILSON: Okay. So the 19:59

17 challenge we have this evening is that very 19:59

18 significant amount of lot coverage in general 19:59

19 because you are not even counting the freebie 19:59

20 on the driveway, right? Mr. Castro? 19:59

21 MR. CASTRO: Yes. 19:59

22 CHAIRMAN KEILSON: How many square feet 19:59

23 of freebie are we giving him on the driveway? 19:59

24 MR. CASTRO: Approximately 1,000. 19:59

25 CHAIRMAN KEILSON: So really -- 19:59

1 Tomaszewski - 6/24/20

2 MEMBER GOTTLIEB: If you are counting 19:59
3 freebies, the 4-foot perimeter, you have a 19:59
4 4-foot perimeter to the pool, which is about 19:59
5 another 104 square feet. Just we don't 19:59
6 usually mention it. 19:59

7 MR. NEUWIRTH: We can make that pervious 19:59
8 pavers around the pool. 19:59

9 CHAIRMAN KEILSON: Okay. 19:59

10 MR. TOMASZEWSKI: I plan on making 19:59
11 everything impervious with gravel. I know the 19:59
12 driveway is a freebie, but I was willing to 19:59
13 give -- I mean, I appreciate the freebie but 19:59
14 giving some of that back and taking a nice 19:59
15 piece out of the driveway away and making that 19:59
16 pervious as well. Putting down pavers with 20:00
17 gravel underneath and making it -- 20:00

18 MEMBER HILLER: Even with that, I was 20:00
19 amazed at the coverage on your lot as it 20:00
20 stands now. Now you want to add more coverage 20:00
21 on the lot. This is in addition to a variance 20:00
22 that you once got, and now you are going for a 20:00
23 second variance on coverage. It's very 20:00
24 problematic. 20:00

25 MR. NEUWIRTH: Also there is no 20:00

Tomaszewski - 6/24/20

1
2 MEMBER MOSKOWITZ: If you look at the 20:01
3 existing impervious surface coverage, you are 20:01
4 at 3,352 and proposed is 3,605. It's a 20:01
5 difference of 252 square feet. If you look at 20:01
6 the permitted pervious, you are under by about 20:01
7 120 or so, right, because you go stand by -- 20:02
8 123. So if you were to convert what is right 20:02
9 now impervious to pervious, 123 square feet, 20:02
10 you would still be within the limitations and 20:02
11 would not require a variance for pervious and 20:02
12 would reduce the extent of the impervious 20:02
13 variance request, and it would actually bring 20:02
14 you much closer to what's existing and we 20:02
15 can't get that aggravated if it's consistent 20:02
16 with the existing I would think. Basically 20:02
17 you would limit eliminate half of the overage 20:02
18 from over existing. 20:02
19 CHAIRMAN KEILSON: I think what Ed is 20:02
20 referring to is just the overall impact 20:02
21 coverage of 56 percent. 20:02
22 MEMBER GOTTLIEB: Yes. I just took it 20:02
23 as one thing called -- one area called surface 20:02
24 coverage without dividing it, thinking that 20:02
25 would have been an easier calculation without 20:03

1 Tomaszewski - 6/24/20

2 being prejudiced to pervious versus 20:03

3 impervious, and I see there is an effort made 20:03

4 to put pervious pavers in for 260 feet. 20:03

5 CHAIRMAN KEILSON: Do you use the 20:03

6 garage, by the way? 20:03

7 MR. TOMASZEWSKI: Yes. With seven kids 20:03

8 there is plenty of storage. 20:03

9 CHAIRMAN KEILSON: You use it for 20:03

10 storage? 20:03

11 MR. TOMASZEWSKI: Yes. 20:03

12 CHAIRMAN KEILSON: You have a basement I 20:03

13 assume? 20:03

14 MR. TOMASZEWSKI: Yes. It's unfinished. 20:03

15 MEMBER MOSKOWITZ: Why is the driveway 20:03

16 not counted? 20:03

17 CHAIRMAN KEILSON: Because access to the 20:03

18 garage, he has got a freebie of 1,000 square 20:03

19 feet that it's not even in that number. 20:03

20 MEMBER MOSKOWITZ: And the 1,000 square 20:03

21 feet, I know it doesn't count toward any 20:03

22 number, but is it pervious or impervious? 20:03

23 MR. NEUWIRTH: Impervious. 20:03

24 MR. TOMASZEWSKI: I was willing to 20:03

25 propose to convert some of that to pervious. 20:03

1 Tomaszewski - 6/24/20

2 MEMBER MOSKOWITZ: You are proposing to 20:03
3 convert -- actually the 170 on the front is 20:03
4 already -- is already pavers. 20:04

5 MR. NEUWIRTH: That doesn't count. The 20:04
6 170 counts in the calculation of pervious, the 20:04
7 1,000-square-foot freebie starts from the 20:04
8 front of the house until -- from the porch to 20:04
9 the garage. That's what the code says. 20:04

10 MEMBER MOSKOWITZ: What you just 20:04
11 mentioned though about the conversion, that's 20:04
12 with respect to the 260 square feet. 20:04

13 MR. NEUWIRTH: But he is saying 20:04
14 converting even more if need be. Convert more 20:04
15 of the freebie to pervious. 20:04

16 MEMBER MOSKOWITZ: Well, you could 20:04
17 convert an amount -- it's not perfect because 20:04
18 this is not even counted. It's not reflected 20:04
19 at all in the overage or under, but if we 20:04
20 cared about how much pervious or impervious 20:04
21 coverage there is on this parcel, could you 20:04
22 actually -- there is a huge amount of 20:04
23 impervious coverage on the parcel. You could 20:04
24 actually do as much as is needed of conversion 20:04
25 to bring down the impervious surface coverage 20:05

Tomaszewski - 6/24/20

1
2 number by a huge amount. You could bring it 20:05
3 down to existing, you could bring it down 20:05
4 below existing, and yes, it wouldn't be 20:05
5 officially reducing the application but it 20:05
6 would certainly reduce in the real world what 20:05
7 is currently impervious coverage on the lot. 20:05
8 CHAIRMAN KEILSON: Then we have the 20:05
9 encroachment, which is a significant problem 20:05
10 which I guess we will hear about it from the 20:05
11 neighbor. Okay. Anything further? Any 20:05
12 questions? 20:05
13 MEMBER GOTTLIEB: Just a question about 20:05
14 the property line behind the pool. How far is 20:05
15 that from the house behind you? 20:05
16 MR. NEUWIRTH: From the neighbor's 20:05
17 property line to the property line? 20:05
18 MEMBER GOTTLIEB: Yes, neighbor's 20:05
19 property line to their house. 20:05
20 MR. TOMASZEWSKI: To the actual house, I 20:05
21 don't know. 20:06
22 MR. NEUWIRTH: I don't know. It's not 20:06
23 in the property survey. 20:06
24 MEMBER GOTTLIEB: It typically isn't. 20:06
25 CHAIRMAN KEILSON: Okay. Anyone from 20:06

1 Tomaszewski - 6/24/20

2 the audience want to speak to the matter? 20:06

3 Yes, please. Please come forward and 20:06

4 introduce yourself. 20:06

5 MRS. HALPERN: Hi. I am Sharon Halpern. 20:06

6 I live at 109 Lord Avenue. Sort of an -- and 20:06

7 I feel very uncomfortable being -- you know, 20:06

8 something -- like I said, I like to be 20:06

9 neighborly and I am not -- I am not here 20:06

10 because I have nothing better to do with my 20:06

11 time. So the thing is, you know, like I said, 20:06

12 if it wouldn't impact me, I really wouldn't 20:06

13 care. Unfortunately, based on my -- you know, 20:06

14 I was a little bit struck that everyone else 20:06

15 here who were asking for pools, they had 20:06

16 spoken to their neighbors before. I guess it 20:06

17 didn't occur to you that my impact -- I like 20:06

18 them. They are very nice people. 20:06

19 CHAIRMAN KEILSON: We are all nice 20:06

20 people here tonight. 20:07

21 MRS. HALPERN: I really -- it's nothing 20:07

22 personal. I want to stress that because we 20:07

23 live near them and I want to get along and 20:07

24 whatever, but the issue is from my 20:07

25 understanding, I think the pool is going to be 20:07

Tomaszewski - 6/24/20

1
2 closer to my home than to theirs. And you 20:07
3 know, it's very nice. They are popular 20:07
4 people. They have a lot -- there is a lot of 20:07
5 noise which, you know, look, it's fine. I 20:07
6 don't say anything unless like after 11:00 or 20:07
7 something, you know, that there is stuff going 20:07
8 on over there, but it's right near my 20:07
9 husband's office. You know, private -- it's 20:07
10 really very close to our property line, and I 20:07
11 just think, you know, in terms of our quality 20:07
12 of life and I am also concerned about resale 20:07
13 value because if I saw a pool -- if I was 20:07
14 looking at my house and I saw a pool, I would 20:07
15 definitely -- that would be a deal-breaker for 20:07
16 me. I wouldn't even go inside the house if I 20:07
17 saw that. 20:07
18 So you know, the noise level and you 20:07
19 know, it's an impact and it's very, very close 20:07
20 to my home. Like I said, the pool would be 20:08
21 closer to me. I will be able to wave. You 20:08
22 know, I don't know if maybe they can come up 20:08
23 with an alternative for the sound or something 20:08
24 like that. 20:08
25 MEMBER FELDER: Would you be opposed to 20:08

1 Tomaszewski - 6/24/20

2 it if it met the 20-foot setback, all else 20:08

3 being equal? 20:08

4 MRS. HALPERN: I wouldn't like it, but 20:08

5 if -- you know, if they do it in the terms -- 20:08

6 CHAIRMAN KEILSON: Build by right, you 20:08

7 would certainly not be here objecting. 20:08

8 MRS. HALPERN: Well, if they do it 20:08

9 within the limits, there is nothing I can say. 20:08

10 I mean, am I right? You know -- 20:08

11 CHAIRMAN KEILSON: You can say anything 20:08

12 anyway. 20:08

13 MRS. HALPERN: I can say -- 20:08

14 CHAIRMAN KEILSON: Right now they are 20:08

15 not proposing that. 20:08

16 MRS. HALPERN: Also, like the bigger the 20:08

17 pool is, the more people, and you know -- you 20:08

18 know, it's definitely going to encroach on my 20:08

19 quality of life. My husband -- okay, he 20:08

20 doesn't like if I mention him but -- 20:08

21 MEMBER GOTTLIEB: He is right there. 20:08

22 You can say whatever you want. 20:08

23 MRS. HALPERN: He is saying maybe it's 20:09

24 time to think of moving. I mean because it 20:09

25 really does impact. We have to keep the 20:09

Tomaszewski - 6/24/20

1 windows closed a lot, the music -- you know 20:09
2 what I am saying, and I just think it's going 20:09
3 to be 1,000 times worse with a pool. 20:09
4
5 MEMBER GOTTLIEB: This is not something 20:09
6 new. You have a history of knowing who your 20:09
7 neighbor is. 20:09
8
9 MRS. HALPERN: They moved in after us so 20:09
10 I mean and I know them and I don't have -- 20:09
11 look, they have kids. I get it. Whatever but 20:09
12 I just think it's going to be -- like it's 20:09
13 noisy now, but what am I going to do? I don't 20:09
14 complain. I can't, you know -- look, I like 20:09
15 to get along, whatever, but look, there is a 20:09
16 pool on the other side. You know, when they 20:09
17 screech -- whatever, the kids in the pool, 20:09
18 it's, you know, my kids -- you know, my other 20:09
19 kids sometimes, and you know, they hear the 20:09
20 noise, they complain, but I said look, I can't 20:09
21 be that person, the one screaming get off my 20:09
22 lawn. I don't like to be that type of person 20:09
23 but this -- I think it's going to affect the 20:10
24 resale value of my home and my quality of 20:10
25 life. You know, like I said, maybe if they 20:10
could reposition it somewhere on the side yard 20:10

1 Tomaszewski - 6/24/20

2 or something. I don't know. 20:10

3 CHAIRMAN KEILSON: That's not your job. 20:10

4 MRS. HALPERN: Right but you know, it is 20:10
5 an impact. Like I said -- and the other 20:10
6 people, you know, they said they spoke to 20:10
7 their neighbors. I was a little bit 20:10
8 surprised. Luckily I happened -- sometimes I 20:10
9 don't open up all my mail, so I happened to 20:10
10 notice it. But you know -- it's like I know 20:10
11 it wasn't out of malice. It just didn't occur 20:10
12 to them. I know that. Like I said and it's 20:10
13 nothing personal. 20:10

14 CHAIRMAN KEILSON: Mrs. Halpern, talk to 20:10
15 us. It's okay; it's fine. 20:10

16 MRS. HALPERN: So that's basically my 20:10
17 story. Okay. 20:10

18 CHAIRMAN KEILSON: You did a great job. 20:10

19 MRS. HALPERN: I just wanted to make my 20:10
20 position as opposed to resenting people. 20:10
21 Whatever. I felt I had to speak up. 20:10

22 CHAIRMAN KEILSON: Thank you very much. 20:10

23 MR. NEUWIRTH: So move to 20 feet. 20:11

24 Twenty feet, no issue. 20:11

25 MR. TOMASZEWSKI: I am not here to make 20:11

1 Tomaszewski - 6/24/20

2 problems. I understood 100 percent. 20:11

3 MEMBER MOSKOWITZ: That wouldn't trigger 20:11

4 any other variance requests, would it? 20:11

5 MR. CASTRO: No, as long as they 20:11

6 maintained the 10-foot side yard. 20:11

7 MEMBER GOTTLIEB: So the 10-foot side 20:11

8 yard stays, which is still mostly adjacent to 20:11

9 a framed garage on the left and the right. 20:11

10 MEMBER FELDER: Just so I understand, we 20:11

11 are moving it 5 feet closer to the house, so 20:11

12 20-foot rear-yard setback. That takes care of 20:11

13 your neighbor. Are you following through on 20:11

14 that proposal of removing the impervious 20:11

15 driveway or a portion of it to match what Mr. 20:11

16 Moskowitz has suggested? 20:11

17 MR. TOMASZEWSKI: Yes. 20:11

18 MEMBER FELDER: So that's where we are. 20:11

19 Okay. 20:11

20 MEMBER GOTTLIEB: Are you planning on 20:12

21 putting in thick, dense shrubbery between the 20:12

22 pool and the neighbor's house? 20:12

23 MR. TOMASZEWSKI: There is already 20:12

24 planting. Just not totally grown yet but yes, 20:12

25 it's -- we have a -- actually on their fence. 20:12

1 Tomaszewski - 6/24/20

2 There is five of the arbor vitae, the ones 20:12
3 that grow tall, so I wish they would grow 20:12
4 quicker but -- 20:12

5 MEMBER GOTTLIEB: They will. Next year. 20:12

6 MEMBER MOSKOWITZ: We should probably be 20:12
7 specific. What's the proposal with respect to 20:12
8 a conversion of a portion of the driveway to 20:12
9 pervious surface coverage? How many square 20:12
10 feet of the driveway will be converted as 20:12
11 such? 20:12

12 MR. NEUWIRTH: Well, take away the same 20:12
13 amount for the pool equal to the driveway. 20:12

14 MR. CASTRO: Say that again. 20:12

15 MR. NEUWIRTH: Another 500 square feet 20:12
16 of converting the impervious driveway to 20:12
17 pervious pavers. 20:12

18 MR. PRESTON: Is that on top of the 260? 20:12

19 MR. NEUWIRTH: On top of the 260. 20:12

20 CHAIRMAN KEILSON: So we are going to be 20:13
21 over on pervious as well, right? Is that the 20:13
22 byproduct? Right now we are at 903 on the 20:13
23 pervious before you started to convert? 20:13

24 MR. NEUWIRTH: Right. 20:13

25 MEMBER MOSKOWITZ: I am sure he would be 20:13

Tomaszewski - 6/24/20

1
2 happy to convert less, but in a world where we 20:13
3 have to choose between pervious and 20:13
4 impervious, we would rather have more pervious 20:13
5 than impervious. 20:13

6 CHAIRMAN KEILSON: Again, what are the 20:13
7 numbers? 20:13

8 MEMBER GOTTLIEB: Unless we put in 20:13
9 drywells and drip guards. 20:13

10 MR. NEUWIRTH: We proposed a drywell. 20:13

11 MEMBER GOTTLIEB: That's for the pool. 20:13
12 I meant a drywell so you don't have to change 20:13
13 the driveway. 20:13

14 MEMBER FELDER: A drip drain. 20:13

15 MR. TOMASZEWSKI: Fine. 20:13

16 MEMBER GOTTLIEB: I think that might be 20:13
17 an easier solution. 20:14

18 CHAIRMAN KEILSON: In order for us to 20:14
19 vote, we need to have very defined numbers 20:14
20 that we are approving or disapproving. 20:14

21 MR. NEUWIRTH: So we are going to 20:14
22 convert an extra 500 square feet of impervious 20:14
23 driveway to pervious pavers. 20:14

24 CHAIRMAN KEILSON: Again, whatever the 20:14
25 numbers are, tell Mr. Castro and Mr. Vacchio. 20:14

1 Tomaszewski - 6/24/20

2 MR. CASTRO: Total of 1,403 pervious. 20:14

3 CHAIRMAN KEILSON: In which case he 20:14

4 would be over by 500. 20:14

5 MR. CASTRO: He would be over by 3 and 20:14

6 change pervious, and then we will have to 20:14

7 address the reduction in impervious. 20:14

8 CHAIRMAN KEILSON: I'm sorry. 1,026. 20:14

9 1,026 is permitted. He is proposing 1,403. 20:14

10 MR. CASTRO: Impervious is 3,105. 20:15

11 CHAIRMAN KEILSON: The overage -- 20:15

12 MR. CASTRO: Overage of 34 -- 34 square 20:15

13 feet. 20:15

14 CHAIRMAN KEILSON: Okay and the 20:15

15 pervious? 20:15

16 MR. CASTRO: And the pervious increase 20:15

17 is to 1,403. 20:15

18 CHAIRMAN KEILSON: Okay. Overage? 20:15

19 MR. CASTRO: Which is an overage of 377. 20:15

20 CHAIRMAN KEILSON: Percentage? 20:15

21 MR. CASTRO: 36.7. 20:15

22 MEMBER HILLER: What's the total 20:15

23 pervious and impervious? 20:15

24 MEMBER GOTTLIEB: Total is over -- 20:15

25 MEMBER HILLER: The total of them 20:15

Tomaszewski - 6/24/20

only a 10 percent total excess, 10 percent
excess between both pervious and impervious.

Okay. So taking into consideration the
benefit to the applicant and realizing in the
world of coronavirus it's very important for
the kids to have a pool, we understand the
pressures that people are under, so that is
certainly a compelling interest and a benefit
to the applicant. Okay. 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 am for. And you
have a year.

MR. CASTRO: If the driveway is being
modified to accommodate a reduction in
pervious, then the village is going to request
dtrip drains if there is none and a drywell.

(Whereupon the hearing concluded at 8:18 p.m.)

Tomaszewski - 6/24/20

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



YAFFA KAPLAN

Court Reporter

20:18

20:18

Weinstock - 6/24/20

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

June 24, 2020
8:18 p.m.

APPLICATION: Weinstock
5 Herrick Drive
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

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CHAIRMAN KEILSON: Okay. We are up to Weinstock at 5 Herrick Drive. They or their representative. Oh, there he is. Okay. Good evening.

MR. MACLEOD: Good evening, members of the Board. Okay. So I am here this evening representing my clients, the Weinstocks, 5 Herrick Drive. So we are here to ask for variances for a second-floor addition to the house as well as some variance items related to a new swimming pool and side yard.

My clients have lived in this house since 1994 for 26 years, raised six children there, and now have six grandchildren who come and stay a lot, and the need for bedrooms and bathrooms has increased. We are actually adding four bedrooms on the second floor with bathrooms, but we are converting a couple of other spaces which have been used as guest rooms. We are converting those into more living space and playrooms and storage. So a net increase is actually two bedrooms to the house.

In order to achieve this, we built

Weinstock - 6/24/20

1 directly on top of the existing center 20:20
2 footprint of this house. If you look at the 20:20
3 site plan, you will see that the addition is 20:20
4 centrally located in between two wings. And 20:20
5 we are lifting -- adding another 8-foot floor 20:21
6 level to that central square section virtually 20:21
7 reflecting what's already on the level below, 20:21
8 which is four bedrooms. The additional height 20:21
9 increase which increases this is not exceeding 20:21
10 any of the required vertical height codes 20:21
11 although we do need a front-yard-height 20:21
12 setback variance and a rear-yard-height 20:21
13 setback variance of minimal amounts, which I 20:21
14 will go through individually. 20:21
15
16 We were also looking to put a swimming 20:21
17 pool in the side yard, which requires a 20:21
18 rear-yard setback variance, and in a document 20:21
19 that I submitted prior to this meeting, we had 20:21
20 agreed -- I had agreed with my client to 20:21
21 relocate or rotate the pool slightly from the 20:21
22 original document which we had submitted to 20:22
23 you, and by doing this rotation, we have 20:22
24 increased the requested or rather decreased 20:22
25 the requested variance from 6 foot 1 to 2 foot 20:22

Weinstock - 6/24/20

1
2 10 in the rear-yard variance portion of this. 20:22
3 The setback was proposed at 13 foot 11 for the 20:22
4 rear yard, and now we are proposing 17 foot 2. 20:22
5 CHAIRMAN KEILSON: That's at only one 20:22
6 location. 20:22
7 MR. MACLEOD: That's at one location. 20:22
8 The other corner, which is not parallel to the 20:22
9 backyard, it's actually 19 feet. 20:22
10 MEMBER GOTTLIEB: Say that -- I am 20:22
11 looking at the code relief. I wanted to 20:22
12 follow what you said. So we are talking about 20:22
13 oh, rear yard by the pool. Okay. So instead 20:22
14 of 13'11". 20:22
15 MR. MACLEOD: Instead of 13'11", that 20:22
16 number is now 17 foot 2 at its closest point, 20:22
17 which requires a 2-foot-10 variance, and at 20:22
18 the corner by the stairs, it's actually 19 20:23
19 feet, close to requirement. 20:23
20 MEMBER GOTTLIEB: Where it is 17 foot 2, 20:23
21 what's on the other side of the fence? Is 20:23
22 that a garage? 20:23
23 MR. MACLEOD: So directly behind us 20:23
24 here, there is a temple to the left of the 20:23
25 site plan and there is a parking lot which 20:23

Weinstock - 6/24/20

1
2 fully fills that left section. The property 20:23
3 of the temple does extend in that area where 20:23
4 you are describing it, and the property line 20:23
5 of the nearest residential property is -- can 20:23
6 you just see where it says -- where it says 20:23
7 26.47? Just past that there is the beginnings 20:23
8 of a line there, and that is the beginnings of 20:23
9 the property line of the rear neighbor. 20:23
10 MEMBER GOTTLIEB: What I mean is is 20:23
11 there a garage there? 20:23
12 CHAIRMAN KEILSON: Perhaps your client 20:23
13 can clarify. 20:23
14 MR. MACLEOD: I believe there is a 20:24
15 structure behind there. Looking at the 20:24
16 photograph among the photographs that you 20:24
17 have, if you look at the two photographs, 20:24
18 there is a pool area. You can see in the 20:24
19 background there is a fence with some greenery 20:24
20 behind it, and behind that is a structure 20:24
21 which is probably the garage that you are 20:24
22 referring to. 20:24
23 MEMBER GOTTLIEB: The reason why I bring 20:24
24 it up is because it seems it's not an 20:24
25 offensive use as the last application. It 20:24

Weinstock - 6/24/20

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goes onto a garage so it's not --

20:24

CHAIRMAN KEILSON: Why don't we just
clarify for the record if the applicant knows
factually that it's a garage behind the house.

20:24

20:24

20:24

MR. WEINSTOCK: Avi Weinstock. And that
structure actually is used as the rabbi's
study. It's a small shack-like building.

20:24

20:24

20:24

CHAIRMAN KEILSON: Now, on the pool,
where it angles towards the other side, you
have about 7 feet.

20:24

20:25

20:25

MR. MACLEOD: Yes. We originally had it
parallel to the parking lot fence. But to
increase the setback on the rear, I aligned it
parallel to the house, and that does then
project that front corner of the pool 3 feet
closer to the fence property line than is
permitted by code, so we will be requesting a
3-foot -- a 3-foot variance into that 10-foot
required setback.

20:25

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CHAIRMAN KEILSON: But that encroachment
is on a parking lot; is that correct?

20:25

20:25

MR. MACLEOD: It's only on the parking
lot side.

20:25

20:25

MEMBER GOTTLIEB: So that's a side yard.

20:25

1 Weinstock - 6/24/20

2 MR. MACLEOD: Yes. Side yard facing the 20:25
3 parking lot. 20:25

4 CHAIRMAN KEILSON: Okay. Everybody have 20:25
5 that? So it's a side-yard encroachment as 20:25
6 well for 3 feet instead of -- 7 feet instead 20:25
7 of -- 20:25

8 MR. CASTRO: Ten. Can you estimate what 20:25
9 percentage of the pool is actually 20:26
10 encroaching? 20:26

11 MEMBER FELDER: Just going to be that 20:26
12 sliver of that corner. 20:26

13 MEMBER GOTTLIEB: Thirty percent. 20:26

14 MR. MACLEOD: It's probably about 12 20:26
15 square feet which is -- I have very small 20:26
16 percentage of. 20:26

17 CHAIRMAN KEILSON: Also known as de 20:26
18 minimis. 20:26

19 MR. MACLEOD: I would say that's de 20:26
20 minimis. 20:26

21 MR. CASTRO: That's truly de minimis. 20:26

22 MR. MACLEOD: So that's the swimming 20:26
23 pool. Another variance which is related to 20:26
24 surface coverage, if we could just go through 20:26
25 the code relief chart and just starting at the 20:26

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1 top, I want to run down from the top line, the 20:26
2 -- we are requesting a variance of 11 percent 20:26
3 of building coverage, but I would like to 20:26
4 point out that we already -- we already have 20:26
5 most of that. All we are asking to add to the 20:26
6 existing, which has been approved at previous 20:26
7 board meetings is 54 square feet which 20:27
8 represents 1.8 percent and that is just for a 20:27
9 covering -- weather protection over the front 20:27
10 door. It is three dimensional in that it 20:27
11 projects out from the building, but it's also 20:27
12 translucent. So a very light impact on the 20:27
13 front of the house. That's the first line. 20:27
14 The second line, which is the rear-yard 20:27
15 setback, this is related to the second-floor 20:27
16 addition which I described to you, and if you 20:27
17 look at the site plan, you will see that this 20:27
18 property has a very narrow rear yard. 20:27
19 Currently there is a 13.1 foot setback at its 20:27
20 tightest point to the corner of what is the 20:27
21 dining room with master bedroom above, and we 20:27
22 are adding as you see on the site plan further 20:27
23 along where it's shaded. It would be 24.83 to 20:27
24 the closest point, and although the dimensions 20:27
25

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1
2 are not on the site plan, I can tell you it's 20:28
3 28 feet plus to the other corner of the 20:28
4 addition. 20:28

5 CHAIRMAN KEILSON: You are referring to 20:28
6 the proposed second floor addition? 20:28

7 MR. MACLEOD: Proposed. Yes, proposed 20:28
8 second floor addition where we are supposed to 20:28
9 have a 30-foot rear yard but requesting 24.83 20:28
10 feet at its closest point to the new addition. 20:28

11 CHAIRMAN KEILSON: Is that sitting on 20:28
12 top of the existing? 20:28

13 MR. MACLEOD: It sits right on top of 20:28
14 the footprint of the existing. No 20:28
15 enlargements in that area. 20:28

16 CHAIRMAN KEILSON: So the encroachment 20:28
17 is the same as existing? 20:28

18 MR. MACLEOD: That's correct. 20:28

19 MEMBER GOTTLIEB: So 24 feet at its 20:28
20 closest point and then goes further. 20:28

21 MEMBER HILLER: No. 20:28

22 MEMBER GOTTLIEB: I see 24.83. 20:28

23 MR. MACLEOD: At its closest point. If 20:28
24 you go to the right-hand side of the drawing 20:29
25 where the air conditioning units are, that 20:29

1 Weinstock - 6/24/20

2 corner is -- 28.25. 20:29

3 MEMBER GOTTLIEB: Again, because the 20:29

4 property line is a bit of a trapezoid. 20:29

5 MR. MACLEOD: Angling away, yes. 20:29

6 CHAIRMAN KEILSON: Again, just for the 20:29

7 record, is there a change from the existing? 20:29

8 MR. MACLEOD: No. That is existing. 20:29

9 That is following the existing footprint going 20:29

10 virtually above it. 20:29

11 CHAIRMAN KEILSON: On the building 20:29

12 coverage, you are talking about 354 square 20:29

13 feet equates to 1 percent. On the rear-yard 20:29

14 setback, you are discussing changes that 20:29

15 really have no change in the existing. 20:29

16 MR. MACLEOD: No change in the existing. 20:29

17 MEMBER GOTTLIEB: Other than that is a 20:29

18 two-story. 20:29

19 CHAIRMAN KEILSON: Which would affect 20:29

20 the height setback. Okay. 20:29

21 MR. MACLEOD: If you continue down the 20:29

22 chart, you will see you have two height 20:29

23 setback ratio lines. The first is related to 20:29

24 the front of the house, the second floor 20:30

25 addition. We are required to have a 20:30

Weinstock - 6/24/20

front-yard height setback ratio of 0.96. And 20:30
-- I'm sorry, 0.88. And we have a slight 20:30
increase on that to .96, which is an overage 20:30
of .08, and just a matter of inches, another 20:30
de minimis change. 20:30

CHAIRMAN KEILSON: De minimis. Okay. 20:30

MR. MACLEOD: The next one is related to 20:30
the rear-yard setback where we were just 20:30
talking about the 24.83 setback and again that 20:30
is required to be 0.74 and we are proposing 20:30
1.02. I would point out that the worst-case 20:30
scenario on the existing house is actually at 20:30
the 13.1-foot corner setback where it's 20:30
currently 1.42, and what we are asking for is 20:30
something much less than that in this inside 20:30
corner position where we are building directly 20:30
above the existing center footprint of the 20:31
house, and again the request is only for .028, 20:31
small increase in overage of the required 20:31
0.74. We did work to -- in order to try to 20:31
keep the roof like as low as possible, we did 20:31
not propose anything other than a standard 20:31
8-foot ceiling height on this bedroom level. 20:31

As you know, most houses these days are 20:31

Weinstock - 6/24/20

1
2 being built with 9 or even 10-foot ceilings in 20:31
3 additions of areas added. We kept this at 8 20:31
4 feet to keep our roof line down and merge 20:31
5 comfortably with the front elevation of the 20:31
6 house where previously, if you look at the 20:31
7 front of the house on the photographs, you 20:31
8 will see that the center portion of the house 20:31
9 is actually depressed from the left and right 20:31
10 wings, and we are giving some extra elevation 20:32
11 in the center, which is more appropriate for 20:32
12 the massing of the structure but it will not 20:32
13 be -- it's not a tremendously high amount. 20:32
14 Just going up about 6 feet higher than the 20:32
15 existing gutter line of the section to the 20:32
16 left and the right. 20:32

17 MEMBER GOTTLIEB: John, do you have any 20:32
18 letters of support? 20:32

19 MR. MACLEOD: I do not have letters of 20:32
20 support. My client did speak to various 20:32
21 neighbors, and the people they spoke to had no 20:32
22 objections. 20:32

23 MEMBER GOTTLIEB: I guess the one most 20:32
24 affected is Feldman if I can read this right. 20:32
25 Directly behind you. 20:32

Weinstock - 6/24/20

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MR. MACLEOD: Yes. That would be -- 20:32
yes. That house is separated from my clients' 20:32
property by a very tall evergreen hedge. You 20:32
can see part of it in the photograph where it 20:33
says "pool area", page 2 of the photographs. 20:33
Just to the left of the rabbi's study, you can 20:33
see the beginnings of a very tall, probably 20:33
about 12-foot high dense foliage, which runs 20:33
along the back of the property. If you look 20:33
at the survey, you will see that that -- that 20:33
privacy screening continues across the whole 20:33
back of the property between the two houses. 20:33
MEMBER HILLER: I may be missing 20:33
something. Are you taking down pervious 20:33
structures? Because I notice the existing 20:33
1,329, you are adding a 722-foot pool and yet 20:33
for proposed it's only 250 or so square feet 20:33
over existing. So what are you taking down? 20:34
MR. MACLEOD: Thank you for pointing 20:34
that out. If you look at page 3 of the 20:34
petition, we explain that the impervious 20:34
surface coverage is being reduced. We are 20:34
allowed to have a maximum permitted pervious 20:34
-- impervious surface is 3,489 as you stated. 20:34

Weinstock - 6/24/20

1
2 That -- the excess that is requested is 590 20:34
3 square feet, which is an overage of 16.97. 20:34
4 The way that that is not much higher is that 20:34
5 we are converting the existing driveway, which 20:34
6 is about a three-car parking driveway into a 20:34
7 pervious driveway of 754 square feet, hence 20:34
8 keeping that impervious number as low as 20:34
9 possible. 20:34
10 MEMBER HILLER: And your pervious is 20:34
11 within the range? 20:34
12 MR. MACLEOD: Yes. The pervious is 20:34
13 actually at its maximum. When you add the 754 20:34
14 driveway to the 416 patio, you meet the 20:35
15 criteria of 1,170 square feet. 20:35
16 MR. CASTRO: Currently is it a mixed 20:35
17 driveway? 20:35
18 MR. MACLEOD: Part of it is. Part of it 20:35
19 currently has a concrete block. Yes. So that 20:35
20 could be considered -- it probably is 20:35
21 considered as a permeable -- we didn't pull it 20:35
22 out as such, but net-net we are not exceeding 20:35
23 the pervious amount. We are reducing the 20:35
24 potential impervious as much as possible. I 20:35
25 would just point out -- 20:35

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1
2 CHAIRMAN KEILSON: Really only 7 percent 20:35
3 the impervious overage as compared to what you 20:35
4 are existing, you are asking for an additional 20:35
5 7 percent. 16.95 is incorporating, you know, 20:35
6 back to the permitted. 20:36
7 MR. MACLEOD: Yes. 20:36
8 MEMBER HILLER: Just for the record, was 20:36
9 there a previous variance granted for this 20:36
10 house? 20:36
11 MR. MACLEOD: Yes, there was. That was 20:36
12 in 2008 when the work was done mainly to the 20:36
13 garage of the house. I don't have the 20:36
14 statistics for pervious and impervious at that 20:36
15 time. It was a different arrangement. 20:36
16 CHAIRMAN KEILSON: Right. 20:36
17 MR. MACLEOD: I would just point out 20:36
18 that the overage of the impervious coverage at 20:36
19 590 square feet that we are still asking for 20:36
20 is less than the 722 square feet of the pool, 20:36
21 which in some -- some perspective is regarded 20:36
22 as potentially a pervious structure. 20:36
23 MEMBER GOTTLIEB: How about if we 20:37
24 blended pervious and impervious? 20:37
25 CHAIRMAN KEILSON: 650 permitted, 20:37

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1
2 proposed 509.3, equates to 9 percent. 20:37
3 MR. MACLEOD: That concludes my 20:37
4 explanation. Any questions? 20:37
5 CHAIRMAN KEILSON: Anyone in the 20:37
6 audience want to speak to the matter? 20:37
7 MEMBER GOTTLIEB: John, there are two 20:37
8 things or three things I want to mention. 20:37
9 Your application was so complete. I really 20:37
10 enjoyed looking at this because you included 20:37
11 the fact that there was a BZA approval in the 20:37
12 past. I guess my colleague didn't catch it, 20:37
13 but I did and not everybody does that. It's 20:37
14 appreciated and I like that you kept your mask 20:38
15 on even though you took off your face shield. 20:38
16 Those are good points. 20:38
17 CHAIRMAN KEILSON: I will echo his 20:38
18 sentiments. We commented at one of the 20:38
19 earlier meetings of the quality of the 20:38
20 presentation. The drawings are really superb. 20:38
21 MR. MACLEOD: Thank you. 20:38
22 CHAIRMAN KEILSON: I wish we had some of 20:38
23 your colleagues emulate that. 20:38
24 MR. MACLEOD: Well, I appreciate those 20:38
25 comments. 20:38

Weinstock - 6/24/20

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MEMBER HILLER: I just want to point out 20:38
for my perceptive colleague to my right that I 20:38
mentioned for the record that there was a 20:38
previous. 20:38

MEMBER GOTTLIEB: For the record, I just 20:38
wanted to mention that it was in there. 20:38

MR. CASTRO: The changes that are 20:38
reflected on this more recent plot line is 20:38
different than in the denial letter. 20:38

MR. MACLEOD: It is because we are 20:39
requesting a 3-foot variance in the side yard 20:39
and reducing the request for the rear yard, 20:39
reducing -- negating the request for the rear 20:39
yard, the coverage is actually exactly the 20:39
same. 20:39

MR. CASTRO: I mean the driveway. The 20:39
first plan it still showed. 20:39

MR. MACLEOD: It still says the same. 20:39

MR. CASTRO: So we will -- I just want 20:39
to reflect the new setback. 20:39

MR. PRESTON: None of your requested 20:39
relief is in because by virtue of this change 20:39
that we were handed today. 20:39

MR. MACLEOD: Except we are requesting 20:39

Weinstock - 6/24/20

one extra setback for the variance for the
side-yard setback.

(Discussion off the record.)

CHAIRMAN KEILSON: We are going to
summarize what we are voting on on the code
relief. First is building coverage, which is
requesting an additional 54 square feet which
equates to 1.8 percent of new building
coverage. The rear-yard setback, really no
change. It's proposed 24.83 feet. There is
an overage of 5.17, but that is exactly what
the existing is to date. The front-yard
height setback ratio is a de minimis amount of
.08 of the requesting overage. Rear-yard
height setback ratio has actually been
reduced, all right, from 1.42 to 1.02. The
rear-yard setback has been increased to 17
foot 2 the closest point and actually 19 at
one most other point. And there is a
side-yard request on the setback for 3 feet.
It should have been 10 feet. And on the
surface coverages, the impervious has been
requested at 4,070, which equates to 590
square feet of overage and okay. That's where

Weinstock - 6/24/20

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the overages are.

20:42

And just on summary on the surface coverage, permitted between pervious and impervious, 4,650. The proposed between pervious and impervious is 5,093, which equates to 9 percent. Taking into consideration the length of time that the applicant has lived in the village and the growing family and the fact that encroachment in some places relate to a parking lot, we haven't heard from the parking lot attendant yet, but we don't think it will be an issue. Also the back is a two-way shack-like edifice.

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20:43

So taking that into consideration, weighing the benefit to the applicant as opposed to any detriment to the community, we will ask Mr. Gottlieb to vote.

20:43

20:43

20:43

20:43

MEMBER GOTTLIEB: I have a few comments. So while I will be voting for this application, the original plan showed a 10-foot pool side yard. Given that the proposal is just for a point and this is adjacent to a parking lot, the parking lot makes a big difference, and I am in favor of

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this.

20:44

CHAIRMAN KEILSON: Very good. Mr.
Hiller?

20:44

20:44

MEMBER HILLER: For.

20:44

CHAIRMAN KEILSON: Mr. Felder?

20:44

MEMBER FELDER: Both I and Mr. Moskowitz
are for.

20:44

20:44

CHAIRMAN KEILSON: Mr. Moskowitz excused
himself. He wasn't available to vote. The
chair will vote for. And a year? You need
two years. Give you two years.

20:44

20:44

20:44

20:44

MR. MACLEOD: I appreciate two years.

20:44

CHAIRMAN KEILSON: Take two years.

20:44

Okay, and with that we will adjourn.

20:44

(Whereupon the hearing concluded at 8:44 p.m.)

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

YAFFA KAPLAN

Court Reporter