

Bais Medrash of Harborview - 8/25/2020

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

August 25, 2020
7:35 p.m.

APPLICATION: Bais Medrash of Harborview
218 Harborview South
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

Bais Medrash of Harborview - 8/25/2020

CHAIRMAN KEILSON: Okay. Good evening, ladies and gentlemen. Welcome to the Lawrence Board of Zoning Appeals. Please turn off your phones, and if you have to converse, please take it outside. Thank you very much.

Mr. Vacchio, proof of posting?

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

CHAIRMAN KEILSON: Very good. Thank you very, very much. Okay. The first matter this evening is going to be Bais Medrash of Harborview, 218 Harborview South. They are going to request for an adjournment. I guess do I hear somebody in opposition as well as the applicant? So if there is anybody from the Board, any questions that we can come back to? Okay.

MEMBER GOTTLIEB: Happy to adjourn it.

CHAIRMAN KEILSON: All right.

(Whereupon the hearing concluded at 7:36 p.m.)

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

YAFFA KAPLAN

Court Reporter

Yaffa Kaplan
Court Reporter

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2 CHAIRMAN KEILSON: Okay, so we will go 19:36
3 to the next date that will be -- the first 19:36
4 matter we will consider this evening is that 19:36
5 of Wolf, 136 Sutton Place South. They or 19:36
6 their representatives, please step forward. 19:36
7 MR. CAPOBIANCO: Hi, good evening. John 19:36
8 Capobianco, architect, 159 Doughty Boulevard, 19:36
9 Inwood, New York. Gentlemen, I am here this 19:35
10 evening on behalf of the Wolfs, Mr. And 19:36
11 Mrs. Wolf who are here in the audience 19:36
12 tonight. They are seeking relief for a 19:36
13 rear-yard setback on a swimming pool that they 19:36
14 would like to put in the yard and a side-yard 19:36
15 relief for a pool equipment having 15 feet, 11 19:36
16 feet. And I just want to point out, that, you 19:36
17 know, before we get started with the review of 19:36
18 the design, I have a letter from a doctor I 19:37
19 would like to proffer in evidence that Mr. 19:37
20 Wolf suffers from cardiac illness. He has a 19:37
21 letter from a doctor saying that maintaining 19:37
22 some exercise in a pool would be great for 19:37
23 him. I would just like to put that into 19:37
24 evidence. 19:37
25 MEMBER HILLER: We have plenty of those. 19:37

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2 We have tons of those. 19:37
3 CHAIRMAN KEILSON: We will accept it. 19:37
4 But I think the message from Mr. Hiller 19:37
5 was clear, right? 19:37
6 MR. CAPOBIANCO: Yes, I heard. Anyway, 19:37
7 they got it done, so I might as well give it 19:37
8 to you. You also have photographs in your 19:37
9 folder or your file which show the views of 19:37
10 the property, the view of the property at the 19:37
11 rear property from the front to the rear, and 19:37
12 you could see that the property depth is only 19:37
13 30 feet, 30.4 feet in depth. Makes it very 19:37
14 difficult to maintain a 20-foot rear yard for 19:38
15 a swimming pool, and the plan that we 19:38
16 presented to the Board, we have 11.4 feet with 19:38
17 a 12-foot-wide-by-42-foot-long pool with a 19:38
18 4-foot access around on the house side of it, 19:38
19 and we are maintaining a small porch or deck 19:38
20 which comes out of the house down onto the 19:38
21 patio. 19:38
22 The variances we are also seeking 19:38
23 besides the setbacks which we would then 19:38
24 create, you know, a buffer of evergreens 19:38
25 planting along the rear of the property, and 19:38

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2 you can see from the photo of the existing 19:38
3 photo if you have it that the neighbor's 19:38
4 property is pretty dense with vegetation and 19:38
5 trees and planting. So it's acting as an 19:38
6 additional buffer, you know, for the sound and 19:38
7 the view of the pool. But we would be 19:38
8 planting evergreens along the rear property 19:38
9 lines and returning on the east side property 19:38
10 line of the pool as well. 19:39

11 I would like to point out on the west 19:39
12 side of this house, which is the house on the 19:39
13 neighbor's house, on a lot that may be a 19:39
14 little smaller than this one, they have a 19:39
15 swimming pool, and you know, it seems to work 19:39
16 for them and seems to have worked for the 19:39
17 neighbors. They do have a swimming pool and I 19:39
18 just want to point that out. But you know, 19:39
19 we -- 19:39

20 CHAIRMAN KEILSON: When did they put in 19:39
21 that pool? 19:39

22 MR. CAPOBIANCO: I don't know when they 19:39
23 installed it, but do you have any idea? 19:39

24 MR. WOLF: Two on the right-hand side. 19:39
25 Two neighbors have pools. 19:39

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MR. CAPOBIANCO: They do have pools.

19:39

MEMBER FELDER: What's the rear-yard
setback of the neighbor's pool?

19:39

19:39

MR. CAPOBIANCO: We wouldn't know. I
didn't look at the site plan.

19:39

19:39

MEMBER GOTTLIEB: I have a few questions
as soon as you are ready for me.

19:39

19:39

MR. CAPOBIANCO: Let me just finish the
presentation. With regard to impervious
coverage, we are seeking an overage for that
also. For that the overage is 795.7 square
feet. So you could see that the front on the
site plan here that we colored up for the
Board to look at, the front of the entire
house is remaining as is, which is a structure
that -- you know, that's been there. The
front yard pervious/impervious I am not
changing. It's only in the rear yard. You
can see the pool, instead of 20 feet we have
11.4, and we maintain the proper side yard, 15
feet on the -- actually the east side of the
pool so that we have required setback there
and also on the opposite side of that. So
it's really the rear yard of 11.4 feet that we

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are seeking the relief from 20. 19:40

And that's basically the presentation. 19:40

I mean, you know, I want to see what the 19:41

Board's questions -- 19:41

MEMBER GOTTLIEB: Chairman, I got some 19:41

tough questions for you. When was this house 19:41

built? 19:41

MR. CAPOBIANCO: When was their house 19:41

built? 19:41

MEMBER GOTTLIEB: The applicant's house. 19:41

MR. CAPOBIANCO: Do you know 19:41

approximately? 19:41

MR. WOLF: We moved in -- in January it 19:41

was finished. Just finished of this year. 19:41

MEMBER GOTTLIEB: So living there a 19:41

number of months. According to the Building 19:41

Department, 3,148 square feet is permitted, 19:41

and I believe there was no variance when this 19:41

house was built. 19:41

MR. CAPOBIANCO: 31.4? 19:41

CHAIRMAN KEILSON: No. Permitted 19:41

impervious is 3,148 but -- and you already got 19:41

3,440. 19:41

MR. CAPOBIANCO: We are looking for 19:42

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3,944.

19:42

MR. GOTTLIEB: How do you have existing more than permitted on a house that was just built? And I realize you may not be the architect on the house.

19:42

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MR. CAPOBIANCO: I can't answer that. Well, we are noting on our plan that it's an existing nonconforming front yard because we are looking at front yard impervious.

19:42

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MEMBER HILLER: Can we speak to the builder? I understand the builder is here. Is the builder here?

19:42

19:42

19:42

MR. PROFESORSKE: David Profesorske. I believe -- I wasn't aware of any of this but I believe just from listening the driveway is not pervious -- sorry, is not impervious. It's actually pervious, so I think that perhaps he made a mistake.

19:42

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MR. CAPOBIANCO: Because we call it brick pavers.

19:43

19:43

MR. PROFESORSKE: Right but it's pervious so that could be the discrepancy.

19:43

19:43

MR. CAPOBIANCO: We have it built into as impervious.

19:43

19:43

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2 MR. PROFESORSKE: Right but it's 19:43
3 pervious. 19:43
4 MR. VACCHIO: You are showing current -- 19:43
5 98 square feet current and that's the rear 19:43
6 deck, so it doesn't show and I don't believe 19:43
7 it shows it on -- can we show it on the plan? 19:43
8 MR. PROFESORSKE: Even the rear deck is 19:43
9 pervious, so I don't know how he made his 19:43
10 calculations of what's included. 19:43
11 MR. CAPOBIANCO: The only thing we have, 19:43
12 we took the driveway as brick pavers, not 19:43
13 pervious. What is it made out of? 19:43
14 MR. PROFESORSKE: Pavers. 19:43
15 MR. CAPOBIANCO: So how is that 19:43
16 pervious? 19:43
17 MR. VACCHIO: How is it installed? 19:43
18 MR. PROFESORSKE: I didn't install it 19:43
19 but it's installed with -- 19:44
20 MR. VACCHIO: We have it down as 19:44
21 impervious. That's the way you see it, that's 19:44
22 the way we see it. I just want to clear that 19:44
23 up. 19:44
24 MR. PROFESORSKE: But to answer your 19:44
25 question, that's the way we built the driveway 19:44

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2 as pervious. We counted it towards pervious. 19:44
3 MEMBER HILLER: So you are already 19:44
4 overbuilt and we don't -- we don't exactly 19:44
5 understand how you managed to build that. 19:44
6 It's very reminiscent of other works and I 19:44
7 know you and I wish you good luck. I hope you 19:44
8 continue to have plenty of business in the 19:44
9 neighborhood but this cannot go on -- I 19:44
10 haven't finished. This cannot go on that 19:44
11 house by house that you build is built already 19:44
12 to -- the house itself covers all the coverage 19:44
13 you are allowed, and then if you put one brick 19:44
14 down to park a car on, you are over already. 19:44
15 This cannot continue. This cannot be a 19:44
16 repetition before the Board every month with a 19:44
17 new home of yours. I just want to tell you in 19:45
18 advance that it's disconcerting at the very 19:45
19 least. 19:45
20 MR. PROFESORSKE: Understood. Thank 19:45
21 you. 19:45
22 MEMBER HILLER: You are welcome. 19:45
23 MEMBER GOTTLIEB: Before you disappear, 19:45
24 was this house built on spec or for a 19:45
25 particular customer? 19:45

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MR. PROFESORSKE: It was built on spec. 19:45

MEMBER GOTTLIEB: So you knew when you 19:45
built this that you are building it with an 19:45
30-foot rear-yard setback? 19:45

MR. PROFESORSKE: Correct. 19:45

MEMBER GOTTLIEB: And you maximized it 19:45
which I understand is what you do. When you 19:45
sold the house -- because this is happening 19:45
now twice tonight, we are going to hear it 19:45
twice -- did you tell them that they could put 19:45
a pool in? 19:45

MR. PROFESORSKE: Absolutely not. 19:45

MEMBER GOTTLIEB: Very often applicants 19:45
blame the broker, the architect, the builder, 19:45
and then we have to kind of clean it up and it 19:45
looks bad for us that people have made false 19:45
promises. Okay. That was my question. 19:45

MEMBER MOSKOWITZ: Have there been 19:45
consultations with the affected neighbors? 19:46

MR. CAPOBIANCO: We tried to contact one 19:46
that has a pool but they weren't available. 19:46
The ones next door are renters. They don't -- 19:46
we -- you know, we couldn't contact the owner, 19:46
and the people behind us, they were hard to 19:46

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2 contact as well, so we didn't contact really 19:46
3 any of the neighbors. 19:46
4 MEMBER GOTTLIEB: So there are no 19:46
5 letters of support? 19:46
6 MR. CAPOBIANCO: No letters of support, 19:46
7 no, but I am sure they were notified and we 19:46
8 couldn't contact them; is that correct? 19:46
9 MRS. WOLF: They are not really at home. 19:46
10 They are two old women that are widowed. Two 19:46
11 behind us. 19:46
12 MR. CAPOBIANCO: The two behind them are 19:46
13 not even living there. 19:46
14 MEMBER MOSKOWITZ: There is no one 19:46
15 living at 7 Lakeside Drive South? 19:46
16 MR. CAPOBIANCO: They tried to contact 19:46
17 them but they couldn't. So we saw the 19:46
18 driveway as impervious as well. And that's 19:46
19 why it went into our calculation, and we are 19:47
20 over by some 795 square feet. The pervious 19:47
21 actually implies it's within the 1,053. We 19:47
22 have 1,036. So that's actually our 19:47
23 presentation with the pool. We have thought 19:47
24 about an additional layout to get more distant 19:47
25 from the rear by reducing the pool to 10 -- a 19:47

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2 10 feet width which was this particular one 19:47
3 here which made it kind of a double lap pool. 19:47
4 You can swim and then that maintained 14.4 19:47
5 rear yard, which would be 5.6 under the 20 19:47
6 feet required. So we thought that was a much 19:47
7 better, you know, plan in order to create a 19:47
8 rear -- as big a rear yard as we can from the 19:48
9 setback. 19:48

10 MEMBER HILLER: John, with as much 19:48
11 sympathy as we can have for the applicant, it 19:48
12 would be very bad precedent for the Zoning 19:48
13 Board. There would be no end to pool 19:48
14 applications for yards that cannot really hold 19:48
15 a pool legally or within the framework of the 19:48
16 village codes. I have tremendous sympathy but 19:48
17 I don't see it. I just don't see it. 19:48

18 MEMBER GOTTLIEB: Is the wood deck and 19:48
19 the pool both considered pervious? 19:48

20 MR. CAPOBIANCO: Yes. 19:48

21 MEMBER GOTTLIEB: So that's where you 19:48
22 are going from 98 feet existing to 1,036? 19:48

23 MR. CAPOBIANCO: That's correct. 19:48

24 MEMBER GOTTLIEB: So pervious is not an 19:48
25 issue. It's just impervious as well as the 19:48

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1 setbacks, the rear-yard setbacks for the pool. 19:48

2 MEMBER FELDER: Is there any other 19:49

3 impervious coverage you can swap out? 19:49

4 MR. CAPOBIANCO: On the side of the 19:49

5 house when you walk in, you saw one of the 19:49

6 photographs, we were trying to landscape but 19:49

7 for the AC units that are so visible and then 19:49

8 we created these pavers with grass in between. 19:49

9 That would be pervious. That's the pavers you 19:49

10 would enter the rear deck from. 19:49

11 CHAIRMAN KEILSON: If we combine the 19:49

12 pervious and impervious, a la, you know, 19:49

13 before we changed the zoning three, four years 19:49

14 ago or as proposed restoring it, so permitted 19:49

15 would be 4,201 and you would be at 4,980, 779 19:49

16 square feet, which would be 18.5 percent. The 19:49

17 problem is taking everything into 19:49

18 consideration, you have almost 48 percent 19:49

19 coverage, lot coverage which is dramatically 19:49

20 over anything that's ever been permitted. I 19:50

21 understand your pain -- 19:50

22 MR. CAPOBIANCO: I mean, everything with 19:50

23 pervious would imply you are over on the 19:50

24 impervious by 122 percent, 122.6 percent. 19:50

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2 MEMBER HILLER: Forty-eight percent lot 19:50
3 coverage. 19:50
4 MR. CAPOBIANCO: Lot coverage in terms 19:50
5 of the building coverage? 19:50
6 CHAIRMAN KEILSON: The pervious doesn't 19:50
7 hurt you. 19:50
8 MR. CAPOBIANCO: No. The pervious 19:50
9 doesn't hurt. 19:50
10 CHAIRMAN KEILSON: Combined you are at 19:50
11 18 and a half percent. The impervious alone 19:50
12 is 25 percent, but the situation is improved 19:50
13 by having the pervious at a lesser number but 19:50
14 -- 19:50
15 MR. CAPOBIANCO: I mean, I guess we can 19:50
16 tear up some of the driveway and make it 19:50
17 pervious to bring the pervious up a little 19:50
18 higher and bring the impervious down. 19:50
19 CHAIRMAN KEILSON: But then the combined 19:50
20 number would remain the same. You would still 19:50
21 be at 18 and a half percent which is 19:50
22 considerably over. 19:51
23 MEMBER GOTTLIEB: The wood deck is at 19:51
24 grade; it's not elevated, right? 19:51
25 MR. CAPOBIANCO: It's at grade. 19:51

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MEMBER MOSKOWITZ: Is there room to make
the deck smaller? Just make a smaller deck?

Is that possible in which case --

MR. CAPOBIANCO: Well, yes, you could
bring the pervious down. You are trying to
get rid of the impervious.

MEMBER MOSKOWITZ: But as the chairman
mentioned, if you were looking at this, if you
were going to disregard the impervious and
pervious distinction and just look at surface
coverage period, then it would make a
difference. You were at 18 percent
approximately over, looking at it from that
perspective.

MR. CAPOBIANCO: We could probably
reduce the wood deck in the front and on the
side and adding up to about 200 more square
feet, so you can reduce the pervious number
down to about 800.

MR. VACCHIO: Four feet that's indicated
on the side of the deck is allowed. We don't
put that in the equation.

MR. CAPOBIANCO: Well, we put it into --
we didn't put it on the chart.

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2 MR. VACCHIO: So you probably want to 19:52
3 work with the bigger portion of the deck. 19:52
4 MR. CAPOBIANCO: Yes, which is the left 19:52
5 side of the pool. We can cut that down and 19:52
6 also shrink the 7-foot one on the other side 19:52
7 down to 5. We probably could pick up like 19:52
8 250, you could probably bring it down from 19:52
9 1,053 to like maybe 800. So pick another 200. 19:52
10 CHAIRMAN KEILSON: I have a 19:52
11 recommendation. Rather than having us vote, 19:52
12 considering the sentiment that's been 19:52
13 expressed already, maybe you pull it for the 19:52
14 moment and see what can be done. 19:52
15 MR. CAPOBIANCO: We can adjourn and see 19:53
16 what we could do. 19:53
17 CHAIRMAN KEILSON: That would be -- 19:53
18 MEMBER MOSKOWITZ: I just want to add to 19:53
19 the recommendation if I could for when this is 19:53
20 re-presented, it would be helpful to have the 19:53
21 perspective from the affected neighbors 19:53
22 because any time that -- whenever we have a 19:53
23 rear-yard encroachment, when it comes to the 19:53
24 pool, we are very sensitive to that and to not 19:53
25 know anything about what the neighbors think 19:53

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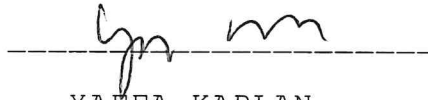
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2 about it. 19:53
3 MR. CAPOBIANCO: They can make a better 19:53
4 attempt to approach the people behind them. 19:53
5 As far as the people that are renting -- 19:53
6 MEMBER MOSKOWITZ: Well, you are not 19:53
7 asking for a side-yard setback anyway. 19:53
8 MR. CAPOBIANCO: Side-yard setback is 19:53
9 not a problem. 19:53
10 MEMBER MOSKOWITZ: The ones I would be 19:53
11 probably focused on would be the ones the pool 19:53
12 is really coming close to the back, so that 19:53
13 would be helpful. 19:53
14 MEMBER FELDER: It would be helpful or 19:53
15 to have a Google Earth shot -- 19:53
16 MR. CAPOBIANCO: Backyard aerial. 19:53
17 MEMBER FELDER: -- of the applicant as 19:53
18 well as the ones behind. 19:53
19 MR. CAPOBIANCO: We can do that and 19:53
20 adjourn. 19:54
21 CHAIRMAN KEILSON: Maybe you can ask Ske 19:54
22 to move the house forward. 19:54
23 MEMBER GOTTLIEB: While you are there, 19:54
24 is there a grade change from the backyard here 19:54
25 to the backyard there? 19:54

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2 MR. CAPOBIANCO: It's pretty flat. 19:54
3 Right, Mr. Builder? 19:54
4 MR. PROFESORSKE: I abstain. I don't 19:54
5 know it. 19:54
6 MR. CAPOBIANCO: It looked pretty flat 19:54
7 to me. 19:54
8 MEMBER GOTTLIEB: I mean, the grade 19:54
9 change to the house behind you. 19:54
10 MR. CAPOBIANCO: Oh, I don't know. You 19:54
11 mean the property behind us? You mean if it's 19:54
12 higher or lower? I don't know but we can find 19:54
13 out if there is some research on that. 19:54
14 MEMBER GOTTLIEB: That would be helpful 19:54
15 to find out. 19:54
16 MR. CAPOBIANCO: The neighbors I think 19:54
17 on each side are pretty much the same. But we 19:54
18 can find out what happens at the back of that 19:54
19 house, which is behind them so we can request 19:54
20 an adjournment. 19:54
21 CHAIRMAN KEILSON: He is adjourning. 19:54
22 You asked for an adjournment. I think there 19:55
23 is no problem. 19:55
24 (Whereupon the hearing concluded at 7:55
25 p.m.)

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

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

YAFFA KAPLAN

Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

August 25, 2020
7:55 p.m.

APPLICATION:

Genack
271 Ocean 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. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

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CHAIRMAN KEILSON: Next matter is Genack 19:55
at 271 Ocean. They or their representative. 19:55

MR. MAYERFELD: Hi, Stanley Mayerfeld 19:55
residing at 17 Bruck Court in Spring Valley, 19:55
New York. How are you doing this evening? 20:00

CHAIRMAN KEILSON: Very good. Thank you 19:55
for asking. 19:55

MR. MAYERFELD: So we are here on behalf 19:55
of the Genack family. It's an existing 19:55
structure. The only thing we are proposing to 19:55
do is put down a pool in I would say the rear 19:55
of the house, the rear of the property, but 19:55
there is no rear yard which causes two of the 19:55
variances. It's just a matter of just the 19:55
existing layout. They are surrounded by two 19:55
streets, so there is no rear yard so that's 19:55
just a product of how the house is situated. 19:56
Mr. Genack will show you -- he does have 19:56
photos of what the condition looks like on the 19:56
site. It's actually very privatized on the 19:56
back of the house and the pool will not be 19:56
seen and it's really used as a rear yard. 19:56

Also it's important to note how all the 19:56
streets, all the driveways and all the access 19:56

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2 points, all the houses over there along Ocean 19:56
3 Avenue, all along Ocean Avenue so essentially 19:56
4 along Willow Way, that's all being treated as 19:56
5 a rear yard, and as you see through the 19:56
6 village of Lawrence, if you do a satellite 19:56
7 imagery around the village, you will see there 19:56
8 is a number of conditions where you have a 19:56
9 street fronting on both sides of the lot and 19:56
10 you will see a pool sitting in the rear yard. 19:56
11 So again the first and third variance about 19:56
12 encroaching on the front yard is just the 19:56
13 nature of how this house is surrounded by 19:56
14 streets. 19:56
15 CHAIRMAN KEILSON: It's a technicality? 19:56
16 MR. MAYERFELD: It's a technicality, 19:56
17 yes. 19:56
18 CHAIRMAN KEILSON: Very good. 19:56
19 MR. MAYERFELD: The next item is about 19:56
20 impervious surface coverage. This is an 19:57
21 existing house. There is something that -- 19:57
22 you know, a couple of changes. A small change 19:57
23 is that proposed pavilion is actually made 19:57
24 just a hair smaller. Mr. Genack has the cut 19:57
25 sheets from the manufacturer. It's going to 19:57

Genack - 8/25/2020

1
2 be a little bit smaller, about 350 square feet 19:57
3 smaller than what we are showing on the plan, 19:57
4 which helps a little bit and also just it's 19:57
5 not an enclosed space. It's open on all 19:57
6 sides. It's just screened in because in this 19:57
7 area there is a lot of -- you see in the 19:57
8 summer you can't enjoy the outside. There is 19:57
9 constant bugs. 19:57
10 MEMBER HILLER: What was the original 19:57
11 square footage? 19:57
12 MR. MAYERFELD: 426. 19:57
13 MEMBER HILLER: Is that of the original? 19:57
14 MR. MAYERFELD: This is on the drawing 19:57
15 is 426. In reality it's going to be a little 19:57
16 bit smaller. So 426 I think it's about 45, 46 19:57
17 square feet smaller than what we are showing 19:57
18 on the drawing. So it's a hair -- it makes it 19:57
19 a little bit better, and again, you know, 19:57
20 often we will talk about the conditions of 19:58
21 pools and discuss about pools, so this is 19:58
22 again another pool application that they have 19:58
23 been living in this house for many, many 19:58
24 years. 19:58
25 CHAIRMAN KEILSON: How many years? 19:58

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MRS. GENACK: Since 2003.

19:58

MR. MAYERFELD: All the conditions of

19:58

the house --

19:58

CHAIRMAN KEILSON: Seventeen. Don't

19:58

make it difficult for us.

19:58

MRS. GENACK: I have to do the math now.

19:58

MR. MAYERFELD: All the conditions, if

19:58

you see the property, this has all been

19:58

allowed, permitted, everything. They made no

19:58

changes to the house, no changes to anything

19:58

that would affect the water table, the zoning

19:58

since they moved in from any aspect of this.

19:58

So we are just here to discuss the pool and

19:58

also something that is -- we did a little

19:58

cross section because I know it's a concern.

19:58

As we talk about the neighbors, I would just

19:59

give you a little diagram showing how we are

19:59

maintaining the existing -- we did a cross

19:59

section through the pool and through the

19:59

existing grade, so I want to show that we are

19:59

not causing any type of additional -- any type

19:59

of additional runoff to the neighbors. In

19:59

addition, Dr. Genack can come and speak and he

19:59

has the support from many, many neighbors.

19:59

Genack - 8/25/2020

1
2 MR. VACCHIO: Do you have any extra 19:59
3 ones? 19:59
4 MR. MAYERFELD: That's pretty much it. 19:59
5 MEMBER GOTTLIEB: So what do you do in a 19:59
6 covered pavilion? 19:59
7 MR. MAYERFELD: You just sit out there. 19:59
8 MEMBER GOTTLIEB: Is it a bandstand? 19:59
9 MR. MAYERFELD: You want to sit outside, 20:00
10 you want to enjoy outside, you want to enjoy 20:00
11 the heat, you want to enjoy the humidity or 20:00
12 the breeze. Just be outside without -- you 20:00
13 are still protecting yourself from the sun. 20:00
14 MEMBER GOTTLIEB: So you didn't say no, 20:00
15 it's not a bandstand. 20:00
16 MR. MAYERFELD: No. 20:00
17 MEMBER GOTTLIEB: I am just concerned 20:00
18 about -- some of the neighbors have reached 20:00
19 out to me. 20:00
20 MR. MAYERFELD: It's certainly not a 20:00
21 bandstand. I thought you were kidding. 20:00
22 MEMBER GOTTLIEB: No because neighbors 20:00
23 have actually called me. I don't know why 20:00
24 they do that. They could come here instead. 20:00
25 They were concerned about the noise level. 20:00

Genack - 8/25/2020

1		
2	MR. MAYERFELD: No.	20:00
3	CHAIRMAN KEILSON: The recreational	20:00
4	structure on the property line, you left it	20:00
5	off your drawing.	20:00
6	MEMBER GOTTLIEB: The basketball court.	20:00
7	MR. MAYERFELD: This area?	20:00
8	MEMBER HILLER: The left of the house.	20:00
9	MR. MAYERFELD: This area?	20:00
10	CHAIRMAN KEILSON: It's on the survey.	20:01
11	It's not on your drawing. Was that	20:01
12	intentional?	20:01
13	MR. MAYERFELD: No, not intentional at	20:01
14	all. This is all existing. This has not been	20:01
15	touched or --	20:01
16	CHAIRMAN KEILSON: So there is a	20:01
17	variance for it?	20:01
18	MR. MAYERFELD: Not that I know of.	20:01
19	This is from -- I mean, the Genacks can talk	20:01
20	further about it. They have not done like --	20:01
21	I want to stress -- they can talk better, but	20:01
22	they have not done any bit of work since they	20:01
23	moved in or since they got the C of O. I	20:01
24	think they can speak better at this. I just	20:01
25	was introduced to the project.	20:01

Genack - 8/25/2020

1
2 CHAIRMAN KEILSON: I wanted to know why 20:01
3 you left it off the drawing. 20:01
4 MR. MAYERFELD: It was not intentional 20:01
5 to avoid anything. Because the coverage is -- 20:01
6 is -- 20:01
7 CHAIRMAN KEILSON: That's a separate 20:01
8 variance requirement if indeed it's a 20:01
9 recreational structure. 20:01
10 MR. MAYERFELD: Again, this is all 20:01
11 existing. Nothing being proposed now. So to 20:01
12 answer your question -- 20:01
13 CHAIRMAN KEILSON: Counsel? 20:02
14 MR. MAYERFELD: -- nothing was 20:02
15 intentionally left off the drawing. 20:02
16 MR. PRESTON: It doesn't matter. It 20:02
17 exists. 20:02
18 MR. MAYERFELD: So it's shown on the 20:02
19 survey. We have the surveys. 20:02
20 MR. PRESTON: Is there a variance 20:02
21 request for it? 20:02
22 DR. GENACK: It's a removable structure. 20:02
23 CHAIRMAN KEILSON: You will allow him to 20:02
24 speak and have somebody come up and describe 20:02
25 the history of it. I am just troubled the 20:02

Genack - 8/25/2020

1 architect didn't pick it up. That's his 20:02
2 responsibility. 20:02
3
4 MR. MAYERFELD: When we were introduced 20:02
5 to the project, we were here to propose the 20:02
6 additional coverage that was the variance of 20:02
7 the yard. 20:02
8
9 CHAIRMAN KEILSON: You were paid to 20:02
10 prepare drawings that reflects the reality of 20:02
11 a property. 20:02
12
13 MR. MAYERFELD: That's a fair statement. 20:02
14
15 CHAIRMAN KEILSON: If an item requires a 20:02
16 variance, that's your responsibility to ask 20:02
17 was there ever a variance. That's all. 20:02
18
19 MR. MAYERFELD: So if it was our mistake 20:02
20 that we didn't inquire about that, it was our 20:02
21 mistake, but with the intention since we were 20:02
22 coming to address coverage issues is that we 20:03
23 drew out all the coverage that exists. 20:03
24
25 CHAIRMAN KEILSON: I am going to repeat 20:03
26 it again. Your responsibility as an architect 20:03
27 when you prepare a zoning chart is to prepare 20:03
28 everything that relates to zoning. And if 20:03
29 it's something that either exists with 20:03
30 permission or doesn't require permission, you 20:03

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1
2 have to be familiar with that. That's it. 20:03
3 MR. MAYERFELD: It's going to be a 20:03
4 discussion now about whether what's considered 20:03
5 permanent, not permanent, and Mr. Genack can 20:03
6 talk about that. 20:03
7 CHAIRMAN KEILSON: I am sure we will 20:03
8 have somebody speak to that. 20:03
9 MR. MAYERFELD: So I will turn over the 20:03
10 podium to -- 20:03
11 CHAIRMAN KEILSON: No. Let's just go 20:03
12 back to -- I think we should take into 20:03
13 consideration your overage of 1,140 square 20:03
14 feet which equates to 13.6; is that correct? 20:03
15 MR. MAYERFELD: 13.5 but let's not 20:03
16 quibble. 20:03
17 CHAIRMAN KEILSON: You want to quibble 20:03
18 about it? 20:03
19 MR. MAYERFELD: No. 20:03
20 CHAIRMAN KEILSON: So take off the 380 20:03
21 of something that's really just -- your 20:04
22 pavilion doesn't bother me all that much. 20:04
23 It's just a covering the ground 380 square 20:04
24 feet. 20:04
25 MR. MAYERFELD: Yes. 20:04

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1
2 CHAIRMAN KEILSON: So you are down to, 20:04
3 let's see, 9,155 and down to about 7 and 20:04
4 change percent. Trying to put it in the best 20:04
5 light possible for you. Okay. 20:04
6 MR. MAYERFELD: Okay. 20:04
7 CHAIRMAN KEILSON: You are welcome. 20:04
8 MR. MAYERFELD: Thank you. 20:04
9 CHAIRMAN KEILSON: Now, whoever else 20:04
10 wants to speak to the matter. 20:04
11 DR. GENACK: Good evening, all. I think 20:04
12 it's just useful for you to see first of all, 20:04
13 I just took some photographs. This is from 20:04
14 Willow Way. This is the back of the house. 20:04
15 This is seven years ago after Sandy. These 20:04
16 are the trees that I planted. I planted them 20:04
17 myself. They are only 15 cypresses. This is 20:04
18 what it looks like today. So these are over 20:05
19 20 feet tall. I have to trim them. This is 20:05
20 looking down the road back then. And now 20:05
21 there is no way -- 20:05
22 CHAIRMAN KEILSON: Referring to the 20:05
23 screening? 20:05
24 DR. GENACK: The screening is complete. 20:05
25 There is no one -- no way anyone can see or 20:05

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1
2 anything from the street, and it won't affect 20:05
3 the street in any way. This is just a 20:05
4 photograph of what the plan is supposed to 20:05
5 look like, and I am not planning to put any 20:05
6 patio around this pool. As you can see, it's 20:05
7 going to be all grass around it. And you 20:05
8 know, I have lived in this village probably 20:05
9 most of my life. My father was on Hollywood 20:05
10 Crossing. I have been here for, I don't know, 20:06
11 35 years. I have been living in my house -- 20:06
12 how long were we there? 20:06
13 CHAIRMAN KEILSON: Seventeen years. 20:06
14 DR. GENACK: Feels like forever. I 20:06
15 planted all the grass on my property. I am a 20:06
16 very hands-on person, and it matters to me a 20:06
17 lot how my neighbors feel about things. I 20:06
18 have gone to every single neighbor. I 20:06
19 discussed the plan with them. I have letters 20:06
20 from every single neighbor giving approval. I 20:06
21 think the most important approval was from the 20:06
22 neighbor just to where the pool is going to 20:06
23 be, and he actually delivered a letter to me 20:06
24 last night. Could you read the letter? It's 20:06
25 very short but -- 20:06

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1
2 MEMBER GOTTLIEB: Is this the family 20:06
3 that bought that house last year? 20:06
4 DR. GENACK: Yes. Yes. Sheryl reads 20:06
5 better than me. I can't even see with my 20:06
6 glasses. 20:06
7 MRS. GENACK: Dear respected members of 20:06
8 the Board, my name is Jeremy Goldzal and I am 20:06
9 the proud owner of 277 Ocean Avenue, Lawrence. 20:06
10 I write this letter today as a property owner 20:07
11 in the Back Lawrence community and as a 20:07
12 next-door neighbor to the Genack family. I 20:07
13 understand that my neighbors the Genacks have 20:07
14 applied for a permit to install an in-ground 20:07
15 pool. I further understand that by approving 20:07
16 a pool, it would require an increase in the 20:07
17 allowable surface coverage area and would also 20:07
18 require a grading change. I am in full 20:07
19 support of the Board approving the pool 20:07
20 application. Actually, not only do I support 20:07
21 the application, I encourage it. When 20:07
22 residents like the Genacks look to enhance 20:07
23 their property and their lives here in Back 20:07
24 Lawrence, it moves to further solidify our 20:07
25 neighborhood, cements the community spirit, 20:07

1 Genack - 8/25/2020

2 and avoids turnover. And I am available to 20:07
3 speak and could be reached at -- 20:07

4 DR. GENACK: These are the approvals of 20:07
5 all the neighbors. The entire block. 20:07
6 Something came up about the basketball court. 20:08
7 This was the driveway when we bought the 20:08
8 house. We put a basket in after the fact. 20:08
9 The basket is actually removable. It's bolted 20:08
10 into the house. It just comes right out the 20:08
11 bolt, so it's really a temporary structure. 20:08
12 Think of it as a court. The lines were 20:08
13 painted many, many years later. And we don't 20:08
14 have a lot of recreational parks or basketball 20:08
15 courts in Lawrence, and this court actually is 20:08
16 used by many people in the neighborhood. My 20:08
17 kids' friends are there all the time. 20:08

18 MEMBER GOTTLIEB: I see it. 20:08

19 DR. GENACK: And it's -- I didn't even 20:08
20 realize that would be an issue to tell you the 20:08
21 truth. 20:08

22 CHAIRMAN KEILSON: Nor did your 20:08
23 architect. 20:08

24 MEMBER GOTTLIEB: Any question, Mr. 20:08
25 Chairman? Is it an issue? 20:08

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2 CHAIRMAN KEILSON: Not if it's 20:08
3 temporary. 20:08
4 MEMBER GOTTLIEB: So we don't have to 20:08
5 address it. 20:08
6 CHAIRMAN KEILSON: Mr. Vacchio, is that 20:08
7 correct? 20:09
8 MR. VACCHIO: If it's a temporary 20:09
9 structure? 20:09
10 DR. GENACK: Comes right out of the 20:09
11 ground. It was put in that way. The pole 20:09
12 comes right off. 20:09
13 MR. VACCHIO: Technically it's in the 20:09
14 ground. 20:09
15 CHAIRMAN KEILSON: It's a gray area. 20:09
16 DR. GENACK: That's the pole in the 20:09
17 ground. I happen to know that because when I 20:09
18 bought the basket, they tell me you can always 20:09
19 take the basket with you. 20:09
20 MEMBER HILLER: Dr. Genack, a couple of 20:09
21 questions. So the basketball court or the 20:09
22 area of the basketball court coverage preceded 20:09
23 your purchase? 20:09
24 DR. GENACK: Correct. That was all 20:09
25 driveway. 20:09

Genack - 8/25/2020

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MEMBER HILLER: Of course, you have no way of knowing it was put in with permits or without, and apparently it was put in without.

DR. GENACK: The other issue is our property between Ocean Avenue and Willow Way, there is a significant grade particularly in the front of the house, and when you are pulling out of that driveway, you are very often -- because of hedges there, you could be blinded on each side. It's actually a little bit of an issue for us. Putting in the circular driveway in the front of the house, that we did do when we built the house. That's made an enormous difference. Even for safety we could see better when it's coming in and out of the property.

MEMBER HILLER: So you heard from the chairman before that and I understand, of course, you don't want to remove the pavilion that had you agreed to remove the pavilion, you would be asking for a very significant variance.

CHAIRMAN KEILSON: It's 9 percent.

MEMBER HILLER: Or a fairly -- something

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1
2 diminished variance. Is there any other 20:10
3 section of coverage that you could comfortably 20:10
4 remove to make our palate, our appetites a 20:10
5 little bit more persuaded in your favor? 20:10

6 DR. GENACK: There is -- well, first of 20:10
7 all, I just have a question. If I have 20:11
8 multiple leaks in my house is that considered 20:11
9 pervious? 20:11

10 MEMBER HILLER: Only if you are selling. 20:11

11 DR. GENACK: But there is an area of 20:11
12 driveway that's -- it's actually partially 20:11
13 cracked up already. I -- actually I can't 20:11
14 show it on this. By the way, this is a 20:11
15 photograph I just took from Google Maps 20:11
16 showing where this would be on this property. 20:11
17 When you look at the property and people when 20:11
18 they come into our backyard, the first thing 20:11
19 they say is you have so much room for a pool. 20:11
20 You can see this is all grass going here as 20:11
21 well, but right here there is a little section 20:11
22 of driveway that could theoretically be -- 20:11

23 CHAIRMAN KEILSON: Square feet? How 20:11
24 many square feet? 20:11

25 DR. GENACK: What did we estimate? It 20:11

1 Genack - 8/25/2020

2 would be over 500 feet. I actually -- 20:11

3 MEMBER HILLER: That is significant. 20:11

4 MEMBER FELDER: That's bigger than the 20:11
5 entire pavilion. 20:11

6 CHAIRMAN KEILSON: If we made it 500 20:12
7 even, it would bring it down to 6,140. 20:12

8 MEMBER GOTTLIEB: If we made it 500 20:12
9 even. 20:12

10 DR. GENACK: I don't know if that is 20:12
11 helpful to you but Ocean Avenue -- 20:12

12 CHAIRMAN KEILSON: We go by square feet 20:12
13 so we can figure out. 20:12

14 MR. PRESTON: Mr. Chairman, if the Board 20:13
15 is considering making a modification or making 20:13
16 suggestions on this, there is an issue that 20:13
17 this basketball hoop is a structure and if 20:13
18 perhaps instead of sorting this out tonight, 20:13
19 the matter could be adjourned and renoticed 20:13
20 with a variance so that the basketball hoop 20:13
21 doesn't come in the way. 20:13

22 MRS. GENACK: Before you think or 20:13
23 consider adjourning it, can I say something 20:13
24 about the basketball court? 20:13

25 CHAIRMAN KEILSON: I just want clarity. 20:13

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2 MR. VACCHIO: We are trying to say it's 20:13
3 a permanent structure, but you can move it. 20:13
4 We don't mind and the truth is if you have a 20:13
5 portable basketball hoop that comes down and 20:13
6 we see that in the street, if this is 20:13
7 approved, then there is a lot of people that 20:13
8 have it that aren't supposed to have it. 20:13
9 MRS. GENACK: So for some reason we 20:13
10 built the house, the house was there, and we 20:14
11 expanded on it. So when we did that, we did 20:14
12 all the work. Our C of O came after the 20:14
13 basketball court. They came and inspected our 20:14
14 house in 2011 to give us our C of O because I 20:14
15 guess after Dan Herrington left, there were a 20:14
16 lot of people who never had a C of O 20:14
17 submitted. So our C of O was obtained in 20:14
18 2011, which means the village approved the 20:14
19 basketball court. 20:14
20 MEMBER GOTTLIEB: Or they didn't see it. 20:14
21 MRS. GENACK: You can't miss it. 20:14
22 CHAIRMAN KEILSON: Why don't we get 20:14
23 clarification of counsel? 20:14
24 MR. VACCHIO: What year was that? 20:14
25 MRS. GENACK: In 2011. I have the 20:14

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1
2 letter. 20:14
3 CHAIRMAN KEILSON: Does the C of O -- 20:14
4 MR. PRESTON: If the C of O specifically 20:14
5 says there is a basketball court -- just if 20:14
6 the C of O shows there was a basketball hoop 20:15
7 on it, I would agree with you. If the C and O 20:15
8 doesn't reference the basketball hoop, just 20:15
9 because the C of O was issued doesn't bind the 20:15
10 village to let you have everything that was 20:15
11 there. 20:15
12 MRS. GENACK: The C and O was obtained 20:15
13 six years after we were in the house. You 20:15
14 can't miss it. I had to put in railings where 20:15
15 I didn't have railings on the balcony. I had 20:15
16 to put a railing on a staircase. It wasn't 20:15
17 just somebody put a stamp on it. The house 20:15
18 was inspected. So to go back now nine years 20:15
19 and say wait, maybe they weren't allowed to 20:15
20 have that doesn't even make sense. It seems a 20:15
21 little strange. 20:15
22 MEMBER FELDER: Can we go off the record 20:15
23 for a second? 20:15
24 (Discussion off the record.) 20:15
25 CHAIRMAN KEILSON: Anything else you 20:19

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1
2 wanted to present? 20:19
3 DR. GENACK: No. I thank you very much. 20:19
4 CHAIRMAN KEILSON: Does anyone else in 20:19
5 the audience want to speak to the matter? Who 20:19
6 has an opinion about basketball courts or 20:19
7 otherwise? Okay. So let's just summarize 20:19
8 what we are requesting. Where is the 20:19
9 architect? 20:19
10 MR. MAYERFELD: I am here. 20:19
11 CHAIRMAN KEILSON: See if you can 20:19
12 summarize what you are requesting. 20:19
13 MR. MAYERFELD: We are requesting 20:19
14 placing this pavilion and pool in the second 20:19
15 front yard and to reduce the coverage that 20:19
16 were requested by let's say 400 square feet. 20:20
17 MEMBER HILLER: You said 500 square. 20:20
18 MR. MAYERFELD: I know Dr. Genack thinks 20:20
19 it's 500. I don't think it's exactly 500. 20:20
20 MEMBER FELDER: Why don't we make it an 20:20
21 equal swap? 20:20
22 MR. MAYERFELD: We will take off 500 20:20
23 square feet. 20:20
24 MEMBER GOTTLIEB: You can take it from 20:20
25 somewhere else. 20:20

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2 MEMBER FELDER: You can take it from 20:20
3 whenever you want. 20:20
4 CHAIRMAN KEILSON: Okay. Again, so the 20:20
5 requests are for -- what are the variances you 20:20
6 are requesting? 20:20
7 MR. MAYERFELD: For an accessory 20:20
8 structure in the front yard, pool located in 20:20
9 the front yard, and a coverage -- let's do the 20:20
10 math. We are combining the numbers, correct? 20:20
11 CHAIRMAN KEILSON: 9,535 less 500. 20:20
12 MR. MAYERFELD: 9,535 less 500. 20:21
13 CHAIRMAN KEILSON: 9,035. Excess of 20:21
14 1,140 minus 500. 640 square feet overage. 20:21
15 MR. MAYERFELD: 7.6 percent? Is that 20:21
16 what you have? 20:21
17 CHAIRMAN KEILSON: Yes. 20:21
18 MR. MAYERFELD: At least we are in 20:21
19 agreement now. 20:21
20 CHAIRMAN KEILSON: We got the numbers 20:21
21 straight and also with the understanding that 20:21
22 the basketball court is taken down. 20:21
23 MR. MAYERFELD: Like a Succah. Move it 20:21
24 up once a year. 20:21
25 MEMBER GOTTLIEB: Just to take it down 20:21

Genack - 8/25/2020

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2 until there is a new application to put it 20:21
3 back. 20:21
4 CHAIRMAN KEILSON: Or otherwise. 20:21
5 MEMBER GOTTLIEB: So we can get on with 20:21
6 this without the technicalities of holding it 20:21
7 up another month. 20:21
8 MR. MAYERFELD: Because they are eager 20:21
9 to get this application so they could at least 20:22
10 get this in. 20:22
11 MEMBER GOTTLIEB: The last few weeks of 20:22
12 the summer. 20:22
13 CHAIRMAN KEILSON: So weighing the 20:22
14 benefit of the applicant as opposed to any 20:22
15 detriment to the health, safety, and welfare 20:22
16 of the community, we will take a vote starting 20:22
17 with Mr. Moskowitz. 20:22
18 MEMBER MOSKOWITZ: For. 20:22
19 CHAIRMAN KEILSON: Mr. Gottlieb? 20:22
20 MEMBER GOTTLIEB: For. 20:22
21 CHAIRMAN KEILSON: Mr. Hiller? 20:22
22 MEMBER HILLER: For. 20:22
23 CHAIRMAN KEILSON: Mr. Felder? 20:22
24 MEMBER FELDER: For. 20:22
25 CHAIRMAN KEILSON: And I vote for. What 20:22

Genack - 8/25/2020

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do you need? Eighteen months?

20:22

MR. MAYERFELD: Eighteen months should

20:22

do it. You want your pool within 18 months?

20:22

DR. GENACK: It's vinyl. You can't do

20:22

it in the cold.

20:22

CHAIRMAN KEILSON: Thank you very much.

20:22

Good luck.

20:22

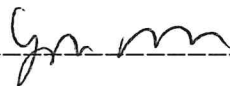
DR. GENACK: Thank you very much.

20:22

(Whereupon the hearing concluded at 8:22

p.m.)

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



YAFFA KAPLAN

Court Reporter

Brecher - 8/25/2020

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

August 25, 2020
8:22 p.m.

APPLICATION: Brecher
175 Briarwood Crossing
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. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

1 Brecher - 8/25/2020

2 CHAIRMAN KEILSON: Next matter is that 20:22
3 of Brecher. They or their representative. 20:22

4 MR. MAYERFELD: Stanley Mayerfeld, I am 20:22
5 here again. So I think I am going to make 20:22
6 this very brief. After talking to the 20:22
7 Brechers -- and I know we sent in their 20:23
8 application with their coverage, if the Board 20:23
9 has any questions, they can supplement the 20:23
10 application. What I am about to say that 20:23
11 we -- the final game plan is not to just add 20:23
12 in the numbers. We are here for building 20:23
13 coverage, and we are here for surface 20:23
14 coverage. But the only thing that the 20:23
15 Brechers are looking to add to the plan is 20:23
16 they want to put in a pool. So now we are 20:23
17 working with them to adjust the driveway so as 20:23
18 -- so like kind of like the last application, 20:23
19 shave off in certain areas of the driveway, 20:23
20 and apply it to a pool. So I don't know how 20:23
21 the Board feels if we adjourn or if you want 20:23
22 to start discussing the application tonight. 20:23

23 CHAIRMAN KEILSON: Adjourn. 20:23

24 MR. MAYERFELD: Are there any questions 20:23
25 about the application? We can start. 20:23

1 Brecher - 8/25/2020

2 CHAIRMAN KEILSON: I think it would be 20:23
3 best off coming in with a plan. 20:23

4 MR. MAYERFELD: Just note the numbers. 20:23
5 We are keeping the same but just enough to 20:24
6 shave off so the numbers don't change at all. 20:24
7 Thank you. 20:24

8 MEMBER HILLER: I want to see that 20:24
9 miraculous application. That's going to be a 20:24
10 miraculous application if the -- to add a pool 20:24
11 that's going to be like -- 20:24

12 MR. MAYERFELD: The existing condition 20:24
13 is crazy. Yes. The existing condition is way 20:24
14 over. 20:24

15 MEMBER HILLER: Did you do any -- 20:24

16 MR. MAYERFELD: I spoke to the Brechers. 20:24
17 They bought it from someone, and they said 20:24
18 they didn't have to change a thing because I 20:24
19 think they got 13,000. They are allowed the 20:24
20 9,000 so they are way, way over. 20:24

21 MEMBER HILLER: And yet you went for a 20:24
22 pool. 20:24

23 MR. MAYERFELD: But the total proposed 20:24
24 is going to be less than 13,000. We are going 20:24
25 to bring it down. We are not looking to match 20:24

Brecher - 8/25/2020

1 the 13,000. What I say is we are -- whatever 20:24
2 we are proposing now which is less than 13,000 20:24
3 is that we are still going to keep it. We are 20:24
4 not going to change our application because of 20:24
5 the numbers because even though -- let's look 20:24
6 at the numbers quickly because it is a little 20:25
7 bit of an interesting -- 20:25

8
9 MEMBER HILLER: I am just telling you 20:25
10 you are opening a Pandora's box because once 20:25
11 you start to apply for something like that, 20:25
12 then we have to start looking at the overages 20:25
13 again. Right now you have I don't know how 20:25
14 but grandfathered in, you know, 50 percent 20:25
15 coverage or something like that. 20:25

16 MR. MAYERFELD: But the total number is 20:25
17 not going to be 50 percent. It's going to be 20:25
18 in better condition. 49.9. 20:25

19 CHAIRMAN KEILSON: Don't tell us too 20:25
20 much. We want to look forward. 20:25

21 MEMBER GOTTLIEB: I just want to see the 20:25
22 garage looking like the house. With the 20:25
23 terraces. 20:25

24 MR. MAYERFELD: We will make sure. 20:25

25 MEMBER GOTTLIEB: Narrow windows. 20:25

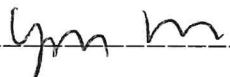
Brecher - 8/25/2020

MR. MAYERFELD: Have a good evening. 20:25

(Whereupon the hearing concluded at 8:25 20:25

p.m.)

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

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YAFFA KAPLAN

Court Reporter

Honig - 8/25/2020

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

August 25, 2020
8:25 p.m.

APPLICATION: Honig
61 Muriel 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. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

1 Honig - 8/25/2020

2 CHAIRMAN KEILSON: Honig, 61 Muriel. 20:25

3 They or their representative. 20:25

4 MR. MACLEOD: Can I just have one minute 20:26

5 to find my client? 20:26

6 (Recess taken.) 20:26

7 CHAIRMAN KEILSON: Okay. 20:27

8 MR. MACLEOD: Good evening, Mr. Keilson, 20:27

9 members of the Board. John Macleod, 595 Park 20:27

10 Avenue, Huntington, New York 11743, here this 20:27

11 evening representing the Honigs who live in 20:27

12 their current address at 61 Muriel Avenue for 20:27

13 25 years and members of the community for 32 20:27

14 years. 20:28

15 Currently we are rebuilding their house 20:28

16 which was damaged by fire, and as part of the 20:28

17 process that is described in the petition -- 20:28

18 you read the beginning part of the petition. 20:28

19 We gave a little bit of history being in the 20:28

20 neighborhood and the desire to have a swimming 20:28

21 pool and a cabana as a gathering place for 20:28

22 their family and for other functions, 20:28

23 charitable. 20:28

24 CHAIRMAN KEILSON: As I read the 20:28

25 petition, as I said previously, I don't know 20:28

Honig - 8/25/2020

1
2 whether to give them a plaque or a variance. 20:28
3 The concern I have is in the description of 20:28
4 how they are using the house, I think you 20:28
5 should be asking for variances for public 20:28
6 assembly here tonight based on the number of 20:28
7 events that he describes that he uses the 20:28
8 house for. So I think there is an excessive 20:28
9 zeal to describe how charitable they are and 20:28
10 he is known for that, but at the same time the 20:28
11 purpose of the variance is to address the need 20:29
12 of the homeowner, not so that he can serve as 20:29
13 an assembly point for whatever the wonderful 20:29
14 causes that he has embraced. 20:29
15 MR. MACLEOD: I hear your comments, Mr. 20:29
16 Keilson and we understand that, but to further 20:29
17 the support, the support from the neighbors, I 20:29
18 do actually have 19 letters of support that we 20:29
19 would like to submit this evening to the 20:29
20 Board. 20:29
21 CHAIRMAN KEILSON: Okay. 20:29
22 MR. MACLEOD: I won't read through them 20:29
23 all. 20:29
24 CHAIRMAN KEILSON: Please. 20:29
25 MR. MACLEOD: Because we would be here 20:29

Honig - 8/25/2020

1
2 for a couple more hours, but they are all very 20:29
3 good. 20:29
4 CHAIRMAN KEILSON: I am sure they are 20:29
5 all positive. Thank you very much. 20:29
6 MR. MACLEOD: We also just before the 20:29
7 meeting submitted a revision to our request. 20:29
8 Taking into consideration the percentage 20:29
9 points that we are over for asking for 20:30
10 building coverage, we did submit the 20:30
11 documentation with green markups. Do you have 20:30
12 a copy of that? If you don't, I have an extra 20:30
13 copy. So we reduced the size of the cabana by 20:30
14 2 feet in depth, and that reflects 75 square 20:31
15 feet of reduction which represents almost 2 20:31
16 percent. So we are requesting a building 20:31
17 coverage of 9.6 percent in place of the 11.5 20:31
18 that was previously in the petition. 20:31
19 CHAIRMAN KEILSON: I guess the question 20:31
20 is I think it's in the petition that the 20:31
21 decision to add the pool and cabana was the 20:31
22 byproduct of their living during this period 20:31
23 of time at another residence where there was a 20:31
24 pool and so became enamored of that and I 20:31
25 guess it was added as an afterthought because 20:31

Honig - 8/25/2020

1
2 otherwise they have built already what they 20:31
3 could build within the permitted and been able 20:31
4 to pick up a pool by building a small house 20:31
5 obviously, a cabana. 20:31

6 MR. MACLEOD: Well, we did, in fact, 20:31
7 reduce the impact of the cabana size by taking 20:31
8 down some structures in the back of the 20:31
9 property which equated to 350 square feet. 20:32

10 MEMBER GOTTLIEB: Removed the frame shed 20:32
11 in the back? 20:32

12 MR. MACLEOD: Yes. We removed the frame 20:32
13 shed which represented 352 square feet, and 20:32
14 that had an impact on the overall amount. The 20:32
15 existing structures on the property actually 20:32
16 were over by 5 percent, and we are asking to 20:32
17 increase that overage of 5 percent to this 9.6 20:32
18 percent number. So in effect we are only 20:32
19 asking for an additional 4.6. 20:32

20 CHAIRMAN KEILSON: Existing structure 20:32
21 you are referring to? 20:32

22 MR. MACLEOD: The existing structures 20:32
23 being comprised of the existing house, the 20:32
24 existing porch, and the existing shed. 20:32

25 CHAIRMAN KEILSON: So it's a rebuilt 20:32

Honig - 8/25/2020

1 house. 20:32

2

3 MR. MACLEOD: We kept the same footprint 20:32

4 and the portions of the structure, and in 20:32

5 fact, we reduced the size of the front 20:32

6 overhang by a few square feet. So it was 20:32

7 reduced to slightly less than it was before. 20:33

8 The porch used to be 200; now it's going to be 20:33

9 147. We took off 53 square feet. 20:33

10 MEMBER GOTTLIEB: I see the building 20:33

11 coverage is about 200 feet over what's 20:33

12 permitted. So when the house was built last, 20:33

13 was there a variance, or did it just end up 20:33

14 being 200 feet more than permitted? 20:33

15 MR. MACLEOD: The house as built was 20:33

16 built -- substantially rebuilt in 1990 -- 20:33

17 MR. HONIG: 1994. 20:33

18 MR. MACLEOD: 1994 with permits at that 20:33

19 time. 20:33

20 MEMBER GOTTLIEB: So 26 years ago that 20:33

21 would have been permitted? 20:33

22 MR. MACLEOD: Yes. The variance was 20:33

23 granted at that time. 20:33

24 MEMBER GOTTLIEB: So you are going back 20:33

25 pretty much to the same size? 20:33

Honig - 8/25/2020

1
2 MR. MACLEOD: Actually slightly smaller. 20:33
3 We made the front slightly smaller by 50 feet 20:33
4 square. We took away the shed, 350 square 20:33
5 feet which brings us to a net increase of 4.6 20:33
6 percent above what is there now. 20:34
7 CHAIRMAN KEILSON: Saying the cabana is 20:34
8 -- is it only the cabana that we are talking 20:34
9 about? 20:34
10 MR. MACLEOD: Talking about the cabana's 20:34
11 building coverage and the net increase after 20:34
12 we take away the shed is 4.6 percent beyond 20:34
13 what is standing there now. It does equate to 20:34
14 9.6 percent building coverage over. 20:34
15 CHAIRMAN KEILSON: That's over the -- 20:34
16 MR. MACLEOD: Over the permitted. 20:34
17 CHAIRMAN KEILSON: 3,876 was the 20:34
18 permitted and already had stepped it up to 20:34
19 4,067, which is 5 percent excess, and now they 20:34
20 are going to 9.6 percent excess with an 20:34
21 additional 372 feet; is that correct? 20:34
22 MR. MACLEOD: That is correct. 20:34
23 MEMBER GOTTLIEB: Which is just you said 20:34
24 4.6 percent over existing. Is that what you 20:34
25 said? 20:34

1 Honig - 8/25/2020

2 MR. MACLEOD: That is correct. 20:34

3 CHAIRMAN KEILSON: Okay. 20:35

4 MR. MACLEOD: So that is our building 20:35
5 coverage. We tried to keep it to a minimum 20:35
6 request. When we get into pervious and 20:35
7 impervious discussions -- 20:35

8 CHAIRMAN KEILSON: Why don't you address 20:35
9 the building height at the same time? 20:35

10 MR. MACLEOD: Okay. We will do the 20:35
11 building height. 20:35

12 CHAIRMAN KEILSON: Since you are talking 20:35
13 about the cabana, right? 20:35

14 MR. MACLEOD: Yes. So the building 20:35
15 height, we have designed this cabana to try to 20:35
16 match the look of the house and the house has 20:35
17 a 10 and 12 pitch on the roof, so the drawing 20:35
18 in front of you depicts a 10 and 12 roof 20:35
19 pitch. 20:35

20 MEMBER GOTTLIEB: Which drawing is that? 20:35

21 MR. MACLEOD: It's on page A-2 of the 20:35
22 plans. A-3 of the plans has the elevations 20:35
23 and the cross section and you will see on 20:35
24 there that the roof pitch is 10 and 12 pitch 20:35
25 to match the house. And the floor of the 20:35

Honig - 8/25/2020

1 cabana is an elevation of 11, which we are 20:36
2 required to have because of the flood plane. 20:36
3 We are in flood plane 9 and we need to be 2 20:36
4 feet above that for the first floor of the 20:36
5 cabana. This is where we have something of a 20:36
6 disadvantage. When you -- when you classify 20:36
7 the cabana as the same type of accessory 20:36
8 structure as a garage -- 20:36
9
10 CHAIRMAN KEILSON: You would not require 20:36
11 the FEMA. 20:36
12
13 MR. MACLEOD: -- the garage would not 20:36
14 require FEMA and you could drive right into it 20:36
15 from the grade whereas being that this is a 20:36
16 cabana, we have a 2 feet differential that we 20:36
17 are required to have by New York State to 20:36
18 bring it up to 2 feet above the flood plane, 20:36
19 and that 2 feet in this instance doesn't help 20:36
20 us with the height of the building. So 20:36
21 instead of it being perhaps 14 overall, we 20:36
22 were illustrating it as 16 feet above the 20:36
23 average grade and the midpoint of the roof is 20:37
24 at 15 foot 11 and an overage of 3 foot 11, and 20:37
25 although this is something that we understand 20:37
the Board is not willing to accept that 20:37

Honig - 8/25/2020

1
2 number -- 20:37
3 MEMBER HILLER: So what would you do 20:37
4 with that number? 20:37
5 MR. MACLEOD: We could reduce it. What 20:37
6 I am suggesting, instead of having it being a 20:37
7 4 feet number, allow us to have a 2 feet 20:37
8 because of this flood plane issue. We can 20:37
9 reduce that being only 2 feet over the 20:37
10 required 12 feet. 20:37
11 MEMBER HILLER: What's the depth of the 20:37
12 pool? 20:37
13 MR. MACLEOD: The depth of the pool? 20:37
14 MEMBER HILLER: The deepest point. 20:37
15 MR. HONIG: We didn't decide it yet, but 20:37
16 I don't think we are going to go too deep for 20:37
17 safety. Probably 5 feet, 5 and a half feet. 20:37
18 MEMBER HILLER: Because of the water? 20:37
19 MR. HONIG: Because of a combination of 20:37
20 safety and water. You know, everything -- 20:37
21 when you take everything on balance, I think 20:37
22 it makes sense not to go more than I would say 20:38
23 5 and a half feet. I didn't really decide 20:38
24 yet. 20:38
25 MEMBER HILLER: Does it indicate on the 20:38

Honig - 8/25/2020

1
2 plan? 20:38
3 MR. MACLEOD: No. We didn't choose 20:38
4 that. It's as part of the zoning. 20:38
5 MEMBER HILLER: So say that again. 20:38
6 What's the height going to be? You are 20:38
7 reducing it? 20:38
8 MR. MACLEOD: We would like to reduce it 20:38
9 from what we have on the plan in front of you 20:38
10 instead of it being 15 foot 11 to the midpoint 20:38
11 of the roof to being 14 feet. Which is 20:38
12 bringing it down by 2 feet which we think is 20:38
13 unfairly raised because of the flood plane 20:38
14 issues. 20:38
15 MEMBER GOTTLIEB: So instead of having a 20:38
16 10 feet interior ceiling height and it looks 20:38
17 like it's going to be an open ceiling. 20:38
18 MR. MACLEOD: We are trying to do an 20:38
19 open ceiling in there. We are not going to be 20:38
20 able to accomplish keeping that roof pitch by 20:38
21 lowering it by 2 feet. 20:38
22 MEMBER GOTTLIEB: But if you keep the 20:38
23 pitch and lower the structure, don't you keep 20:39
24 the same angle and it just starts a little bit 20:39
25 lower? 20:39

1 Honig - 8/25/2020

2 MR. MACLEOD: That would be one way to 20:39
3 accomplish it and try to keep the angle of the 20:39
4 roof the same. 20:39

5 MEMBER GOTTLIEB: I understand you want 20:39
6 to keep it similar, but I am thinking when you 20:39
7 are in the house looking at the cabana, you 20:39
8 are not seeing the house. When you are in the 20:39
9 cabana looking at the house, you are not 20:39
10 seeing the cabana. So you really don't see 20:39
11 them both at the same time. 20:39

12 CHAIRMAN KEILSON: Imagine. 20:39

13 MR. MACLEOD: If you are standing in the 20:39
14 side yard, you can see them both. If we just 20:39
15 took the whole roof pitch as it is and lowered 20:39
16 it down, the wall heights would not be useable 20:39
17 wall heights. 20:39

18 MEMBER GOTTLIEB: So instead of -- 20:39

19 MR. MACLEOD: I did submit another 20:39
20 drawing which was passed around just before 20:39
21 the meeting illustrating a compliance with the 20:39
22 12 feet and where everything is extremely 20:39
23 flattened. And we would like not to do that. 20:39
24 Showing it to you as an example of the result. 20:40

25 MEMBER GOTTLIEB: I understand. 20:40

1 Honig - 8/25/2020

2 MR. MACLEOD: Do you have that drawing? 20:40

3 MEMBER GOTTLIEB: No but I understand. 20:40

4 Did you send out 16 of them or just one? 20:40

5 MR. MACLEOD: So this is what happens to 20:40

6 that roof when you try to comply, and this is 20:40

7 with an 8-feet-high wall and a 4-pitch roof. 20:40

8 Totally different character. 20:40

9 MEMBER GOTTLIEB: I understand. 20:40

10 CHAIRMAN KEILSON: This is -- 20:40

11 MR. MACLEOD: This is my 2-foot 20:40

12 differential I am trying to borrow back. 20:40

13 MEMBER GOTTLIEB: As you are handing 20:40

14 those out, I will just give my thoughts and 20:40

15 concern and then you can address it as you 20:40

16 wish. Are you ready? So here is my thought. 20:40

17 I understand it's not a garage; it's a cabana, 20:41

18 you need your pitch, but you don't have a 20:41

19 30-feet setback as you would with the house. 20:41

20 You are 8 feet off the property line. And I 20:41

21 don't know how that affects the neighbors' 20:41

22 sight. 20:41

23 MR. MACLEOD: That is a very good point 20:41

24 you bring up, and my client has asked me to 20:41

25 measure that. The neighbor behind has 20:41

Honig - 8/25/2020

1
2 religious concerns about seeing people swim in 20:41
3 the pool, and the higher the roof, the better 20:41
4 for that perspective. The flat that you see 20:41
5 there is not going to give too much. 20:41
6 Particularly because the house behind the 20:41
7 neighbor I am referring to, they have kind of 20:41
8 a walkout lower level and their first floor is 20:41
9 already 8 or 9 feet up in the air. So 20:41
10 whatever screening we can provide there by 20:41
11 providing the roof as tall as possible I am 20:41
12 sure would be appreciated. 20:41
13 CHAIRMAN KEILSON: Normally you do 20:41
14 screening. You don't build a structure to -- 20:41
15 MR. HONIG: Can I say something? It 20:42
16 happens to be in the back of the property over 20:42
17 there, it happens to be in that area in the 20:42
18 back of the property, the bushes don't grow 20:42
19 very well. Over the years I had numerous 20:42
20 bushes, arborvitaes, other types of trees that 20:42
21 just didn't take. For whatever reason. That 20:42
22 particular area it just doesn't grow well. 20:42
23 And I also know that when -- it was a very big 20:42
24 issue for my neighbor behind me when Fred 20:42
25 Farbman who lives diagonally across from me, 20:42

Honig - 8/25/2020

1
2 when he did a pool and he got a variance, he 20:42
3 was very concerned about having a lot of tall 20:42
4 trees and screening, so I am just going to 20:42
5 reiterate -- 20:42
6 CHAIRMAN KEILSON: His concern that 20:42
7 what? 20:42
8 MR. HONIG: To block the pool that he 20:42
9 didn't want to see. 20:42
10 MEMBER GOTTLIEB: Was he successful in 20:42
11 putting in shrubs to block the pool? 20:43
12 MR. HONIG: I don't remember how tall 20:43
13 the shrubs are, but for whatever reason, the 20:43
14 property line right in between is like a 20:43
15 midpoint because -- maybe it's because it goes 20:43
16 down, it's a low spot. Maybe that's what it 20:43
17 is. We always had a problem with trees 20:43
18 growing there. Even the one that sucks up the 20:43
19 water, even the willow trees, some took, some 20:43
20 died. There has been issues. 20:43
21 MR. MACLEOD: It's a combination of high 20:43
22 water table and a gathering point for the 20:43
23 water between the two properties. In fact, 20:43
24 all the properties on that street have the 20:43
25 same issue. 20:43

Honig - 8/25/2020

1
2 CHAIRMAN KEILSON: So shouldn't we be 20:43
3 concerned with the addition of the pool and 20:43
4 all this coverage? Have we done a study as to 20:43
5 -- you are already telling us we have a water 20:43
6 problem? 20:43
7 MR. MACLEOD: So what we are actually 20:43
8 doing in this project is we are improving the 20:43
9 functionality of the water dispersal and 20:43
10 collection on this property. Currently, if 20:43
11 you take a step forward for a second into the 20:43
12 pervious and impervious surfaces, there is 20:44
13 currently a large driveway there which is 20:44
14 impervious. And the -- if I could just look 20:44
15 at the numbers on the main chart that you 20:44
16 have, this chart, on the line that says 20:44
17 maximum surface coverage and then it talks 20:44
18 about going across, talks about impervious 20:44
19 surfaces. Currently when you add up the 20:44
20 building, the driveway and the patios, the 20:44
21 existing impervious surfaces add up to 8,315. 20:44
22 CHAIRMAN KEILSON: Dropping it down to 20:44
23 6,140. 20:44
24 MR. MACLEOD: Dropping that down 20:44
25 actually under the new version with the 20:44

Honig - 8/25/2020

1
2 reduced size cabana, the number is now 6,065. 20:44
3 MEMBER MOSKOWITZ: Eight hundred of 20:44
4 which is pool which some might say is better 20:44
5 than driveway. 20:44
6 MEMBER GOTTLIEB: Only by a thin margin. 20:45
7 MR. MACLEOD: But at considerable 20:45
8 expense my client is willing to take out his 20:45
9 impervious driveway and put in a pervious 20:45
10 driveway. 20:45
11 CHAIRMAN KEILSON: Since we are on the 20:45
12 cusp of going back to the old system of 20:45
13 impervious and pervious being added together 20:45
14 that the permitted is 7,103. The existing is 20:45
15 actually 8,315 and your proposed is 6,985 less 20:45
16 whatever you had just thrown in. So it's 20:45
17 actually quite favorable in terms of the, you 20:45
18 know, reduction of surface coverage. 20:45
19 MR. MACLEOD: Favorable sounds like a 20:45
20 good description. 20:45
21 CHAIRMAN KEILSON: Correct. 20:45
22 MEMBER GOTTLIEB: But it wouldn't be bad 20:45
23 to put in drip drains on the driveway to catch 20:45
24 water that doesn't go out to the street in 20:45
25 place of the pervious. 20:45

Honig - 8/25/2020

1
2 MR. MACLEOD: The type of surface that 20:45
3 we are entertaining -- as an alternate to 20:45
4 ripping up the whole driveway, if it would be 20:46
5 considered to be a pervious driveway, if we do 20:46
6 multiple drip drains, that would be -- 20:46
7 MEMBER GOTTLIEB: I would be thrilled 20:46
8 with that. I would be very happy. 20:46
9 MEMBER HILLER: That's better for you. 20:46
10 MR. HONIG: I would be very happy with 20:46
11 that. 20:46
12 MEMBER MOSKOWITZ: It has the same 20:46
13 functionality. Improves the water problem 20:46
14 down the road. 20:46
15 CHAIRMAN KEILSON: Anything that would 20:46
16 make Ed thrilled. 20:46
17 MEMBER GOTTLIEB: Did I say thrilled? 20:46
18 CHAIRMAN KEILSON: You said thrilled. 20:46
19 MEMBER GOTTLIEB: I am exuberant. 20:46
20 MR. MACLEOD: Then of course, with the 20:46
21 drip drains, we would have to put a series of 20:46
22 dry drains to -- 20:46
23 MEMBER GOTTLIEB: I didn't think I had 20:46
24 to mention that, but I would be even more 20:46
25 thrilled. 20:46

Honig - 8/25/2020

1
2 CHAIRMAN KEILSON: Mr. Vacchio, you are 20:46
3 making notes? 20:46
4 MR. VACCHIO: Oh, yes. I am on it. 20:46
5 CHAIRMAN KEILSON: Okay. Anything else? 20:47
6 MR. MACLEOD: That to summarize, we have 20:47
7 reduced the size of the cabana -- 20:47
8 CHAIRMAN KEILSON: I want to see is 20:47
9 there anybody in the audience that wants to 20:47
10 speak to the matter? Anybody who is a member 20:47
11 of the congregation over at Mr. Honig's house? 20:47
12 All right. So let's summarize what we are 20:47
13 about to vote on hopefully. 20:47
14 MR. MACLEOD: So we have reduced the 20:47
15 building coverage of the cabana by further 2 20:47
16 percent from 11.5 to 9.6. 20:47
17 CHAIRMAN KEILSON: Let's just give 20:47
18 numbers. What is the new overage? 20:47
19 MR. MACLEOD: The overage will be 372. 20:47
20 372 which equates to 9.6 percent building 20:47
21 coverage overage. 20:47
22 CHAIRMAN KEILSON: Building height? 20:47
23 MR. MACLEOD: The height, the height we 20:47
24 would like the Board to be as generous as 20:47
25 possible. But if we could take into account 20:47

Honig - 8/25/2020

1
2 the 22 inches that we discussed earlier and 20:47
3 instead of asking for 3 feet 11 overage, we 20:48
4 would ask for 2 feet overage. 20:48
5 MEMBER HILLER: What would the height 20:48
6 be? 20:48
7 MR. MACLEOD: The height would be 14 20:48
8 feet to the midpoint of the roof instead of 12 20:48
9 feet to the midpoint of the roof. 20:48
10 MEMBER GOTTLIEB: That would alleviate 20:48
11 the neighbor's concern for privacy. 20:48
12 MR. MACLEOD: It's not going to give 20:48
13 them the privacy as what we have shown on the 20:48
14 plan, but it would give them a little 20:48
15 something more. We are also requesting 20:48
16 pervious surface as per this submission of the 20:48
17 petition of 1,371 square feet which represents 20:48
18 75.8 percent overage pervious and the 20:48
19 impervious will be 800 and -- sorry. 770 20:48
20 square feet over which will represent 14.5 20:48
21 percent overage. 20:48
22 CHAIRMAN KEILSON: Okay. So we know 20:48
23 exactly what you have described, I would like 20:48
24 to add in terms of the surface coverages 20:49
25 again, I think it's important for the record 20:49

Honig - 8/25/2020

1
2 to reflect that there is diminished total 20:49
3 surface coverages. Significantly lower than 20:49
4 what the existing is. Which is very favorable 20:49
5 to us. I think we want to take into 20:49
6 consideration that we had a plethora of 20:49
7 letters from neighbors and the like that are 20:49
8 very happy he is going to be back in his 20:49
9 house. Having experienced a fire in the 20:49
10 house, I know what kind of disruption that is 20:49
11 to the family. I sympathize with the fact 20:49
12 that he is able to go back with his house and 20:49
13 certainly a house that is one that is 20:49
14 charitable in its inclinations in every 20:49
15 aspect, so I think with that in mind, we are 20:49
16 going to vote on it starting with Mr. Felder. 20:49
17 MEMBER GOTTLIEB: Mr. Chairman, before 20:49
18 we do that, just to add in the drip drain. 20:49
19 CHAIRMAN KEILSON: Yes. The drip dry 20:49
20 drain. 20:49
21 MEMBER GOTTLIEB: Just so it's on the 20:49
22 record. 20:49
23 CHAIRMAN KEILSON: It's on the record. 20:49
24 Mr. Felder? 20:49
25 MEMBER FELDER: I am for as long as 20:49

Honig - 8/25/2020

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there is drip drains.

20:49

CHAIRMAN KEILSON: Mr. Hiller?

20:50

MEMBER HILLER: For.

20:50

CHAIRMAN KEILSON: Mr. Gottlieb?

20:50

MEMBER GOTTLIEB: With that drip drain,
you know I am for it.

20:50

20:50

CHAIRMAN KEILSON: Exuberantly so?

20:50

MEMBER GOTTLIEB: Yes. Thrilled.

20:50

CHAIRMAN KEILSON: Mr. Moskowitz?

20:50

MEMBER MOSKOWITZ: I echo the comments
of the chairman. I am for.

20:50

20:50

CHAIRMAN KEILSON: And I am for. We
will give him another year and a half.

20:50

20:50

(Whereupon the hearing concluded at 8:50
p.m.)

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

YAFFA KAPLAN

Court Reporter

KDSP Realty - 8/25/2020

20:50

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

August 25, 2020
8:50 p.m.

APPLICATION:

KDSP Realty
27 Washington 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. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

1 KDSP Realty - 8/25/2020

2 CHAIRMAN KEILSON: Matter of Gade, KDSP 20:50
3 Realty. They or their representatives, please 20:50
4 step forward. 20:51

5 MR. SCHULHOF: Can I continue from last 20:51
6 time? 20:51

7 CHAIRMAN KEILSON: I think we should. I 20:51
8 think when we adjourned there was -- we asked 20:51
9 the applicant with the oversight of the 20:51
10 Building Department, Mr. Vacchio, right, to 20:51
11 retain an engineering firm to provide us with 20:51
12 the study of the water concerns. 20:51

13 MR. VACCHIO: That's correct. 20:51

14 CHAIRMAN KEILSON: And they did provide 20:51
15 it on August 6th. Now I don't know. Have the 20:51
16 neighbors seen it? 20:51

17 MR. SCHULHOF: No. 20:51

18 CHAIRMAN KEILSON: Talk about it. I 20:51
19 have extra copies made in anticipation. Do 20:51
20 you have extra copies? Does someone else want 20:51
21 one? At my own expense I made copies. 20:52

22 MR. SCHULHOF: Let me just explain. 20:52

23 CHAIRMAN KEILSON: Maybe give them a 20:52
24 moment anybody who hasn't seen it if you want 20:52
25 to peruse it and then ask Mr. Schulhof to 20:52

1 KDSP Realty - 8/25/2020

2 expound on it. 20:52

3 MR. SCHULHOF: Someone was asking for a 20:52

4 color rendering. 20:52

5 MEMBER GOTTLIEB: Did I? It's not out 20:52

6 of character. Looks better here than on the 20:52

7 street. Very, very, very unfair to be handed 20:52

8 this just now. How could anyone argue this? 20:53

9 This is ridiculous. 20:53

10 CHAIRMAN KEILSON: Please. 20:53

11 MR. SCHULHOF: So when we adjourned last 20:53

12 time, there was a request by both the Board 20:53

13 and the neighbors as well to obtain an 20:54

14 engineer's report about things that can be 20:54

15 done to mitigate the water issues. We have 20:54

16 done that. The engineer recommended 20:54

17 significant gravel beds, 30-feet-long gravel 20:54

18 beds along both sides of the property as well 20:54

19 as in the rear. So the plan is for the 20:54

20 applicant to put those gravel beds in to 20:54

21 absorb I think it was like 700 -- I gave away 20:54

22 my letter but 775 cubic feet of water. Three 20:54

23 times what is required by code. So with these 20:54

24 additional gravel beds, we had hoped that that 20:54

25 would alleviate clearly the drainage issues. 20:54

1 KDSP Realty - 8/25/2020

2 In addition, we have obtained color 20:54
3 renderings and what it would look like as the 20:54
4 Board had requested, and then finally the 20:54
5 other comment by the Board was that the 20:54
6 overall square footage was in excess of what 20:54
7 had been approved in the past. So in light of 20:55
8 that, we had gone -- we had several 20:55
9 discussions about it, and we were prepared to 20:55
10 reduce -- currently the driveway along the 20:55
11 whole length is 14 feet wide and in the plans 20:55
12 that were submitted and all the overages, so 20:55
13 the plan is to reduce that driveway by 3 feet 20:55
14 along the entire length. The length of the 20:55
15 driveway is 138 feet, so we are talking about 20:55
16 another reduction of 417 square feet along the 20:55
17 whole property, and that will also allow 20:55
18 whatever side of the property the neighbor is 20:55
19 to have additional. 20:55

20 MR. PROFESORSKE: Area for water to 20:55
21 disperse. 20:55

22 CHAIRMAN KEILSON: Do you want to add 20:55
23 anything? 20:55

24 MR. PROFESORSKE: I mean, just that 20:55
25 it's -- 20:55

1 KDSP Realty - 8/25/2020

2 MEMBER HILLER: I still see on the plan 20:55
3 that you are 15 feet from the back neighbors. 20:55
4 I happen to know he couldn't show up tonight, 20:55
5 his mother is not well, but I happen to know 20:56
6 he still objects to that and wants to see a 20:56
7 20-feet separation. 20:56

8 MR. PROFESORSKE: I thought we said we 20:56
9 agreed to that. 20:56

10 MEMBER HILLER: Yes but it's not on the 20:56
11 plan. 20:56

12 MR. SCHULHOF: There was one neighbor 20:56
13 who was here last week. Is that the same one? 20:56

14 MEMBER HILLER: Yes. 20:56

15 MEMBER FELDER: Austein, he is the one 20:56
16 he is referring to. You are referring to 20:56
17 Isaacs. 20:56

18 MR. SCHULHOF: The pool is on Isaacs. 20:56

19 CHAIRMAN KEILSON: Whatever it is, it's 20:56
20 being moved to the correct -- no encroachment 20:56
21 on the backyard. 20:56

22 MR. PROFESORSKE: Just to summarize, 20:56
23 last time we were working off a 14 percent 20:56
24 overage, overall 14 percent overage of 20:56
25 combined coverage the way the Board was 20:56

1 KDSP Realty - 8/25/2020

2 viewing it. So bringing this down by 4 -- 20:56

3 bringing this down by 417 square feet would 20:56

4 bring that down effectively to 7.5 percent. 20:56

5 CHAIRMAN KEILSON: We will come to the 20:57

6 surface coverage in a moment. The real focus 20:57

7 last time was on the water. And now we have 20:57

8 addressed the concern of the neighbors, so 20:57

9 first I would like to ask the Building 20:57

10 Department, Mr. Vacchio, did your team have an 20:57

11 opportunity to review the engineering study 20:57

12 that was submitted sometime ago and are you 20:57

13 prepared to suggest -- 20:57

14 MR. VACCHIO: I actually -- I honestly 20:57

15 didn't read it, but I am looking at the 20:57

16 drainage and gravel beds. That to me looks 20:57

17 good. I didn't read the study because I 20:57

18 wasn't here. I didn't take a look at it. 20:57

19 CHAIRMAN KEILSON: If you may, perhaps 20:57

20 we will have the neighbors, if the neighbors 20:57

21 have questions since they were most concerned 20:57

22 if there are questions about the study and any 20:57

23 other comments in that regard. 20:57

24 MRS. SAMUELS: Just one question. 20:57

25 CHAIRMAN KEILSON: Step up and give the 20:57

1 KDSP Realty - 8/25/2020

2 young lady your name. 20:58

3 MRS. SAMUELS: Deborah Samuels. Are you 20:58

4 recommending the property grade be raised and 20:58

5 not exceed the adjacent grade? In order to be 20:58

6 raised, you have to lower it. 20:58

7 MR. SCHULHOF: So right now the grade -- 20:58

8 it was whatever the grade was as well as the 20:58

9 neighboring property behind that are higher, 20:58

10 so the plan is to try to mitigate some of the 20:58

11 differences. 20:58

12 MRS. SAMUELS: I don't want you raising 20:58

13 -- I am the property that's right next door to 20:58

14 them. So right now the water so if you are 20:58

15 going to raise your property to go to your 20:58

16 back neighbor, you are going to be much higher 20:58

17 than me and I am going to end up with a pool. 20:58

18 So before I just want to make sure that it's 20:58

19 the same grade that it was before. 20:58

20 CHAIRMAN KEILSON: I think it would be 20:58

21 critical for the Building Department to take 20:58

22 some responsibility here so that whatever 20:58

23 steps they are going to take to mitigate -- 20:58

24 MRS. SAMUELS: If you are going to make 20:59

25 it higher for the back. 20:59

1 KDSP Realty - 8/25/2020

2 MR. VACCHIO: So let me just say this. 20:59

3 Prior to issuing a permit, we require that 20:59

4 they submit a topographical survey which we do 20:59

5 have. Once it's completed and we inspect the 20:59

6 job, we expect to get a final survey. That 20:59

7 final survey has to indicate each spot 20:59

8 elevation as the topographical survey. When 20:59

9 we compare, we will allow you to move it 20:59

10 around 6 inches for grading purposes. Other 20:59

11 than that, there is no change unless you 20:59

12 approve a variance here tonight for grade. 20:59

13 CHAIRMAN KEILSON: I would also like to 20:59

14 suggest inasmuch as there is such great 20:59

15 interest in the part of the neighbors that you 20:59

16 make an effort to contact your neighbors when 20:59

17 a final decision is made exactly what they are 20:59

18 doing so they know exactly while it's 20:59

19 happening what is being done. So there 20:59

20 shouldn't be any surprises at the end how did 20:59

21 something like this happen and the like 20:59

22 because talking about in the abstract on a 21:00

23 piece of paper is very different than when 21:00

24 they eventually do the work. 21:00

25 MR. VACCHIO: Are we referring to the 21:00

1 KDSP Realty - 8/25/2020

2 drainage or the grade? 21:00

3 MR. SCHULHOF: Grading. 21:00

4 MR. VACCHIO: The grade, once you start 21:00

5 digging for the pool, I mean, the wise thing 21:00

6 to do and smart thing to do is have your 21:00

7 landscaper there, take these elevation points, 21:00

8 and establish a benchmark where you are not 21:00

9 going to fall short at the end. I mean, you 21:00

10 have to -- we will come out as the building 21:00

11 inspectors and before they start putting the 21:00

12 cement in, we want to see what their marks 21:00

13 are. You can put that on record. 21:00

14 MEMBER FELDER: I am just going to say 21:00

15 Danny explained it but they instituted 21:00

16 recently -- I know when I just built mine, 21:00

17 they take spot elevations as part of the 21:00

18 process prior to putting a shovel in the 21:00

19 ground, and then after the job is complete 21:00

20 before inspection, it has to match what your 21:00

21 grade was before you started and you can't -- 21:01

22 MR. VACCHIO: You can't go wrong. 21:01

23 MEMBER FELDER: That way you can't go 21:01

24 wrong. 21:01

25 MR. VACCHIO: If you come back to the 21:01

1 KDSP Realty - 8/25/2020

2 Board and you are up 3 feet, that's the 21:01

3 Board's decision whether they want to grant it 21:01

4 and I don't think you are going to get it. 21:01

5 MRS. SAMUELS: So the elevation right 21:01

6 now is higher than it was when it started. So 21:01

7 if we are going to start from the elevation, 21:01

8 now they are going to be higher. 21:01

9 MR. VACCHIO: We discussed it and I was 21:01

10 at the site and the contractors are aware that 21:01

11 when this project is completed and the C of O 21:01

12 is issued, prior to that I need a 21:01

13 topographical survey submitted to the Building 21:01

14 Department and then we are going to read it 21:01

15 and make our decision there. So I told them 21:01

16 be very careful that you don't increase the 21:01

17 grade within 6 inches. 21:01

18 MR. KERSTEIN: My name is Phillip 21:01

19 Kerstein. I am on the other side on 21:02

20 Washington Avenue. 35 Washington. 21:02

21 CHAIRMAN KEILSON: Do you have any 21:02

22 further questions? 21:02

23 MR. KERSTEIN: I just have basically the 21:02

24 same question that Mrs. Samuels has with 21:02

25 regard to the raising of the grade. 21:02

1 KDSP Realty - 8/25/2020

2 CHAIRMAN KEILSON: Danny, please listen 21:02
3 to the neighbor. 21:02

4 MR. KERSTEIN: The same issue with 21:02
5 raising to the grade. You guys are going to 21:02
6 check it at the end. 21:02

7 MR. VACCHIO: This is not a variance for 21:02
8 a grade change. I believe the contractors 21:02
9 were very clear. When I was there, I told 21:02
10 them you have to follow a topographical survey 21:02
11 that was issued prior to. They have to show 21:02
12 us at the end and I see the sites and you guys 21:02
13 are 100 percent right. If there is dirt that 21:02
14 shouldn't be there, I believe David said he is 21:02
15 going to have that taken out. 21:02

16 CHAIRMAN KEILSON: So again, I would 21:02
17 urge in light of the fact that there is a 21:03
18 sensitivity on the part of the adjacent 21:03
19 neighbors that we make every effort to keep 21:03
20 them abreast of ongoing changes. 21:03

21 MR. VACCHIO: Absolutely. 21:03

22 CHAIRMAN KEILSON: So that there is no 21:03
23 surprises later and they come in and ask 21:03
24 questions how come. 21:03

25 MR. VACCHIO: Okay. Although we are not 21:03

1 KDSP Realty - 8/25/2020

2 supposed to baby-sit them. It's their 21:03

3 responsibility to make sure their numbers are 21:03

4 in order. 21:03

5 CHAIRMAN KEILSON: We don't mind if you 21:03

6 baby-sit. 21:03

7 CHAIRMAN KEILSON: So let's go back to 21:03

8 the surface coverage questions. Any other 21:03

9 questions that the Board may have? 21:03

10 MEMBER GOTTLIEB: I would still like to 21:03

11 hear. 21:03

12 CHAIRMAN KEILSON: Let's go over it 21:03

13 again. I am looking at the old code relief 21:03

14 and I don't know that I got -- did we get a 21:03

15 new code relief? 21:04

16 MR. PROFESORSKE: We didn't revise the 21:04

17 code relief. You are looking at the correct 21:04

18 one. 21:04

19 MEMBER GOTTLIEB: Okay. 21:04

20 MR. SCHULHOF: As is now, the driveway 21:04

21 on the right side is 14 feet by 14 feet wide 21:04

22 and the whole length of the driveway is 138 21:04

23 feet. So the proposal would be to decrease 21:04

24 the width of the driveway to 11 feet. So 11 21:04

25 times 138 comes out to 417 square feet 21:04

1 KDSP Realty - 8/25/2020

2 reduction. 21:04

3 MEMBER GOTTLIEB: So is that driveway 21:04

4 included in your calculations because you have 21:04

5 a detached garage? 21:04

6 MR. PROFESORSKE: I will speak to that. 21:04

7 So the exclusion amount, the freebie as it's 21:04

8 termed -- 21:04

9 CHAIRMAN KEILSON: The exempt. We 21:04

10 upgraded the language. 21:04

11 MR. PROFESORSKE: That's fine. The 21:04

12 exempt portion of the driveway is actually 10 21:04

13 feet wide and we added 4 feet to that, so by 21:04

14 reducing it now by 3 feet, we are only being 21:04

15 charged for the remaining 1 foot. 21:05

16 MEMBER GOTTLIEB: You are only being 21:05

17 charged for the difference? 21:05

18 MR. PROFESORSKE: Right. 21:05

19 MEMBER GOTTLIEB: So if you include the 21:05

20 freebie exempt, you are only another 1,000 21:05

21 feet over. 21:05

22 MR. PROFESORSKE: 900 to be exact. 21:05

23 However, it's exempt from the code. 21:05

24 CHAIRMAN KEILSON: So let's just 21:05

25 summarize how many we are over then. 21:05

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2 MR. PROFESORSKE: So I mean, before I 21:05
3 was summarizing so we were at 14 percent. We 21:05
4 are reducing it by 417 percent -- square feet. 21:05
5 I'm sorry. Reducing it about 417 percent 21:05
6 looks pretty good. So that would bring us to 21:05
7 7.5 percent, looking at those numbers. 21:05

8 CHAIRMAN KEILSON: So how many square 21:05
9 feet? 21:05

10 MEMBER GOTTLIEB: You get 7.5. I get 21:05
11 9.6. 21:05

12 MR. PROFESORSKE: Again, we are working 21:05
13 off the 14 percent number. I think that 21:05
14 number might have been -- 21:05

15 CHAIRMAN KEILSON: Combined. 21:05

16 MR. PROFESORSKE: I don't know where we 21:05
17 got that 14 percent number. 21:05

18 CHAIRMAN KEILSON: Let's do the actual 21:05
19 numbers. Danny, we need you on this. 21:05

20 MR. VACCHIO: I don't have the 21:06
21 information. The numbers aren't matching up 21:06
22 to what I have. You guys just mentioned -- 21:06
23 are we referring to surface coverage? 21:06
24 Impervious so we changed -- that was 31.1 21:06
25 percent. 33.1 percent. That's no longer the 21:06

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2 number. 21:06

3 CHAIRMAN KEILSON: This is the whole 21:06

4 numbers. Let's just do the whole numbers and 21:06

5 get the percentage. 21:06

6 MR. PROFESORSKE: Basically by the last 21:06

7 thing, just to catch him up, the Board was 21:06

8 viewing it as combined coverage. So they were 21:06

9 taking both coverages and combining them. The 21:06

10 reason why that's not listed on that code 21:06

11 relief is because that's not covering the 21:06

12 code. 21:06

13 CHAIRMAN KEILSON: He has the new 21:06

14 template, so let's go through this. 21:06

15 MR. VACCHIO: You got me a little 21:06

16 nervous. 21:06

17 MR. PROFESORSKE: No problem. I am here 21:06

18 to help. 21:06

19 CHAIRMAN KEILSON: Permitted, 4,545 is 21:06

20 permitted for impervious. 4,071 is existing. 21:07

21 6,050 is proposed. Is that what we have? 21:07

22 MR. VACCHIO: Yes. 21:07

23 CHAIRMAN KEILSON: On the pervious, 21:07

24 permitted is 1,515, existing is 45, proposed 21:07

25 is 1,007. The total on the permitted is 21:07

1 KDSP Realty - 8/25/2020

2 6,060. The existing is 4,116. And the 21:07

3 proposed is 7,057. 21:07

4 MEMBER HILLER: But they are reducing -- 21:08

5 MR. PROFESORSKE: I was just working 21:08

6 backwards from the 14 percent number. I don't 21:08

7 know how they got -- 21:08

8 CHAIRMAN KEILSON: Okay. I am taking 21:08

9 off how many? 21:08

10 MR. SCHULHOF: 417. From the -- 21:08

11 MR. VACCHIO: From the pervious? 21:08

12 CHAIRMAN KEILSON: Combined. 580 is the 21:08

13 overage now. 21:08

14 MR. PROFESORSKE: 579. 21:08

15 MEMBER GOTTLIEB: 580. 21:08

16 CHAIRMAN KEILSON: Percentage is 9.5 21:08

17 percent. Okay. Next, what are we reducing 21:08

18 next? 21:08

19 MR. PROFESORSKE: That was it. 21:08

20 CHAIRMAN KEILSON: Mr. Hiller? 21:08

21 MEMBER HILLER: I am listening. I just 21:08

22 want to reiterate this can't become an 21:08

23 obsession with the Zoning Board every single 21:09

24 construction that you do. I wish you 21:09

25 Hatzlacha. That means success. But this 21:09

1 KDSP Realty - 8/25/2020

2 can't be a permanent part of your construction 21:09
3 thoughts. 21:09

4 MR. PROFESORSKE: I understand. I would 21:09
5 like to speak to that afterwards off the 21:09
6 record respectfully if possible. 21:09

7 MEMBER GOTTLIEB: I would like to hear 21:09
8 it on the record. 21:09

9 MR. PROFESORSKE: You could be here, but 21:09
10 it would be off the record. I don't think 21:09
11 it's necessary to be on the record but I do 21:09
12 understand what you are saying and that was 21:09
13 not my intent or Kenneth's. 21:09

14 MEMBER GOTTLIEB: Colleague Hiller, my 21:09
15 response to that will be when we get these 21:09
16 applications, we don't have to be so generous. 21:09

17 MEMBER HILLER: Thank you, colleague 21:09
18 Gottlieb. 21:09

19 MEMBER HILLER: Could we reduce 40 by 20 21:09
20 instead of 45 by 20? 21:10

21 MR. PROFESORSKE: Can we put it in the 21:10
22 numbers where they would want to reduce it? 21:10
23 Is that a possibility? 21:10

24 CHAIRMAN KEILSON: Yes. 21:10

25 MR. PROFESORSKE: So you are reducing 21:10

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2 another 100 square feet, right? 21:10

3 MEMBER HILLER: You know what? I am 21:10

4 concerned about your real lot coverage is very 21:10

5 high. It's approaching 40 percent. Normally 21:10

6 we like the low 30s. So something has -- 21:10

7 something additional that can be done would 21:10

8 make my vote a lot more palatable. 21:10

9 MR. PROFESORSKE: I think we can easily 21:10

10 take another 100 square feet off the driveway 21:10

11 because that's the same amount. 21:10

12 MEMBER HILLER: Can you take it off the 21:10

13 pool? 21:10

14 MEMBER FELDER: Wherever you want it 21:11

15 from. 21:11

16 MR. PROFESORSKE: Can we discuss it with 21:11

17 the applicant? 21:11

18 MEMBER MOSKOWITZ: The neighbors who are 21:11

19 here complaining might want you to take it off 21:11

20 the pool because they might appreciate that a 21:11

21 pool -- we discussed this before -- may 21:11

22 possibly help with drainage. So I just -- we 21:11

23 are sitting here talking about a solution that 21:11

24 might actually help nobody but the applicant, 21:11

25 not the neighbors. 21:11

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2 MR. PROFESORSKE: We can hear from the 21:11
3 neighbors, but my request is only that we take 21:11
4 the 100 feet off. 21:11

5 MEMBER HILLER: Would you take 100 feet 21:11
6 off? 21:11

7 MR. PROFESORSKE: Yes. 21:11

8 MEMBER HILLER: What does that bring us 21:11
9 to? 21:11

10 MR. SCHULHOF: 479 overage. 21:11

11 CHAIRMAN KEILSON: How much are we 21:11
12 reducing in total? 21:11

13 MR. SCHULHOF: Reducing it 517 plus 21:12
14 the -- 21:12

15 CHAIRMAN KEILSON: -- 480. 21:12

16 MR. SCHULHOF: -- 480. 21:12

17 CHAIRMAN KEILSON: You are the Deloitte 21:12
18 Touche man. 21:12

19 MR. PROFESORSKE: 479. 21:12

20 MEMBER MOSKOWITZ: Do you have the 21:12
21 ability to take it off -- there is like dead 21:12
22 space in between I think these window wells on 21:12
23 the right side of the house. Is that where 21:12
24 you -- I think you have -- 21:12

25 MR. PROFESORSKE: There is probably AC 21:12

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2 units. 21:12

3 MEMBER MOSKOWITZ: This 3-foot area 21:12

4 here? 21:12

5 MR. PROFESORSKE: No. That's not 21:12

6 concrete. This is concrete to get up the 21:12

7 steps, whatever. 21:12

8 CHAIRMAN KEILSON: Okay. 21:12

9 MR. KERSTEIN: Just a question. The 21:12

10 apron around the pool, it's 4 foot wide if I 21:12

11 read it correctly all the way around. 21:12

12 CHAIRMAN KEILSON: That's a freebie. 21:12

13 MR. KERSTEIN: That's part of the 21:12

14 coverage though. Does that count as coverage? 21:12

15 CHAIRMAN KEILSON: No, it does not. 21:13

16 That's a freebie. 21:13

17 MR. KERSTEIN: Because I was going to 21:13

18 suggest make that narrower on one side or the 21:13

19 other you get the 100. 21:13

20 MEMBER HILLER: He has the 100. 21:13

21 MR. PROFESORSKE: We have more than 100. 21:13

22 CHAIRMAN KEILSON: Okay. 21:13

23 MEMBER GOTTLIEB: Okay what? 21:13

24 MEMBER MOSKOWITZ: I think we should 21:13

25 vote. 21:13

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2 MEMBER GOTTLIEB: I thought I missed 21:13

3 something. You are taking off 100 feet where. 21:13

4 MEMBER FELDER: Wherever they want. 21:13

5 Bring it down to 480 excess between all the 21:13

6 coverage. 21:13

7 MEMBER GOTTLIEB: So either they remove 21:13

8 100 feet from the pool or another 100 feet -- 21:13

9 MEMBER FELDER: -- from the driveway. 21:13

10 MEMBER GOTTLIEB: -- surface area. 21:13

11 CHAIRMAN KEILSON: We leave it to their 21:13

12 discretion. 21:13

13 MR. VACCHIO: Take 517 off the pervious 21:13

14 combined or impervious? I just need to know. 21:13

15 MEMBER HILLER: Combined. 21:13

16 MR. SCHULHOF: 480 over. 21:13

17 MR. VACCHIO: You are going to submit to 21:13

18 the Building Department these changes for 21:13

19 approval? 21:14

20 MR. PROFESORSKE: One thing I want to 21:14

21 add for the record. The proposed deck that -- 21:14

22 we actually submitted separate applications to 21:14

23 the village to build the proposed deck. It's 21:14

24 included in these numbers but nothing will be 21:14

25 removed from the deck, meaning none of the 21:14

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coverage. 21:14

MEMBER HILLER: You just asked for 21:14

general removal. 21:14

MR. PROFESORSKE: Mr. Vacchio summed up 21:14

so I just want to add that. 21:14

MEMBER GOTTLIEB: My colleagues have 21:14

graciously given you the option to remove it 21:14

from where you wish. 21:14

CHAIRMAN KEILSON: So let's summarize 21:14

what you are requesting for variances: No 21:14

encroachment on the backyard. That has been 21:14

removed. Now, down to the surface -- 21:14

impervious/pervious surface coverage and in 21:14

the combined number we have 480 square feet 21:14

over which equates to 7.9 percent I believe, 21:14

and we are taking into consideration the fact 21:15

that this engineering study regarding the 21:15

water and that the oversight from the building 21:15

department to ensure that to the satisfaction 21:15

of the neighbors at least keeping them 21:15

informed as to what's going on, again emphasis 21:15

on no surprises. 21:15

And having said all of that, taking into 21:15

account the benefit to the applicant as 21:15

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2 opposed to any detriment to the community or 21:15

3 the like, we are going to start with Mr. 21:15

4 Moskowitz so he can get out of here. 21:15

5 MEMBER MOSKOWITZ: No, no, I have plenty 21:15

6 of time. I want to commend you for making all 21:15

7 these efforts undertaking the expense of the 21:15

8 engineering report, trying to work with the 21:15

9 neighbors, and hopefully there could be good 21:15

10 neighborly relations going forward. I am for. 21:15

11 MEMBER GOTTLIEB: Just for. 21:15

12 CHAIRMAN KEILSON: Just for? 21:15

13 MEMBER MOSKOWITZ: For a change. 21:15

14 MEMBER GOTTLIEB: You stole my wind. 21:15

15 CHAIRMAN KEILSON: Mr. Hiller? 21:15

16 MEMBER HILLER: Hesitatingly for. 21:15

17 CHAIRMAN KEILSON: Mr. Felder? 21:15

18 MEMBER FELDER: Very for. 21:16

19 CHAIRMAN KEILSON: Okay. 21:16

20 Enthusiastically exuberantly for as well. 21:16

21 Another 18 months just to make sure. 21:16

22 MR. SCHULHOF: Yes, that's fine. 21:16

23 CHAIRMAN KEILSON: I am sure it will 21:16

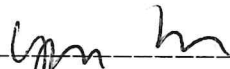
24 happen long before that. We wish you well. 21:16

25 (Whereupon the hearing concluded at 9:16 21:16

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p.m.)

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

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

YAFFA KAPLAN

Court Reporter