

Davidson - 9/23/20

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

September 23, 2020
7:39 p.m.

APPLICATION:

Davidson
34 Briarwood Lane
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

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Davidson - 9/23/20

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2 CHAIRMAN KEILSON: Good evening, ladies 19:38
3 and gentlemen. Welcome to the Board of Zoning 19:39
4 Appeals of the Village of Lawrence. Please 19:39
5 turn off any cellphones, and if there is a 19:39
6 need to converse, please step out into the 19:39
7 hall. 19:39
8 Okay, Mr. Castro, do we have proof of 19:39
9 posting? 19:39
10 MR. CASTRO: Yes. 19:39
11 MR. VACCHIO: Chairman, I offer proof of 19:39
12 posting and publication. 19:39
13 CHAIRMAN KEILSON: Thank you very much. 19:39
14 Okay. We have a request for a variance 19:39
15 extension from Joe and Deborah Davidson of 34 19:39
16 Briarwood Lane. It expired. It expired March 19:39
17 18th. 19:39
18 MR. CASTRO: Before COVID. 19:39
19 CHAIRMAN KEILSON: I see. Okay. 19:39
20 MEMBER GOTTLIEB: Are we permitted to 19:39
21 extend something that has expired? 19:39
22 CHAIRMAN KEILSON: I believe counsel in 19:39
23 light of COVID -- 19:39
24 MR. PRESTON: All statutes and 19:39
25 limitations are on hold pending the emergency 19:39

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2 order of the governor. 19:39
3 CHAIRMAN KEILSON: In deference to the 19:39
4 governor then. 19:40
5 MR. CASTRO: The reason for the 19:40
6 extension, the impact of COVID-19 caused 19:40
7 significant delays in bidding out the contract 19:40
8 and our ability to complete the necessary 19:40
9 documentation to file for a building permit. 19:40
10 MEMBER GOTTLIEB: Is truth a factor? No 19:40
11 work has been done? 19:40
12 MR. CASTRO: No. Not on that project. 19:40
13 CHAIRMAN KEILSON: Date of original 19:40
14 granted variance, December 18, 2020. 19:40
15 MR. CASTRO: Well, what happened is we 19:40
16 sent an approval letter to the applicants that 19:40
17 if a permit is not pulled within three months 19:40
18 of the issuance of the variance, you then 19:40
19 start over again because what used to happen 19:40
20 is people used to wait six months or a year to 19:40
21 get the permit and then the permit did not run 19:40
22 parallel with the variance so one would 19:41
23 expire, one would not expire. So he is going 19:41
24 on the basis that he has expired because he 19:41
25 lapsed three months from pulling his permit, 19:41

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1 not the two years of the original variance. 19:41
2
3 CHAIRMAN KEILSON: So when was the 19:41
4 original variance? 19:41
5 MR. CASTRO: December 2018. 19:41
6 MEMBER FELDER: No. We just did it in 19:41
7 '19. 19:41
8 MR. CASTRO: It was in '19. 19:41
9 MEMBER GOTTLIEB: '19 or '20? 19:41
10 MEMBER FELDER: '19. 19:41
11 MR. CASTRO: He was given two months to 19:41
12 build since he had to do it by March to pull 19:41
13 the permit. 19:41
14 MEMBER FELDER: He was one of the guys 19:41
15 on the Ventana Court -- 19:41
16 CHAIRMAN KEILSON: I see. Oh, I 19:41
17 remember that. I guess he is looking for a 19:41
18 full term. Two years I guess. Okay. 19:41
19 MEMBER GOTTLIEB: Two years meaning we 19:41
20 start the calendar from today or two years? 19:42
21 CHAIRMAN KEILSON: Counsel? 19:42
22 MEMBER GOTTLIEB: Two years from today 19:42
23 to complete? 19:42
24 MR. PRESTON: An extension to a variance 19:42
25 extends the date from originally granted, so 19:42

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2 it didn't go from the date of your decision. 19:42
3 It goes from the original granting of the 19:42
4 variance. 19:42
5 MEMBER FELDER: Two years from the -- 19:42
6 MEMBER MOSKOWITZ: Do we know 19:42
7 anecdotally if they intend to move forward 19:42
8 soon? 19:42
9 MR. CASTRO: Yes. 19:42
10 CHAIRMAN KEILSON: Is two years 19:42
11 adequate? Not from today you are saying. 19:42
12 MR. PRESTON: Correct. It's from the 19:42
13 date of the granting of the variance 19:42
14 originally. 19:42
15 CHAIRMAN KEILSON: What you are saying 19:42
16 in December of '19 -- 19:42
17 MR. PRESTON: I don't know. 19:42
18 MEMBER GOTTLIEB: So that would only 19:42
19 give them to December of '21, and this is a 19:42
20 major new construction. 19:42
21 CHAIRMAN KEILSON: Right. 19:42
22 MR. VACCHIO: They only got 14 months 19:42
23 left. 19:42
24 CHAIRMAN KEILSON: It's not enough. Two 19:42
25 and a half years okay? 19:42

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MEMBER GOTTLIEB: Give them the six 19:43
months back. 19:43
CHAIRMAN KEILSON: What say the Board? 19:43
MEMBER GOTTLIEB: For. 19:43
MEMBER FELDER: For. 19:43
MEMBER MOSKOWITZ: For. 19:43
CHAIRMAN KEILSON: Okay. 19:43

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

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



YAFFA KAPLAN
Court Reporter

Moskowitz - 9/23/20

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

September 23, 2020
7:43 p.m.

APPLICATION: Moskowitz
34 Larch Hill Road
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

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Moskowitz - 9/23/20

1
2 CHAIRMAN KEILSON: There is a request 19:43
3 for an adjournment. Moskowitz, 34 Larch Hill 19:43
4 Road asks for an adjournment. They plan on 19:43
5 modifying their plan. Any objection from the 19:43
6 Board? Objection. 19:43

7 MEMBER GOTTLIEB: No objections. 19:43

8 CHAIRMAN KEILSON: Very good. 19:43

9 (Whereupon the hearing concluded at 7:43

10 p.m.)

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

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YAFFA KAPLAN
Court Reporter

Bar - 9/23/20

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

September 23, 2020
7:43 p.m.

APPLICATION:

Bar
26 Barrett Road
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

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Bar - 9/23/20

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CHAIRMAN KEILSON: First matter before us 19:43
tonight is Bar of 26 Barrett Road, they or 19:43
their representative. Please introduce 19:43
yourself for the record. 19:43
MR. BAR: My name is Ari Bar. I live on 19:43
26 Barrett Road. 19:43
CHAIRMAN KEILSON: Please. 19:43
MR. BAR: I would like to put a pool in 19:43
my backyard. I sent all the paperwork and I 19:43
received their response from the village and I 19:43
have some answers that I can help the 19:44
situation and -- 19:44
CHAIRMAN KEILSON: Why don't we go on 19:44
the record as to what the denial letter from 19:44
the village detailed? 19:44
MR. BAR: Okay. 19:44
CHAIRMAN KEILSON: First on the surface 19:44
coverage there is a 55 percent overage. Then 19:44
they have no swimming pool or part thereof 19:44
shall be constructed in the front yard and 19:44
your request is for a front-yard pool. And 19:44
the third request is that the minimum 19:44
side-yard setback for a pool is 15 feet, and 19:44
you are requesting 7.5 feet. 19:44

Bar - 9/23/20

1
2 MR. BAR: Well, I have a solution. 19:44
3 CHAIRMAN KEILSON: Fantastic. 19:44
4 MR. BAR: We are going to put the pool 19:44
5 15 foot along the backyard, the back -- the 19:45
6 87.49 foot around from Washington all the way 19:45
7 to the first corner, 15 feet parallel, left 19:45
8 side. See the pool is going to run all of 15 19:45
9 feet. It's going to be at the worst-case 19:45
10 scenario around 13 feet from the side yard. I 19:45
11 can move it up to 7.6. I also am going to 19:45
12 reduce the size of the path around my pool to 19:45
13 reduce the size of 4 feet all around and that 19:45
14 will I think fulfill -- 4 feet doesn't count 19:45
15 so that will reduce substantial amount of -- 19:45
16 CHAIRMAN KEILSON: Do you have a drawing 19:45
17 or anything? 19:45
18 MR. BAR: I have a sample drawing that I 19:46
19 did on my own. I am an engineer so you can 19:46
20 look at it. You want it? 19:46
21 CHAIRMAN KEILSON: Yes. It's very hard 19:46
22 to follow. 19:46
23 MR. BAR: It's very easy. Here is the 19:46
24 pool, it's 15 feet. Here is the back of the 19:46
25 house right here and it's about 11. -- this -- 19:46

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don't mind those numbers. It's going to be 19:46
4-foot path all around. I mean, it's going to 19:46
run -- this might be here but it's going to 19:46
run around 4 feet all around. Only 4 foot to 19:46
avoid the coverage. 19:46

MEMBER MOSKOWITZ: Do you know what the 19:46
reduction in coverage will be by virtue of the 19:46
reduction of 4 feet? 19:46

MR. BAR: I did it because I didn't like 19:46
my architect didn't see it coming. But 4 foot 19:46
doesn't count. 19:46

CHAIRMAN KEILSON: Mr. Bar, it's very 19:46
hard for the Board to pass judgment on 19:46
something that we don't have in front of us. 19:46
You prepared one drawing. 19:47

MR. BAR: I know but that drawing showed 19:47
the pool starting at about 14 feet diagonally 19:47
and hitting 7.5, so I wanted to help the 19:47
situation unless you want to okay, that the 19:47
plan is fixed. 19:47

CHAIRMAN KEILSON: I think if you want 19:47
us to review this in a favorable light, we are 19:47
going to need some new drawings so we 19:47
understand what is before us. 19:47

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MR. BAR: I mean, I can ask the guy, the 19:47
engineer to do it. It's not a problem but 19:47
generally it's going to parallel 15 feet. 19:47
It's going to be 15 feet so 15 feet is over. 19:47
It's going to be more than 7 and a half feet 19:47
to the side. It's going to be a 4-foot path 19:47
instead of 11 foot on one side and 5 feet all 19:47
around. Tremendous amount of reduction in -- 19:47
MEMBER GOTTLIEB: Mr. Bar, one of the 19:48
issues we are looking at is we have an overage 19:48
or rather a request of coverage of 6,400 feet. 19:48
And now you are changing it and you are 19:48
substantially reducing it, but we don't know 19:48
by how much. We need to actually know the 19:48
numbers. Right now we are looking at a 55 19:48
percent overage. Clearly you are taking off 19:48
the area around it and you are mitigating the 19:48
setback on the side yard but we don't know 19:48
what the number is that you are requesting and 19:48
that's what the chairman is asking you and I 19:48
believe you don't have that number in front of 19:48
you. 19:48
MR. BAR: Okay. I am sure it's going to 19:48
be less, but I need to give it back to the -- 19:48

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CHAIRMAN KEILSON: My recommendation is 19:48
you consult with your architect or whomever is 19:48
doing the drawings, maybe an idea to have a 19:48
discussion with the village so that they can 19:48
sort of help direct the focus, and then that 19:48
we adjourn the matter for this evening. 19:49

MR. BAR: Okay. So what does it mean 19:49
exactly if I have the drawing within two, 19:49
three days? 19:49

CHAIRMAN KEILSON: Well, the next -- 19:49

MR. BAR: I mean next week, Monday, 19:49
Tuesday. 19:49

CHAIRMAN KEILSON: The next hearing date 19:49
is probably a month away, more or less, and it 19:49
has to be published. You will need whatever 19:49
drawings in place by what date approximately? 19:49

MR. VACCHIO: The 1st of October. Yes, 19:49
well, we are going to send out the denial 19:49
letter. It's got to be in by the 1st, so he 19:49
has got about a week. 19:49

CHAIRMAN KEILSON: You only have about a 19:49
week so you want to get -- 19:49

MEMBER HILLER: First of October. 19:49

MR. BAR: Yes. I will get it. 19:49

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1
2 MR. VACCHIO: We need the plans, and 19:49
3 then we need to do the denial letter. 19:49
4 MEMBER GOTTLIEB: When is our next 19:49
5 hearing date? 19:49
6 MR. VACCHIO: I believe the 31st of 19:49
7 October. 19:49
8 MEMBER GOTTLIEB: So you need the 19:49
9 revised plans first to be heard on the 31st. 19:49
10 MR. VACCHIO: We need to send a legal 19:49
11 notice to the paper. 19:49
12 MEMBER GOTTLIEB: So you want it by the 19:49
13 1st? 19:50
14 MR. VACCHIO: Yes. 19:50
15 MR. BAR: I will pursue it tomorrow and 19:50
16 hope the city can send so I can -- 19:50
17 CHAIRMAN KEILSON: Okay. Be in touch 19:50
18 with Mr. Vacchio, okay? 19:50
19 MEMBER GOTTLIEB: Considering we are in 19:50
20 October, I don't think you are going to lose 19:50
21 much use of the pool this year. 19:50
22 MR. BAR: No, I am not worried about it. 19:50
23 MEMBER HILLER: Mr. Bar, we appreciate 19:50
24 your efforts to comply with the restrictions. 19:50
25 That's very menschy. 19:50

Bar - 9/23/20

MR. BAR: Okay. I will talk to Danny.

19:50

(Whereupon the hearing concluded at 7:50

p.m.)

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

YAFFA KAPLAN

Court Reporter

Lyons - 9/23/20

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

September 23, 2020
7:50 p.m.

APPLICATION: Lyons
405 Barrett Road
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

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

19:50
19:50

Lyons - 9/23/20

1
2 CHAIRMAN KEILSON: Next matter is Lyons. 19:50
3 They or their representative. 19:50
4 MR. LYONS: Good evening. 19:50
5 MR. PRESTON: Mr. Chairman, I'm sorry to 19:50
6 interrupt. The Bar application, was that 19:50
7 adjourned to the next hearing date? 19:51
8 CHAIRMAN KEILSON: No. Adjourned to the 19:51
9 date when he is able to put in the papers. 19:51
10 MR. CASTRO: He has got to renotice. 19:51
11 CHAIRMAN KEILSON: All right. 19:51
12 MR. LYONS: My name is David Lyons. 19:51
13 This is my wife, Rachel Lyons. We currently 19:51
14 reside at 405 Barrett Road here in Lawrence, 19:51
15 and I would like to give you a very I guess 19:51
16 brief history of our time here in Lawrence. 19:51
17 Rachel and I as a couple have been living in 19:51
18 Lawrence since 1999, first on Hawthorne Lane. 19:51
19 My wife actually predates myself in her time 19:51
20 in Lawrence. Her last name, her maiden name 19:51
21 is Zitter, Aggie and Kenny's daughter who 19:51
22 lived in the neighborhood, longstanding 19:51
23 members of the Lawrence village since 1988. 19:51
24 Having said that, a number of you probably 19:51
25 know Rachel's family as well. 19:52

Lyons - 9/23/20

1
2 As I mentioned, we are longstanding 19:52
3 members, and we take great pride in our 19:52
4 community and the way we represent. And I 19:52
5 just want to give you a brief history if I 19:52
6 could where we come from and where we are up 19:52
7 to today. So as I mentioned we lived on 19:52
8 Hawthorne Lane. In 2006, we moved from 19:52
9 Hawthorne Lane to where we currently are at 19:52
10 405 Barrett Road and that's -- we have been in 19:52
11 that house for over 15 years or close to 15 19:52
12 years actually. And 2010 we renovated our 19:52
13 home. I think that as far as the last time 19:52
14 that we were here before the Board was back in 19:52
15 over a decade ago, and it was in regard to a 19:52
16 variance internally in the house. Staircase, 19:52
17 back staircase to better help egress. And 19:52
18 that was over a decade ago, and we have not 19:52
19 come before the Board for any other matters 19:52
20 since that time. 19:53

21 We work very hard and we feel that we 19:53
22 built a home that really represents fitting 19:53
23 into the neighborhood and curb appeal that's 19:53
24 appealing to everybody that walks along the 19:53
25 golf course that we are situated. We work 19:53

Lyons - 9/23/20

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2 very hard in maintaining our home as well. So 19:53
3 as far as our neighbors, we have got actually 19:53
4 an excellent longstanding relationship and 19:53
5 good relationship with all of our adjacent 19:53
6 neighbors. I have actually asked our three 19:53
7 neighbors, one of which -- actually Jeffrey 19:53
8 Hershkowitz who is here tonight that would be 19:53
9 directly impacted for our plans to build a 19:53
10 pool, and all three of our neighbors were able 19:53
11 to give us letters of support. If you would 19:53
12 like to see those letters, I have them here 19:53
13 available to see. But two of our neighbors, 19:53
14 actually including Jeffrey Hershkowitz, has a 19:53
15 pool on their side and then Dr. Abe Mandel who 19:53
16 is on the other side of where we are proposing 19:53
17 to build a pool also built a pool in the last 19:54
18 year or so and seems to be no issues as far as 19:54
19 their activities and we are planning on being 19:54
20 very good neighbors ongoing as well. 19:54
21 I am actually -- as far as specifics 19:54
22 regarding to our proposed plan, I have to 19:54
23 admit that I am not actually the right person 19:54
24 to talk to. I defer to our architect team 19:54
25 when it comes to the specifics of lot 19:54

Lyons - 9/23/20

1
2 coverage. I am not well versed in that area 19:54
3 and I admit that fact. But I actually with 19:54
4 preliminary discussions with the architect's 19:54
5 team, I do want to address a couple of items 19:54
6 that I thought -- that came up rather recently 19:54
7 that I think we may be discussing here today. 19:54
8 I would like to just address those head-on and 19:54
9 of course, defer to my wife. Rachel has been 19:54
10 more involved in the planning process as well 19:54
11 with the architect. 19:54

12 So as you may know, the village has 19:54
13 asked us or had asked us to remove some of the 19:54
14 trees that were in front of our house on 19:55
15 Barrett Road. It's -- we love our house. 19:55
16 It's in front of the golf course. It's 19:55
17 somewhat sometimes summertime even more a busy 19:55
18 area. There is a lot of foot traffic, a lot 19:55
19 of walkers, a lot of bikers, and of course, in 19:55
20 the summertime whether it's passing through to 19:55
21 the beach or whatnot, just driving around the 19:55
22 area, there is a lot of cars and there's 19:55
23 safety. For higher visibility the village 19:55
24 asked us to remove those trees which we 19:55
25 complied with. 19:55

Lyons - 9/23/20

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2 As far as what I want to discuss with 19:55
3 regard to surface coverage, we have got two 19:55
4 areas of our home that's a driveway. That's 19:55
5 on the side of our home and then the front 19:55
6 circular driveway as well. So in regard to 19:55
7 the long driveway on the side of our home, the 19:55
8 straight one, we have an area that we felt 19:55
9 based on -- which is becoming increasingly 19:55
10 more and more people have ventured or have 19:55
11 passed through in front of our home as people 19:55
12 that are walking and biking that we use the 19:56
13 back portion of the driveway as a turnaround 19:56
14 so that the cars can face forward and as they 19:56
15 exit the driveway be able to better see any 19:56
16 pedestrians walking from either side. Bikers 19:56
17 included and of course cars as well and 19:56
18 increased visibility as you come out forward 19:56
19 facing. As far as the circular driveway is 19:56
20 concerned, that is a passageway for cars to 19:56
21 either come as visitors drive through for 19:56
22 deliveries, and we feel if there is any 19:56
23 removal of that driveway we would be forced to 19:56
24 have to park or anybody would have to park in 19:56
25 front of the house, that would create another 19:56

Lyons - 9/23/20

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2 potentially dangerous situation where if 19:56
3 someone was parking in front of our house for 19:56
4 an extended period of time or always forced to 19:56
5 park in front of our home for a period of 19:56
6 time, any person that was walking by or even a 19:56
7 biker would have to go around that car with an 19:56
8 oncoming car coming around the corner would 19:56
9 potentially create a very dangerous situation. 19:56
10 In light of the fact that the village also 19:57
11 built a block triangle in front of the section 19:57
12 that comes out of Bayberry to Barrett, so not 19:57
13 much wiggle room for traffic to go both ways 19:57
14 and have any parked cars in front of that 19:57
15 space. 19:57
16 So our proposal actually -- we wanted to 19:57
17 build a pool is really in light of certainly 19:57
18 something that we think would be utilized by 19:57
19 our family. I am sure you are getting a lot 19:57
20 of requests to build pools in people's 19:57
21 yards -- 19:57
22 CHAIRMAN KEILSON: This is the first. 19:57
23 MR. LYONS: If you haven't yet, you will 19:57
24 be getting a lot more. And I think in light 19:57
25 of what's going on, people are spending a lot 19:57

Lyons - 9/23/20

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2 more time at home. Spending a lot more time 19:57
3 with their family. Perhaps one would say a 19:57
4 little too much time with their family but at 19:57
5 the very least we would like to create a 19:57
6 situation in our home that would be enhanced 19:57
7 and so that's why I am proposing it. As far 19:57
8 as -- we hope we will represent the village 19:58
9 well. As far as any specifics or any back and 19:58
10 forth or questions that you have, I am going 19:58
11 to have to defer that to the architects' team. 19:58

12 MEMBER GOTTLIEB: Before the architect 19:58
13 comes, can I just ask you a couple of 19:58
14 questions? You mentioned you have three 19:58
15 letters of support. I noticed you mentioned 19:58
16 Jeffrey Hershkowitz. Who are the other two? 19:58

17 MR. LYONS: Spencer Katz. Jeffrey 19:58
18 Hershkowitz which is 80 Barrett Road so that 19:58
19 would be across the way. Then you have 19:58
20 Spencer Katz who lives behind us although he 19:58
21 is actually on Mistletoe, 401 Mistletoe Way, 19:58
22 and then you have Dr. Abe Mandel who is 254 19:58
23 Longwood Crossing. 19:58

24 MEMBER MOSKOWITZ: You have those 19:58
25 letters? You want to submit those into the 19:58

Lyons - 9/23/20

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record?

19:58

MR. LYONS: I do. Mr. Chairman?

19:58

CHAIRMAN KEILSON: So thank you very
much for the background, the presentation, and
I guess let's get to the meat of it.

19:58

MR. MAYERFELD: Stanley Mayerfeld,
residing at 17 Bruck Court in the village of
Wesley Hills. So as you heard from the
presentation, we were working with the client,
talking to them about different ways that we
can bring down some of the coverage. So we
talked about the driveway and that's why I
thought it was important to give the
background why it's important to not to give
up some of that space. We understand that
going back to like the -- I know right now our
coverage reads at 52.7 percent. And I know
from the past couple of hearings and maybe
enacted very soon we are talking about maybe
combining the impervious and pervious. If we
do so the numbers will go out better. It's
rather 13.7 percent.

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CHAIRMAN KEILSON: Right.

19:59

MR. MAYERFELD: Additionally we have for

19:59

Lyons - 9/23/20

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2 the yard impervious again because this pool is 19:59
3 technically sitting in the front yard. 19:59
4 Another request variance that we are 20:00
5 requesting that tonight just due to the layout 20:00
6 of the property but that also would take down 20:00
7 from 145.8 percent down to 22.9 percent. 20:00
8 CHAIRMAN KEILSON: Now just make it 20:00
9 simpler, we are treating the surface coverage 20:00
10 as one unit and therefore you don't even have 20:00
11 to address the front yard surface coverage. 20:00
12 MR. MAYERFELD: There is one area that I 20:00
13 think we are looking at because the driveway 20:00
14 was in discussion, but we felt very much 20:00
15 because this house is sitting right like 20:00
16 really in the middle of an intersection. 20:00
17 CHAIRMAN KEILSON: Before you finish on 20:00
18 the surface coverage, can you just address the 20:00
19 related -- maybe we can get rid of those and 20:00
20 then move to the surface coverage, which is 20:00
21 the heart of it. You have an area, a 20:00
22 requested pool and pool equipment in the front 20:00
23 yard. And your response to that is? 20:00
24 MR. MAYERFELD: My response it's just 20:00
25 the nature of the way the streets are laid 20:00

Lyons - 9/23/20

1
2 out, the nature of the existing geometry of 20:00
3 the property, existing house, and just because 20:01
4 it's on like this corner condition, the only 20:01
5 place I can put the pool is in the, quote, 20:01
6 unquote, front yard, but if you drove by, you 20:01
7 see it's really privatized, it's got the 20:01
8 trees, and it's treated very nicely. 20:01
9 CHAIRMAN KEILSON: And the other one is 20:01
10 accessory structures may only be constructed 20:01
11 in the side or rear yard. Because the pool 20:01
12 cabana is in the front yard, same type? 20:01
13 MR. MAYERFELD: Same response. 20:01
14 CHAIRMAN KEILSON: So let's get to the 20:01
15 meat of it, which is the surface coverage. 20:01
16 MR. MAYERFELD: Yes. So we talked about 20:01
17 we had met a couple of times thinking about 20:01
18 different ways to bring down the coverage and 20:01
19 the driveway first seemed like an obvious 20:01
20 place to take a look at it, but after really 20:01
21 like discussing the way the traffic works on 20:01
22 that intersection, the way Barrett -- it's 20:01
23 also a very narrow street. Like going back to 20:01
24 the presentation, we felt from a safety 20:01
25 perspective it was not wise to put anything -- 20:01

Lyons - 9/23/20

1
2 negotiate on safety. So that's why we did not 20:02
3 touch the driveway. There is one area that in 20:02
4 discussions we are looking at the proposed 20:02
5 plan is that area that is 72 square feet that 20:02
6 just -- you know, look above the pool in the 20:02
7 proposed plan, that area that, you know, if we 20:02
8 had to take something away, that's something 20:02
9 we can give up and do something that won't 20:02
10 affect our coverage and that will bring down 20:02
11 our total coverage from 13.7 to 12 and a half 20:02
12 percent. 20:02

13 MEMBER GOTTLIEB: I have a question on 20:02
14 the driveway. 20:02

15 CHAIRMAN KEILSON: Let's just finish the 20:02
16 question. The pool itself is a very large 20:02
17 pool. 20:02

18 MEMBER GOTTLIEB: I figured we would get 20:02
19 to that. 20:02

20 CHAIRMAN KEILSON: I will let you handle 20:02
21 it. 20:02

22 MEMBER MOSKOWITZ: You are talking about 20:02
23 the proposed patio? 20:02

24 MEMBER GOTTLIEB: Just because you 20:02
25 mentioned about surface coverage. So in the 20:02

Lyons - 9/23/20

1
2 proposed plan where the driveway is extended 20:02
3 from the house, it looks on the original plan 20:02
4 there is an area of 28 feet by 34 feet. I 20:03
5 think it was a basketball hoop there. 20:03
6 MR. MAYERFELD: Are you looking at the 20:03
7 survey? 20:03
8 MEMBER GOTTLIEB: I am looking at your 20:03
9 survey, New York Land Surveyor and that square 20:03
10 or rectangle in 28 by 34, looks like it was 20:03
11 removed on the proposed plan because it's not 20:03
12 shown anymore. 20:03
13 MR. MAYERFELD: May I come up? 20:03
14 (Discussion off the record.) 20:03
15 CHAIRMAN KEILSON: I think you have to 20:03
16 be a little bit more aggressive, which you 20:03
17 knew that before you came here. So what's in 20:03
18 your back pocket? So to move things along, 20:04
19 please. We have a long night ahead of us. 20:04
20 MR. MAYERFELD: Again, we are not 20:04
21 looking -- the real place to take some of this 20:04
22 coverage is in the driveway. Like I told you, 20:04
23 we don't want to move the driveway. If -- we 20:04
24 are looking not to incur any additional costs, 20:04
25 but what we were discussing is maybe taking 20:04

Lyons - 9/23/20

1
2 part of the driveway, and I know we have done 20:04
3 in other cases, if we could remove like a 20:04
4 continuous area, maybe cut it up into areas 20:04
5 that is broken down to less than 4 feet. So 20:04
6 from a zoning perspective it doesn't count 20:04
7 towards the coverage although it does create a 20:04
8 hassle for paving and whatnot, but from the 20:04
9 coverage perspective it gets removed. So you 20:04
10 know, we were talking about different ways to 20:04
11 the area in the driveway to take it down 20:04
12 enough that we are, you know, right now 20:05
13 looking at an area of maybe taking it down so 20:05
14 to be under 10 percent. 20:05

15 MEMBER GOTTLIEB: Here is the extension 20:05
16 of the driveway -- 20:05

17 MRS. LYONS: The extension beyond. 20:05

18 MEMBER GOTTLIEB: -- beyond where the 20:05
19 garage is and looks like you have a 20:05
20 turnaround. 20:05

21 MRS. LYONS: I have two young drivers 20:05
22 and a third one coming of age next year. I am 20:05
23 very concerned about them backing out so 20:05
24 they -- it's too narrow when you pull out. 20:05

25 MEMBER MOSKOWITZ: Is there a portion of 20:05

Lyons - 9/23/20

1
2 the neighbor's driveway that's actually 20:05
3 sitting on their property? 20:05
4 MRS. LYONS: Yes. 20:05
5 MEMBER MOSKOWITZ: That's right. 20:05
6 MR. LYONS: That's correct. 20:05
7 MRS. LYONS: They do have our property 20:05
8 line. 20:05
9 MEMBER GOTTLIEB: Is that on the survey? 20:05
10 MEMBER MOSKOWITZ: I just see a legend, 20:05
11 "Area of neighbor driveway on property". 20:05
12 MR. LYONS: If you look at the portion 20:05
13 -- if you are looking at this thing straight 20:05
14 on top right here, which is that checked area, 20:06
15 that actually serves as our neighbor's 20:06
16 driveway right now. 20:06
17 MEMBER MOSKOWITZ: Is that being 20:06
18 reflected in the calculation? 20:06
19 MR. MAYERFELD: That's part of the 20:06
20 coverage. I mean, it is part of our property 20:06
21 so it is. Thank you for bringing that up. 20:06
22 MEMBER MOSKOWITZ: How many square feet 20:06
23 is that? Do you know approximately? 20:06
24 MR. MAYERFELD: 481. 20:06
25 MEMBER GOTTLIEB: Why are you so kind to 20:06

Lyons - 9/23/20

1
2 your neighbor? 20:06
3 MRS. LYONS: He is a very kind man, my 20:06
4 husband. They already had it done. They were 20:06
5 doing construction in the driveway. 20:06
6 MR. LYONS: And we did a survey after 20:06
7 the fact and felt bad actually making him rip 20:06
8 up the entire -- because it would really 20:06
9 affect his circular driveway. 20:06
10 MEMBER MOSKOWITZ: So 481 feet of your 20:06
11 neighbor's property, of your neighbor's 20:06
12 coverage is being held against you on your 20:07
13 coverage calculations? 20:07
14 MR. MAYERFELD: Which is a large 20:07
15 percentage, yes. 20:07
16 MEMBER HILLER: What would that reduce 20:07
17 you to? 20:07
18 MR. MAYERFELD: That would reduce you 20:07
19 to -- 20:07
20 MR. CASTRO: That's counted? 20:07
21 MR. LYONS: It's counted but -- 20:07
22 MEMBER MOSKOWITZ: If you were to remove 20:07
23 that -- 20:07
24 MR. MAYERFELD: If we were to remove 20:07
25 that, that would take out -- 20:07

Lyons - 9/23/20

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2 MEMBER MOSKOWITZ: The neighbor built on 20:07
3 their property. 20:07
4 MR. MAYERFELD: If you take off that 20:07
5 little patio area and that area, we are at 5 20:07
6 and a half percent over on coverage. 20:07
7 MEMBER GOTTLIEB: Say that one more 20:07
8 time. 20:07
9 MR. MAYERFELD: Five and a half percent 20:07
10 but let me just check that one more time. 20:08
11 MEMBER MOSKOWITZ: His neighbor's 20:08
12 concrete is being held against him for his 20:08
13 surface coverage. 20:08
14 MR. VACCHIO: Where do you indicate that 20:08
15 on your table? 20:08
16 MEMBER GOTTLIEB: Should be on the 20:08
17 chart. 20:08
18 MR. VACCHIO: Where it says "Impervious 20:08
19 coverage area calculation", I see two 20:08
20 driveways that are existing, proposed pool, 20:08
21 cabana, proposed patio. Where do you indicate 20:08
22 the neighbor's driveway because I don't think 20:08
23 it's in my calculation? 20:08
24 MEMBER MOSKOWITZ: Just to be clear, the 20:09
25 thing that you told us before is correct, 20:09

Lyons - 9/23/20

1
2 right? 20:09
3 MR. MAYERFELD: Is correct. 20:09
4 MEMBER MOSKOWITZ: The neighbor's 20:09
5 driveway is included in the surface coverage 20:09
6 calculation that they are being held to, 20:09
7 correct? 20:09
8 MR. MAYERFELD: Yes. 20:09
9 MEMBER MOSKOWITZ: I think that's 20:09
10 relevant. 20:09
11 MEMBER GOTTLIEB: So in reality the 20:09
12 number is 924, but the Board may decide not to 20:09
13 count the 481 feet. 20:09
14 MEMBER MOSKOWITZ: And they are offering 20:09
15 also to reduce that another 72 square feet 20:09
16 with regards to the patio. 20:09
17 MR. MAYERFELD: So -- 20:09
18 MEMBER HILLER: Can you give us the 20:09
19 percentage again? 20:09
20 MR. MAYERFELD: If you take off the area 20:09
21 from your neighbor and the 72 square feet, I 20:10
22 will come up with 5.5 percent. 20:10
23 CHAIRMAN KEILSON: Do you have that 20:10
24 clear? 20:10
25 MR. CASTRO: 481 and 72 which would 20:10

Lyons - 9/23/20

1
2 total 550. 20:10
3 MR. MAYERFELD: Right now the total is 20:10
4 7,634 being proposed, so I will take out 481, 20:10
5 take out 72, total allowed which is 7,081. 20:10
6 Divide that by 6,710. 20:10
7 CHAIRMAN KEILSON: What did you say 20:10
8 about allowed? 20:10
9 MR. MAYERFELD: If you take the 20:10
10 impervious and pervious and take -- 20:10
11 CHAIRMAN KEILSON: 6,710? 20:10
12 MR. MAYERFELD: Yes. 20:10
13 CHAIRMAN KEILSON: Go ahead. 20:10
14 MR. MAYERFELD: And put those numbers 20:10
15 together. That's 1.05529, so on and so forth. 20:10
16 So obviously subtract the 1 so it's 5.52, 20:10
17 5.53. 20:11
18 CHAIRMAN KEILSON: The 7,634 should be 20:11
19 reduced by the 72? 20:11
20 MR. MAYERFELD: By 72 and again by the 20:11
21 481. 20:11
22 CHAIRMAN KEILSON: The request is still 20:11
23 for 7,634 less 72. You want us to take into 20:11
24 consideration that 481 is actually the 20:11
25 neighbor's property. 20:11

Lyons - 9/23/20

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MR. MAYERFELD: But you are correct. If 20:11
you include the neighbor's numbers in our 20:11
calculation, it would be at 12.6 percent. 20:11
CHAIRMAN KEILSON: And if we take it 20:11
off, it will be at 5.5 percent. 20:11
MR. MAYERFELD: 5.5. 20:11
MEMBER GOTTLIEB: So I have a question 20:11
now about your -- what we are going to call 20:11
it, the accessory structure and the swimming 20:11
pool as we move along. It looks like it's 20 20:11
feet from the property line. Do you know 20:11
approximately what the distance is from the 20:11
property line to the curb line? I see 20.4 20:12
from the corner of the pool to the property 20:12
line. And it looks like there is a 20:12
right-of-way there or an easement. That's 20:12
somewhat shrubbed. 20:12
MR. MAYERFELD: Yes. About 11 feet. 20:12
Depends where. It changes. 20:12
MEMBER GOTTLIEB: Kind of where if he 20:12
would expand. 20:12
MEMBER FELDER: It's 10 feet usually. 20:12
MEMBER GOTTLIEB: So roughly we are 20:12
looking at 30 feet from the curb line? 20:12

Lyons - 9/23/20

1
2 MR. MAYERFELD: Right. 20:12
3 MEMBER GOTTLIEB: And the pool equipment 20:12
4 is located on the property line if I am 20:12
5 reading it right. 20:12
6 MR. MAYERFELD: Right by the property 20:12
7 line. Right in front of the tree. The trees 20:12
8 if you drill past it, you will see there is 20:13
9 trees there. 20:13
10 MEMBER GOTTLIEB: We have been there. I 20:13
11 am one of the bicyclists. I just -- why would 20:13
12 you put the pool equipment out by the road as 20:13
13 opposed to, you know, closer to the property 20:13
14 where it can be heard by walkers and 20:13
15 bicyclists and so forth? I don't think I have 20:13
16 ever seen an application where the pool 20:13
17 equipment is at the property line on the road. 20:13
18 MEMBER MOSKOWITZ: Probably less close 20:13
19 to the neighbor as a result of putting it 20:13
20 there. 20:13
21 CHAIRMAN KEILSON: Right. 20:13
22 MR. MAYERFELD: We felt like with the 20:13
23 screening and the way we wanted to have it 20:13
24 open the backyard and the pool cabana, we are 20:13
25 kind of tight to begin with. We could put it 20:13

Lyons - 9/23/20

1
2 behind the cabana. 20:13
3 MEMBER FELDER: It's still going to be 20:13
4 10 feet. 20:13
5 MR. MAYERFELD: It would be in the 20:13
6 neighbor's driveway. 20:13
7 MEMBER FELDER: Even more at that point. 20:14
8 MEMBER GOTTLIEB: It just seems like you 20:14
9 are trying to push the noise away to the 20:14
10 street or other people rather than contain it 20:14
11 on your property. 20:14
12 MR. MAYERFELD: It wasn't the noise. It 20:14
13 was the placement of the equipment, the 20:14
14 physical space it takes up. 20:14
15 CHAIRMAN KEILSON: And the noise. 20:14
16 MEMBER GOTTLIEB: Maybe it's not so 20:14
17 noisy. 20:14
18 MR. MAYERFELD: If you are a fast biker 20:14
19 maybe you won't even hear it. 20:14
20 CHAIRMAN KEILSON: Any other questions 20:14
21 from the Board? Anyone from the audience want 20:14
22 to speak to the matter? I guess not. Okay. 20:14
23 So let's see again what we are voting on. 20:14
24 Let's just review what we are voting on. 20:14
25 MEMBER MOSKOWITZ: I think we are voting 20:14

Lyons - 9/23/20

1
2 on exactly what was presented. 20:14
3 CHAIRMAN KEILSON: The front yard 20:14
4 question on the pool, the placement of the 20:14
5 equipment, the cabana, and the newly reduced 20:14
6 number on the surface coverage by 72 square 20:15
7 feet and the consideration that 481 square 20:15
8 feet is really coverage that belongs to the 20:15
9 neighbor, so we find them to be very 20:15
10 compassionate people in the spirit of the 20:15
11 season. 20:15
12 MEMBER MOSKOWITZ: If the neighbor ever 20:15
13 comes before us -- 20:15
14 CHAIRMAN KEILSON: You will mark it. 20:15
15 MEMBER MOSKOWITZ: I will remember it. 20:15
16 CHAIRMAN KEILSON: So taking into 20:15
17 consideration the benefit of the applicant as 20:15
18 opposed to any detriment of the community and 20:15
19 the like, we are going to start with Mr. 20:15
20 Felder. 20:15
21 MEMBER FELDER: I am for. 20:15
22 CHAIRMAN KEILSON: Mr. Hiller? 20:15
23 MEMBER HILLER: For. 20:15
24 CHAIRMAN KEILSON: Mr. Gottlieb? 20:15
25 MEMBER GOTTLIEB: For. 20:15

Lyons - 9/23/20

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CHAIRMAN KEILSON: Mr. Moskowitz? 20:15

MEMBER MOSKOWITZ: For. 20:15

CHAIRMAN KEILSON: Keilson is for. And 20:15
I think we can give you a year and a half, 20:15
just to make sure that everything falls into 20:15
place. 20:15

MR. MAYERFELD: Thank you so much. 20:15

(Whereupon the hearing concluded at 8:16 20:16

p.m.)

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

YAFFA KAPLAN
Court Reporter

Taub - 9/23/20

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

September 23, 2020
8:16 p.m.

APPLICATION:

Taub
17 Herrick Drive
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Taub - 9/23/20

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CHAIRMAN KEILSON: Next matter is that 20:16
of Taub. They or their representative, please 20:16
step forward. Please identify yourselves. 20:16

MR. TAUB: Good evening. My name is 20:16
Michael Taub. I live at 17 Herrick Drive. 20:16
This is my wife, Shari. This is our 20:16
architect, Vince Sena. I don't know that I 20:16
can top Mr. Lyons' presentation and 20:16
background, but we too are long residents of 20:16
the community. We both lived here since 1995. 20:16
My wife predates us as well. She is a 20:16
resident since the '80s, third generation in 20:16
the Five Towns-Far Rockaway area. And we are 20:16
also looking to build a pool. 20:16

And we developed this plan actually in 20:16
consultation with the Building Department 20:16
beforehand, so we are hoping to make this 20:16
quick and easy and get approved. Vince is 20:17
here to help us out with any questions on the 20:17
calculations and the numbers. He is a little 20:17
bit more familiar with it than I am. 20:17

CHAIRMAN KEILSON: Maybe let him make 20:17
make the presentation. You will help him as 20:17
you go along, but he will help you. Either 20:17

Taub - 9/23/20

1
2 way. We are not fussy. 20:17
3 MR. SENA: You know me. I am Vincent 20:17
4 Sena. I am the architect for this job. We 20:17
5 did have extensive feedback from the village 20:17
6 on this to help us out, put in a decent 20:17
7 alternative to get this done. The situation 20:17
8 is tight, but basically we exchanged one 20:17
9 impervious area for the other. So to tell you 20:17
10 the truth on the impervious, we haven't really 20:17
11 changed the situation. We are taking out the 20:17
12 impervious area for the circular drive which 20:18
13 is existing now and making it conform to 20:18
14 zoning requirements which make it nonpervious. 20:18
15 And it's approximately the same area as the 20:18
16 pool that we are in. Everything else is 20:18
17 basically staying the same. 20:18
18 CHAIRMAN KEILSON: All right. I think 20:18
19 it's important to bring to the attention of 20:18
20 the Board that there is a history of prior 20:18
21 variance where the same type of discussion 20:18
22 took place in incorporating the right-of-way. 20:18
23 I think that's very important to -- as part of 20:18
24 your drawings here, correct, in terms of the 20:18
25 right-of-way of the village? 20:18

Taub - 9/23/20

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MR. SENA: You mean the area in the 20:18
front? Yes. 20:18

CHAIRMAN KEILSON: Yes. I think it's 20:18
important for the record in order to explain 20:18
what you are contemplating. 20:18

MR. SENA: Well, we added that area with 20:18
the help of the village to gain additional 20:18
area for the lot. 20:19

CHAIRMAN KEILSON: I just want to 20:19
clarify. The village doesn't help. The 20:19
village advises, the village may give you 20:19
information, but they don't help. 20:19

MR. SENA: Exactly. 20:19

CHAIRMAN KEILSON: Not adversarial but 20:19
they don't help. 20:19

MR. CASTRO: We enforce. 20:19

MR. SENA: They were very cooperative in 20:19
giving us information so they could properly 20:19
present the proper proposal to the village. 20:19

CHAIRMAN KEILSON: Can you walk us 20:19
through the considerations or maybe one of the 20:19
Taub's? 20:19

MR. SENA: When you say "the 20:19
considerations", the numbers are there. We 20:19

Taub - 9/23/20

1
2 are over by 27.6 percent right now. 20:19
3 MEMBER GOTTLIEB: Where do we see that? 20:19
4 Oh, okay. You are looking at the surface 20:19
5 coverage template that was prepared by the 20:19
6 village. 20:19
7 CHAIRMAN KEILSON: I don't think he is 20:19
8 aware of that. 20:20
9 MEMBER GOTTLIEB: Do you have a code 20:20
10 relief? 20:20
11 MR. SENA: Excuse me? 20:20
12 MEMBER GOTTLIEB: Did you prepare a code 20:20
13 relief chart as required? 20:20
14 MRS. TAUB: It's in there, right? 20:20
15 MEMBER GOTTLIEB: No, it's not in the 20:20
16 packet. 20:20
17 MR. SENA: Is this what you are talking 20:20
18 about? 20:20
19 CHAIRMAN KEILSON: Yes. 20:20
20 MEMBER GOTTLIEB: It's like pulling a 20:20
21 rabbit out of a hat. Do you have enough to 20:20
22 circulate? 20:20
23 CHAIRMAN KEILSON: Are they the same? 20:20
24 MRS. TAUB: No. They are different. 20:20
25 MR. SENA: It's basically on there. 20:20

Taub - 9/23/20

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CHAIRMAN KEILSON: So we have three 20:21
elements to discuss really. It's the pool 20:21
equipment side-yard setback, which is supposed 20:21
to be 15. It's proposed at 11 and a half. 20:21

MR. SENA: Correct. 20:21

CHAIRMAN KEILSON: The pool rear yard, 20:21
which is supposed to be 20 feet. Being 20:21
proposed at -- 20:21

MR. SENA: -- 16.5. 20:21

CHAIRMAN KEILSON: 16.5 and then for the 20:21
benefit of the applicant we are viewing 20:21
pervious and impervious together as one item, 20:21
and as a result, the permitted is 5,468. The 20:21
proposed is 6,935 with an excess of 1,121, 20:21
which equates to 27.6 percent. I'm sorry. 20:21
The impervious was 27.6 and combined is 8.5 20:21
percent by taking into consideration the very 20:21
unique aspect of the property which relates to 20:22
the right-of-way. And if you could, if 20:22
somebody from the applicant group can explain 20:22
for the record exactly what is being -- you 20:22
know, is contemplated because it's a little 20:22
bit unorthodox. 20:22

MR. TAUB: Well, I will say what I think 20:22

Taub - 9/23/20

1
2 without the numbers, but basically we are 20:22
3 swapping surface coverage that we already have 20:22
4 and have been approved for in the driveway for 20:22
5 the pool area. Just in reference to what 20:22
6 Chairman Keilson said about the side-yard 20:22
7 variance, for the equipment pad -- 20:22
8 CHAIRMAN KEILSON: Before you -- because 20:22
9 this is the most critical is the surface 20:22
10 coverage. I believe it was at the prior 20:22
11 hearing. When was that hearing? 20:22
12 MR. TAUB: Four years ago approximately. 20:22
13 CHAIRMAN KEILSON: 2016? 20:22
14 MRS. TAUB: 2015 and -- 20:22
15 MR. SENA: I thought it was 2014. 20:23
16 MRS. TAUB: It was '14. 20:23
17 CHAIRMAN KEILSON: So at that time the 20:23
18 consideration was given to the fact that it 20:23
19 was right of way and we treated it as part of 20:23
20 the surface coverage for purposes of the grass 20:23
21 and we are revisiting that on this occasion 20:23
22 and so if you look at the drawing provided by 20:23
23 the architect, we have 1,900 square feet, 20:23
24 right, as the lot area. 20:23
25 MR. SENA: That's additional lot area. 20:23

Taub - 9/23/20

1
2 CHAIRMAN KEILSON: Right and you are 20:23
3 getting through the right-of-way. I think 20:23
4 it's important somebody has to explain what's 20:23
5 going on with that driveway. 20:23
6 MEMBER GOTTLIEB: When you consider the 20:23
7 additional area, so that's area unowned by the 20:23
8 applicant but considered to be in their 20:23
9 possession and is part of the application to 20:23
10 give you a total lot area of 14,796 square 20:24
11 feet? 20:24
12 MR. SENA: Correct. 20:24
13 MEMBER FELDER: Also maintained by the 20:24
14 applicant. 20:24
15 MR. SENA: Also maintained. 20:24
16 CHAIRMAN KEILSON: Right. Okay so by 20:24
17 using this calculation, we bring down the 20:24
18 overage to the 8.5 percent. Right? Combined 20:24
19 overage 467 square feet. Okay. Then we have 20:24
20 the two variances requested relating to the 20:24
21 location of the pool. 20:24
22 MR. TAUB: For that we got actually a 20:24
23 petition signed by many of our neighbors or 20:24
24 anyone that was asked actually. 20:24
25 MRS. TAUB: Sixteen. 20:24

1 Taub - 9/23/20

2 MEMBER HILLER: Neighbors who are 20:24
3 contiguous to you? 20:24

4 MR. TAUB: Yes. All the contiguous 20:24
5 neighbors to the property. 20:25

6 MRS. TAUB: Also the additional in the 20:25
7 300 radius. 20:25

8 MEMBER FELDER: You got letters from 20:25
9 all? 20:25

10 MRS. TAUB: No. Signatures. 20:25

11 MR. TAUB: Just one other thing with 20:25
12 regard to the side-yard setback for the pad 20:25
13 that's already existing as well the 11 and a 20:25
14 half feet. That's where the air conditioning 20:25
15 equipment is. 20:25

16 MEMBER GOTTLIEB: Right. That's 20:25
17 existing there. So it seems to me that you 20:25
18 conferred with the village to understand that 20:25
19 if the path is less than 4 feet wide, you 20:25
20 don't get charged. It's not counted against 20:25
21 you. So therefore, you are maintaining the 20:26
22 circular driveway and giving up 2 feet in the 20:26
23 middle. 20:26

24 MR. TAUB: Or whatever. 20:26

25 MR. SENA: Probably would be if they are 20:26

Taub - 9/23/20

1
2 less than -- right now it's about a 10-foot 20:26
3 driveway. 20:26

4 MEMBER GOTTLIEB: So you have 4 and 4, 20:26
5 so by putting in a 2-foot strip you are 20:26
6 gaining -- I don't know. You no longer have 20:26
7 to include 5 or 600 feet of what would 20:26
8 otherwise be called coverage. 20:26

9 MR. SENA: Over 600 square feet, yes. 20:26

10 MEMBER GOTTLIEB: And I also see that 20:26
11 you are using 18-inch-by-36-inch bluestone 20:26
12 around the pool and then around your patio. 20:26
13 And I believe that doesn't count either as 20:26
14 surface coverage. 20:26

15 MR. SENA: Correct. Yes. 20:26

16 MEMBER GOTTLIEB: So while it appears 20:26
17 you are only asking for 8 and a half percent 20:26
18 or 467 square feet, it's a matter of playing 20:26
19 with the code to make it work for you. The 20:26
20 village was very generous in giving you all 20:27
21 this information to make it work for you, but 20:27
22 I don't think that was the intent of the 20:27
23 village when this was done. 20:27

24 MR. SENA: We really needed the 20:27
25 definition of impervious and pervious. 20:27

Taub - 9/23/20

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MEMBER GOTTLIEB: I am not saying you 20:27
are doing anything devious. It's just by 20:27
putting in a 2-foot strip of grass in the 20:27
middle, you are gaining 600 square feet of 20:27
what would have otherwise been surface 20:27
coverage. 20:27

MR. SENA: Correct. 20:27

MEMBER HILLER: If we want to look at it 20:27
a different way, we can say that your front 20:27
driveway, the circular driveway, really 20:27
belongs to the village, reducing your property 20:27
to 12,000 square feet approximately and then 20:27
you would be severely overbuilt. 20:27

MR. SENA: I understand. 20:28

MEMBER HILLER: So I am just looking -- 20:28
when I went to visit your property, it's a 20:28
lovely property and it's tremendously covered 20:28
especially with this. Is there any reduction 20:28
you could make in the patio or around the pool 20:28
area just to show a little green in the back? 20:28

MR. SENA: Well, the patio is pervious. 20:28

CHAIRMAN KEILSON: Don't talk about 20:28
that. Everything is covered. There is no 20:28
green. You are going to cover it even more. 20:28

Taub - 9/23/20

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What reductions can you do to make this a 20:28
little more green? 20:28

MR. TAUB: If I may, Mr. Hiller, our 20:28
plan was initially more aggressive than you 20:28
are looking at it right now. And our patio is 20:28
really -- we stay home for Succos and we have 20:28
a large family and it's really important for 20:28
us to have that area for our Succah as well. 20:28
Even the pool. I don't think it's an 20:28
Olympic-size pool. It's tucked on the side of 20:29
the property. I think there is a significant 20:29
amount of green that will remain in the 20:29
backyard. 20:29

MEMBER HILLER: Are you expanding the 20:29
patio? 20:29

MR. TAUB: No. We are actually making 20:29
it slightly less I think even. 20:29

MR. SENA: We are slightly increasing it 20:29
to -- if you look at the left, there is a 20:29
barbecue that we want to put on there but 20:29
that's still impervious. 20:29

MR. TAUB: It's getting shortened on the 20:29
right side. 20:29

MR. SENA: We are pushing it in about 2 20:29

Taub - 9/23/20

1
2 feet. Yes. To make this pool work, we had to 20:29
3 take off a section on the right side to make 20:29
4 it work. Yes. It's really now over 600 20:29
5 square foot of patio. Now we brought it down 20:29
6 to 585. 20:29
7 MEMBER HILLER: But then you have the 20:29
8 new border of the pool. 20:29
9 MR. SENA: And we have the new border of 20:29
10 the pool. 20:29
11 MEMBER GOTTLIEB: Does that say "glass 20:29
12 fence" or "grass fence"? 20:29
13 MRS. TAUB: "Glass". 20:29
14 MEMBER GOTTLIEB: So the fence will be 20:30
15 glass. So you are basically -- 20:30
16 MRS. TAUB: Part of the reason is what 20:30
17 Mr. Hiller had said. Being a big fan of grass 20:30
18 and I don't want to see pavement, I like 20:30
19 looking at the grass. It's just one of the 20:30
20 reasons why we ended up putting it on the side 20:30
21 of the property is we look out the window, we 20:30
22 see grass through the glass. 20:30
23 MEMBER GOTTLIEB: When you drop off, 20:30
24 your patio is elevated? 20:30
25 MRS. TAUB: No, it's not. It's a flat 20:30

Taub - 9/23/20

1
2 surface. 20:30

3 MR. SENA: Ground level. 20:30

4 MEMBER GOTTLIEB: So just 36 inches from 20:30

5 that patio to the pool, the width of the 20:30

6 stones? 20:30

7 MRS. TAUB: Yes. 20:30

8 MR. TAUB: Yes. 20:30

9 MR. SENA: Well, on either side of the 20:30

10 stone there is going to be some grass area. 20:30

11 MEMBER GOTTLIEB: Hard to tell. And you 20:30

12 need this patio area at the end where it says 20:31

13 "Proposed deck ground level 11 by 11". 20:31

14 MR. TAUB: No. That's this piece over 20:31

15 here. 20:31

16 MR. SENA: That's just to put a lounge 20:31

17 or two on there. 20:31

18 MEMBER GOTTLIEB: Because I am trying to 20:31

19 do my best to assist you with reducing, and 20:31

20 you have 11 by 11, which should it be removed, 20:31

21 you reduce your coverage by, you know, 121 20:31

22 square feet and you have your patio on grade 20:31

23 anyway right by the pool, but this is your 20:31

24 plan and it's your decision what you wish to 20:31

25 do. 20:31

Taub - 9/23/20

1
2 MR. TAUB: Well, I think the issue there 20:31
3 just being that the patio then is separated by 20:31
4 the fence to the pool as opposed to this part 20:31
5 of the patio, which is contiguous to the pool. 20:31
6 MRS. TAUB: If that's decking, that's 20:31
7 surface coverage? 20:31
8 MR. TAUB: My wife is also just asking 20:31
9 me right now if that 10-by-10 area that you 20:31
10 referred to, if that's decking not -- meaning 20:32
11 I guess does that count against surface 20:32
12 coverage? 20:32
13 MR. SENA: That's 11 by 11 which is 20:32
14 pervious. 20:32
15 MEMBER FELDER: Anything that's covering 20:32
16 grass is covered for purposes of this amount. 20:32
17 MRS. TAUB: So doesn't matter bluestone, 20:32
18 gravel? 20:32
19 MEMBER GOTTLIEB: Teak is lovely. 20:32
20 MEMBER FELDER: Not once we are 20:32
21 considering -- 20:32
22 CHAIRMAN KEILSON: Who is the neighbor 20:32
23 to the back? 20:32
24 MRS. TAUB: Friedman. They are the 20:32
25 first people on the petition. Their driveway 20:32

Taub - 9/23/20

1 is backing our whole yard. 20:32

2

3 MR. TAUB: Their side yard backs our 20:32

4 side. Yaakov Sorscher. 20:32

5

6 MRS. TAUB: They are on Broadway, and 20:32

7 it's actually their driveway that's next to 20:32

8 our property in the back. 20:32

9

10 MRS. TAUB: There is photos. Bird's-eye 20:32

11 view. 20:32

12

13 MEMBER HILLER: I am going to ask you 20:32

14 again. Is there anything you can do to reduce 20:32

15 some of the coverage? 20:32

16

17 MR. TAUB: I don't really see it. 20:32

18

19 MEMBER HILLER: That's very -- before 20:32

20 you told me it could have been worse. Very 20:33

21 impressive. 20:33

22

23 MR. TAUB: I mean, I got to be honest 20:33

24 with you -- 20:33

25

26 MEMBER HILLER: Don't. 20:33

27

28 MR. TAUB: Okay. No problem. 20:33

29

30 MEMBER GOTTLIEB: The reason why I 20:33

31 mentioned that 11-by-11 patio is in regards to 20:33

32 Mr. Hiller's request to help you have less 20:33

33 coverage. And this is obviously -- when you 20:33

34 talk about unusual situations, you have a 20:33

Taub - 9/23/20

1
2 1,900-foot situation. No fault of your own. 20:33
3 Just the way it lays out. I was referring to 20:33
4 the easement just for the record. 20:33
5 MRS. TAUB: We were just discussing -- 20:33
6 my husband and I, as we walked here, we were 20:33
7 discussing the plan to have the grass in the 20:33
8 center of the driveway which I have been 20:33
9 trying to get out a little bit, the weather is 20:33
10 beautiful, I take my bike, I go around. I 20:33
11 haven't seen one driveway like this, so I 20:33
12 don't know if anyone else has where there is 20:34
13 grass down the center. Anyway -- 20:34
14 CHAIRMAN KEILSON: They don't have your 20:34
15 problem. 20:34
16 MRS. TAUB: I understand but we were 20:34
17 discussing different options with something 20:34
18 like -- I think Mr. Keilson, you had said 20:34
19 gravel would not be better but something like 20:34
20 they have drivable grass. Is that something 20:34
21 that's better to do it for the entire area, 20:34
22 not just the Mohawk? 20:34
23 CHAIRMAN KEILSON: I think it's what Mr. 20:34
24 Hiller and Mr. Gottlieb are referring to is 20:34
25 the impact of the backyard with there is a lot 20:34

Taub - 9/23/20

1
2 going on there. 20:34

3 MEMBER GOTTLIEB: Vis-à-vis in reference 20:34
4 to the overage. 20:34

5 CHAIRMAN KEILSON: Yes. 20:34

6 MEMBER GOTTLIEB: But just because you 20:34
7 mentioned it, I don't like the Mohawk. 20:34

8 MRS. TAUB: Me neither. 20:34

9 MEMBER GOTTLIEB: It's like out of the 20:34
10 1930s or '40s. Not that I was around. 20:34

11 MRS. TAUB: I did notice in Back 20:34
12 Lawrence a lot of gravel, but you are saying 20:34
13 that doesn't help. 20:34

14 MR. TAUB: If we removed the stones, the 20:34
15 joints -- 20:35

16 MEMBER HILLER: Which ones? 20:35

17 MR. TAUB: All the surrounding joints. 20:35

18 MEMBER GOTTLIEB: Then what would you 20:35
19 have around the pool? 20:35

20 MRS. TAUB: Grass but then it's 20:35
21 slippery. 20:35

22 MEMBER MOSKOWITZ: Are those joints 20:35
23 counted? 20:35

24 MRS. TAUB: No. Mr. Hiller was pointing 20:35
25 out the overall look. 20:35

Taub - 9/23/20

1
2 MR. TAUB: I am not sure what else to do 20:35
3 here. 20:35
4 MEMBER HILLER: That's a solution. What 20:35
5 would that reduce the coverage? 20:35
6 MR. TAUB: Forty-foot pool and then I 20:35
7 can give you 6 feet tonight, Mr. Hiller. 20:35
8 MEMBER GOTTLIEB: Can we go off the 20:35
9 record for just a moment? 20:35
10 (Discussion off the record.) 20:35
11 MEMBER HILLER: The fact that your 20:36
12 backyard is adjacent to a side yard makes the 20:36
13 16.5 feet to me less egregious. 20:36
14 MEMBER GOTTLIEB: Agreed. 20:37
15 MEMBER HILLER: But still I saw -- it's 20:37
16 a lovely property. To me it looked already 20:37
17 quite full, and now it's going to be 20:37
18 tremendously full. 20:37
19 MR. SENA: Well, as we said before, not 20:37
20 -- we are not increasing the degree of 20:37
21 conformance. 20:37
22 MEMBER HILLER: I understand but you are 20:37
23 still 8.5 percent overage. So do something. 20:37
24 MR. SENA: What would be more 20:37
25 advantageous? What percentage are we looking 20:37

Taub - 9/23/20

1
2 for? 20:37
3 MEMBER HILLER: Five. 20:37
4 MR. TAUB: So remove -- 20:37
5 MR. SENA: If we take the deck out, the 20:37
6 11-by-11 deck and you want to continue some 20:37
7 paving along here. 20:38
8 MR. TAUB: Yes. It doesn't count in any 20:38
9 case, so you have the option of either putting 20:38
10 it or not putting it. 20:38
11 MR. SENA: The deck doesn't count 20:38
12 either? 20:38
13 MR. TAUB: No. The deck does count. 20:38
14 The 121 does count. 20:38
15 MR. SENA: It doesn't count as 20:38
16 impervious. 20:38
17 MEMBER MOSKOWITZ: It counts. So if 20:38
18 they -- 20:38
19 MR. SENA: So we would be taking out 11 20:38
20 minus the 3 by 10 plus 30 feet. 20:38
21 MEMBER MOSKOWITZ: If the purpose of 20:38
22 that space is to put a couple of lounge 20:38
23 chairs, I am assuming something could be put 20:38
24 down there other than just pure grass that 20:38
25 would be suitable to have a lounge chair, but 20:38

Taub - 9/23/20

1
2 that doesn't count as surface coverage I am 20:38
3 assuming. 20:38
4 MEMBER FELDER: There is a material 20:38
5 where you can -- like a metal grate in the 20:38
6 grass. 20:39
7 MR. TAUB: We will figure it out. 20:39
8 MEMBER GOTTLIEB: If the 121 was to come 20:39
9 off, it would reduce your overage to 6.3 20:39
10 percent. 20:39
11 MR. SENA: What does it make it? 20:39
12 MEMBER GOTTLIEB: 6.3. My math is not 20:39
13 guaranteed. It's just suggestive. 20:39
14 CHAIRMAN KEILSON: Mr. Castro, are you 20:39
15 with us? 20:39
16 MR. CASTRO: Yes. 20:39
17 CHAIRMAN KEILSON: If we want to make 20:39
18 the record clear -- 20:39
19 MEMBER GOTTLIEB: Gerry, is there 20:39
20 anything you can recommend other than putting 20:39
21 the Mohawk in the driveway? Something other 20:39
22 than putting the grass there to make it meet 20:39
23 the -- 20:39
24 MR. CASTRO: I mean, the Turfstone is 20:39
25 the square blocks with the like -- 20:39

Taub - 9/23/20

1
2 MEMBER GOTTLIEB: Would that be 20:39
3 considered impervious, pervious, or neither? 20:39
4 MR. CASTRO: Neither. 20:39
5 MEMBER GOTTLIEB: Cool. So we can do 20:39
6 that. A driveway in -- what did you call it? 20:39
7 MR. CASTRO: Turf-Block or Turfstone. 20:39
8 CHAIRMAN KEILSON: We don't have to 20:39
9 define that tonight. As long as we are not 20:40
10 counting it, we can consult with the village. 20:40
11 MR. CASTRO: We would approve such. 20:40
12 CHAIRMAN KEILSON: Okay. 20:40
13 MEMBER HILLER: I am satisfied with 20:40
14 that. 20:40
15 MEMBER GOTTLIEB: Because that would 20:40
16 reduce the 600 feet of the driveway to meet 20:40
17 the requirement which they are showing here as 20:40
18 the 600 feet which we are not counting, we can 20:40
19 reduce the 121, be at 6.3 percent, and 20:40
20 hopefully make you guys happy. Hopefully. 20:40
21 CHAIRMAN KEILSON: Okay. 20:40
22 MEMBER HILLER: I can live with that. 20:40
23 CHAIRMAN KEILSON: Anyone in the 20:40
24 audience want to speak to the matter? It 20:40
25 seems not. 20:40

Taub - 9/23/20

1
2 MR. VACCHIO: What are we going with? 20:40
3 CHAIRMAN KEILSON: Oh, thank you for 20:40
4 asking. 20:40
5 MR. VACCHIO: What are we eliminating? 20:40
6 The deck or doing the turf grass? 20:40
7 CHAIRMAN KEILSON: I don't think it's 20:40
8 material tonight to make a decision tonight. 20:40
9 MEMBER GOTTLIEB: Whether they decide to 20:40
10 do the turf grass or Mohawk will be their 20:40
11 choice at a later date because we are not 20:40
12 counting the 600-foot driveway anyway, so you 20:41
13 will have that option later. You can use 20:41
14 another material instead of -- I love calling 20:41
15 it the Mohawk. So we are really just -- the 20:41
16 only amendment, Mr. Chairman, that I think we 20:41
17 are doing is eliminating 121 square feet of 20:41
18 deck material. 20:41
19 CHAIRMAN KEILSON: Of surface coverage. 20:41
20 MEMBER GOTTLIEB: Of surface coverage 20:41
21 and that would reduce the overage to 346 20:41
22 square feet overage. 20:41
23 CHAIRMAN KEILSON: 346 square feet 20:41
24 overage, 6.3 percent equivalent and then we 20:41
25 have the encroachment to the rear and 20:41

Taub - 9/23/20

1

2

encroachment to the side, and we will weigh 20:41

3

the benefit to the applicant as opposed to any 20:41

4

detriment to the community and the like and we 20:41

5

will start with Mr. Moskowitz can vote. 20:41

6

MEMBER MOSKOWITZ: For. 20:41

7

CHAIRMAN KEILSON: Mr. Gottlieb? 20:41

8

MEMBER GOTTLIEB: For. 20:41

9

CHAIRMAN KEILSON: Mr. Hiller? 20:41

10

MEMBER HILLER: For. 20:41

11

CHAIRMAN KEILSON: Mr. Felder? 20:41

12

MEMBER FELDER: For. 20:41

13

CHAIRMAN KEILSON: I vote for. We will 20:41

14

give you a year and a half. Thank you very 20:42

15

much. 20:42

16

MEMBER GOTTLIEB: I hope you work 20:42

17

something out with the driveway. I think it 20:42

18

would be lot nicer to put different material 20:42

19

in. 20:42

20

(Whereupon the hearing concluded at 8:42

21

p.m.)

22

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

23

24

YAFFA KAPLAN
Court Reporter

25

Brecher - 9/23/20

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

September 23, 2020
8:42 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

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

1 Brecher - 9/23/20

2 CHAIRMAN KEILSON: Matter of Brecher. 20:42

3 They or their representative. 20:42

4 MR. MAYERFELD: Good evening. 20:42

5 CHAIRMAN KEILSON: Good evening. You 20:42

6 are on. 20:42

7 MR. MAYERFELD: So regarding this 20:42

8 application, this is an existing house. The 20:42

9 Brechers have been here since -- 20:42

10 MR. BRECHER: -- this particular house 20:42

11 2006. 20:42

12 CHAIRMAN KEILSON: Since 2006? 20:42

13 MR. BRECHER: My in-laws since 1994. 20:42

14 MR. MAYERFELD: In Lawrence 1994, and 20:43

15 this house since 2006. They bought the house 20:43

16 as you currently see it as it currently 20:43

17 stands. Not making any modifications to it 20:43

18 and now we are in discussions of making a few 20:43

19 modifications. 20:43

20 MEMBER GOTTLIEB: So the applicant owns 20:43

21 the house as you said in their current 20:43

22 condition. They bought it renovated, rebuilt 20:43

23 with the terrace and the bricks? 20:43

24 MR. MAYERFELD: They bought it as is. 20:43

25 Yes. As you see it today, that's what they 20:43

Brecher - 9/23/20

1
2 bought in 2006. 20:43
3 CHAIRMAN KEILSON: Were there any 20:43
4 variances granted? 20:43
5 MR. MAYERFELD: We -- 20:43
6 MEMBER HILLER: Not to you. 20:43
7 MR. MAYERFELD: Not that we are aware 20:43
8 of. I don't know if there is anything in the 20:43
9 file. We inquired but we didn't see anything. 20:43
10 MR. VACCHIO: We don't have anything. 20:43
11 CHAIRMAN KEILSON: It's so substantially 20:43
12 over the existing, it's mysterious how we got 20:43
13 to this point. 20:44
14 MR. MAYERFELD: We understand. We are 20:44
15 not disagreeing with you. All we can tell 20:44
16 you, this is the way the Brechers bought the 20:44
17 house. They liked the neighborhood, they have 20:44
18 been living in this house since 2006. 20:44
19 So what we are proposing is to remove -- 20:44
20 there is an existing structure. Existing 20:44
21 garage is stuck way back in the corner of the 20:44
22 property. Also doesn't comply with setbacks. 20:44
23 We want to take that -- we want to take that 20:44
24 garage, move it to an area that's more 20:44
25 realistic, a place where you can actually park 20:44

Brecher - 9/23/20

1
2 in the garage. And we also want to put in a 20:44
3 pool. We want to restructure, as you see on 20:44
4 the plan, some of the driveway, and by doing 20:44
5 so, even though we do have additional 20:44
6 impervious coverage that we are adding to the 20:45
7 lot in its totality, if when you look at the 20:45
8 existing pervious/impervious surface, its 20:45
9 current condition 9,611 and we are bringing it 20:45
10 to 9,643 on the surface. 20:45

11 The main point, the point before we talk 20:45
12 about numbers is that by removing the existing 20:45
13 garage and taking it from the place of the 20:45
14 garage where it's noncompliant and bringing it 20:45
15 to a place where it's compliant and currently 20:45
16 the garage is so far back in the house, by 20:45
17 doing this we are also able to cut down a lot 20:45
18 of the driveway space. 20:45

19 MEMBER HILLER: Is that where you are 20:45
20 taking the driveway paving? Only from the 20:45
21 garage? 20:45

22 MR. MAYERFELD: Also from the middle as 20:45
23 well. From the middle as well. 20:45

24 CHAIRMAN KEILSON: Can we attack the 20:46
25 surface coverage question first? You are 20:46

Brecher - 9/23/20

1
2 increasing the net surface coverage by 30 20:46
3 square feet. 20:46
4 MR. MAYERFELD: Well, it's on the -- 20:46
5 CHAIRMAN KEILSON: The total. 20:46
6 MR. MAYERFELD: Okay. 20:46
7 CHAIRMAN KEILSON: And am I correct? 20:46
8 MR. MAYERFELD: It may be a little bit 20:46
9 different because there is some pervious -- 20:46
10 there is some -- you are looking at the 20:46
11 drawings. 20:46
12 CHAIRMAN KEILSON: I am looking at the 20:46
13 documents supplied by the village which 20:46
14 indicates that the existing is 13,057 and you 20:46
15 are going to 13,089 on surface coverage. Mr. 20:46
16 Vacchio, correct? 20:46
17 MR. VACCHIO: Correct. 20:46
18 MR. MAYERFELD: Okay. 20:46
19 CHAIRMAN KEILSON: So if that would be 20:46
20 the case, since we are very uncomfortable with 20:46
21 the existing condition being 39 percent over, 20:47
22 is there some way that you don't have to add 20:47
23 30 square feet so we don't have to touch that 20:47
24 tonight? 20:47
25 MR. MAYERFELD: So there is an area -- I 20:47

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1
2 think there was a couple of months ago one of 20:47
3 the neighbors -- I don't want to say the 20:47
4 neighbor's name, but whatever it is in this 20:47
5 area was talking about there was a water issue 20:47
6 in the area. So there is a water issue area 20:47
7 in the back of the house. Maybe the 20:47
8 applicants -- when it comes to pervious 20:47
9 surface the number is zero. That's what we 20:47
10 are combining. In this case that's why I 20:47
11 paused before because they do have a certain 20:47
12 amount pervious surface coverage. That's 20:47
13 because they have a little bit of a drainage 20:47
14 issue so water pooling so they put some gravel 20:47
15 in the back of the house. So since then we 20:47
16 also -- the owner put some -- even though it 20:47
17 didn't make any renovations to the house, they 20:47
18 put in some dry wells to help relieve that 20:47
19 problem. So we can take out some of the area 20:47
20 in the back of the house that has gravel and 20:47
21 plant it as grass. We are comfortable doing 20:48
22 that. 20:48
23 CHAIRMAN KEILSON: If I could distill 20:48
24 that, the answer is yes. 20:48
25 MR. MAYERFELD: Yes. 20:48

Brecher - 9/23/20.

1
2 CHAIRMAN KEILSON: Okay. 20:48
3 MEMBER HILLER: Did you do a water table 20:48
4 study? 20:48
5 MR. MAYERFELD: Lawrence? 20:48
6 MEMBER HILLER: Yes. 20:48
7 MR. MAYERFELD: We just got it back 20:48
8 today. We did it in four locations. 20:48
9 MEMBER HILLER: Where the pool is? 20:48
10 MR. MAYERFELD: It's going to have to be 20:48
11 a shallow pool. There is no question. 20:48
12 MEMBER HILLER: How shallow? 20:48
13 MR. MAYERFELD: Like a 5-foot deep pool 20:48
14 because the water is right there. 20:48
15 MEMBER GOTTLIEB: How far downhill? 20:48
16 MR. MAYERFELD: Like 5 and change. 20:48
17 MEMBER GOTTLIEB: If you are putting in 20:48
18 dry wells -- 20:48
19 MR. MAYERFELD: The shallow dry wells. 20:48
20 MEMBER GOTTLIEB: Like the long shallow? 20:48
21 MR. MAYERFELD: Yes. 20:48
22 MEMBER GOTTLIEB: We noticed we did walk 20:48
23 around the property and saw the grass was wet, 20:48
24 was rather wet. 20:48
25 MEMBER HILLER: Especially in the back. 20:49

Brecher - 9/23/20

1
2 MEMBER GOTTLIEB: That's the only place 20:49
3 there was grass. 20:49
4 MEMBER HILLER: Is that why you put the 20:49
5 pool there on that side because it's not as 20:49
6 deep? It's deeper than -- 20:49
7 CHAIRMAN KEILSON: So you are hoping 20:49
8 what? 20:49
9 MR. MAYERFELD: I am hoping it's going 20:49
10 to be like in other applications that the pool 20:49
11 like having to put in a pool would actually 20:49
12 help the overall scenario, but in terms of the 20:49
13 water and depth, that's what we have to put 20:49
14 in. 20:49
15 MEMBER GOTTLIEB: So I have an overall 20:49
16 question for you. We are demoing the garage 20:49
17 of 414 square feet, and you are taking away a 20:49
18 small section of narrow driveway and adding 20:49
19 776-foot garage and 800-square-foot pool. 20:49
20 Doesn't seem to -- it seems like you are 20:49
21 adding more than you are taking away. 20:49
22 MR. MAYERFELD: It's also the driveway. 20:49
23 MEMBER GOTTLIEB: But looks like a small 20:49
24 section of driveway though -- oh, there is 20:49
25 also driveway in the front that you are 20:49

Brecher - 9/23/20

1
2 removing. 20:49

3 MR. MAYERFELD: Yes, yes, yes. 20:50

4 MEMBER GOTTLIEB: So you are demoing the 20:50

5 4,000-foot driveway, and you are replacing it 20:50

6 with 3,200-foot. 20:50

7 MR. MAYERFELD: Correct. 20:50

8 MEMBER HILLER: And you agree you are 20:50

9 taking 30 feet away from somewhere in the 20:50

10 back. The 30 extra feet that you are in 20:50

11 excess, the 32 feet. 20:50

12 MR. MAYERFELD: Yes, agreed. 20:50

13 MEMBER HILLER: We don't want to be 20:50

14 hard, but really the Brechers, I congratulate 20:50

15 you. You lucked into a fabulously overbuilt 20:50

16 parcel and somehow it worked and -- but you 20:50

17 understand that we are reluctant to go beyond 20:50

18 that because it is so wonderfully egregious 20:50

19 for you. Don't say anything. No, go ahead. 20:50

20 I was just -- 20:50

21 MR. BRECHER: Good advice. Thank you. 20:50

22 MEMBER GOTTLIEB: Would there be any 20:50

23 walkways or pavers going to the pool or 20:51

24 stepping over the wet grass? 20:51

25 MR. MAYERFELD: I think typical pavers, 20:51

Brecher - 9/23/20

1
2 no large patio. A small walkway. Nothing 20:51
3 beyond what's expected. 20:51
4 MEMBER GOTTLIEB: So outside of the 32 20:51
5 square feet which you are going to eliminate? 20:51
6 MR. MAYERFELD: Yes. 20:51
7 MEMBER GOTTLIEB: You are just doing -- 20:51
8 MR. MAYERFELD: And then some. Well, I 20:51
9 think we still want to leave -- in all 20:51
10 honesty, there is a certain amount of gravel 20:51
11 that was put in there a while ago. Again to 20:51
12 help with the water. Now that we have a 20:51
13 better water condition, the back, we still -- 20:51
14 we don't want to eliminate all the gravel 20:51
15 because having a little redundancy is healthy 20:51
16 because there is water there but there is some 20:51
17 play back there. We can take off a decent 20:51
18 number of square feet, and you can see on the 20:51
19 drawing, it's the gravel area that's right 20:51
20 along the neighbor. 20:51
21 CHAIRMAN KEILSON: So let's just focus 20:51
22 on -- 20:52
23 MEMBER GOTTLIEB: Is the driveway and I 20:52
24 hate to say this out loud, pervious or 20:52
25 impervious? Is the driveway going to be 20:52

Brecher - 9/23/20

1
2 gravel? 20:52

3 MR. MAYERFELD: It's going to be 20:52

4 impervious. 20:52

5 CHAIRMAN KEILSON: Why do you hate to 20:52

6 say it? 20:52

7 MEMBER GOTTLIEB: Because then maybe we 20:52

8 need a little drip guard to take in water if 20:52

9 it's impervious to reduce the flooding over 20:52

10 down by the triangles. So you said -- I'm 20:52

11 sorry. It's going to be pervious or 20:52

12 impervious? 20:52

13 MR. MAYERFELD: It's going to be 20:52

14 impervious. 20:52

15 MEMBER GOTTLIEB: Blacktop? 20:52

16 MR. MAYERFELD: Blacktop. 20:52

17 MEMBER GOTTLIEB: Is there any 20:52

18 application for dry wells to take on some of 20:52

19 that water? 20:52

20 MR. MAYERFELD: We will put some in. 20:52

21 CHAIRMAN KEILSON: Does that mean they 20:52

22 are on the plan or being contemplated? 20:52

23 MEMBER GOTTLIEB: I don't see any dry 20:52

24 well. 20:52

25 MR. VACCHIO: We can put gravel beds 20:52

Brecher - 9/23/20

1
2 down. 20:52

3 MR. MAYERFELD: Along the edges. 20:52

4 MR. VACCHIO: Where the strip drain is. 20:52

5 It's shallow there. 20:52

6 MR. MAYERFELD: Pretty shallow. 20:52

7 MR. VACCHIO: Put some gravel beds. 20:53

8 CHAIRMAN KEILSON: I have a suggestion. 20:53

9 It's not material to our decision, so why 20:53

10 don't we just say that the village, in light 20:53

11 of the fact that there is a discussion about 20:53

12 the water issue, should take on the 20:53

13 responsibility of oversight to ensure that any 20:53

14 water issue is not exacerbated by whatever 20:53

15 they are going to do. 20:53

16 MEMBER FELDER: Excellent idea. 20:53

17 MR. CASTRO: Agreed. 20:53

18 MEMBER GOTTLIEB: I think that's 20:53

19 standard protocol anyway. 20:53

20 CHAIRMAN KEILSON: Not necessarily but 20:53

21 we hope. Thank you for bringing it to our 20:53

22 attention. 20:53

23 MEMBER GOTTLIEB: You are welcome. 20:53

24 CHAIRMAN KEILSON: Okay, good. So let's 20:53

25 try to refocus. So in terms of the request 20:53

Brecher - 9/23/20

1
2 tonight, there is no issue with the surface 20:53
3 coverage. There is an issue with the swimming 20:53
4 pool and equipment being constructed in the 20:53
5 front yard. Okay. You would like us to look 20:53
6 away at that and the reason is -- 20:53

7 MR. MAYERFELD: Well, going back to the 20:53
8 conversation, the pool is actually compliant, 20:53
9 the pool equipment, and we talked about the 20:54
10 last -- moving away from the neighbors. 20:54
11 That's what we had said last time closer to 20:54
12 the street. So this is right alongside the 20:54
13 garage, decent distance away from the street. 20:54
14 So we thought that was best instead of pushing 20:54
15 it closer to the yard and closer to the 20:54
16 neighbors. 20:54

17 CHAIRMAN KEILSON: Which brings us then 20:54
18 to the building coverage. The building 20:54
19 coverage is being increased by 7 percent. The 20:54
20 total of the 20 percent above permitted, but 20:54
21 that damage has been done already so we are 20:54
22 talking about additional 7 percent, 362 feet I 20:54
23 think it is, so I guess the question is since 20:54
24 Mr. Hiller brought up the fact that we have an 20:54
25 egregious condition, are we prepared to 20:54

Brecher - 9/23/20

1
2 further exacerbate it? Is there a way of 20:54
3 somehow mitigating? 20:54

4 MR. MAYERFELD: Mr. Brecher wants to be 20:54
5 able to park his car in the driveway, not to 20:55
6 use it as storage. 20:55

7 MR. BRECHER: Anyway, they told me it's 20:55
8 a slam dunk so I shouldn't come up here. 20:55
9 David Brecher. This is my wife, Leah. So 20:55
10 looking at the plan I bought this house -- I 20:55
11 didn't buy it because it was overbuilt. I 20:55
12 didn't realize that until afterwards. I 20:55
13 bought it because we wanted to live in that 20:55
14 part of the neighborhood, and I am sure most 20:55
15 of you -- some of you who live in Back 20:55
16 Lawrence know it was a big deal when I bought 20:55
17 the house, greatly overpaid, et cetera, and 20:55
18 all that other good stuff. 20:55

19 CHAIRMAN KEILSON: Overbuilt and 20:55
20 overpaid. 20:55

21 MR. BRECHER: I guess you get what you 20:55
22 pay for sometimes. Or not. But the reality 20:55
23 is if you look at the garage, okay, which we 20:55
24 have been living with for 14 years, it's a 20:55
25 completely useless garage. It's jammed into 20:55

Brecher - 9/23/20

1
2 the back corner of the house. Very difficult 20:55
3 to even drive a vehicle back there. It's 20:55
4 actually almost connected to the house. There 20:55
5 is like a little small walkway. You did a 20:56
6 tour around the property, so you understand 20:56
7 it's a completely useless garage. It happens 20:56
8 to be that I collect classic cars. I have -- 20:56
9 I don't know if you got when you walked around 20:56
10 the house -- 20:56
11 MEMBER GOTTLIEB: We saw the red 20:56
12 Mustang. 20:56
13 MR. BRECHER: I also have a property in 20:56
14 Florida and I keep some other cars there, 20:56
15 whatever the case is and tools, et cetera. 20:56
16 You know, I have a useless garage. I would 20:56
17 like to have a functional garage. That's 20:56
18 really all I am asking for right now. Two-car 20:56
19 garage that I can use, that I can park, and in 20:56
20 order to do that, that's what we are asking 20:56
21 for. 20:56
22 So the fact that the rest of the house 20:56
23 was built, I wasn't here when the house was 20:56
24 built. You know, I am sure the board had a 20:56
25 different makeup or I don't know how they got 20:56

Brecher - 9/23/20

1
2 that plan approved. It doesn't make any 20:56
3 difference, you know, to me. It doesn't help 20:56
4 me in any way, but I do need a functioning 20:56
5 garage and I could appreciate the fact that 20:56
6 it's overbuilt at this point but it's not like 20:56
7 I am adding on another den or another -- it is 20:57
8 an important piece of the house, the garage. 20:57
9 We all have a garage. You know, we need it. 20:57
10 It's Back Lawrence, it's a big property. 20:57
11 Two-car garage is really not a lot to ask for. 20:57
12 That's what I am asking for. 20:57
13 CHAIRMAN KEILSON: We should take note 20:57
14 this is a precedent tonight. No one has asked 20:57
15 for an additional garage. 20:57
16 MEMBER GOTTLIEB: There are some people 20:57
17 who think they don't need a garage. 20:57
18 MR. BRECHER: I could ask for a four-car 20:57
19 carport if it makes it easier. 20:57
20 CHAIRMAN KEILSON: But it's unusual. 20:57
21 When was the last time somebody asked for a 20:57
22 garage? 20:57
23 MEMBER GOTTLIEB: I would like to make a 20:57
24 comment. So we are taking a preexisting 20:57
25 nonconforming one-car garage and bringing up 20:57

Brecher - 9/23/20

1 to code by having a two-car garage, so it's a 20:57
2 matter of we are eliminating one code versus 20:57
3 complying with another code and as much as I 20:57
4 love the way your house looks and I don't like 20:57
5 the plans that show the garage, that's not for 20:57
6 me to say but I just did. 20:57

7 MR. BRECHER: I think with trees, et 20:58
8 cetera, we will be able to -- 20:58

9 MEMBER GOTTLIEB: Because we walk by 20:58
10 your house often and it's beautiful. I can't 20:58
11 believe you are going to give up those windows 20:58
12 on the ground floor for a garage but that's 20:58
13 your choice, but again, because we are giving 20:58
14 up one -- 20:58

15 CHAIRMAN KEILSON: You walk past this 20:58
16 house? You don't bicycle? 20:58

17 MEMBER GOTTLIEB: No. This one I walk 20:58
18 past again because we are giving up one for 20:58
19 another, the difference of 7 percent over 20:58
20 existing 362 square feet to me is not 20:58
21 egregious by any means. 20:58

22 MR. BRECHER: Maybe we could put nice 20:58
23 windows on the outside of the garage to match. 20:58

24 MEMBER GOTTLIEB: It's not for me to 20:58
25

Brecher - 9/23/20

1
2 say. 20:58

3 MR. BRECHER: I want to be a good 20:58
4 neighbor. 20:59

5 CHAIRMAN KEILSON: So let's go back on 20:59
6 the record what we are going to be voting on. 20:59
7 We are voting on nothing about surface 20:59
8 coverage or that relief. 20:59

9 MEMBER GOTTLIEB: We are exchanging 20:59
10 surface coverage -- 20:59

11 CHAIRMAN KEILSON: Whatever. It's not 20:59
12 the subject for tonight. We are discussing 20:59
13 putting the equipment in the front yard. 20:59
14 Okay. The explanation was forthcoming and now 20:59
15 we are talking about the building coverage, 20:59
16 the additional building coverage of 7 percent, 20:59
17 362 square feet, and I believe the applicant 20:59
18 made an extremely eloquent compelling 20:59
19 presentation and the fact that he wants to 20:59
20 comply and have a two-car garage is noted by 21:00
21 Mr. Gottlieb. And we are going to vote based 21:00
22 on that. 21:00

23 Taking into consideration the benefit to 21:00
24 the applicant as opposed to any detriment to 21:00
25 the community, we will start with Mr. 21:00

Brecher - 9/23/20

1
2 Moskowitz. 21:00
3 MEMBER MOSKOWITZ: For. 21:00
4 CHAIRMAN KEILSON: And Mr. Gottlieb, a 21:00
5 Mustang aficionado? 21:00
6 MEMBER GOTTLIEB: For. 21:00
7 CHAIRMAN KEILSON: Mr. Hiller? 21:00
8 MEMBER HILLER: For. 21:00
9 CHAIRMAN KEILSON: Mr. Felder? 21:00
10 MEMBER FELDER: For. 21:00
11 CHAIRMAN KEILSON: And I vote for as 21:00
12 well. Year and a half? 21:00
13 MR. MAYERFELD: Yes. Thank you so much 21:00
14 for your time. Thank you for your dedication. 21:00
15 (Whereupon the hearing concluded at 9:00

16 p.m.)

17 *****
18 Certified that the foregoing is a true and accurate
19 transcript of the original stenographic minutes in
20 this case.

19 
20 -----
21 YAFFA KAPLAN
22 Court Reporter
23
24
25

Jacobowitz - 9/23/20

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Lawrence Country Club
101 Causeway
Lawrence, New York

September 23, 2020
9:00 p.m.

APPLICATION: Jacobowitz
333 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

MR. GERRY CASTRO
Building Department

Yaffa Kaplan
Court Reporter

Jacobowitz - 9/23/20

1
2 CHAIRMAN KEILSON: All right. Last 21:00
3 matter for this evening, Jacobowitz, 333 Ocean 21:00
4 Avenue. They or their representative. They 21:00
5 and their representative. Okay. I don't want 21:00
6 to disappoint you, but we are a hot board, 21:01
7 number 1. It's very hot in here. Number 2, 21:01
8 we are familiar with the property. I think 21:01
9 everybody visited it, and so by all means, 21:01
10 make your presentation. 21:01
11 MS. ELIAS: Okay. Well, the first issue 21:01
12 is the excess surface coverage, and the reason 21:02
13 that we are in a bind about that is because of 21:02
14 the existing pool, the existing court, the 21:02
15 tennis court, and that's kind of really 21:02
16 pushing it over the top is that it's 6,249 21:02
17 square feet. 6,249 square feet. 21:02
18 MEMBER GOTTLIEB: That's the tennis 21:02
19 court? 21:02
20 MS. ELIAS: That's the tennis court. 21:02
21 And it's a lot of footage. The client 21:02
22 purchased the property partly because of the 21:02
23 court, and in spite of the fact that it's a 21:02
24 lot of the footage, the regulation tennis 21:02
25 court is exactly the size that they built 21:02

Jacobowitz - 9/23/20

1
2 there. 112 and a half feet by 55 and a half 21:02
3 feet. If I may, the minimum recreational 21:03
4 tennis court recommended is that size, and so 21:03
5 because they are avid tennis players and that 21:03
6 was a driving force for the property, if we 21:03
7 are in a bind, we are in a bind because of the 21:03
8 surface coverage. The house is less than is 21:03
9 permitted. There is nothing really that is 21:03
10 over what is permitted. Everything is under 21:03
11 and this is pushing it over the top. So we 21:03
12 are asking the Board to -- 21:03

13 CHAIRMAN KEILSON: Well, let's 21:03
14 summarize. We have between the pervious and 21:03
15 impervious, permitted is 13,276, the proposed 21:04
16 is 17,705. And going to combined, we have 33 21:04
17 percent overage. We will note even though you 21:04
18 left it off I think the template -- or maybe 21:04
19 you didn't. The existing is 20,566. So then 21:04
20 indeed you are reducing it from the existing. 21:04

21 MS. ELIAS: Yes, we are and we actually 21:04
22 are -- we are presenting this to show you what 21:04
23 the existing was. The dark areas that are 21:04
24 shaded in show the existing, how much bigger 21:04
25 the existing was, and our proposal is to be -- 21:04

Jacobowitz - 9/23/20

1
2 MEMBER HILLER: What are you taking off 21:04
3 from there? Can you show it? 21:04
4 MS. ELIAS: It's a poor showing, but 21:04
5 this is this whole swath of the basketball 21:04
6 court is coming up. This is changed. 21:05
7 MEMBER HILLER: Which whole swath? The 21:05
8 entire square? 21:05
9 MS. ELIAS: Yes. This whole square. 21:05
10 MEMBER HILLER: How are people going to 21:05
11 reach the garage? 21:05
12 MS. ELIAS: From here. So this is where 21:05
13 the existing court is. 21:05
14 MEMBER HILLER: The pool is going to be 21:05
15 moved? 21:05
16 MS. ELIAS: The pool is being moved. 21:05
17 The house is smaller than allowed. But if you 21:05
18 kind of -- if you see the visual on the dark 21:05
19 areas to what is now, it's substantial. And 21:05
20 this is -- it's, you know, a large part of it. 21:05
21 So -- 21:05
22 CHAIRMAN KEILSON: Why don't we go 21:05
23 through the denial letter perhaps because your 21:05
24 code relief is not really comprehensive I 21:05
25 don't think. So the first item on the denial 21:05

Jacobowitz - 9/23/20

1 letter is the surface coverage question which 21:06
2 you addressed. We will come back to it. 21:06
3
4 Then there is a question about the 21:06
5 minimum front-yard setback, which is supposed 21:06
6 to be 50 feet and you are requesting 40 feet. 21:06
7 Can you identify where that is on the 21:06
8 property? 21:06
9 MS. ELIAS: Yes. 21:06
10 MEMBER MOSKOWITZ: That's not mentioned 21:06
11 on the code relief? 21:06
12 CHAIRMAN KEILSON: She did not mention 21:06
13 it on the code relief. 21:06
14 MS. ELIAS: It's mentioned on the 21:06
15 petition. 21:06
16 MEMBER GOTTLIEB: I usually refer to the 21:06
17 code relief, so I didn't pick that up. 21:06
18 MEMBER HILLER: The front-yard 21:06
19 encroachment is only on the Tanglewood side. 21:06
20 It's not the front of the house. 21:06
21 MS. ELIAS: No. We are fully compliant 21:06
22 on the front on Ocean. 21:06
23 MEMBER GOTTLIEB: That's not height 21:06
24 setback. That's front yard. 21:06
25 MS. ELIAS: That's front yard. 21:07

Jacobowitz - 9/23/20

1
2 CHAIRMAN KEILSON: Front-yard setback. 21:07
3 So this is the proposed front yard from 21:07
4 Tanglewood, and so we are projecting over that 21:07
5 because we are also pushed a little bit due to 21:07
6 the tennis court. We have to veer a little 21:07
7 bit right in order to have a walkway between 21:07
8 the tennis court and the house and there 21:07
9 exists -- I don't know that it matters but the 21:07
10 existing was impinging on the Tanglewood side 21:07
11 as well and our -- 21:07
12 CHAIRMAN KEILSON: By how much? Same? 21:07
13 More? 21:07
14 MS. ELIAS: Differently but just about. 21:07
15 MEMBER GOTTLIEB: What's the required 21:07
16 front yard? 21:07
17 MS. ELIAS: Fifty. 21:07
18 MEMBER GOTTLIEB: Fifty on Tanglewood 21:07
19 and 50 on Ocean? 21:07
20 MS. ELIAS: Right. And we are fully 21:07
21 beyond that. We are fine on Ocean. 21:07
22 Tanglewood doesn't have any neighbors. It's 21:07
23 covered with trees all along Tanglewood. 21:07
24 CHAIRMAN KEILSON: Okay. Next one is 21:08
25 maximum front-yard height setback ratio .44 21:08

Jacobowitz - 9/23/20

1
2 and you are requesting .55. What does that 21:08
3 present itself? 21:08
4 MS. ELIAS: So Tanglewood has a slope of 21:08
5 10 feet from Ocean Avenue to where the 21:08
6 property ends. It's starts off at about 20 21:08
7 feet and finishes at about 10 feet. Due to 21:08
8 that, there is about 1 foot 10 inches to the 21:08
9 eave height. Then we are not in compliance 21:08
10 with fully on Ocean but a little bit off on 21:08
11 Tanglewood because of the way the property 21:08
12 slopes. So this is where -- 21:08
13 CHAIRMAN KEILSON: So that gives rise to 21:08
14 the problem of the height setback ratio as 21:08
15 well the eave issue, the eave height issue? 21:08
16 Is that -- 21:08
17 MS. ELIAS: Yes. For the same reason. 21:08
18 CHAIRMAN KEILSON: Right, Mr. Castro? 21:09
19 I'm sorry to disturb you. 21:09
20 MR. CASTRO: No. The front wall height 21:09
21 is taken from the crown of the road. The 21:09
22 height setback ratio is from grade. 21:09
23 MEMBER GOTTLIEB: How does the slope 21:09
24 affect? 21:09
25 MR. CASTRO: When you go down 21:09

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1
2 Tanglewood. 21:09

3 MEMBER GOTTLIEB: But you are using the 21:09
4 crown of the road, the average height of the 21:09
5 crown of the road? 21:09

6 MR. CASTRO: Yes. 21:09

7 MS. ELIAS: It still slopes. 21:09

8 MEMBER HILLER: It slopes down from 21:09
9 Ocean Avenue back down? 21:09

10 MS. ELIAS: Yes. 21:09

11 MR. CASTRO: Starting from the corner of 21:09
12 Ocean. 21:09

13 CHAIRMAN KEILSON: So because of the 21:09
14 oddity, that's why we have an issue in terms 21:09
15 of the eave height and also height setback 21:09
16 ratio. Okay. Both anomalies and then finally 21:09
17 we have a request for one-car garage. You 21:09
18 know, in every evening we have to have one 21:10
19 declination and one modification at least -- 21:10

20 MEMBER GOTTLIEB: We don't have to. 21:10

21 CHAIRMAN KEILSON: I thought it's in our 21:10
22 charter. The least I have an issue with the 21:10
23 one-car garage in light of the size of the 21:10
24 property and the like. I think the -- you 21:10
25 didn't do justice to your position point 21:10

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1
2 saying you like to park outside. Let me just 21:10
3 see the language. 21:10
4 MS. ELIAS: That's pretty much what it 21:10
5 says. Can the homeowners speak up about that? 21:10
6 CHAIRMAN KEILSON: Of course. 21:10
7 MEMBER MOSKOWITZ: The existing house 21:10
8 had a two-car garage or one-car garage? 21:10
9 MR. JACOBOWITZ: The existing house had 21:10
10 a two-car garage if I may. We currently live 21:10
11 on Central Avenue. We have a one-car garage, 21:10
12 and it functions very well for us. 21:10
13 CHAIRMAN KEILSON: But that as I recall 21:10
14 from that hearing, we gave it to you because 21:11
15 we wanted to give you more living space and 21:11
16 the like. The property is much smaller than 21:11
17 this property; is that correct? 21:11
18 MR. JACOBOWITZ: The property is much 21:11
19 smaller, yes. 21:11
20 MEMBER HILLER: Don't fight this. This 21:11
21 is not worth it. 21:11
22 MR. JACOBOWITZ: It's not. It's 21:11
23 impressive that you recall the meeting but I 21:11
24 will say that it was also -- 21:11
25 MEMBER HILLER: Take two cars. 21:11

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1
2 MEMBER GOTTLIEB: Mrs. Elias, I don't 21:11
3 remember if you have done new construction or 21:11
4 not. I know you have come before us with the 21:11
5 most magnificent houses. I have an issue that 21:11
6 new construction should meet code unless there 21:11
7 is circumstances that need to be mitigated 21:11
8 which are whether it's a hardship in the 21:11
9 property. For example, the slope of grade or 21:11
10 if it's a pie-shaped property, but this is a 21:11
11 pretty square property. The buyer or the 21:12
12 owner -- I guess they are owners, right? 21:12
13 MS. ELIAS: They are owners. 21:12
14 MEMBER GOTTLIEB: It's a square property 21:12
15 and you can't have it all. You know, as it is 21:12
16 the tennis court is preexisting nonconforming, 21:12
17 and accessory use like that I believe should 21:12
18 be 20 feet in from each. Fifteen or 20 feet 21:12
19 from the back and the side yard? 21:12
20 MR. VACCHIO: Twenty. 21:12
21 MEMBER GOTTLIEB: So that's already 21:12
22 there. Maybe you are going to use hard true 21:12
23 instead of the hard court. That's obviously 21:12
24 the owners' consideration but when I look at 21:12
25 something like this, it's new construction and 21:12

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1
2 it's got to somehow come close to what is 21:12
3 permitted. Just as a side note, what was the 21:12
4 fire caused by? 21:12
5 MS. ELIAS: There was no fire. They 21:12
6 were using it as a test place. 21:12
7 MEMBER GOTTLIEB: That was one of the 21:12
8 test houses? 21:12
9 MS. ELIAS: Yes. 21:13
10 MEMBER GOTTLIEB: Oh, that's one of 21:13
11 those. Very, very generous for you to let 21:13
12 them break -- 21:13
13 MS. ELIAS: They did it twice. So Mr. 21:13
14 Gottlieb, I appreciate what you are saying and 21:13
15 the only thing that I can say to counter that 21:13
16 is that when an investment in properties such 21:13
17 as this is made with the intent to use 21:13
18 something that is there and the thought is 21:13
19 that it's grandfathered in, I mean that's what 21:13
20 we typically would think that it would be 21:13
21 grandfathered in because it's there. The same 21:13
22 way as if we need a wall of a house and we 21:13
23 build around it, we are allowed to do certain 21:13
24 things that otherwise in new construction we 21:13
25 might not be able to do. So I just feel for 21:13

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1
2 the owners who appreciated this lot partly 21:13
3 because of that tennis court that's somehow -- 21:13
4 MEMBER GOTTLIEB: And the tennis court 21:13
5 is there and it's preexisting nonconforming, 21:13
6 but it's also what did we say? 7,200 square 21:13
7 feet, 6,200 square feet, and that's surface 21:14
8 that has to go somewhere. 21:14
9 MS. ELIAS: We have very detailed 21:14
10 engineer plans for making sure that all the 21:14
11 water is addressed on the property. There is 21:14
12 no issue with cooling or allowing someone else 21:14
13 to be inconvenienced because the court is 21:14
14 solid and isn't -- doesn't have the seepage. 21:14
15 I don't know, you know, what else to -- 21:14
16 MEMBER MOSKOWITZ: Let me ask you a 21:14
17 question if I may. So the building coverage 21:14
18 number that's reflected here, that does 21:14
19 include the tennis court; is that right? 21:14
20 CHAIRMAN KEILSON: No. 21:14
21 MEMBER MOSKOWITZ: 5,828 -- 5,087 does 21:14
22 not include the tennis court, right? 21:14
23 MS. ELIAS: No. The house is 5,087, and 21:14
24 in total with the court we have 14,532 square 21:14
25 feet. 21:15

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1
2 MEMBER MOSKOWITZ: So on the impervious 21:15
3 coverage number, I know that we have been 21:15
4 analyzing it as -- 21:15
5 CHAIRMAN KEILSON: Let me see if we can 21:15
6 get a number from Gerry on lot coverage. Did 21:15
7 we do this one? 21:15
8 MEMBER MOSKOWITZ: 34.2 percent. 21:15
9 CHAIRMAN KEILSON: What it should be? 21:15
10 MR. CASTRO: As per the zoning schedule? 21:15
11 CHAIRMAN KEILSON: Yes. Let's see what 21:15
12 it should be. 21:15
13 MEMBER GOTTLIEB: 13,276. 21:15
14 CHAIRMAN KEILSON: 34.2 coverage. 21:15
15 MEMBER GOTTLIEB: Percentage of 21:15
16 coverage. 21:15
17 CHAIRMAN KEILSON: Let's see what he 21:15
18 comes to. 21:15
19 MR. CASTRO: We closed everything down 21:15
20 thinking we were done. 21:15
21 CHAIRMAN KEILSON: Lot area 51,667. 21:16
22 MEMBER HILLER: How big is the pool 21:16
23 going to be? Since it slopes down, I assume 21:16
24 it's a moist area down there. 21:16
25 MS. ELIAS: I'm sorry. 21:16

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1
2 MEMBER HILLER: Since the property 21:16
3 slopes down, I assume there is a high water 21:16
4 table. 21:16
5 MS. ELIAS: There is. It's about 14 21:16
6 feet. 21:16
7 MEMBER HILLER: Fourteen feet is not 21:16
8 that high. 21:16
9 MS. ELIAS: I think it's one of the 21:16
10 highest in the area. Fourteen feet water 21:16
11 table. That's the best you can get. I have 21:17
12 not come across anything better. 21:17
13 MEMBER HILLER: How deep is the pool. 21:17
14 MS. ELIAS: How deep is the pool? How 21:17
15 deep? Eight feet. Probably start 4 to 8 21:17
16 feet. 21:17
17 MEMBER HILLER: Can you do that? 21:17
18 MRS. JACOBOWITZ: That's what they have 21:17
19 now. Now it's 9 feet. 21:17
20 MEMBER HILLER: But it's further up. 21:17
21 You are going further back. 21:17
22 MEMBER MOSKOWITZ: Let me ask you a 21:17
23 question while we wait for Mr. Castro to come 21:17
24 up with that number. Am I right including 21:17
25 that number tennis court is impervious 21:17

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1
2 coverage, correct? 21:17
3 MS. ELIAS: Yes. 21:17
4 MEMBER MOSKOWITZ: So including the 21:17
5 tennis court, the proposed is much, much less 21:17
6 than the existing. It's a much improved 21:17
7 condition from impervious coverage standpoint? 21:17
8 MS. ELIAS: Yes. The existing 17,658 21:17
9 square feet. 21:17
10 CHAIRMAN KEILSON: Well, the total was 21:17
11 20,566. 21:17
12 MR. CASTRO: 25.6. Lot size is big. 21:18
13 MS. ELIAS: That's what this is meant to 21:18
14 demonstrate. 21:18
15 MEMBER MOSKOWITZ: 25.6 is what's 21:18
16 permitted? 21:18
17 CHAIRMAN KEILSON: For this particular 21:18
18 lot. 21:18
19 MEMBER GOTTLIEB: And it's proposed at 21:18
20 34 percent? 21:18
21 MR. CASTRO: Yes. 21:18
22 CHAIRMAN KEILSON: That's not the 21:18
23 rationale. 21:18
24 MEMBER MOSKOWITZ: The best rationale is 21:18
25 they are improving on an existing impervious 21:18

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1
2 condition significantly. 21:18
3 MEMBER HILLER: To me the tennis court 21:18
4 is a hardship that she couldn't -- I mean, 21:18
5 it's wonderful to have but it's something they 21:18
6 couldn't avoid, and if it wasn't for the 21:18
7 tennis court, everything would be more than 21:18
8 compliant. 21:18
9 MS. ELIAS: Would be less. 21:18
10 MEMBER HILLER: I hate to punish people 21:18
11 for having a tennis court. And you are 21:18
12 removing the basketball court? That's 100 21:18
13 percent? 21:18
14 MS. ELIAS: Yes. 21:18
15 CHAIRMAN KEILSON: Okay. Is there 21:19
16 anyone who wants to speak to the matter? 21:19
17 MEMBER GOTTLIEB: What did you do with 21:19
18 the one-car garage? Was that discussed? 21:19
19 CHAIRMAN KEILSON: I think they 21:19
20 acquiesced to the two-car. 21:19
21 MR. JACOBOWITZ: No, no. No, we would 21:19
22 like to have the one-car garage if that's 21:19
23 okay. We park our cars, we never pull them in 21:19
24 the driveway. 21:19
25 MEMBER HILLER: Please don't continue 21:19

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1
2 with this. 21:19
3 MR. JACOBOWITZ: Okay. 21:19
4 MEMBER MOSKOWITZ: The garage right now 21:19
5 that's been proposed, it's been proposed as a 21:19
6 one-car garage. How much bigger -- regardless 21:19
7 whether they park two cars in it or not, I 21:19
8 assume that a two-car garage doesn't have to 21:19
9 be double. It has to be double the size? 21:19
10 MEMBER GOTTLIEB: Twenty by 24 I think. 21:19
11 CHAIRMAN KEILSON: So we are going to 21:19
12 vote on the requested variances which include 21:19
13 the surface coverage excess, which we have now 21:19
14 defined as being 33.3 percent overage. Okay? 21:20
15 MEMBER GOTTLIEB: Is it -- oh, I see. 21:20
16 Okay. No, that's coverage. 21:20
17 CHAIRMAN KEILSON: I'm sorry. Combined 21:20
18 overage. 21:20
19 MEMBER GOTTLIEB: Because the coverage 21:20
20 happens to be 34 percent. It may be 21:20
21 coincidental. 21:20
22 CHAIRMAN KEILSON: Okay. And then we 21:20
23 have the front yard, the minimum front-yard 21:20
24 setback of 40 feet versus 50 feet and we have 21:20
25 the height setback ratio .55 as compared to 21:20

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1
2 .44. The eave height, which is required to be 21:20
3 23 feet, it's requested at 24 foot 10 inches. 21:20
4 No longer a parking -- a garage issue. I 21:20
5 think that we covered everything. 21:21
6 So having said all that, taking into 21:21
7 consideration the special circumstances that 21:21
8 have been articulated by Ms. Elias, and with 21:21
9 the understanding that the tennis court was 21:21
10 really critically important to the purchaser, 21:21
11 the lynchpin for the purchase, so we are going 21:21
12 to start with Mr. Felder. 21:21
13 MEMBER FELDER: I am for. 21:21
14 CHAIRMAN KEILSON: That's a surprise. 21:21
15 And I am for the tennis court. 21:21
16 Mr. Hiller? 21:21
17 MEMBER HILLER: For. 21:21
18 CHAIRMAN KEILSON: Okay. Mr. Gottlieb? 21:21
19 MEMBER GOTTLIEB: Not for. 21:21
20 CHAIRMAN KEILSON: And Mr. Moskowitz? 21:21
21 MEMBER MOSKOWITZ: For. 21:21
22 CHAIRMAN KEILSON: Okay. I will vote 21:21
23 for as well. 21:21
24 MR. PRESTON: Mr. Chairman, I'm sorry to 21:21
25 interrupt. I am confused to the application. 21:21

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The requested relief for the one-car garage, 21:21

that has been -- 21:21

CHAIRMAN KEILSON: It's been withdrawn. 21:21

MR. CASTRO: Has anyone confirmed that 21:21

with the owners? 21:22

MEMBER GOTTLIEB: It was a very quick 21:22

request by Danny. He looked at him and he sat 21:22

down. 21:22

MR. PRESTON: As long as the record so 21:22

reflects. 21:22

CHAIRMAN KEILSON: We will give two and 21:22

a half years. And Board of Building Design? 21:22

MR. VACCHIO: Yes. 21:22

MS. ELIAS: Thank you very much. 21:22

(Whereupon the hearing concluded at 9:22 21:22

p.m.)

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



YAFFA KAPLAN
Court Reporter