

WG Woodmere - 7/19/2023

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Yacht &
Country Club
101 Causeway
Lawrence, New York

July 19, 2023
7:37 p.m.

APPLICATION:

WG Woodmere LLC
99 Meadow Drive
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. PHILIP KERSTEIN
Member

MR. DANIEL HILLER
Member

MR. ELLIOT MOSKOWITZ
Member

MS. SYMA DIAMOND
Alternate Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

Yafifa Kaplan
Court Reporter

WG Woodmere - 7/19/2023

CHAIRMAN KEILSON: Ladies and gentlemen,
welcome to the Lawrence Board of Zoning
Appeals. Please turn off your phones. And if
you have need to converse, please step out
into the hall.

Mr. Vacchio, proof of posting?

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

CHAIRMAN KEILSON: Okay. First matter
before us tonight is WG Woodmere LLC at 99
Meadow Drive, they or their representative. I
am going to be passing the gavel to my
colleague Mr. Moskowitz who will chair this
particular hearing.

MEMBER DIAMOND: I am just going to
recuse myself on this matter as I was a
trustee for the village when this matter was
effective.

MEMBER MOSKOWITZ: For those who didn't
hear, Ms. Diamond is recusing herself on this
matter because she previously served as
trustee during a relevant time period. So she
is recused. She is not going to weigh in on
this.

WG Woodmere - 7/19/2023

1
2 MR. BROWNE: Good evening. Christian
3 Browne, McLaughlin & Stern, 1122 Franklin
4 Avenue, Garden City, for the applicant. I
5 will try to speak up. As you know, we are
6 before you tonight on an application
7 pertaining to the part of the former Woodmere
8 Club that is in the village of Lawrence. As
9 you know, the club spans three jurisdictions:
10 Lawrence, Woodsburgh, and the Town of
11 Hempstead. Obviously we are before you just
12 with respect to the section that's under the
13 jurisdiction of the village of Lawrence. And
14 I will try to make this a simple request
15 because it is really a simple request from a
16 zoning standpoint.

17 Under the code that was adopted by this
18 village along with Woodsburgh and Town of
19 Hempstead, so all three jurisdictions adopted
20 a single zoning code, and that zoning code
21 goes beyond what a normal zoning code does in
22 the sense that it doesn't just say how big
23 your lots have to be and they have to be on a
24 road or anything of that nature. The code
25 actually plans out the way that the golf

WG Woodmere - 7/19/2023

course must be developed under those regulations. So it sort of preplans a subdivision if you will. Under the code, you are only permitted to have single-family homes as a development option, and you are only allowed to have those single-family homes in specifically designated areas.

The reason we are here tonight is because we are asking this Board for a variance, a use variance to allow us to develop single-family homes in the area outside of the perimeter where those homes are otherwise permitted. And we have a depiction of what we are asking for here that shows the lots within the village of Lawrence, and Mr. Walsh, our engineer, will give you a brief overview of it, but essentially it is all of the lots you see here that are outlined in white.

If you see the proposed lots that go outside this orangish area and are white, those lots are in the area that under the zoning ordinance, the developer, the owner is not permitted to develop in that area. Under

WG Woodmere - 7/19/2023

1 the zoning ordinance, this area is part of
2 what they call the open space district, which
3 means exactly what it says. It has to be left
4 open, and it has to be passive recreation
5 only. And it turns out that basically all of
6 the land, am I correct, Mr. Walsh, or almost
7 all of the land that's beyond this dotted line
8 is within the village of Lawrence, and all of
9 the land in the village of Lawrence is
10 currently zoned as only open space. There --
11 if this -- if we develop without a variance
12 under the present code, only the very edge of
13 these lots here, only the very edge of the
14 developable area would actually be within the
15 area of Lawrence.
16

17 MEMBER MOSKOWITZ: Mr. Browne, a
18 question for you. I'm sorry to interrupt. I
19 just want to make this an iterative process.
20 So you spoke about the zoning code as it
21 exists right now. Under the prior zoning
22 code, if you would submit the application in
23 exactly the form that it's in right now, would
24 you have needed a variance? Our belief is
25 yes, but I just want to get your take on it.

WG Woodmere - 7/19/2023

1
2 MR. BROWNE: I believe under the prior
3 code, it was -- it -- one-acre lots would have
4 applied. Whether -- whether we would have
5 needed variances or not would depend on the
6 exact layout of what we proposed.

7 MEMBER MOSKOWITZ: The exact same
8 application that you are proposing to be
9 approved now. If you had done it under the
10 prior zoning code before this one was enacted,
11 would you have required a variance, a grade
12 variance, anything?

13 MR. BROWNE: At least some, if not the
14 majority of the lots, would have needed
15 variances. Most of these are not one-acre
16 lots.

17 MEMBER MOSKOWITZ: So you would need a
18 variance either way under the old code and
19 under the new code; you would need a variance
20 either way, correct?

21 MR. BROWNE: On this particular layout,
22 yes.

23 MEMBER MOSKOWITZ: The only layout
24 that's before us?

25 MR. BROWNE: Correct. That's right.

WG Woodmere - 7/19/2023

1
2 MEMBER MOSKOWITZ: Continue.

3 MR. BROWNE: I am just saying because
4 the way of the way the zoning is, we are sort
5 of hemmed in. We have to develop this orange
6 area this way, so all that's left for us to do
7 here would be to develop the open space in
8 Lawrence in this configuration. It's the only
9 physical way possible. So if you did not or
10 do not grant us relief, if my client moves
11 forward -- and they are moving forward under
12 the present zoning -- everything in Lawrence
13 essentially would be open space, so-called
14 passive recreation area, which really equates
15 to you can't do anything.

16 MEMBER MOSKOWITZ: Is that right? Have
17 you explored other potential uses for the
18 space? It was used for many years as a golf
19 course.

20 MR. BROWNE: Well, I would -- let me put
21 it this way. Yes, the whole property was used
22 as a golf course. We are just talking about a
23 segment in Lawrence that you could -- you --
24 there would be no -- all -- I would say it
25 this way. There is no viable economic use for

WG Woodmere - 7/19/2023

1
2 some slice of a former course.

3 MEMBER MOSKOWITZ: What evidence do you
4 have tonight to present on this?

5 MR. BROWNE: It's common sense.

6 MEMBER MOSKOWITZ: Other than saying
7 it's common sense, do you have any evidence to
8 present tonight?

9 MR. BROWNE: No. We haven't attempted
10 to find some sort of a, you know, pitching
11 putt or so-called passive recreation use that
12 you could put there.

13 MEMBER HILLER: Mr. Browne, were you the
14 attorney at the purchase?

15 MR. BROWNE: No, I was not.

16 MEMBER HILLER: Did the attorney at the
17 purchase advise your clients about the zoning
18 restrictions?

19 MR. BROWNE: The zoning restrictions
20 didn't exist.

21 MEMBER HILLER: The prior zoning
22 restrictions. There was the one-acre lot.

23 MR. BROWNE: I think Mr. Gerszberg wants
24 to answer that.

25 MEMBER MOSKOWITZ: Identify yourself.

WG Woodmere - 7/19/2023

MR. GERSZBERG: Efrem Gerszberg, 450
Harrison Avenue, Highland Park, New Jersey.

MEMBER MOSKOWITZ: As a courtesy speak
up.

MR. GERSZBERG: To be clear --

MEMBER MOSKOWITZ: I'm sorry. Who are
you?

MR. GERSZBERG: I am the owner of the
Woodmere Club.

MEMBER MOSKOWITZ: Are you the only
owner?

MR. GERSZBERG: No. I am partner with
two other people. What you have tonight is
not what you would have had had you not
changed the zoning from 284 to what we call
the 59 plan or this Coastal Conservation.

MEMBER MOSKOWITZ: We didn't change any
zoning. We are just the Zoning Board of
Appeals.

MR. GERSZBERG: When I say "you", it's
whatever it is.

MEMBER MOSKOWITZ: You are not referring
to us?

MR. GERSZBERG: No. In that situation,

WG Woodmere - 7/19/2023

1
2 had it not been, we would have put in a plan
3 that had one-acre zoning compliant with the
4 current zoning at the time. But due to the
5 fact that the zone does not allow -- because
6 it's physically impossible to put in a
7 compliant plan, when we honor the aspects of
8 the new zone, that's the reason we are here
9 with a noncompliant plan. Simply because it
10 is physically impossible to do that. If you
11 asked us to come in with a physically -- with
12 a compliant plan, across 120 acres in
13 Lawrence, we could come with a one-acre, no
14 variance application. No problem at all. In
15 light of the fact -- want to make sure it's
16 clear.

17 With regard to your question, it's a
18 false statement, and if you would like to
19 understand the facts, I am happy to answer,
20 but it's a false statement what you said.

21 MEMBER MOSKOWITZ: I think he asked you
22 a question.

23 MR. GERSZBERG: He asked me a question
24 and he is wrong on the question, so you can't
25 answer a question that's false.

WG Woodmere - 7/19/2023

MEMBER MOSKOWITZ: I think the question is when you and your partners who were advised by other counsel purchased the properties, were you advised of the zoning restrictions in place at that time?

MR. GERSZBERG: When you say "zoning restrictions" --

MEMBER MOSKOWITZ: The zoning laws as they existed at that time.

MR. GERSZBERG: Yes. They allowed for one-acre zoning.

MEMBER MOSKOWITZ: And your application tonight though is not an application that would have been permitted under the prior zoning laws. We established that already, correct?

MR. GERSZBERG: We did, correct. Because it's impossible to.

MEMBER MOSKOWITZ: I know there is a because, but that's what's before us tonight.

MR. GERSZBERG: Correct.

MR. BROWNE: So what we are essentially trying to do is to honor the zoning which in here essentially applies to the jurisdictions

1 WG Woodmere - 7/19/2023

2 outside of Lawrence but forces us into this
3 plan, and what we are asking you to do is to
4 grant us a variance to allow us to put the --
5 what I will call -- and I understand it can be
6 debated, what I will call the nonproductive or
7 open space area to some form of productive use
8 by allowing us to build single-family homes in
9 this portion of the golf course where they
10 would not otherwise be allowed.

11 MEMBER MOSKOWITZ: It seems that based
12 on your presentation, that the use of the
13 Lawrence piece of the entire property that you
14 own is connected to what you are doing with
15 respect to the other non-Lawrence pieces of
16 the property, and so my question is what's the
17 status of any applications, if you have any,
18 before other authorities that govern the
19 zoning with respect to those other -- the
20 other parts of the land? I believe that
21 Woodsburnh is involved and the Town of
22 Hempstead. Can you report on any of that to
23 us?

24 MR. GERSZBERG: I would like to state
25 something.

WG Woodmere - 7/19/2023

MR. BROWNE: Yes, I can answer that. We are seeking the same or very similar forms.

MEMBER MOSKOWITZ: Just go municipality by municipality.

MR. BROWNE: Okay. So in Woodsburngh we have made a similar application where we are also seeking to build additional houses outside of the single-family home district in the portion of the open space district that's in Woodsburngh. Same for Town of Hempstead.

MEMBER MOSKOWITZ: Let's stick with Woodsburngh for a second. What's the status of that application?

MR. BROWNE: It's being heard in Woodsburngh on August 2nd.

MEMBER MOSKOWITZ: That's before their Board of Zoning Appeals?

MR. BROWNE: Correct.

MEMBER MOSKOWITZ: Okay. Next jurisdiction.

MR. BROWNE: Similar for the Town of Hempstead. We are also seeking permission to build additional homes in the open space area that's governed by the Town of Hempstead,

WG Woodmere - 7/19/2023

1
2 similar variance application. That
3 application has been filed with the town.
4 Filed with the Building Department. Is now in
5 the queue for review and assignment of a
6 hearing date.

7 MEMBER MOSKOWITZ: So you don't have a
8 hearing date?

9 MR. BROWNE: No. The Town of Hempstead
10 takes much much longer than either of the two
11 villages.

12 MEMBER MOSKOWITZ: Are there any other
13 municipalities involved?

14 MR. BROWNE: On those applications?

15 MEMBER MOSKOWITZ: On any other
16 applications relating to this property.

17 MR. BROWNE: No. That's where we are
18 basically up to with the development plan.

19 MEMBER MOSKOWITZ: Tell me your view of
20 how we should judge the prongs of the needs of
21 the applicant when we don't know yet what your
22 needs are because we don't know what the
23 outcome is going to be with respect to the
24 other municipalities applications. Like I
25 think we are first it sounds like.

WG Woodmere - 7/19/2023

1
2

MR. BROWNE: You are.

3

MEMBER MOSKOWITZ: So how are we

4 supposed to have a complete record tonight on
5 what your needs are if we don't know the
6 outcome with respect to the other municipality
7 applications?

8 MR. BROWNE: I guess that depends on how
9 you look at the development plan. If you look
10 at it as-- you know, as you would typically
11 would any application here, a Lawrence
12 application and not with regard to what's
13 going on in other jurisdictions, I think our
14 -- you know, our need is pretty simple. I
15 think it's -- Mr. Gerszberg was trying to
16 point out to me. Yes, this plan is what's
17 before you. Not necessarily that we would be
18 wedded to this exact number of lots in the
19 open space area. Of course, the Board always
20 can engage in give and take. You can put
21 conditions, et cetera, as you know, but we are
22 asking for permission to encroach into the
23 open space area just on a simple supposition
24 that if you don't allow us to do that, the
25 practical reality is it's open space. It's

1 WG Woodmere - 7/19/2023

2 fallow property, really has no utility. So
3 it's privately owned property.

4 MEMBER MOSKOWITZ: But your client
5 bought the whole thing, and so the question is
6 how we judge need under those circumstances.
7 So for example, let's say your application in
8 Hempstead was granted. Let's say your
9 application in Woodsburgh was granted. You
10 don't have the same economic case, do you,
11 about using the property, the slice of the
12 property that's in Lawrence as you otherwise
13 would. I am just not sure how we make that
14 assessment.

15 MR. BROWNE: I am going to let my client
16 answer this.

17 MEMBER MOSKOWITZ: I think it's more of
18 a legal question than layperson question, but
19 I am happy to hear from a layperson.

20 MR. GERSZBERG: I am also an attorney.

21 MEMBER MOSKOWITZ: Are you here as an
22 attorney tonight?

23 MR. GERSZBERG: No, I am not.

24 MEMBER MOSKOWITZ: So then you are a
25 layperson.

WG Woodmere - 7/19/2023

1
2 MR. GERSZBERG: The answer is
3 economically we are better off for it. If you
4 determine you don't want to grant it, that's
5 your determination to make. I will say that
6 if you want a condition that requires us to
7 come in variance free, we can build on those
8 approximately 18 acres I believe. Then we
9 will comply with that. If you want --

10 MEMBER MOSKOWITZ: But you made a very
11 bold statement in the application. It says
12 that petitioner cannot realize any return on
13 its investment due to the strictures of the
14 CCWP district, and that's the basis of the
15 application. I am just testing that
16 proposition because it sounds like you will
17 have a return on your investment if you are
18 approved in Woodsburngh and in Hempstead.
19 These are things we don't know tonight because
20 those variances applications have not been
21 adjudicated; you don't even have a hearing
22 date in Hempstead. And so you will achieve a
23 return on your investment.

24 MR. GERSZBERG: On the Lawrence
25 property --

1 WG Woodmere - 7/19/2023

2 MEMBER MOSKOWITZ: You tell me.

3 MR. GERSZBERG: The Lawrence --

4 Woodburgh would have a better case of saying
5 in Lawrence we have zero homes.

6 MEMBER MOSKOWITZ: Is it your view that
7 we should just ignore the Woodburgh and
8 Hempstead applications in making an assessment
9 about your needs?

10 MR. GERSZBERG: Yes. I believe you
11 should assess our needs in your jurisdiction
12 of Lawrence.

13 MEMBER MOSKOWITZ: Without regard to the
14 rest? I mean, you made a presentation about
15 the rest of the property. I mean, that must
16 be relevant if you are making a presentation
17 on it.

18 MR. GERSZBERG: We were asked to show
19 how our thing would affect it, so we
20 highlighted this of what else is there.

21 MR. BROWNE: I am giving an overview of
22 how the zoning works. I think what we are
23 saying is if you do deny this entirely and you
24 hold to the letter of the code, okay, you can
25 not build in the open space, then in Lawrence

WG Woodmere - 7/19/2023

1
2 these roughly 18 acres are open space. The
3 use again would obviously be extremely
4 minimal.

5 MEMBER MOSKOWITZ: Well, we don't have
6 any evidence on that. I think you established
7 that. You just said before that's just common
8 sense, but there is no evidentiary
9 presentation on that, correct?

10 MR. BROWNE: That's right.

11 MEMBER MOSKOWITZ: That's correct.

12 Okay.

13 MR. BROWNE: I just want to -- in the
14 sense that again I will say just from a common
15 sense perspective, we haven't gone out and
16 tried to ask some recreation type business
17 could you make some kind of operation in this
18 horseshoe at the end process.

19 MEMBER MOSKOWITZ: Precisely right. You
20 have not done that. Exactly.

21 MR. BROWNE: We haven't but I am not
22 sure to who you would go to ask somebody.

23 MEMBER MOSKOWITZ: That's not your
24 business. You are not like a builder,
25 correct?

WG Woodmere - 7/19/2023

1
2 MR. GERSZBERG: No but I am, but I
3 wouldn't want to put houses -- what do you
4 want to do, miniature golf thing behind
5 million-dollar houses?

6 MEMBER MOSKOWITZ: You are doing this on
7 the fly tonight.

8 MR. GERSZBERG: That's incorrect.

9 MEMBER MOSKOWITZ: Then you should get
10 straight with your counsel.

11 MR. GERSZBERG: He is asking whether we
12 looked at putting something here in that
13 specific something. We haven't. We have
14 looked at alternatives that meet the
15 conservation code -- do you know what the code
16 says on passive recreation? I am asking. You
17 clearly know the zone.

18 MEMBER MOSKOWITZ: I know everything.

19 MR. GERSZBERG: So what does --

20 MEMBER MOSKOWITZ: I am asking you the
21 questions.

22 MR. GERSZBERG: The passive recreation
23 does not allow for anything other than kicking
24 a football and doing some things. It doesn't
25 allow for business. It doesn't allow for

WG Woodmere - 7/19/2023

1
2 alternative things other than golf on an
3 18-hole. If you want to know about golf, I am
4 happy to comment about golf all day long. I
5 am building a golf course, I own numerous
6 ones. I am happy to tell you it's not
7 financially feasible to run a golf course on
8 18 acres behind homes.

9 MEMBER MOSKOWITZ: You studied that
10 issue?

11 MR. GERSZBERG: I am the only person
12 building a public golf course in the state of
13 New Jersey within 25 years.

14 MEMBER MOSKOWITZ: So you studied that
15 issue with respect to this property?

16 MR. GERSZBERG: Correct.

17 MEMBER MOSKOWITZ: Do you have any
18 documentation to submit on that? It's all in
19 your head?

20 MR. GERSZBERG: We are not submitting
21 any documentation.

22 MR. BROWNE: I think what Mr. Gerszberg
23 is saying to clarify, as you know this saga of
24 development has been going on for many years.
25 Mr. Gerszberg and his partners ran this as a

WG Woodmere - 7/19/2023

1
2 golf course for a period of time. They have
3 run other golf courses. They have explored
4 the economic model of maintaining this as a
5 full golf course, as a half golf course,
6 9-hole course, so all he is trying to say, the
7 concept of golf here has been explored
8 extensively over the years and found to be
9 wanting.

10 MEMBER MOSKOWITZ: But that's not the
11 testimony in the affidavit which says you can
12 not realize any return on this investment of
13 any kind, any return. There is a -- doesn't
14 say minimal return. Doesn't say anything. Do
15 you mean the CCWC district? Are you referring
16 there only to the Lawrence slice, or are you
17 referring to the whole?

18 MR. BROWNE: I am simply referring -- if
19 I wasn't clear, I am simply referring to the
20 fact that the area that is designated as open
21 space in Lawrence. Our contention is it's not
22 a productive use. You can't realize any
23 return from these 18 acres at the horseshoe
24 end of the golf course. It's not -- I am
25 talking specifically about that area. And it

1 WG Woodmere - 7/19/2023

2 just so happens that the way the code was
3 written in the district cut, Lawrence village
4 gets no homes. All the homes are in
5 Woodburgh and Hempstead.

6 MEMBER MOSKOWITZ: With regard to this
7 affidavit, I am going to skip around to a few
8 things. With regard to this affidavit, whose
9 testimony is this?

10 MR. BROWNE: You mean like the
11 application form?

12 MEMBER MOSKOWITZ: It's an affidavit.
13 It's got a signature.

14 MR. BROWNE: I think I signed it.

15 MEMBER MOSKOWITZ: So whose testimony is
16 this before us? Is this yours or your
17 client's?

18 MR. BROWNE: I wrote the petition, I
19 mean, based upon my knowledge of the case.

20 MEMBER MOSKOWITZ: You did a study on
21 the productive utilization of the land
22 yourself?

23 MR. BROWNE: I think I just said I
24 didn't do a study. I am just saying you have
25 18 acres where you are allowed to do nothing,

WG Woodmere - 7/19/2023

and therefore my supposition, my contention is that's not a productive use of the property.

MEMBER MOSKOWITZ: But Mr. Browne, you make statements in here about reasonable return, the development, pattern of the village land remaining fallow, not realizing any return. You don't have any personal knowledge about any of those matters, you get that from your client, correct? You are not testifying before us, correct?

MR. BROWNE: I am arguing to you that the restrictions in the zoning ordinance that say that you can't do anything at this property except keep it passive renders it useless. That's my argument.

MEMBER MOSKOWITZ: Based on your client's knowledge; not yours?

MR. BROWNE: If you want to say yes.

MEMBER MOSKOWITZ: Why wasn't this submitted by your client as opposed to you? Usually signed by the applicant.

MR. BROWNE: I don't know. I don't -- I just prepared a petition with our basic arguments.

WG Woodmere - 7/19/2023

1
2 MEMBER MOSKOWITZ: Okay. This Board
3 often requires a traffic study for
4 applications that are far more narrow in
5 scope. Frankly we have done it even for like
6 a single storefront on Central Avenue in my
7 own time on the Zoning Board. Do you have a
8 traffic study to submit?

9 MR. BROWNE: No.

10 MEMBER MOSKOWITZ: Do you wish to submit
11 a traffic study to supplement your
12 application?

13 MR. BROWNE: No. I mean, our
14 application is we are put in a very awkward
15 position where we are trying to determine
16 whether this Board is willing to grant any
17 form of relief that would allow any number of
18 homes in the open space area. We have
19 proposed one plan for how to utilize that open
20 space area. As I said, the Board can grant
21 that in total, in part, limited condition.

22 MEMBER MOSKOWITZ: There are going to be
23 cars as a result of your development plan,
24 correct? That would be your expectation?

25 MR. BROWNE: There would be cars whether

WG Woodmere - 7/19/2023

1
2 you grant this or cars whether we build the
3 as-of-right plan but yes, of course.

4 MEMBER MOSKOWITZ: Well, no, we
5 established before that you would need to come
6 before us regardless of the old zoning or --

7 MR. BROWNE: Well, no. If we build
8 what's allowed, then you would have homes here
9 in this orange area and homes scattered
10 throughout the rest of the golf course.

11 MEMBER MOSKOWITZ: But the Lawrence
12 piece of it. We are talking about -- if you
13 can just keep it down. The Lawrence piece of
14 it. If you are building as of right, how many
15 homes would you have in the Lawrence piece of
16 it? None, right?

17 MR. BROWNE: You mean, as the right
18 under the code we would have zero. Zero.

19 MEMBER MOSKOWITZ: You would also have
20 zero under the old code as well because you
21 need to come to us for some relief, correct?

22 MR. BROWNE: Probably not because the
23 intention was to design --

24 MEMBER MOSKOWITZ: Grade relief you
25 wouldn't need?

WG Woodmere - 7/19/2023

1
2 MR. BROWNE: Our plan was to design a
3 zoning compliant subdivision with one-acre
4 lots. That was always an --

5 MEMBER MOSKOWITZ: Regardless, the plan
6 you are proposing that you are asking us to
7 opine on tonight is one that would involve
8 houses in Lawrence and cars, correct?

9 MR. BROWNE: Yes. There would be an
10 additional cul-de-sac here to access those
11 homes.

12 MEMBER MOSKOWITZ: Notwithstanding that,
13 you do not wish to submit a traffic study to
14 support your application?

15 MR. BROWNE: Not at this time.

16 MEMBER MOSKOWITZ: How about an
17 environmental study? Do you have an
18 environmental study to submit to support your
19 application?

20 MR. BROWNE: No.

21 MEMBER MOSKOWITZ: Do you wish to submit
22 one?

23 MR. BROWNE: Well, we -- I would just
24 say this to the -- this site has been studied
25 extensively from an environmental perspective

WG Woodmere - 7/19/2023

1
2 because an environmental impact statement was
3 prepared by our engineers to contemplate the
4 full development of the entire golf course
5 with over 280 homes. So it's again, this is
6 not as if we are throwing spaghetti at the
7 wall.

8 MEMBER MOSKOWITZ: You are not
9 submitting that as part of the record tonight?

10 MR. BROWNE: No. That's been submitted
11 in other contexts.

12 MEMBER MOSKOWITZ: But we only know
13 ourselves, so are you going to submit that to
14 us?

15 MR. BROWNE: No. All I am trying to get
16 at is we have been placed in a position I want
17 to say where we feel that we must, for the
18 record, ask this Board for relief and ask this
19 Board if there is, under any circumstances,
20 willingness to grant relief to allow
21 development in the open space area even if
22 that development was conditioned on reducing
23 the number of lots, certain configuration of
24 the lots, these various studies. That's what
25 we are really -- that's what we are really

WG Woodmere - 7/19/2023

1
2 seeking. We are seeking -- I am talking in
3 the broad sense. Can we develop anything
4 outside of that single-family home line?

5 CHAIRMAN KEILSON: How sincere is this
6 request? In the past I have never seen a
7 Christian Browne application that is a piece
8 of paper.

9 MR. BROWNE: Again, this is a very
10 complicated situation in trying to figure out
11 what development plan would be acceptable to
12 three different municipalities with an overlay
13 of the Nassau County Planning Commission
14 governing -- also governing the subdivision in
15 it. So yes, I understand, Mr. Chairman,
16 usually there would be these more extensive
17 submissions. But because of the position that
18 we are in here, I am not asking for an
19 advisory opinion, but I am asking whether we
20 -- what we are asking for is the concept of
21 the relief. Can we develop here under a
22 variance, and if so, if so, we could augment
23 the plan to comply with the extent of the
24 relief that the Board is willing to give.

25 CHAIRMAN KEILSON: Perhaps with more

WG Woodmere - 7/19/2023

information, we can make a more intelligent decision.

MEMBER MOSKOWITZ: You put us in a weird position, an awkward position, or you tie our hands a bit because you are not putting in front of us the things that an applicant normally puts when they put an application even much more narrow than this application.

Let me give you another example. I served on the Board for many years at this point. I don't think I have ever had an application come before us where there has not been some neighbor consultation. Do you have any letters from neighbors of support? Have you consulted with the neighbors with respect to the Lawrence slice of that? What can you tell us about that?

MR. BROWNE: Well, on this particular instance on this particular plan, no. But -- but just for the record, this again, the development of these plans has been going on for many years, and we have been involved in multiple, multiple meetings with neighbors and civic groups. The municipalities --

WG Woodmere - 7/19/2023

MEMBER MOSKOWITZ: Tell me the names of the Lawrence residents that you have consulted with with respect to this particular application, which is the only one that we are being asked to approve tonight.

MR. BROWNE: I did not consult with anyone on this particular application.

MEMBER MOSKOWITZ: There has been no consultation?

MR. BROWNE: That's correct.

MEMBER MOSKOWITZ: This is the first time literally that I remember that I ever received an application that doesn't contain that component, and I say this not to criticize you, counsel, but I think it goes to what Mr. Keilson is saying. Is this really a sincere application that you are not doing the basic things that every applicant that comes before us does? You are not even attempting to do these things. It calls into question whether this is really a serious application or not from our perspective.

MR. BROWNE: So I understand what you are saying --

WG Woodmere - 7/19/2023

MEMBER MOSKOWITZ: That's how it looks
to us.

MR. BROWNE: I understand what you are
saying, and I guess my response to that is it
is sincere in that we would like to find a way
to develop this land in an appropriate way for
the community and for the owner. We have been
hemmed in by the zoning that was imposed upon
us and what we are -- we are coming before you
with an unusual request. We are asking for a
significant -- I concede a significant use
variance to build in the exact area where the
code says you are not allowed to build, so we
recognize the hurdle that we face in even
making that request, and therefore, we are
trying to keep it in a -- keep the question
broad if you will. Can we encroach into that
area? If we can, then perhaps we would be
able to develop a plan with these other
traffic and so forth, but it's hard for us to
know exactly what to propose here because we
are not supposed to be in this area at all.
In fact, there are no zoning regulations, lot
size setbacks that even apply in the open

1 WG Woodmere - 7/19/2023

2 space district because you are not supposed to
3 have a house in it.

4 MEMBER GOTTLIEB: You opened the door
5 for that.

6 MR. BROWNE: I understand. So we
7 understand the gravity of the request, but
8 because of the way that this process has
9 developed, which is not the way that we want
10 it to develop whatsoever, we have been placed
11 in a position where we must come here and
12 request some form of relief to this Board
13 asking for permission to go into that area and
14 develop some number of homes.

15 MEMBER MOSKOWITZ: I only have a couple
16 of more questions, and then I will cede the
17 podium to my colleagues. You assert in your
18 affidavit that your proposal would create a
19 use that is in general harmony of the
20 development pattern of the village. Do you
21 have any evidence to submit to support that
22 statement?

23 MR. BROWNE: Just in the sense it would
24 be single-family homes. We are not proposing
25 an apartment house or something that would not

WG Woodmere - 7/19/2023

be ordinarily seen in any of the zoning districts in Lawrence.

MEMBER MOSKOWITZ: Is the number of homes relevant to whether the use is in general harmony of the development pattern of the village? Is that relevant at all to that question?

MR. BROWNE: I was coming at it from the perspective of just the use itself. These are single-family homes in a village that's predominantly developed with single-family homes in residential districts.

MEMBER MOSKOWITZ: You are not offering any testimony with respect to what number of homes would be appropriate for this parcel of land?

MR. BROWNE: Well, I can let Mr. Walsh speak to that. He laid out this map, and we believe it's an appropriate layout. If you would like, he can give a little testimony.

MR. WALSH: Kevin Walsh, VHB Engineering, 100 Motor Parkway, Suite 350, Hauppauge, New York.

MEMBER MOSKOWITZ: Have you ever lived

WG Woodmere - 7/19/2023

in Lawrence?

MR. WALSH: Me, no, I have not lived in Lawrence.

MEMBER MOSKOWITZ: How much time have you spent in Lawrence?

MR. WALSH: About the same amount of time I spend in most jurisdictions that we work with which is every jurisdiction in Long Island.

MEMBER MOSKOWITZ: How many hours?

MR. WALSH: I visit the site, I study the survey work available. So I have been to any number of meetings with regard to the layout. I mean, I couldn't put a number on the hours, but as Mr. Browne said we have been on this project for five years. Seven.

MEMBER MOSKOWITZ: Have you considered in the course of your work whether what you are proposing is in general harmony of the development pattern of the village? That's within your scope of responsibilities.

MR. WALSH: In this particular case, we were looking to provide a layout that made general sense given the context of the

1 WG Woodmere - 7/19/2023

2 community, what we are dealing with within the
3 residential portion.

4 MEMBER MOSKOWITZ: Can you just answer
5 my question? The affidavit says that it
6 asserts that the use is in general harmony of
7 the development pattern of the village. My
8 question for you is was that what you were
9 asked to do by your client to assess whether
10 this use is in general harmony of the
11 development pattern of the village as an
12 engineer.

13 MR. WALSH: We prepared a layout that
14 consisted of various size lots that we felt
15 were in general conformance within the nature
16 of the village.

17 MEMBER MOSKOWITZ: In general harmony of
18 the development pattern of the village in
19 general. That was within the scope of your
20 work.

21 MR. WALSH: You would have to define
22 that for me.

23 MR. BROWNE: Those are my words. Again,
24 I said that it's in general harmony of the
25 development pattern of the village because

WG Woodmere - 7/19/2023

these are single-family homes on lots of various sizes. They are all 25,000-, 30,000-square-foot lots. In general harmony. It's not an exotic use. They are single-family homes on lots designed for single-family homes. That's all I was saying, and again, most of Lawrence is residential districts, is single-family zone.

MEMBER MOSKOWITZ: So maybe this is easy. It's nothing to do with the number of houses on the property?

MR. BROWNE: No. I didn't, no.

MEMBER MOSKOWITZ: You are making no representation in your presentation here that I am looking at about the appropriate number of houses on this parcel, correct?

MR. BROWNE: I was simply pointing out these are single-family homes, not attached houses, not condos, not apartments in a village that's predominantly single-family.

MEMBER MOSKOWITZ: So the answer is no, you are not making an evidentiary presentation tonight in your submission about the appropriate number of homes on this parcel,

WG Woodmere - 7/19/2023

correct? You are not attempting to do that?

MR. BROWNE: Again, we believe this is a perfectly reasonable layout, but that's not what I was intending in the statement that I made.

MEMBER MOSKOWITZ: That's not anywhere else in your statement, correct?

MR. BROWNE: Not that I recall.

MEMBER MOSKOWITZ: Last question from me. My understanding from counsel is that there is a process that is supposed to be undertaken where there is a referral made to the Nassau County Planning Commission. Are you familiar with this?

MR. BROWNE: I am familiar with it, yes.

MEMBER MOSKOWITZ: You have represented clients before this Board where that referral has been made, correct?

MR. BROWNE: I -- referrals are made to the Planning Commission from every municipality in Long Island.

MEMBER MOSKOWITZ: That's not been done here, right?

MR. BROWNE: Apparently not.

WG Woodmere - 7/19/2023

1
2 MEMBER MOSKOWITZ: Do you have a view
3 whether that's a prerequisite to this Board
4 considering the application? Do you have a
5 legal view of that matter?

6 MR. BROWNE: The General Municipal Law
7 requires certain applications. I am not sure
8 honestly if this falls within the geographic
9 scope. It has to be proximate to a county
10 facility or county road. Certain applications
11 which may need to be sent by the municipality
12 for the Planning Commission for the Planning
13 Commission's recommendation. Planning
14 Commission issues a recommendation and sends
15 it back. You are correct that that is
16 supposed to happen before a board votes on a
17 matter. Yes, you can vote without it, and you
18 can make it subject to receipt of the referral
19 but you are right. Those that qualify have to
20 be -- must be passed upon by the Planning
21 Commission before the vote can be finalized.

22 CHAIRMAN KEILSON: Did we not adjourn
23 this matter last month for that very same
24 reason?

25 MR. BROWNE: The -- I am not maligning

WG Woodmere - 7/19/2023

1
2 or attacking anybody. I am just saying that's
3 an intermunicipal process. They don't take it
4 from the applicant. The municipality sends it
5 to them, and they send back a recommendation
6 or municipality.

7 MEMBER MOSKOWITZ: Isn't it your pattern
8 and practice to submit that by the applicant
9 as opposed to regardless of -- no, that's not
10 your understanding?

11 MR. BROWNE: I know for a fact. For
12 example, almost every application in the Town
13 of Hempstead. The Town of Hempstead Zoning
14 Board sends hundreds of applications there,
15 and they send their recommendations back.
16 It's between the municipalities. It's very
17 rare that an applicant will submit, and if
18 they do, they want a letter saying that the
19 municipality authorized it.

20 MEMBER MOSKOWITZ: I think I have a
21 different understanding because I am only
22 guided by what -- Mr. Vacchio, is what Mr.
23 Browne just said consistent with your
24 understanding, or do you have a different
25 understanding?

WG Woodmere - 7/19/2023

1
2 MR. VACCHIO: The village of Lawrence
3 never referred to the county as long as I was
4 there. The applicant always did. I would be
5 more than happy to do it.

6 MEMBER MOSKOWITZ: So that's what your
7 experience is, but regardless of whether it's
8 done by the municipality or whether it's done
9 by the applicant, it's not been done?

10 MR. BROWNE: That's what I have been
11 told.

12 MEMBER MOSKOWITZ: I don't have anything
13 further.

14 MEMBER GOTTLIEB: Mr. Browne, you have
15 been here many times in the past, and I think
16 you have been treated very fairly by this
17 Board.

18 MR. BROWNE: Yes. I agree.

19 MEMBER GOTTLIEB: I am saying this
20 because the materials provided to us is what
21 roughly what you have on the board there but
22 in small form, but quite frankly when we get a
23 pool application, it's on 48-inch paper. I
24 tried using magnifying glasses. I couldn't
25 make heads or tails what I am looking at

1 WG Woodmere - 7/19/2023

2 tonight, so with that, I do have a few
3 questions. What part of this is in the flood
4 zone?

5 MR. BROWNE: Mr. Walsh, do you know the
6 flood zone designations for the white area?

7 MR. WALSH: Zone A-E, 8, and 9. The
8 boundary between 8 and 9 runs through the
9 Lawrence area.

10 MEMBER GOTTLIEB: I'm sorry. Leaving
11 off the letters of the flood zone, which part
12 of the map is in the flood zone? Is it the
13 white section, the orange? The blue? The
14 green?

15 MR. WALSH: It would be complicated to
16 show the lines. We meander.

17 MEMBER GOTTLIEB: Generally speaking.

18 MR. WALSH: But the white area and the
19 gold area are within the A-E zone with the
20 base flood elevation and 8 or 9 depending on
21 where you are.

22 MEMBER GOTTLIEB: What's the current
23 elevation now roughly? If you need to be 8 or
24 9, where are you now in the ground?

25 MR. WALSH: It varies. The grade runs

1 WG Woodmere - 7/19/2023

2 generally from north to south.

3 MEMBER GOTTLIEB: It's higher up by
4 Broadway and lower as you get towards.

5 MR. WALSH: Exactly but it varies
6 throughout the property. It could be as low
7 as 4 or 5 as in some areas. It could be as
8 high as 10 or 12 in others.

9 MEMBER GOTTLIEB: While you could build
10 in the flood zone, you would have to elevate
11 the houses?

12 MR. WALSH: That's correct.

13 MEMBER GOTTLIEB: By elevating you would
14 need a variance no matter which zoning code we
15 had, the prior or the current. You would have
16 to get a variance for flood mitigation or for
17 raising the grade. My concern is that as you
18 raise the grade, you are now penalizing or
19 changing the topography of the adjacent
20 houses. Specifically houses that might back
21 on Hawthorne or on Park Row or that already
22 take on water without raising the grade. Now,
23 when you raise the grade, again, you would
24 have to come before this Board for a variance,
25 but I think that not just traffic and other

WG Woodmere - 7/19/2023

environmental studies but you are affecting
the adjacent neighbors.

MR. WALSH: There would be -- obviously
if we ever got to the point where we were
developing these lots, we would have to
develop a comprehensive grading and drainage
plan that would meet the criteria of the zone.

MEMBER GOTTLIEB: Which you haven't
prepared for?

MR. WALSH: Not yet, no.

MEMBER KERSTEIN: It's not part of this
application?

MR. BROWNE: It's not but again, we are
faced with the question of well, can we
develop these if somebody -- we were able to
have relief to develop them, then yes, all of
these engineering questions would have to be
answered. They may come here, they may go to
the Planning Board. They would all be
governed ultimately by the Nassau County
Department of Public Works and the Planning
Commission. It's a very challenging site
because of those reasons that you referenced
Mr. Gottlieb, so to actually do it to get into

WG Woodmere - 7/19/2023

1
2 the development part of it, a tremendous
3 amount of engineering work would still remain
4 to be done. We are still at the starting
5 line. We are trying to figure out what we are
6 allowed to do. If we knew that, then we could
7 go on to details.

8 MEMBER GOTTLIEB: Just speaking to
9 myself, one of the things I hate to do is mess
10 with the flood zone. Particularly if this
11 week's rain is an indication of what's to come
12 over the next century, it's more problems than
13 I can envision, but that's just my opinion,
14 and you got the rest of the Board who might
15 have other questions.

16 MR. BROWNE: I just want to mention one
17 thing. And correct me if I am wrong, Mr.
18 Walsh, but one of the frustrations with the
19 zoning that's been foisted here is despite
20 some verbiage that says we don't want to build
21 in the flood zone, the places where they are
22 forcing us to put the houses are in the flood
23 areas and the open spaces left in the X zone
24 where the flood doesn't apply so it creates
25 additional --

WG Woodmere - 7/19/2023

1
2 MEMBER GOTTLIEB: But understand I
3 couldn't see that with what I was provided
4 with.

5 MEMBER MOSKOWITZ: So we are very
6 cognizant of the fact that there are many
7 people here tonight. The record should
8 reflect that -- I mean, I did a rough at least
9 80 to 100 people tonight here both in this
10 room and flooding out into the hallways. We
11 don't always have the hearings here. We have
12 it here tonight because we understood just by
13 living in the community that there is a lot of
14 interest in this application. In order to be
15 respectful to everyone's time tonight, and to
16 be really respectful to applicant's time -- I
17 think Mr. Browne will tell me if he disagrees
18 -- I think just by living in the community,
19 there is at least an expectation that probably
20 lots and lots of people that are here tonight
21 are here to express their opposition to the
22 application and probably --

23 (Applause.)

24 MEMBER MOSKOWITZ: So the record should
25 reflect that there was vigorous applause. So

WG Woodmere - 7/19/2023

1 and probably there are comparatively many
2 fewer, if any, who are here in support of the
3 application. So instead of having multiple
4 hours of testimony that or public comment that
5 I think the Board is already aware of with
6 respect to neighborhood perspectives on the
7 application, let me just start by just asking
8 for a show of hands. How many of you are here
9 in opposition to the application, please raise
10 your hands. So the record should reflect it
11 appears to be virtually unanimous, but I will
12 ask the other question. How many people are
13 here tonight in support of the application?
14 Other than the applicant himself. Mr. Browne,
15 you should raise your hand but other than the
16 applicant himself.

17
18 MR. BROWNE: For sincerity purposes.

19 MEMBER MOSKOWITZ: There are no raised
20 hands. So this is a board that allows and
21 respects public comment. We are happy to have
22 public comment, but the assemblage should
23 understand that the Board is aware again just
24 -- we are human beings who live in the
25 community. We understand that there is

WG Woodmere - 7/19/2023

1
2 opposition and we understand that all of you
3 are here tonight to express that opposition
4 and in fact, you have demonstrated that by
5 your show of hands and the fact that this
6 meeting tonight is more well attended probably
7 than any that I ever attended in all my years
8 on the Zoning Board.

9 With that said, if anybody wishes to
10 step up to the podium and make comments, you
11 are welcome to, but we do offer that
12 perspective.

13 MS. SAFFRA: Thank you. Good evening.
14 Thank you for the opportunity to speak. Rena
15 Saffra, 23 Iris Street, Cedarhurst, New York.
16 Good evening. Thank you for the opportunity
17 to speak at this public hearing. As a point
18 of order, due to various procedural
19 deficiencies, this matter should be adjourned.

20 First, we are all aware this meeting was
21 supposed to take place on June 22, 2023.
22 Prior to the June 22nd meeting, the impacted
23 neighbors received written notice as required
24 by law. That meeting was adjourned. One
25 reason was because this Board felt the venue

WG Woodmere - 7/19/2023

was too small; you were right. Hence, the reasoning for tonight's meeting being held here. However, none of the neighbors received written notice for this meeting. Further, there is no proof of mailing on file with the village for this meeting.

Second, the official reason given for the adjournment of the last meeting was -- and I quote Mr. Preston from the last meeting's transcript on this issue -- "this Woodmere matter should be adjourned because it must be referred to the Nassau County Planning Commission before the Board can issue a determination." To date, nothing new has been brought before the Nassau County Planning Commission. Once again, a procedural deficiency is ignored by the owners and counsel.

Third, as you have noticed and as I pointed out to Danny Vacchio over one week ago, right now the annual Sharsheret Tri-State Benefit Barbecue is taking place downstairs. This is an annual fundraiser that draws hundred of Five Towners to the event. You

WG Woodmere - 7/19/2023

could have held this on any other night but you chose not to, and consequently you have created a conflict to the many residents who want to but can't possibly attend both functions. Simultaneously, you have also by extension created a parking problem for those who wish to attend this meeting. So poor planning on everyone's part.

Putting the procedural differences aside, let us deal with the issue at hand. I want to remind this Board that everyone in attendance tonight that the 118-acre Woodmere Club property spans three municipalities. The Town of Hempstead is the largest with 55 acres or 46 percent of the property. Next is Woodsburgh with 40 acres or 34 percent of the property, and last is Lawrence with just 22 acres, which is 19 percent of the property. On July 1, 2020, all three municipalities took the prudent step of entering into a municipal agreement and unanimously voted to create the Coastal Conservation District that allows for just 59 homes on a limited portion of the property with dedicated green space

WG Woodmere - 7/19/2023

throughout. In essence, you are now married to each other. Joined at the hip. All for one and one for all.

The village of Lawrence does not have the right to act unilaterally. You cannot possibly render a decision on a project of this magnitude on your own. In fact, at least 15 of the 43 lots they seek variances for are partially, if not almost entirely, in Woodsburch. Additionally, the two roads leading into this newly proposed neighborhood are Lotus Street, which is a Town of Hempstead road and Keene Lane, which is a Woodsburch road. If I did the math correctly, under the current Coastal Conservation District zoning, 17 homes would be partially in the village of Lawrence. The developers are now requesting an additional 26 properties for a total of 43. That is a staggering 153 percent increase above what is currently allowed. How could you possibly make these determinations that impact other stakeholders on your own without input from other municipalities?

This percent increase in units should

1 WG Woodmere - 7/19/2023

2 require a full SEQR environmental impact study
3 and appropriate motivations. Further, the
4 variance request submitted to the village of
5 Lawrence alone does not reflect the full scope
6 of the project, and it would be disingenuous
7 and inappropriate for you to make any
8 decisions without the input and coordination
9 of the other municipalities involved. This
10 Board has a responsibility to your
11 counterparts in the village of Woodsburgh and
12 the Town of Hempstead to have a joint hearing
13 on this matter. This project demands a
14 holistic approach rather than a
15 divide-and-conquer approach. Further, a
16 project that impacts three separate entities
17 will have major impact on absolutely every
18 aspect of residents' lives both in the
19 years-long building phase and its aftermath.
20 From flooding concerns to environmental
21 impacts, infrastructure, roads, sewers, gas,
22 electric, schools, sanitation, emergency
23 services, not to mention traffic. The list
24 goes on and on. Where are the impact studies
25 to support this request? Where are the

WG Woodmere - 7/19/2023

environmental studies and SEQR reports? Where
is the public outreach?

This is a huge undertaking and needs
community involvement. There is a reason why
each step of the process asks for public
input. Transparency in every part of this
process is key. The people who vote and pay
taxes have a right to know what's going on in
our community, and we should have a say on
what is ultimately built here.

On August 2nd, the developers are
scheduled to go before the village of
Woodsburgh Board of Appeals with a similar
variance request. I have here copies of that
request for you to look over. Pass those
down. And finally, although the request for a
variance at the Town of Hempstead Board of
Appeals has not been made public, they are
planning to submit requests there in the near
future. I will be sure to attend those
meeting. I intend to give them the same
message I am giving you tonight. As a matter
of strategy, it is well-known that the
developers expect and actually want denials of

WG Woodmere - 7/19/2023

1 these applications, because without these
2 denials, they have no avenue to pursue
3 litigation against you. This is quite
4 strategic, and by rendering a decision without
5 proper coordination, you are playing directly
6 into their hands.
7

8 In conclusion, let me remind you that
9 the purpose of the zoning law is to protect
10 the well-being of this community, not to
11 benefit the few financially. The Woodmere
12 Club may be owned by two or three individuals,
13 but the surrounding land and neighborhoods
14 belong to all of us. Do not allow this Board
15 or the village of Lawrence to be manipulated
16 by the developers. Do not fall into their
17 trap. Their intent is to divide and conquer.
18 I say unite and defend. Stay united with your
19 partners in Woodsburgh, in the Town of
20 Hempstead in implementing a sound, cohesive,
21 and environmentally responsible plan. Defend
22 us against this overreaching plan that shows
23 total disregard for the need and desires of
24 the community. Thank you.

25 MEMBER MOSKOWITZ: Thank you very much

WG Woodmere - 7/19/2023

1
2 for those comments. Without offering any of
3 my own comments about them, I just want to
4 thank you for making them. Does anyone else
5 wish to be heard? Okay.

6 MEMBER GOTTLIEB: I don't think anyone
7 else needs to be heard.

8 MEMBER MOSKOWITZ: I think a lot has
9 been said. We would like to spend a moment
10 consulting with counsel before we have an
11 additional -- just be a couple of minutes and
12 then we will come right back.

13 (Recess taken.)

14 CHAIRMAN KEILSON: Thank you.

15 MEMBER MOSKOWITZ: So everyone can keep
16 down. We are back on the record. The record
17 should reflect that the Board went into
18 executive session to receive advice of
19 counsel, and no action was taken in the
20 executive session. Before we continue, we
21 have received a couple of requests for
22 supplementary presentations. Ms. Saffra?

23 MS. SAFFRA: I just wanted -- someone
24 came up and asked me to hand it out to you.
25 It's pictures of flooding from December 23,

1 WG Woodmere - 7/19/2023

2 2022 along the golf course, but you could have
3 driven by yesterday and probably seen the I
4 guess the same or worse.

5 MEMBER MOSKOWITZ: These pictures depict
6 Lawrence property?

7 MS. SAFFRA: It is Lawrence. It's the
8 Rockaway Hunting Club.

9 MEMBER MOSKOWITZ: The ground is located
10 in the village of Lawrence, correct? We are
11 being advised that the ground is located in
12 the village of Lawrence. The record will
13 reflect that. Great. Mr. Browne, I think.

14 MR. BROWNE: Just one minute in closing.
15 Just on these procedural questions. One just
16 to refresh your recollection, yes, this
17 hearing was duly noticed for I believe it was
18 in June. There was -- it was then adjourned,
19 and this date was given. No further mailing
20 was needed because the date was given by the
21 Board.

22 In terms of the Planning Commission, I
23 guess I would say it this way. I think
24 everyone here would like if possible for the
25 Board to act so we don't have to continue on

WG Woodmere - 7/19/2023

1
2 in the process any longer than necessary. I
3 would work with Mr. Vacchio to get the
4 materials to the Planning Commission tomorrow.
5 My client is perfectly fine with a vote that
6 would be subject to any changes that the
7 Planning Commission may recommend. To the
8 extent that the Planning Commission's
9 jurisdictional issue would benefit my client,
10 we waive any jurisdictional defects that
11 relate to the Planning Commission. Just in an
12 effort to, you know, to not have to bring 100
13 people and my client from New Jersey and our
14 other professionals back because I think that
15 -- I am simply trying to say that we have made
16 our presentation, and to the extent that the
17 Board is prepared to take a vote, I am saying
18 the procedural issues can be solved and
19 shouldn't be an impediment.

20 MEMBER MOSKOWITZ: But you are not
21 really suggesting that your client's travel
22 time from New Jersey is relevant? You didn't
23 mean that, right?

24 MR. BROWNE: All right. I didn't mean
25 it.

WG Woodmere - 7/19/2023

MEMBER MOSKOWITZ: Thank you, Mr.

Browne.

MR. LIEBER: Jason Lieber, 28 Auerbach Lane in Lawrence. I just want to mention the builders did come to us a few years ago about a project with building apartments. They were really in touch with us and we offered our help and we were very willing to work with them and now this time they come and they don't tell us anything. It's like a secret type of meeting, but I just want to say I am not necessarily against it. I just need to have more information, so I think they should come up with traffic studies, environmental studies, flood studies. You know, there are a ton of birds that are in my backyard that fly through there for the winter. They are all hanging out there. What happens to them? We obviously heard a lot about global warming, and we are actually very very -- very much in this neighborhood it's a very important thing for us, and I just think we need a lot more information before we can make any decision. So I would say bring us a lot of studies and

WG Woodmere - 7/19/2023

1
2 just make sure that it's not just done on like
3 a traffic study on Yom Kippur or Saturday
4 mornings. It should be done by people, maybe
5 by a neutral party, and it should be paid for
6 by the applicants. Thank you.

7 MR. BROWNE: I'm sorry. I just forgot
8 two very final brief points. I just wanted to
9 remind everyone that when the -- when the Town
10 of Hempstead proposed the first rezoning --
11 not what they eventually passed but the first
12 rezoning, that rezoning would have allowed for
13 125 homes on the whole course and the town did
14 do a SEQR study, environmental study on 125
15 homes on that was spread throughout the golf
16 course, and they determined that was a
17 negative declaration. So just pointing out.

18 MEMBER MOSKOWITZ: Are you submitting
19 that material tonight?

20 MR. BROWNE: No, I'm not.

21 MEMBER MOSKOWITZ: You are just doing
22 that from memory?

23 MR. BROWNE: I am just pointing that
24 fact out to say there have been many studies
25 done.

WG Woodmere - 7/19/2023

MEMBER MOSKOWITZ: But none are being submitted with this application, so that's it.

MR. BROWNE: My last point. We are asking to go beyond the border into the nonbuildable district, so even if it was one house, we would still ask for some form of relief.

MEMBER MOSKOWITZ: It would be a different application.

MR. BROWNE: It would be.

MEMBER MOSKOWITZ: It would be a different application than the one you have here tonight.

MR. BROWNE: We would accept any form of relief is what we are saying.

MEMBER MOSKOWITZ: Thank you, Mr. Browne. Questions for you. So throughout the presentation, literally from the first minute of your remarks to what's on your demonstrative to your last remarks, there has been reference to not Lawrence in isolation, but also the Woodsburgh application and the aspect of the projects there and the Hempstead application and the project's aspects there

WG Woodmere - 7/19/2023

1
2 and so my question for you is number 1, do you
3 wish to submit into the record or can you
4 submit into the record your applications to
5 Woodsburch and to Hempstead so that we can
6 have that as part of our record to consider
7 the needs of the applicant and of the other
8 factors?

9 MR. BROWNE: I don't have it with me,
10 but we could submit it to your office if you
11 would like.

12 MEMBER MOSKOWITZ: Do you want to submit
13 it?

14 MR. GERSZBERG: No.

15 MR. BROWNE: We are happy to do it, but
16 we are not looking to delay matters.

17 MEMBER MOSKOWITZ: I am asking if you
18 would like to submit it.

19 MR. BROWNE: No, we do not wish to
20 submit it.

21 MEMBER MOSKOWITZ: Okay. That's your
22 prerogative. Second and relatedly, just
23 really it's the same, it's another version of
24 the same point. Again I don't think it can be
25 disputed that Woodsburch and Hempstead are

WG Woodmere - 7/19/2023

1 relevant to what the project in Lawrence looks
2 like. And in fact, I think you mentioned
3 before that the Coastal Conservation District
4 was a product of a joint session among the
5 various municipalities or a jointly enacted
6 provision. A suggestion was made tonight, but
7 also it occurred to the Board independently
8 that it's very difficult to make this decision
9 in isolation just as a zoning board here in
10 Lawrence without considering whatsoever what's
11 happening in Woodsburnh or Hempstead or the
12 outcomes there. And the suggestion was made
13 about hosting a joint hearing where all three
14 boards are together hearing your presentation
15 and then coming to a view working with you, et
16 cetera. Is that something that you would like
17 to see happen?
18

19 MR. BROWNE: We had not contemplated
20 that. I understand the reasoning for it, what
21 you are saying obviously. It's not something
22 that we have requested. I also think it would
23 procedurally might be difficult to coordinate
24 that, but I -- again, what we are -- we have
25 made our applications within each independent

WG Woodmere - 7/19/2023

jurisdiction because that's the structure available to us at this time, so we would not again be seeking that proactively, but you know, the municipalities have their prerogative.

MEMBER MOSKOWITZ: The Board is minded -- and we will take a vote on this. This is a voting matter, Chairman?

CHAIRMAN KEILSON: Yes, it is.

MEMBER MOSKOWITZ: The vote is minded to adjourn, so that this joint hearing or in coordination among the municipalities who I think the testimony shows tonight are all relevant to your application, it can't be viewed in isolation one to the other. The Board is minded to adjourn to explore the feasibility of having such a joint session and coordination. So that is our current disposition.

MR. BROWNE: Again, we would not ask you to do that, but we have no further comment. Whatever the Board wishes to do is in its prerogative.

CHAIRMAN KEILSON: So before us is a

WG Woodmere - 7/19/2023

motion to adjourn. Mr. Gottlieb?

MEMBER GOTTLIEB: For.

CHAIRMAN KEILSON: Mr. Moskowitz?

MEMBER MOSKOWITZ: For.

CHAIRMAN KEILSON: Mr. Hiller?

MEMBER HILLER: For.

CHAIRMAN KEILSON: Mr. Kerstein?

MEMBER KERSTEIN: For.

CHAIRMAN KEILSON: And chairperson as


well. Matter is adjourned.

(Exhibit A, Pictures, marked for
identification, as of this date.)

(Whereupon the hearing concluded at 8:49

p.m.)

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



YAFFA KAPLAN

Court Reporter

WG Woodmere - 7/19/2023

----- EXHIBITS -----

EXHIBIT

FOR ID.

A Pictures

63

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Abittan - 7/19/2023

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Yacht &
Country Club
101 Causeway
Lawrence, New York

July 19, 2023
8:51 p.m.

APPLICATION:

Abittan
81 Sealy Drive
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. PHILIP KERSTEIN
Member

MR. DANIEL HILLER
Member

MR. ELLIOT MOSKOWITZ
Member

MS. SYMA DIAMOND
Alternate Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

Abittan - 7/19/2023

CHAIRMAN KEILSON: Next matter, that of
Abittan, 81 Sealy Drive, they or their
representative.

MR. BEGUN: Good evening, members of the
board. The name is Ari Begun, 364 Mulry Lane,
Lawrence, New York. Here on behalf of my
client Mr. Abittan, 81 Sealy Drive. Tonight
we are requesting just one variance from
section of the code 70-11.B, which states that
there may be no deviation in the grade. My
client has constructed a new patio and in the
process raised the grade from 10.93 to 12.45,
a difference of 1.52 feet. And it's been done
for several reasons.

One, in June of 2022, my client started
to experience water and flood issues in the
area because of neighboring construction and
the subject property's low elevation, which is
under the design flood elevation of 11 feet.
Therefore, my client raised the grade and
added a retaining wall to help mitigate these
issues. One, by elevating the property or
elevating above the design flood elevation and
by adding the retaining wall, diminishing

Abittan - 7/19/2023

oncoming waters from neighboring properties that are under construction. Which also is reducing the waters from my client's own runoff from going onto other neighboring properties. My client is also proposing to install dry wells. Furthermore, maintaining the slope of the existing grade would present a hazard to adults and children alike. A raised flat patio would be safer for everyone, and my client has an existing patio and would like to maintain the same elevation for the proposed patio.

It is worth noting that upon construction of the patio, my client did receive positive feedback from the rear neighbor that acknowledged they had less water issues since the construction of the patio and retaining wall. My client also has the support of the neighbors. It is worthy to note this practice of modifying the grade is not something which is very uncommon as we have several neighboring areas within the area that has similar changes of 1 and 1.4 feet. I do want to emphasize that these water issues

Abittan - 7/19/2023

1 started after the construction of the
2
3 neighboring property, and we believe that
4 granting relief to my client would not only
5 benefit them but would also benefit their
6 neighbors as well as you mentioned before.

7 CHAIRMAN KEILSON: The change to the
8 grade, were they done without permission as
9 well?

10 MR. BEGUN: The patio was done without
11 permission. And upon my client finding out
12 that it wasn't proper, he consulted me, and we
13 are working to mediate that.

14 MEMBER HILLER: The neighbor I am most
15 concerned about is the neighbor in the rear.
16 The neighbor in the rear has a big drop of
17 your client's property that the retaining wall
18 is up to the neighbor to the right of the
19 house as you face it. What is being done for
20 the neighbor in the rear?

21 MR. BEGUN: So the retaining wall is
22 just on the side, right?

23 MEMBER KERSTEIN: It's on the right side
24 where the basketball court --

25 MEMBER HILLER: On the right side of the

Abittan - 7/19/2023

1
2 house as it faces the house. I believe
3 Weinstein is their name. I think that's where
4 the retaining wall is.

5 MR. ABITTAN: Yes.

6 MEMBER HILLER: What's being done for
7 the neighboring property where there is a
8 pretty significant drop-off?

9 MR. ABITTAN: Hi, Ariel Abittan, 81
10 Sealy Drive. How are you? So the original
11 pitch that was coming down created a
12 substantial amount of water in my rear
13 neighbor. Their name is Freund. They signed
14 my letter for --

15 CHAIRMAN KEILSON: Approving?

16 MR. ABITTAN: Approving and what the
17 retaining wall did was that because we put --
18 I don't know this exact type of drainage, but
19 as we put certain type of drainage in the
20 concrete, we have cuts in the concrete with
21 crushed some sort of pebble or something that
22 creates a drainage. We pitched it so that it
23 drains onto my property, so instead of
24 draining it down towards their property, it
25 actually -- away from Weinstein, it actually

Abittan - 7/19/2023

1
2 drains into the center of my property where my
3 grass area is which is where we are proposing
4 to put in dry wells. So the Freunds have
5 signed my letter, which we have here and they
6 actually say that they get less water since
7 the wall is up.

8 MEMBER HILLER: Can you address the
9 basketball court?

10 MR. ABITTAN: It's actually taken down.
11 I had them do it now. I have pictures.

12 CHAIRMAN KEILSON: Can you explain when
13 we met how long ago on this matter now in the
14 eleventh hour that you took it down? You knew
15 you had to take it down.

16 MR. ABITTAN: Yeah, you know, I can show
17 you my messages with the person I have been
18 trying to get it and every day was tomorrow,
19 tomorrow, tomorrow, but I can't do it myself
20 so -- but it got done. It's down.

21 MEMBER GOTTLIEB: So when did you move
22 in or purchase the house?

23 MR. ABITTAN: So I moved in about four
24 years ago, three and a half years ago. I
25 purchased the house. It was an option to buy.

Abittan - 7/19/2023

1
2 I purchased the house in December of '21.

3 MEMBER GOTTLIEB: So the reason I was
4 asking was in reference to your pointing out
5 that your house was flooding because of your
6 neighbor's construction --

7 MR. ABITTAN: Because when I first moved
8 in or even after I closed and bought the
9 house, their house wasn't even taken down yet.
10 I don't know when they started the
11 construction, but there were several months,
12 years that the old house was up. And I never
13 had any issue. There was a swing set area
14 there with a small patio.

15 MEMBER KERSTEIN: Did they raise the
16 grade that you are aware of?

17 MR. ABITTAN: The survey said it was
18 raised.

19 MR. BEGUN: There were two surveys
20 submitted to the Board. One, if you look at
21 both, you see the difference in elevation.
22 One is 1 foot, one is 1.24.

23 MR. ABITTAN: I mean, to answer your
24 question in a little more detail, that survey
25 of the raised grade was taken from this. This

Abittan - 7/19/2023

1
2 is the property line, so it was taken from
3 here and from here, but the runoff of the
4 water and how I got the water was from the
5 pool. The pool, the elevation of the pool if
6 there is any -- there may be some pictures
7 here. The elevation of the pool is
8 substantially higher than the area of the
9 grade in which the survey was taken, so when
10 the pool was put in, which is substantially
11 higher, that's where the runoff of the water
12 came from.

13 MEMBER GOTTLIEB: I can almost
14 understand that. I saw the pool. It starts
15 off at one level, and to keep the pool flat,
16 they had to elevate the back portion of the
17 pool about 18 inches or 24 inches at least.

18 MR. ABITTAN: Right.

19 CHAIRMAN KEILSON: We understand your
20 house is for sale and you bought another
21 house.

22 MR. ABITTAN: My house is not for sale.

23 CHAIRMAN KEILSON: Are you living in two
24 houses?

25 MR. ABITTAN: I have bought another

Abittan - 7/19/2023

1
2 house, but I don't have immediate plans to do
3 anything with it right now.

4 CHAIRMAN KEILSON: Do you have plans to
5 live in it?

6 MR. ABITTAN: My other house?

7 CHAIRMAN KEILSON: The house that you
8 are not living in was bought in contemplation
9 of use?

10 MR. ABITTAN: Yes but I mean, at the
11 right time. I mean, not right now. I am
12 going to be living in this house for the
13 foreseeable future.

14 CHAIRMAN KEILSON: So you bought the
15 other house for speculation?

16 MR. ABITTAN: I bought the other house
17 because I like the location and the property,
18 and down the road I would like to live there,
19 but you know, right now I am not.

20 CHAIRMAN KEILSON: Because generally we
21 don't issue variances when people are
22 contemplating moving on. Because here you
23 already did the work.

24 MR. ABITTAN: As of right now, I am not
25 contemplating anything. I bought it because

Abittan - 7/19/2023

1
2 it's great property. Potential but at this
3 stage right now I am living in 81 Sealy, and I
4 have no plans of moving out in the near
5 future.

6 MEMBER GOTTLIEB: I have two questions.
7 Are you related to Dr. Abittan?

8 MR. ABITTAN: Which one?

9 MEMBER GOTTLIEB: Your father.

10 MR. ABITTAN: Yes.

11 MEMBER GOTTLIEB: So it's been no
12 surprise to you that your family has been
13 before the Board for many years. How did it
14 come about that you are coming today for the
15 variance? How did that because you had
16 already built it and changed the grade and you
17 put the patio, which I understand the patio is
18 as of right, but how did it come about? In
19 other words, people come before the event.

20 MR. ABITTAN: So I mean, I will tell you
21 simply I lived there for roughly two years
22 approximately, and I never really had a water
23 issue. My property is higher than -- you
24 know.

25 MEMBER GOTTLIEB: It slopes down?

Abittan - 7/19/2023

1
2 MR. ABITTAN: It slopes down so I never
3 really had any water issue. Once this pool
4 issue came about with my -- the area in my
5 backyard flooding, I didn't really know where
6 to turn. So I called the contractor, and when
7 he came in, he basically told me there's only
8 two things that could be done. Either a lot
9 of drainage has to be put in on both sides
10 here, or -- let's say B. That's A. B is
11 ripping the pool out.

12 MEMBER GOTTLIEB: Your neighbor's pool?

13 MR. ABITTAN: Which I didn't want to go
14 there. He said C, let's call it bulletproof
15 thing that you can do here and not cause
16 issues is put up a retaining wall. So that's
17 kind of where it happened. I didn't -- like
18 you said, I understand and respect the village
19 and I wouldn't purposefully go against the
20 rules here, but I didn't think -- I understand
21 that if I am doing, you know, an addition. I
22 truly did not know that this would trigger a
23 variance.

24 MEMBER GOTTLIEB: I am actually very
25 concerned that your neighbor's pool caused you

Abittan - 7/19/2023

1
2 a problem because every time one of your
3 neighbors puts in a pool they tell you how
4 it's not going to cause flooding, it's a water
5 reservoir as opposed to a source of flooding
6 for the neighbor. It's a fallacious statement
7 as we have come to learn.

8 MEMBER HILLER: This pool is also an
9 exception because the pool is above grade
10 substantially. Whereas as you said before,
11 make the pool level so it adds to the problem.

12 MEMBER KERSTEIN: My question is the
13 runoff is coming from your neighbor on the
14 right. You put in a retaining wall on the
15 right side of your property. We have spoken
16 about the back property. What about the
17 neighbor on the left?

18 MR. ABITTAN: So the neighbor on the
19 left, I didn't -- I didn't really change that
20 grade so if you -- I don't know if there are
21 pictures here. If you have any pictures but
22 basically the level of the patio that was put
23 in, it actually -- it slopes slightly and then
24 it tapers down to the original grade.

25 MEMBER KERSTEIN: But water is going to

Abittan - 7/19/2023

1
2 run from the higher to the lower, which means
3 it's going that original grade higher or lower
4 to --

5 MR. ABITTAN: The neighbor has always
6 been lower, so that's why because I am
7 retaining a lot of that water into the cinder
8 area of the grassy area of my yard. That's
9 where I am proposing to put in the dry wells.

10 CHAIRMAN KEILSON: Okay.

11 MEMBER HILLER: That neighbor signed as
12 well?

13 MR. ABITTAN: Yes.

14 MEMBER GOTTLIEB: I am sure they did.

15 CHAIRMAN KEILSON: Do you want to speak
16 to the matter?

17 MS. WEINSTEIN: I am the neighbor with
18 the pool. The name is Devorah Weinstein, 75
19 Sealy Drive. I know the whole history behind
20 this, and it's kind of really unimportant how
21 we got here. The bottom line is now because
22 he has got a retaining wall, I now have mud.
23 My whole backyard is mud because I don't know
24 the address, but the one to my right has been
25 grandfathered where it does not have to do any

Abittan - 7/19/2023

1
2 type of drainage because he has been there
3 forever. I don't know the name offhand. So
4 now the entire area is now coming to me, and I
5 have got tremendous drainage because you need
6 that for a pool like the entire back was
7 basically a pebble pit for whatever water.

8 The pool, it should accommodate that, so now
9 because of this retaining wall, so he has got
10 the retaining wall, but what I want to do is I
11 would like to have a postponement because I
12 now have a request in to raise my grade so
13 this way I don't get flooded because now I am
14 getting flooded because he has got the
15 retaining wall. So hopefully next meeting my
16 paperwork should be in and set for that time.
17 So if we could just approve it together
18 instead of having any type of animosity and
19 work together, I think that would be
20 appropriate.

21 CHAIRMAN KEILSON: I am not clear. Go
22 ahead, Ed.

23 MEMBER GOTTLIEB: I just have a question
24 for you. Is the water coming off his
25 retaining wall onto your property or --

Abittan - 7/19/2023

MS. WEINSTEIN: It's stopping it from
the natural flow.

MEMBER GOTTLIEB: So by his putting up
the retaining wall to prevent his property
from flooding --

MS. WEINSTEIN: His property -- first of
all, half of his property is in the flood zone
and the way the properties run, it's going
from a higher elevation going down. So by him
putting up that wall, whatever is coming from
the higher elevation is now stopping in my
property, so I would not be putting in cement.
He put in cement. I would be putting in dirt.
So that would be, you know, the mitigating
factor that the water would just go into the
dirt.

CHAIRMAN KEILSON: I am not clear why we
would adjourn his matter.

MS. WEINSTEIN: Well, his is already
done.

CHAIRMAN KEILSON: So why can't we just
judge it on its merit?

MS. WEINSTEIN: Because there is
animosity as neighbors as you well know due to

Abittan - 7/19/2023

1
2 the history of this.

3 MR. ABITTAN: I have had no animosity.

4 MEMBER GOTTLIEB: So noted.

5 MS. WEINSTEIN: Due to the history of
6 this, the young couple did come over to my
7 house. We were very -- no problems. They
8 said they have this great idea and that they
9 were going to put a basketball court with some
10 sort of netting and then two days and I told
11 them that they are not allowed to, that it's
12 -- that the village will not let them. I am
13 going to get a C of O, they are going to come
14 in and take a look, and they are going to tell
15 you to take it down. Two days later I find
16 this humongous netting on my property, okay.
17 It was behind their fence on my property and I
18 just said to them you have to take this down.
19 You know, are you crazy, and they are trying
20 to convince me that I agreed to this.

21 MEMBER MOSKOWITZ: It sounds like you
22 would not be leaving all the history --

23 MS. WEINSTEIN: I don't object to it as
24 long as I can do it as well.

25 MEMBER MOSKOWITZ: Right. So that's why

Abittan - 7/19/2023

1
2 I am --

3 CHAIRMAN KEILSON: But when you come
4 before us, we will judge yours on the merit of
5 your presentation. It's already been
6 submitted. It will have no bearing.

7 MS. WEINSTEIN: But I would not --

8 MEMBER MOSKOWITZ: Your opposition or
9 your support for this application depends on a
10 future event that has not yet occurred and
11 that is your --

12 MS. WEINSTEIN: So then I am requesting
13 an adjournment until both can be done at the
14 same time.

15 MEMBER KERSTEIN: Are you saying that
16 you are at this moment against our approving
17 it?

18 MS. WEINSTEIN: The way it is now
19 without me being able to raise the grade,
20 correct. My husband and I would be against
21 it.

22 CHAIRMAN KEILSON: Okay.

23 MEMBER GOTTLIEB: What would happen to
24 your neighbor to the north if you raise your
25 grade? Would then the water stop at them and

Abittan - 7/19/2023

they want to raise the grade?

MEMBER KERSTEIN: And so on and so forth?

CHAIRMAN KEILSON: Let's wait for those questions until she appears before us for her application. It's already on. It's on for next month. Okay. All right. Thank you very much. Okay.

MR. BEGUN: Can my client --

MR. ABITTAN: I just want to -- I feel bad that she has this issue. Just in response to that, unless I don't understand it correctly, seemingly what she is saying is that the water that she is getting from her neighbor who is grandfathered in who doesn't need to put in drainage, I don't really know the situation is coming into hers and she would like her drainage to flow onto mine but --

CHAIRMAN KEILSON: I think we understand it. I don't think you have to explain.

MEMBER GOTTLIEB: Just what is under your concrete patio? What is the fill? Is it topsoil? Is it crushed rock?

Abittan - 7/19/2023

1
2 MR. ABITTAN: There is some topsoil,
3 there is a lot of crushed rock in there. You
4 put in deeper cuts. I mean, I can get you the
5 details, but he puts in deeper cuts that goes
6 into the crushed rock and below the crushed
7 rock there is some meshed netting into the
8 topsoil.

9 CHAIRMAN KEILSON: Okay. Thank you.

10 Okay. Taking into consideration the benefit
11 to the applicant against any detriment to the
12 community, I think we have a full
13 understanding. A little disappointed that you
14 did the work without permission. We are
15 equally disappointed that you didn't take care
16 of the basketball court pole as we discussed
17 weeks ago. However, notwithstanding, okay.
18 We are going to have a vote. Mr. Kerstein?

19 MEMBER KERSTEIN: I vote no.

20 CHAIRMAN KEILSON: Mr. Hiller?

21 MEMBER HILLER: I vote for.

22 CHAIRMAN KEILSON: Mr. Moskowitz?

23 MEMBER MOSKOWITZ: For.

24 CHAIRMAN KEILSON: Mr. Gottlieb?

25 MEMBER GOTTLIEB: I vote for.

Abittan - 7/19/2023

CHAIRMAN KEILSON: And I vote for.

Okay. Good evening.

(Whereupon the hearing concluded at 9:10

p.m.)

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



YAFFA KAPLAN

Court Reporter

Badian - 7/19/2023

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Yacht &
Country Club
101 Causeway
Lawrence, New York

July 19, 2023
9:10 p.m.

APPLICATION:

Badian
145 Harborview South
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. PHILIP KERSTEIN
Member

MR. DANIEL HILLER
Member

MR. ELLIOT MOSKOWITZ
Member

MS. SYMA DIAMOND
Alternate Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

Badian - 7/19/2023

CHAIRMAN KEILSON: Last one is Badian.

MR. FLAUM: Good evening, members of the Board, Chairman. My name is Shmuel Flaum, residing at 194 Wanser Avenue, Inwood, New York 11096, here on behalf of the homeowner of 145 Harborview South, Mr. Badian, seeking relief from variances for proposed work to his existing house. I have been in front of the Board before. I am not sure if you want me to go straight through.

CHAIRMAN KEILSON: Yes. Yes.

MR. FLAUM: Okay. So we are seeking code relief from the following categories of code requirements: Section 212-12.1, maximum building coverage. Where you are permitted to have 2,643 square feet, the existing house is 2,061 square feet. We are proposing 2,957 square feet, an overage of 314 square feet or 11.8 percent. Section 212-16.D1, minimum front yard setback. Where you are permitted to have 30 feet, the existing is 31.6 feet. The proposed is 17.35. I will get into that. That's only to the garage. That's one story. The main house itself is complying, and the

Badian - 7/19/2023

1 front yard porch is also noncomplying. But I
2 will go into that. Section 212-16.D1, minimum
3 side yard setback. We are permitted or
4 required to have 15 feet. Existing on the
5 house is 10.2 house on the west side, 9.9 feet
6 on the east side. The proposed are the same
7 numbers. We are not widening the house, an
8 overage of negative or 4.8 feet on the west
9 side and 5.1 feet on the east side. Section
10 212-16.D1 minimum aggregate yard setback.
11 Where you are required to have 30 feet, we
12 have proposed 20.1 feet. That's existing and
13 proposed on the new house, an overage of 9.9
14 feet. Section 212-16.D2, maximum front yard
15 height setback ratios. Where you are
16 permitted to have .74, the existing --
17

18 CHAIRMAN KEILSON: Everybody can read --
19 is that official?

20 MR. FLAUM: That's what I was asking
21 before. Okay. So --

22 CHAIRMAN KEILSON: Explain why you need
23 all these variances.

24 MEMBER GOTTLIEB: Mr. Flaum, I see it's
25 new construction. You are going to take the

Badian - 7/19/2023

1
2 house down to the dirt?

3 MR. FLAUM: So not to the dirt. There
4 is an existing footing foundation we are going
5 to be repurposing and extending forward and
6 backward.

7 MEMBER GOTTLIEB: There is no basement?

8 MR. FLAUM: There is a grade basement,
9 but the foundation doesn't stop there. It
10 usually goes below grade.

11 MEMBER GOTTLIEB: You are looking for
12 ten variances.

13 MR. FLAUM: So we were previously
14 seeking less. Now I think we are adding one
15 more. Multiple of the variances or many of
16 them are actually required due to the fact
17 that the lot is nonconforming in many ways.
18 If you want, I will go through that very
19 quickly. The lot width is currently not
20 conforming at 63.25 feet, where you are
21 required to have 75. It's also irregular
22 shaped. But that actually does not cause an
23 issue with zoning compliance. But due to the
24 fact that the lot is not complying in width
25 with the current zoning regulations for that

Badian - 7/19/2023

1
2 area, each of the side yards are also not
3 complying. As a result, this creates the
4 issue and triggers many of the required
5 variances being sought that would not be
6 needed if the property were actually 75 feet
7 wide as per the current zoning. This would be
8 a variance being sought by anyone looking to
9 build a new house, in our case an
10 alteration/addition. Specifically the two
11 side yard minimums, the aggregate side yard,
12 and the side yard setback ratios are all being
13 triggered by the fact the lot is nonconforming
14 in its current width, whether or not we are
15 doing a house that's fully compliant or not
16 fully compliant with all the other items that
17 we are going to be seeking relief from.

18 Of the remaining variances, three are
19 being directly triggered by the work scope we
20 are trying to achieve, and the remaining two
21 are tangentially being triggered by flood zone
22 compliance regulations being triggered by

23 FEMA. So of the --

24 CHAIRMAN KEILSON: So break them down.

25 MR. FLAUM: So you want to know the FEMA

Badian - 7/19/2023

ones or the other ones we are receiving
variances for first?

MEMBER GOTTLIEB: Whatever the chairman
asks you for.

CHAIRMAN KEILSON: Quickly go through
them and give us attribution.

MR. FLAUM: The ones that we are seeking
relief from that we are causing is building
coverage, number of stories above grade, and
front yard setback.

CHAIRMAN KEILSON: Explain each one.

MR. FLAUM: Building coverage we are
allowed to only have --

CHAIRMAN KEILSON: Eleven percent over.

MR. FLAUM: We are 11.8 percent over,
which is an increase from the previous one,
but due to a reconfiguration of the prior
application where the Board had requested us
to really consider lowering the house from the
previous height that would give a very, very
large variance for the roof eave height. We
decreased it by pushing the garage forward so
that we could bring the house down.

MEMBER GOTTLIEB: What does that have to

Badian - 7/19/2023

do --

CHAIRMAN KEILSON: The previous application, the eaves were at 27 feet, more or less.

MR. FLAUM: The previous application the proposed eave height was 29.6 and a half inches. We have lowered that to a proposed 24.6 inches by taking the garage out from being fully beneath the existing house, lowering the house to be more compliant with the regulations for site setback ratio, height, front yard setback ratio, and the eave height requirement. And we are trying to bring the house into less of a variance requirement for all those items.

In addition to building coverage, I just stated we are seeking a variance for front yard setback. Previously the variance was for the covered porch. But in looking at the different options for where a garage would be located, the homeowner was really insistent that the garage remain in the front of the property facing Harborview South rather than being located elsewhere where he would not use

Badian - 7/19/2023

1 the garage for garaging purposes, so we are
2 proposing an attached garage at the front.
3 One story only, forward of the existing
4 dwelling location, which creates that
5 requirement for a variance of 17.5 feet
6 setback or 12 and a half feet over.
7

8 MEMBER GOTTLIEB: So how many cars can
9 you park on the property?
10

11 MR. FLAUM: You will be able to park one
12 indoors, and there will be space for three
13 additional cars both tandem to the garage and
14 in front. There is parking in front of the
garage for one car.

15 MEMBER GOTTLIEB: I saw the 17 and a
16 half feet for a one-car garage.
17

18 MR. FLAUM: Then the garage inside for
19 one other, and then immediately to the right
20 of the garage, there is enough space to park
two other cars.

21 MEMBER GOTTLIEB: That's going to be
22 covered in asphalt, this section?
23

24 MR. FLAUM: This part and this part.
25 The rest will be seeded with green.

MEMBER GOTTLIEB: Okay. I didn't

Badian - 7/19/2023

1
2 realize that was -- it says asphalt. I didn't
3 see it.

4 MR. FLAUM: There is a line missing
5 showing the delineation, but it should only be
6 two cars.

7 MEMBER KERSTEIN: What's going on on the
8 other side of the asphalt?

9 MR. FLAUM: Grass.

10 MEMBER KERSTEIN: So the cars will be
11 parking on grass? I am missing this and I
12 apologize.

13 MR. FLAUM: The car will be parked in
14 front. The car on the side and two cars
15 hypothetically there.

16 MEMBER KERSTEIN: The beginning of this
17 will be asphalt?

18 MR. FLAUM: Correct.

19 MEMBER KERSTEIN: That's what I am
20 trying to understand.

21 MR. FLAUM: I apologize. That being
22 said, we are seeking the variance for the
23 garage being forward of the existing dwelling.
24 Both for the and regarding -- sorry, front
25 yard height setback ratio. That is for the

Badian - 7/19/2023

1 house that's being built up another story.

2 With regard to the height, we have been
3 in front of the Board several times, proposed
4 different options. This option is the least
5 egregious of all the previous versions we have
6 come in front of the Board with. It reduces
7 the variance requests -- not the number of
8 variances but the relief being sought in each
9 request by as much as possible. Again, you
10 still have to deal with the fact that this
11 house is a FEMA-compliant structure, so the
12 first floor elevation must be raised at a
13 preliminary to a certain height, but that
14 height in relationship to the ground plane
15 here still is not enough to get access to
16 underneath the floorboards to service any
17 piping or plumbing so we raised it a little
18 bit higher. So typically you would have to be
19 12 feet above the flood elevation. In this
20 here, we are at 13.83, which is still far
21 lower than the previous house, which was 16.5
22 feet. So we reduced the height of the house
23 considerably to bring down the side yard
24 setback ratios, the front yard setback ratio,
25

Badian - 7/19/2023

and eave height requirement.

CHAIRMAN KEILSON: How many children in the family?

MR. BADIAN: Four and 3/4s. Four and 9/10s.

MR. FLAUM: Just make sure I covered all items seeking variances.

MEMBER GOTTLIEB: So the existing house is a high ranch?

CHAIRMAN KEILSON: Yes.

MEMBER GOTTLIEB: So you are taking down the top floor?

MR. FLAUM: We are basically going to be reconstructing the house to be FEMA compliant, much lower eliminating the garage and all the lower space because you can't have lower habitable space in a flood zone. The only thing you can either have is entry or garage. The garage will be forward of the existing dwelling as one story and the house to be fully lower, bringing it into more compliance than it currently is.

MEMBER HILLER: What are the plans for the third level?

Badian - 7/19/2023

1
2 MR. FLAUM: Currently right now I don't
3 think there are fleshed out plans.

4 MEMBER HILLER: They are potential 8
5 feet high inches.

6 MR. FLAUM: They could potentially put
7 one in. What's the plans of the attic level?

8 (Discussion off the record.)

9 MR. FLAUM: We don't know because he
10 doesn't need for it right now. He has a need
11 for the bedrooms on the second floor. If a
12 need arises, we will obviously come back to
13 the Building Department.

14 MEMBER GOTTLIEB: Are you putting the
15 sprinkler system in now?

16 MR. FLAUM: He will probably put the
17 sprinklers system. So he has the roughing in
18 because -- so he is not going to add --

19 MR. VACCHIO: You have to put sprinklers
20 in anyway.

21 MR. FLAUM: No, I know. He is just not
22 going to have the layout for it.

23 MR. VACCHIO: But after this meeting you
24 still have to come back.

25 MR. FLAUM: You are going to have full

Badian - 7/19/2023

1
2 construction drawings and the sprinkler.

3 MR. VACCHIO: And a finished third
4 floor?

5 MR. FLAUM: I don't think so. He just
6 said he is not planning on finishing it now.
7 It will be finished for open storage but not
8 with rooms delineated.

9 MEMBER HILLER: My second question is
10 about the garage. The frontage of all the
11 other houses conform to the 30-foot setback.
12 This would be jutting out. Why is the garage
13 not contemplated on the back of the rear of
14 the property?

15 MR. FLAUM: So it was contemplated. We
16 discussed it. We looked at it. The problem
17 by detaching the garage and putting it on the
18 other side, it would take away from the rear
19 yard space that the Badians currently use for
20 their kids' recreation and their own
21 recreation. Two, they will never use it as a
22 garage. It will simply be a glorified frame
23 box and so --

24 MR. BADIAN: And I think it would upset
25 a couple of neighbors. Yaakov Badian, 145

Badian - 7/19/2023

1 Harborview South. I think -- I know in
2 speaking to a neighbor of mine about another
3 neighbor who did this once, he made it clear
4 like he would be very upset if that would --
5 basically it's encroaching his -- I have no
6 house behind me, so whatever is behind me
7 would be encroaching on their I guess view or
8 -- so other people did it. They did not like
9 they did this.

11 MEMBER HILLER: Have you spoken to your
12 neighbor to your right about your plans for
13 the garage? Notably the neighbor to the right
14 of your house as you face it who would be
15 affected by the jutting out of the garage?

16 MR. BADIAN: I spoke to them about my
17 plans and they blessed me.

18 MEMBER HILLER: Do you have a copy of
19 the blessing?

20 MR. BADIAN: We submitted it months ago.

21 MEMBER HILLER: In the first
22 application?

23 MR. FLAUM: It should be a record of all
24 those submitted.

25 MR. BADIAN: Probably 15 letters.

Badian - 7/19/2023

1
2 MEMBER KERSTEIN: That was different
3 than what you are now showing us. Do the
4 neighbors know about the difference that you
5 are contemplating?

6 MR. BADIAN: We did speak about it. In
7 fact, I think his thing also juts out.

8 MEMBER KERSTEIN: We were just there
9 yesterday.

10 MR. BADIAN: His driveway is much
11 shorter than mine currently. Much shorter.

12 MR. FLAUM: That's not the question.
13 The question is is he aware you will be
14 jutting forward with your garage.

15 MR. BADIAN: We spoke about the plans.

16 MR. FLAUM: Which neighbor is that one?

17 MR. BADIAN: I think they are talking
18 about 143.

19 CHAIRMAN KEILSON: Eisikowitz.

20 MEMBER GOTTLIEB: What's the distance
21 between the curb and the property line? You
22 have a lot of numbers, but I can't tell which
23 one.

24 MR. FLAUM: I will be able to tell you
25 in a second. So from the curb to the property

Badian - 7/19/2023

1
2 line, it looks like it's approximately 10
3 feet.

4 MEMBER GOTTLIEB: So from a practical
5 proposition, from the curb line to the front
6 of the garage it's about 27 feet?

7 MR. FLAUM: Twenty-seven and a half
8 feet.

9 MEMBER GOTTLIEB: But still how deep is
10 the garage? It's got to be 20 feet.

11 MR. FLAUM: Yes.

12 MEMBER GOTTLIEB: Twenty by 10 so still
13 sticks out 20 feet in front of the house. I
14 am thinking of developments I have seen over
15 the years where garages are in the front
16 developments and it's not nice-looking. Looks
17 like an army barracks. I am not saying that's
18 the case here.

19 MR. FLAUM: We intend to make it as
20 beautiful as possible. Possibly put some
21 planting around so doesn't seem like a garage
22 sticking out from nowhere.

23 CHAIRMAN KEILSON: To be fair, that's a
24 house on a 63-foot-wide property.

25 MEMBER GOTTLIEB: I think that's a

Badian - 7/19/2023

1
2 condition that preexisted.

3 CHAIRMAN KEILSON: But talk about the
4 aesthetics of it.

5 MEMBER GOTTLIEB: That makes it all the
6 worse.

7 CHAIRMAN KEILSON: You are right.

8 MEMBER GOTTLIEB: It exacerbates it, Mr.
9 Chairman.

10 CHAIRMAN KEILSON: I agree but I think
11 the whole house is a problem.

12 MEMBER GOTTLIEB: As I see this, what's
13 to prevent the next neighbor or the next
14 neighbor from having a garage that's 17 feet
15 out and then you have that look that I am
16 familiar with in Suffolk County where the
17 garages are in the front. Houses are in the
18 back, and honestly it looks like army
19 barracks. I realize this is a one-off but
20 what's to stop the next one-off, the next
21 one-off?

22 MEMBER KERSTEIN: The next one will say
23 well, you approved it for him.

24 MEMBER GOTTLIEB: Just like the lady
25 before who said they get a retaining wall, I

Badian - 7/19/2023

1
2 want one too. We went to the same school.

3 MR. FLAUM: I believe some people have
4 already done work on their properties here and
5 didn't have the same issues probably because
6 their lots weren't necessarily the same size.
7 I could do a study for you if you really
8 wanted but I am pretty sure if --

9 MEMBER GOTTLIEB: When I went to real
10 estate school, the very first class, the very
11 first line was no two pieces of property are
12 identical ever anywhere. So here you have it.

13 MR. BADIAN: I have the most narrow lot
14 in all of Harborview.

15 MEMBER HILLER: Nobody forced you to
16 purchase that.

17 MEMBER GOTTLIEB: What's this? At the
18 back of the house, an angled line almost looks
19 like it could be a driveway, but I know it
20 isn't. Does this reference anything?

21 MR. FLAUM: This number here is
22 dimension.

23 MEMBER GOTTLIEB: This is the distance?

24 MR. FLAUM: Correct. There are two
25 dimension lines. One is to one corner, one is

Badian - 7/19/2023

1
2 to the other corner.

3 MEMBER GOTTLIEB: So you got like a
4 60-foot rear yard.

5 MR. FLAUM: Currently or proposed?

6 MEMBER GOTTLIEB: No. It's 50 -- you
7 got 50 feet rear yard.

8 MR. FLAUM: Fifty feet, correct, rear
9 yard.

10 MEMBER GOTTLIEB: That's pretty amazing.

11 MR. FLAUM: Right but if you put a
12 20-by-10 garage in the middle of it, it's
13 really not amazing.

14 MEMBER GOTTLIEB: I would suggest
15 something contrary. Pushing the house back.
16 Then you can have a garage in the front and
17 and still have a 40-foot rear yard. Most of
18 Lawrence has --

19 MR. FLAUM: But there is two -- also two
20 frontages. So then you are probably
21 contending with another variance.

22 MEMBER GOTTLIEB: What variance would
23 that be?

24 MR. FLAUM: If you push the house back,
25 there is another height setback ratio

Badian - 7/19/2023

involved.

MEMBER GOTTLIEB: But sir, you are still 40 feet away. I am looking for a solution that I probably shouldn't be.

MR. FLAUM: Right but at the same time, you are then also creating discordance between the front of the property.

MEMBER GOTTLIEB: I am trying to eliminate a garage 17 feet off the line, not to mention the other nine variance requests.

CHAIRMAN KEILSON: Can you move back?

MR. FLAUM: Not without completely obliterating the entire footing and foundation of the house then literally building a brand-new house from scratch. But then what's to stop you from forcing the homeowner to comply with side yard giving him a house that's not a typical layout.

MEMBER GOTTLIEB: We didn't get there yet. I didn't even think that was mentioned.

CHAIRMAN KEILSON: I think the concern is that again the jutting out of the garage.

MR. FLAUM: We have to go to BBD and they have to approve it, so if they find it

Badian - 7/19/2023

1
2 visually disgusting or --

3 MEMBER GOTTLIEB: They come back to us
4 behind closed doors and beat us up.

5 MEMBER DIAMOND: Just out of curiosity,
6 you have the signature of 147, the neighbor of
7 147? They are okay with the height?

8 MR. BADIAN: Yes.

9 MR. FLAUM: We have signatures from when
10 the house was even higher, and we have since
11 lowered it.

12 MEMBER DIAMOND: Just want to know.

13 MR. BADIAN: We lowered it almost 5
14 feet.

15 MR. VACCHIO: I have a question. So the
16 house is coming down completely foundation?

17 MR. FLAUM: Coming down to the
18 foundation and footings that are there.

19 MR. VACCHIO: The existing basement that
20 you have to backfill?

21 MR. FLAUM: We don't have to backfill
22 because it's at grade. The whole lowest level
23 is at grade. FEMA requires that you only
24 backfill when you have anything below the
25 surrounding grade.

Badian - 7/19/2023

MR. VACCCHIO: It says "new second story above existing first story", so you are taking down the first story to the foundation leaving the foundation, so we have to word that differently.

MR. FLAUM: Okay.

MEMBER HILLER: Is there no way -- what we are asking is there no way to include the garage in the structure of the house and let's say use the attic?

MR. FLAUM: We looked at many options.

The problem is that the spouse of Mr. Badian was not a big proponent of reversing the layout in a way that makes it harder for her to use the space. We discussed it.

MEMBER HILLER: Harder to use which space?

MR. FLAUM: So the proposal was either a -- the initial proposal we had was to keep the lowest level, keep the house elevated, and she would have two stories the way she currently has her one story but with a second story above. Then the next option was to push the garage in, but then she would lose the space

Badian - 7/19/2023

1
2 on the first floor because part of the layout
3 is where that garage was. By still lowering
4 the house you lose that whole front room, so
5 we came up with the idea of pushing the garage
6 forward so you wouldn't lose the space in the
7 house on the front right and you only have a
8 one-story garage.

9 MEMBER HILLER: I understand why she
10 would want that.

11 MEMBER GOTTLIEB: Is there an option for
12 a subterranean garage?

13 MR. FLAUM: You are not allowed to do
14 anything below grade.

15 MEMBER MOSKOWITZ: I don't know if there
16 are any other options, but do you think it
17 would look really odd if this house had this
18 structure jutting out 20 feet? It being
19 beyond the house itself, don't you think it
20 would look really odd? That's really the
21 basic question.

22 MR. BADIAN: My neighbor has that.

23 MEMBER MOSKOWITZ: Which neighbor? We
24 are looking at the streetscape.

25 MR. BADIAN: Feldman, 151. I guess it's

Badian - 7/19/2023

1
2 not just the garage. It's the garage plus I
3 guess a floor. It juts out. It's not
4 symmetrical.

5 MEMBER KERSTEIN: Is it on the
6 streetscape?

7 CHAIRMAN KEILSON: No.

8 MEMBER MOSKOWITZ: 151 Harborview South?

9 MR. BADIAN: I am sure it's not exactly
10 the same look.

11 MEMBER MOSKOWITZ: I think I have a
12 picture of it maybe.

13 MEMBER HILLER: But the garage is
14 included in the structure of the house.

15 MEMBER KERSTEIN: This is just a simple
16 box sitting in front of the house. I think
17 what most of us are questioning --

18 MR. FLAUM: So definitely think we can
19 make it look attractive without an issue. We
20 have the stairs coming forward stopping at the
21 front of the garage as well, and we can put a
22 planter there so it would be less egregious
23 and be more, you know, of an aesthetically
24 pleasing construction. I don't think the
25 client would like to move his house further

Badian - 7/19/2023

1
2 back. It would create a discordance with the
3 streetscape on Harborview, but second, that
4 requires him spending a lot more money than he
5 was already planning on doing trying to
6 accommodate the Board with the changes we were
7 making until now. Meaning lowering the house
8 and building from the foundation up rather
9 than completely destroying the foundation and
10 repouring a brand-new foundation.

11 I think there is a house that has a
12 similar condition across the street from you.
13 Trying to find the address. They blocked it
14 out on Google. Across the street a little
15 similar has a one-story garage jutting forward
16 of the house.

17 MEMBER GOTTLIEB: What's the number,
18 please, or it's across the street you said?

19 MR. FLAUM: Across the street but a
20 little bit further down, right next to 144.
21 The numbers go down or up? This house over
22 here off to the side?

23 MR. BADIAN: It's Portel's house.

24 MEMBER MOSKOWITZ: Any estimate how many
25 feet that comes out?

Badian - 7/19/2023

1
2 MR. FLAUM: From the main body of the
3 house probably coming out 15 feet. Because
4 it's coming out above there to there. And the
5 stairs are integrated into it so it doesn't
6 look like it's a box sticking out. The stairs
7 run up against it.

8 MEMBER DIAMOND: Can I see it, please?

9 MEMBER MOSKOWITZ: How many feet is it
10 from the street?

11 MR. FLAUM: Twenty-seven and a half.

12 MEMBER MOSKOWITZ: Twenty-seven and a
13 half from the street.

14 MEMBER KERSTEIN: Seventeen to the
15 property line and another 10 to the street.

16 MEMBER GOTTLIEB: In all the other
17 houses it's 37, 47.

18 MEMBER KERSTEIN: Thirty plus 10 so it
19 will be 40 in the other houses.

20 MEMBER GOTTLIEB: Plus 20. The garage
21 is 20 -- oh, you are doing the curb.

22 MEMBER KERSTEIN: Another house it would
23 be you add 10 to whatever it is.

24 MEMBER GOTTLIEB: We are just trying to
25 make things fit in.

Badian - 7/19/2023

1
2 MR. BADIAN: The house next door to me,
3 I don't know exact. They only have room for
4 one car to park in the driveway next door and
5 it's the house --

6 MEMBER HILLER: What about building the
7 house and then building out in the back to
8 make up for the space and then the guest
9 bedroom? Instead of being behind the garage,
10 the guest bedroom juts into the backyard, keep
11 the uniformity of the front. The guest
12 bedroom is a wonderful idea, but you also
13 have, thank God, six bedrooms on the second
14 floor, two bedrooms in the attic, and you
15 could have plenty of place to accommodate
16 everyone.

17 MR. FLAUM: We definitely can
18 reconfigure the right side of the house to do
19 what you are suggesting. I am not sure how
20 much the client is going to be in love with
21 the redesign, but I hear where you are coming
22 from.

23 MEMBER HILLER: It changes the coverage
24 a little bit, but luckily there are no more
25 lines on this sheet because you covered

Badian - 7/19/2023

1
2 everything so let's try to accommodate
3 something.

4 MR. BADIAN: So it would jut out another
5 20 feet back further?

6 MEMBER KERSTEIN: You don't have to make
7 the room 20 feet deep. It could be --

8 MR. FLAUM: It's about 15 feet. So the
9 rear yard there would be diminished to 35
10 instead of 50.

11 MEMBER KERSTEIN: In that spot. Not the
12 entire backyard.

13 MR. BADIAN: But the backyard narrows.

14 MR. FLAUM: You do have a deck here to
15 there. You have 5 feet would be lining with
16 the deck so 10 feet.

17 MEMBER HILLER: It's the smallest part
18 of your yard. You will have expansive
19 50-something feet all the way across the other
20 way. We are trying to work with you. We are
21 trying to work with you, but also you are a
22 precedent. They will say you did it for --
23 you will be a precedent.

24 MR. FLAUM: You get a walkout balcony
25 off your bedroom.

Badian - 7/19/2023

1
2 CHAIRMAN KEILSON: Yes, I have another
3 meeting I am late for. You hear the
4 sentiment? It really doesn't matter. You
5 have no choice.

6 MR. BADIAN: I happen to think it's not
7 a bad idea. I just don't know exactly what it
8 looks like. I am confused.

9 MEMBER HILLER: We leave it to you. You
10 have a very good architect. It will be fine.

11 MR. FLAUM: Okay. So I guess we will
12 bring it to you at the next hearing. Thank
13 you, everyone.

14 CHAIRMAN KEILSON: Adjourned.

15 (Whereupon the hearing concluded at 9:40

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.

21 _____
YAFFA KAPLAN

22
23 Court Reporter
24
25