

11/30/2022 - Futersak

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

November 30, 2022
7:31 p.m.

APPLICATION:

Futersak
30 Rosalind Place
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MS. SYMA DIAMOND
Alternate Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

11/30/2022 - Futersak

1
2 CHAIRMAN KEILSON: Okay. Good evening,
3 ladies and gentlemen. Welcome to Lawrence
4 Board of Zoning Appeals. Please turn off your
5 cellphones. If you need to converse, please
6 step out into the hall.

7 Mr. Vacchio, do you have proof of
8 service?

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

11 CHAIRMAN KEILSON: Very good. Thank you
12 very much. Okay. There are several
13 extensions, variance extension applications
14 that we are going to deal with first. First
15 is that of Futersak. Their address is 30
16 Rosalind Place. The date of the original
17 variance was October 20, 2021, and the
18 expiration would have been 2023. And the
19 request is -- any work done on that one,
20 Danny?

21 MR. VACCHIO: No.

22 CHAIRMAN KEILSON: No permit was pulled?

23 MR. VACCHIO: Nothing.

24 CHAIRMAN KEILSON: So I think it was --
25 oh, he has a note somewhere. Current

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1 architect has left the state. Is no longer
2 working on plans. They need to hire a new
3 architect to help execute this application to
4 the end.
5

6 Mr. Flaum, are you available? So we
7 want to extend I guess another two years. Any
8 objections?

9 MEMBER GOTTLIEB: Just want to make sure
10 no work has been started.

11 MR. VACCHIO: No. No work.

12 MEMBER GOTTLIEB: So there is no
13 inconvenience to neighbors.

14 CHAIRMAN KEILSON: Correct.

15 (Whereupon the hearing concluded at 7:32

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 -----
22 *MA*
23 YAFFA KAPLAN

24 Court Reporter

25

11/30/2022 - Stoll

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

November 30, 2022
7:32 p.m.

APPLICATION:

Stoll
4 Regent Drive
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MS. SYMA DIAMOND
Alternate Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

11/30/2022 - Stoll

CHAIRMAN KEILSON: Next one is Stoll at
Regent Drive. Originally granted variance
was on September 15, 2022 and expiring on
12/13/2022 I guess as far as the permit.
Reason for the extension request. "We need
sufficient design hours after BBD approval".
Okay. Any -- again no work done.

MR. VACCHIO: No. Just BBD. It went to
BBD.

CHAIRMAN KEILSON: All right. Let's
see. Two years I guess.

(Whereupon the hearing concluded at 7:33
p.m.)

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


YAFFA KAPLAN

Court Reporter

11/30/2022 - Klein

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

November 30, 2022
7:33 p.m.

APPLICATION:

Klein
56 Muriel Avenue
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MS. SYMA DIAMOND
Alternate Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

11/30/2022 - Klein

1
2 CHAIRMAN KEILSON: Lastly, Klein at 56
3 Muriel and original variance was granted on
4 June 10th of '20. With it was a proposed
5 pool. The architect, Mr. Flaum. Yes. So
6 there is a letter attached on Mr. Flaum's
7 stationery explaining that it seems the
8 contractor has absconded with their money. Is
9 that a good enough reason? I guess the best.
10 At the time they were granted a one-year
11 variance. One year again? Okay.

12 (Whereupon the hearing concluded at 7:34
13 p.m.)

14 *****
15 Certified that the foregoing is a true and accurate
16 transcript of the original stenographic minutes in
17 this case.

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19 
YAFFA KAPLAN

20 Court Reporter
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11/30/2022 - Lent

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

November 30, 2022
7:34 p.m.

APPLICATION:

Lent
81 Washington Avenue
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MS. SYMA DIAMOND
Alternate Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCCHIO
Building Department

Yaffa Kaplan
Court Reporter

11/30/2022 - Lent

CHAIRMAN KEILSON: Now we have several matters on tonight's calendar that have been adjourned. We will just make mention. Fuchs at 18 Lord Avenue has been adjourned. Gamzeh at 10 Wentworth Place, adjourned. And Lawrence 216 Apartment Corp. at 261 Central Avenue is also adjourned. Right?

So let's begin with the matter of Lent, at 81 Washington Avenue. Please step forward. Introduce yourself for the record.

MR. LENT: Mordechai Lent, 81 Washington Avenue, Lawrence.

CHAIRMAN KEILSON: Okay. What brings you here tonight?

MR. LENT: Looking for a variance after the fact for my enclosed porch that is not heated nor winterized. It's just a covered porch on top of the existing garage which we had plans for which were approved which were -- which had the setback from the side. We just continued it. On counsel from the contractor that has subsequently died so he can't be here.

MEMBER GOTTLIEB: That's a good reason.

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1
2 MR. LENT: I can't yell at him.

3 MEMBER GOTTLIEB: One of the best.

4 MR. LENT: It was Andrew Labela, and he
5 showed me other locations that has done the
6 same thing.

7 CHAIRMAN KEILSON: Other illegal
8 locations.

9 MR. LENT: I can't tell you.

10 CHAIRMAN KEILSON: You can't speak to
11 that.

12 MR. LENT: I am not telling you where
13 but he said I did not have to get permits for
14 these, you do not need for this. So I trusted
15 him and as I -- you know, I was here about 12,
16 13 years ago, got plans for my construction
17 which were approved and we just continued on
18 that.

19 CHAIRMAN KEILSON: So when was this
20 enclosure done?

21 MR. LENT: Probably over five or six
22 years ago. I can't --

23 CHAIRMAN KEILSON: Okay. So you felt
24 guilty and so you wanted to come forward and
25 get approval?

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1
2 MR. LENT: Something like that.

3 MEMBER GOTTLIEB: You are very kind.

4 CHAIRMAN KEILSON: So what is this?

5 MR. LENT: And I have a letter from my
6 right next-door neighbor who says it does not
7 affect her at all.

8 CHAIRMAN KEILSON: I see.

9 MR. LENT: I can provide that for you.

10 MEMBER GOTTLIEB: So because of the
11 application, we had the privilege to enter
12 your property and snoop around.

13 MR. LENT: I saw you guys.

14 MEMBER GOTTLIEB: I imagine you must
15 have seen us because of all the cars in the
16 driveway.

17 MR. LENT: My wife was pulling out.

18 MEMBER GOTTLIEB: That was a good move.

19 I just need to ask you something and I hate to
20 bring this up, but your -- in front of the
21 garage, the enclosed area looks like a lot of
22 building material. Are you a builder?

23 MR. LENT: But -- that is what I am --
24 but I am somewhat of a contractor of lead
25 asbestos and mold so I am an abatement

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1
2 specialist.

3 MEMBER GOTTLIEB: But that wouldn't
4 be --

5 MR. LENT: But that is more -- that is
6 stuff for a Succah. Those are wood that I --
7 I did a demo. If you saw wood there, I did a
8 demo on one job, and I had to put wood
9 somewhere. I am in the process of securing a
10 location.

11 MEMBER GOTTLIEB: So this is not
12 permanently that you store building material?

13 MR. LENT: No.

14 MEMBER GOTTLIEB: So you typically don't
15 use that yard for industrial waste or for
16 building materials?

17 MR. LENT: No. It's just there
18 temporarily. I am in negotiations with a
19 location in Cedarhurst for a place of --

20 MR. VACCHIO: Storage.

21 MEMBER GOTTLIEB: So should this
22 variance be approved, you would have no
23 objection keeping it --

24 CHAIRMAN KEILSON: As depicted in the
25 picture.

11/30/2022 - Lent

1
2 MR. LENT: Yes. I am not planning to
3 change it. "Keep it" meaning?

4 CHAIRMAN KEILSON: We were more concerned
5 on behalf of the neighborhood for the garbage
6 in the yard and aesthetics than your porch.

7 MR. LENT: All that is going to be
8 moved.

9 CHAIRMAN KEILSON: Good.

10 MR. LENT: That's my plan. That's why I
11 am in negotiations as of last night.

12 MEMBER GOTTLIEB: Thank you.

13 CHAIRMAN KEILSON: Very good.

14 MR. LENT: It's a large location so --

15 CHAIRMAN KEILSON: Okay. Any --

16 MS. DIAMOND: But you mentioned the
17 neighbor has -- you spoke to your neighbor.

18 You are talking about 77 Washington?

19 MR. LENT: Yes.

20 MS. DIAMOND: Is that --

21 MR. VACCHIO: Chubak.

22 MS. DIAMOND: So that's 77 Washington?

23 MR. LENT: Mrs. Chubak, a letter.

24 CHAIRMAN KEILSON: Submit it.

25 MR. LENT: This was written a while ago.

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MS. DIAMOND: And this letter is from
the neighbor who would be affected.

MR. LENT: Who is the only person that
can see it.

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

MEMBER GOTTLIEB: When you came before
us 13 years ago, was that for the pool?

MR. LENT: No. The pool has been there
I think 40 years. I added on to the house.

MEMBER GOTTLIEB: I am just curious
because it was elevated.

MR. LENT: It was a deck. We took off
the wood because it was splintering and we
just put dirt.

MEMBER GOTTLIEB: I had asked about the
pool.

CHAIRMAN KEILSON: What's the size of
the pool?

MR. LENT: Twenty by 40. And preexisted
me and the previous tenant.

CHAIRMAN KEILSON: Okay. Any further
questions from the Board? Anyone from the
audience want to speak to the matter?

1

11/30/2022 - Lent

2 Obviously we are not happy when work is done
3 without a permit and the like, and I am sure
4 you are acutely sensitive to it considering
5 who your father-in-law is.

6 MR. LENT: I don't know who that is.

7 CHAIRMAN KEILSON: Taking into account
8 the benefit to the applicant as opposed to any
9 detriment to the community, of course, very
10 clear understanding as part of the record that
11 the yard will be cleared up.

12 MR. LENT: Yes.

13 CHAIRMAN KEILSON: So we are going to
14 vote on your request for the variance. Mr.
15 Gottlieb?

16 MEMBER GOTTLIEB: For.

17 CHAIRMAN KEILSON: Mr. Hiller?

18 MEMBER HILLER: For.

19 CHAIRMAN KEILSON: Ms. Diamond?

20 MEMBER DIAMOND: I vote for.

21 CHAIRMAN KEILSON: For.

22 MR. VACCHIO: Also -- okay so it's
23 approved. You still have to come in to file
24 for a building permit.

25 MR. LENT: Okay.

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MR. VACCHIO: Okay.

MR. LENT: I will be in tomorrow.

CHAIRMAN KEILSON: What is a reasonable period of time to expect the yard to be cleared?

MR. LENT: I hope to sign a lease within the next -- January. January got to move.

CHAIRMAN KEILSON: Very good. Good luck.

(Whereupon the hearing concluded at 7:42 p.m.)

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

YAFFA

YAFFA KAPLAN

Court Reporter

11/30/2022 - Katz

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

November 30, 2022
7:42 p.m.

APPLICATION:

Katz
65 Sutton Place
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MS. SYMA DIAMOND
Alternate Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

11/30/2022 - Katz

CHAIRMAN KEILSON: All right. The next matter is that of Katz.

MR. FLAUM: Good evening, Chair, members of the Board. My name is Shmuel Flaum, residing at 194 Wanser Avenue, Inwood, New York 11096. I am here on behalf of my clients Mrs. And Mr. Katz who have not so recently purchased 65 Sutton on the corner of Sutton and Central and they are seeking to knock down the existing structure and build a new house, and in doing so we are looking to obtain several variances which I am going to enumerate right now and then we can discuss in more detail.

The first variance we are seeking under this application, 212-12.1, maximum building coverage. Where permitted building coverage is 2,765 square feet, the proposed is 2,966 square feet, an overage of 201 square feet or 7.2 percent. The second variance is Section 212-12.1, maximum surface coverage. Where you are permitted 4,130 square feet, we are proposing 4,290 square feet, an overage of 160 square feet or 3.8 percent.

11/30/2022 - Katz

1 The third variance is Section 212-12.1,
2
3 minimum rear yard setback. Where you are
4 permitted to have 30 feet, we are proposing 25
5 feet to the house, 15 feet to the deck. It's
6 an overage of 5 feet for the house and an
7 overage of 5 feet for the deck.

8 CHAIRMAN KEILSON: Let's discuss that
9 one.

10 MR. FLAUM: Before we go through all of
11 them?

12 CHAIRMAN KEILSON: Yes.

13 MR. FLAUM: Okay. So I have prepared
14 for the Board members -- I am sure you have
15 received it from Mr. Danny Vacchio.

16 MR. VACCHIO: Yes. They received it.

17 MR. FLAUM: Okay. So we have our
18 typical zoning sheet that we include in all
19 our proposed construction sets. We prepared
20 another one of the existing house for
21 comparative analysis purposes just to help
22 with the discussion tonight for what we are
23 trying to achieve. If you take a look at the
24 existing house, there is currently a
25 25-foot-4-inch setback from the side lot line

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1
2 I guess to the neighbor which is the rear of
3 the house. We are proposing to keep ours at
4 25 feet, which is 4 inches closer but
5 relatively in the same location. It's de
6 minimis in terms of setback. And the reason
7 why we are proposing that at 25 feet versus
8 keeping with the 30 feet is we had previously
9 had a design where the house was more forward
10 to Sutton Place, and we are trying to be
11 sensitive to the narrowness of Sutton Place as
12 a street and keep the house as far away as
13 possible.

14 If you also take a look at the existing
15 house analysis, you will see that the existing
16 house was at 28 feet -- sorry. Twenty-eight
17

--

18 MEMBER GOTTLIEB: 28.02.

19 MR. FLAUM: Hold on. Twenty-eight foot
20 2 to the property line so we are proposing 25
21 feet to the majority of the house with the
22 only variance being requested for the garage
23 portion itself, which is at 21 feet 8 inches
24 at the frontage. I am just bringing to your
25 attention previously we had a design that was

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much closer to Sutton Place.

CHAIRMAN KEILSON: I want to focus on the rear yard.

MR. FLAUM: Front and rear was adjusted.

CHAIRMAN KEILSON: The rear yard and the deck.

MR. FLAUM: So going back to the rear yard, as you can see on the existing house, there is currently a rear deck as well, an open wood deck. So on our proposed house we have a similarly sized deck, 10 feet by 20 feet off the rear of the proposed house that is at 25 feet off the rear lot line.

CHAIRMAN KEILSON: The question is I don't believe the Building Department shares your interpretation in terms of the requirement for the -- in terms of the deck.

MR. FLAUM: Which interpretation?

MR. VACCHIO: The encroachment. You said you have an excess of 5, right? You are encroaching only 5 feet; is that right on the code relief? Read your code relief. What does it say on the rear yard?

MR. FLAUM: The code relief said we are

11/30/2022 - Katz

5 feet over from where the rear deck has to be located.

MR. VACCHIO: Well, the rear deck is elevated over 36, so you are over more than 5 feet. If you look at your elevation, you have six risers. If you scale the elevation drawing, you are over 36. You are more like in 42.

MR. FLAUM: Hang on.

MR. VACCHIO: If you want to go to page A-200.

MR. FLAUM: I got it. So the first floor is currently 31.64 elevation, and the average grade is as I kind of wrote is 27.

MR. VACCHIO: I am looking at the scale, Shmuel, and the risers and you exceed the 36, so therefore, you don't have that 10-foot permitted encroachment. That's waived. So basically you are encroaching 15, not 5.

MR. FLAUM: Okay.

MR. VACCHIO: Just want to point that out.

MEMBER GOTTLIEB: Is that considered an additional variance or is that part --

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2 CHAIRMAN KEILSON: It's his computation
3 is incorrect.

4 MR. FLAUM: So if we have one step less,
5 it would be 5 feet.

6 MR. VACCHIO: Then you would comply with
7 the permitted 10 feet but in this case here
8 it's 15 so I --

9 MR. PRESTON: It's not about the number
10 of steps. It's about the height of grade.

11 MR. VACCHIO: Absolutely.

12 CHAIRMAN KEILSON: Continue.

13 MR. FLAUM: Okay. Continuing on with
14 the number or different variances being
15 sought, they are Section 212-12.1, minimum
16 front yard setback. Where we are permitted to
17 have 25 feet, we are proposing 21.66 feet, an
18 overage of 3.34 feet, but as noted earlier
19 that's at the garage frontage only.

20 The remaining portion of the house
21 complies with the 25 feet in the front yard
22 setback. As a result of them knocking down
23 the existing house and building a new one, we
24 have height setback ratios that are being
25 affected and we have noncompliances there.

1

11/30/2022 - Katz

2 The first one is Section 212-12.1, maximum
3 front yard height setback ratio. Where you
4 are permitted a 0.88 ratio, we are proposing a
5 1.06 ratio. At Section 212-12.1, maximum rear
6 yard height setback ratio, we are permitted
7 0.74. We are proposing 0.92. And just
8 reiterating in terms of lot coverage, the
9 proposed amount is 4,290, which is an overage
10 of 160 square feet, which is also an overage
11 of 3.8 percent which was covered on the
12 initial ones.

13 If I draw your attention to just a few
14 items comparing again the existing house with
15 the proposed house, so the existing house
16 currently has some unique conditions. Number
17 one, at the rear it shows or demonstrating
18 that it's currently noncomplying at the rear.
19 The frontage facing Central Avenue, which is
20 the side of the house, not the front facing
21 Sutton Place, is also a noncomplying front
22 yard of 24 foot 11, and there is a
23 noncomplying inner side yard on the other side
24 of the house at 7 feet, 8 and a half inches.
25 On our proposed construction, we are proposing

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to bring the house into compliance on that side yard. There is no variance being sought there. We are in compliance on the Central Avenue side at 25 feet, and again at the front yard we are in compliance with a majority. Only the garage portion is sticking forward, and triggering the variance for that overage of 3.34 feet and at the rear again we are sort of trying to line up where the existing house is and maintaining that 25 foot where it's currently 25 foot 4.

So overall, in terms of the actual footprint of the house, we are really trying to be sensitive to what is there and trying to replicate as much as possible and minimize whatever new variances would be triggered even though we are over building coverage, and I want to go into more detail about that specifically why we are seeking that.

Mr. And Mrs. Katz are currently residing in Brooklyn. They purchased this house here in Lawrence because a lot of their children live in the area, and they are looking to be closer to their children. As they grow older

1

11/30/2022 - Katz

2 in their golden years, they would like to be
3 closer to the children and have the children
4 come over and stay with them, but for the
5 Katzes themselves, they are looking to have on
6 the first floor of the house a one-floor
7 living plan. Meaning they don't plan to live
8 upstairs in the house at all. That's really
9 for their children to come and stay when they
10 visit. So they really need a larger footprint
11 for the first floor to accommodate all their
12 specific needs as it relates to them.

13 The upstairs is several bedrooms but
14 they have several children and the intention
15 is for the children to come and visit and
16 spend time with them and also the unique pool
17 situation in the basement as I am sure you
18 have all seen in the plans. So again, the
19 larger footprint on the first floor, which is
20 triggering the overage of the 201 square feet
21 is primarily they were trying to squeeze
22 everything in so they wouldn't have to have
23 anything not on the first floor. No one can
24 really prepare for what happens when you get
25 older, but everyone likes to prepare as much

11/30/2022 - Katz

1
2 as possible, and just to wit, the existing
3 house that's currently there is currently over
4 a square footage by 153.2 square feet. So we
5 are only proposing an overage of about 48
6 square feet more than what's currently there.
7 So again, very de minimis what we have in the
8 current house.

9 MEMBER HILLER: It would have helped if
10 instead of writing "NB" if you filled in the
11 exact proportions of the house you are
12 replacing. That would help. Please do that
13 in the future.

14 MEMBER GOTTLIEB: What does "NB" mean?

15 MEMBER HILLER: Not built or no
16 building.

17 MEMBER GOTTLIEB: In the building
18 coverage you talk about, you are only adding
19 48 feet but in surface coverage you are 300
20 feet.

21 MR. FLAUM: I didn't get to that. I
22 stopped short.

23 MEMBER GOTTLIEB: I thought that was it.

24 MR. FLAUM: No, I apologize. So in
25 terms of building coverage, we are not much

1

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2 more than what's currently there. The largest
3 variance item is obviously the surface
4 coverage where you are permitted 4,130, and we
5 are proposing 4,290 which is an overage of 160
6 percent. Currently on the existing house, we
7 don't think there is any sort of overage but
8 the reason we are triggering that overage is
9 simply because the Sutton Place road is very
10 narrow and because again, this is a house for
11 them to live in in their older years. They
12 felt it was very important that they should
13 have a driveway that lets you pull in and out
14 without having to reverse on the street.
15 Sutton Place is a very narrow street as it is,
16 and because they are the corner property, it
17 doesn't make sense to locate the garage on the
18 other side but definitely people pulling in
19 and out of Sutton Place will be very -- you
20 know, not necessarily paying attention at that
21 intersection. As everyone knows, it's a very
22 busy intersection. I believe the synagogue is
23 across the street where there is also a day
24 care. Everyone lines up on Central Avenue in
25 the morning for pickup and drop-off. So there

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1
2 is quite a large --

3 MS. DIAMOND: That would be on the other
4 side.

5 MR. FLAUM: I know it's on the other
6 side, but that being said, there is a lot of
7 traffic. There is a lot of cars. I mean,
8 Central Avenue is a very busy street, but the
9 point being that Sutton Place where their
10 house is located, it's right at the corner, so
11 they felt that for safety purposes for
12 themselves now and also in the future, to have
13 a driveway that pulls in and then pulls out is
14 a safer alternative than just pulling in and
15 reversing out of the Sutton Place street
16 frontage.

17 MEMBER GOTTLIEB: So when you referenced
18 building coverage here, you are only a little
19 bit over. Let's go and look at surface
20 coverage where you are 480 feet over existing.
21 You mentioned how it's over permitted now.
22 Let's talk about both existing and permitted.
23 So you are 480 there and by the -- I know, you
24 misspoke. You said 160 percent over. You
25 meant 160 square feet.

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1
2 MR. FLAUM: Apologize.

3 MEMBER GOTTLIEB: 160 percent just
4 doesn't sound good.

5 MR. FLAUM: No, no. 3.8 percent.
6 Any questions from the Board?

7 MEMBER GOTTLIEB: I thought you were
8 going to go to the next one.

9 MR. FLAUM: I thought I covered the rear
10 yard setback but just reiterate again, the
11 previous design had the house forward which
12 gave us a larger front yard surface coverage
13 and we actually eliminated a variance for
14 front yard surface coverage by setting the
15 house back, but that being said, since the
16 existing house is currently at 25 feet,
17 keeping it 25 I felt wouldn't be as arduous as
18 having the house more forward and facing
19 closer to the street on Sutton Place, which is
20 already very narrow and all the houses facing
21 Sutton are very close to the street as it is
22 unlike some other streets which have a wider
23 berth from the front yard to the street
24 itself.

25 MEMBER HILLER: Can you explain? I

11/30/2022 - Katz

1
2 don't understand exactly the outdoor pool
3 cover. And the height of it and how it
4 affects the property.

5 MR. FLAUM: So it's an indoor pool.
6 That's just a cover over the indoor pool
7 that's at the basement level and that cover is
8 there to allow natural light to come into the
9 pool and it will be below the threshold that
10 triggers any sort of issue in terms of
11 coverage.

12 MEMBER GOTTLIEB: Is it vinyl? Is it
13 brick?

14 MR. FLAUM: Oh, the cover itself? It's
15 probably going to be glass or acrylic or some
16 sort of transparent material for the purpose
17 of bringing light in.

18 CHAIRMAN KEILSON: Is it retractable?

19 MR. FLAUM: I don't think we talked
20 about it being retractable. Probably not to
21 keep the cost down.

22 MR. VACCHIO: So it's going to stay
23 closed because I do believe it does say
24 retractable. Operable skylight.

25 MR. KATZ: I mean, if we could, why not.

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2 CHAIRMAN KEILSON: That's a problem. We
3 need a drawing what's going to be built
4 because it does have zoning impact.

5 MR. FLAUM: Meaning if it's not operable
6 and there is no way for sound to escape,
7 that's less of an issue. If it's operable,
8 that's another concern the Board has.

9 MEMBER GOTTLIEB: The sound is one
10 issue, but the other issue is is it above
11 grade, below grade, does it affect surface
12 coverage, is it building coverage. I don't
13 think we have come across an indoor/outdoor
14 pool to my recollection.

15 MR. FLAUM: It's not really outdoor
16 because the pool itself is at the basement
17 level so you can't swim out.

18 MEMBER HILLER: The acrylic top, is it
19 flat against the ground?

20 MR. FLAUM: The intent is that the
21 acrylic top or glass top should be high enough
22 that no one will step on it because we don't
23 want people falling in and hurting themselves,
24 so the intention is it should be some parapet
25 wall with an enclosure on top to let the light

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2 in, but not so low someone can step on it and
3 can get hurt.

4 MEMBER HILLER: What height is that?

5 MR. FLAUM: I believe I had that
6 discussion with the village. At 36 would be
7 the maximum so would not be higher than 36
8 inches, but we can definitely lower it. I
9 think we can lower it if we need to.

10 MR. VACCHIO: You can't walk on it
11 because if that's the case, then it would
12 probably be counted as surface coverage.

13 MR. FLAUM: There is no intent to walk
14 on it because it's meant to be just literally
15 for light.

16 MR. VACCHIO: You are going to show us a
17 section?

18 MR. FLAUM: Once we have an actual
19 product, I will give a full section.

20 MR. VACCHIO: It would be a parapet and
21 the glass is much lower?

22 MR. FLAUM: Either flush or inset
23 depending on how the drainage is going to
24 work. I don't know the detail yet for the
25 system because I don't know what the system

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2 is. It might be custom, it might be a
3 product.

4 CHAIRMAN KEILSON: I think we will have
5 a problem approving till we have clarity on
6 that. Counsel?

7 MR. PRESTON: It sounds like there are
8 too many conditions for the Board to be able
9 to grant something to know what they are
10 granting.

11 MR. FLAUM: What if we limit in terms of
12 what it can be by design parameters meaning
13 height, operability, and what other items
14 would you need to limit by parameter?

15 CHAIRMAN KEILSON: Why would you want to
16 limit yourself until you know what the product
17 is?

18 MR. FLAUM: Because ultimately we are
19 not looking for a variance for the siding. We
20 are hoping to get this without seeing a
21 variance for the specific item, so if we need
22 to specify or limit ourselves to a certain
23 style skylight, then I think the homeowners
24 would be amenable to it.

25 MR. VACCHIO: So by reducing it, what,

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2 half the size, right now it's 20 feet --
3 it's --

4 MR. FLAUM: What is the size?

5 MR. VACCHIO: It's not going to open?

6 MR. FLAUM: It doesn't have to open

7 fully. I think the intention was maybe to
8 have vents so portions might open but not to
9 fully retract. There is no intention for
10 having it retract because we don't have the
11 space for any sort of tract anyway.

12 MR. VACCHIO: I have 17.21 what I wrote
13 down; is that accurate for the outdoor? I
14 scaled it.

15 MR. FLAUM: Hold on.

16 MR. VACCHIO: I don't think I want to
17 make this decision, Chairman.

18 MR. FLAUM: I think it was limited to
19 150 square feet. The village has a rule about
20 the maximum.

21 MR. VACCHIO: No, not talking about
22 subterranean. You mean as far as like -- for
23 instance, we have window wells. They give
24 light. So let's say --

25 MR. FLAUM: Seventeen and a half by 21

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2 foot 7 and a half. 17.6 and a half and by
3 21.7 and a half on the surface coverage
4 diagram.

5 MR. VACCHIO: If we made it look like a
6 window well --

7 MEMBER HILLER: I think that's less of a
8 problem than the height and parapet.

9 MR. FLAUM: When I say "parapet", I just
10 want to explain what I mean by parapet. From
11 the floor something like this, we don't want
12 people walking.

13 MR. VACCHIO: A wall.

14 MEMBER HILLER: That I understand. The
15 height of the acrylic -- let's call it acrylic
16 top. The height of the acrylic top from the
17 ground you said it's not flush against the
18 ground. It's under 36 inches.

19 MR. FLAUM: Correct.

20 MEMBER HILLER: And parapet rounded
21 would be how high?

22 MR. FLAUM: It would be detailed
23 probable would be at least 30 inches. It
24 would have to have a slope to shed the water
25 off of it.

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2 MR. PRESTON: Chairman, I think the
3 problem here is the application before the
4 Board isn't fully fleshed out to the point
5 that the Board knows what it's granting and I
6 would encourage the Board to -- it doesn't
7 necessarily have to be another day or another
8 time, but I think the application before the
9 Board has to be clear as to what you are
10 requesting of the Board in order for the Board
11 to make a decision on it.

12 MR. VACCHIO: And what we are calling
13 it --

14 MR. FLAUM: Just to be clear, this item
15 wasn't brought up in the denial letter so we
16 didn't get more detail because we weren't
17 asked to provide more detail.

18 CHAIRMAN KEILSON: Well, now you are.

19 MR. FLAUM: Granted but -- understood.
20 I am just saying it's not --

21 MR. PRESTON: It's also similar to the
22 issue with the height of the deck that was
23 brought up in the denial letter and is
24 different than the code relief is I think
25 especially when we are talking about the

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2 height of it, it becomes something worth
3 considering and worth talking about.

4 MR. FLAUM: Okay.

5 CHAIRMAN KEILSON: I think overall the
6 Board is not unsympathetic to -- I think you
7 have done an excellent presentation. We
8 covered all the what ifs but still have
9 undefined areas.

10 MR. FLAUM: Aside from the deck and this
11 pool cover skylight, is there any other items
12 that any of the members of the Board would
13 like to bring to our attention so we can --

14 MEMBER GOTTLIEB: I will just mention as
15 you heard me say before, you are building a
16 house from scratch. You are building a new
17 house. It's a perfect square, 100 by 100 by
18 100 by 100. There is nothing wrong with the
19 property that prevents you from building
20 virtually almost everything you want as of
21 right, and yet we are looking at at least six
22 variances. And while some are not so big, you
23 know, when you look at the height setback
24 ratio in the front -- for example, you know,
25 you could say you are permitted .88 and you

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2 are asking for 1.06, but the current height
3 setback ratio is only .38.

4 MR. FLAUM: It's because it's a
5 one-story.

6 MEMBER GOTTLIEB: I understand. So when
7 these are made, they are made for a reason to
8 keep a community looking -- there is light and
9 air between and among the houses. So all I am
10 saying is I would hope you would consider
11 asking for substantially less than six
12 variances and yet the pool may or may not be
13 another one or two. Because you asked.

14 MR. FLAUM: I like Edward Gottlieb. He
15 is always honest.

16 CHAIRMAN KEILSON: In the spirit, be
17 careful what you ask for.

18 MR. FLAUM: I need to know. If you are
19 not fully disclosing, I can't address these
20 items. Mr. Hiller, anything else?

21 MEMBER HILLER: My main concern is the
22 pool and the parapet. That's my main concern.

23 MR. FLAUM: Noted.

24 MS. DIAMOND: I would say my issue is
25 the pool and actually the front. I find the

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2 circular driveway leaves very little greenery
3 in the front. Right now there is a nice front
4 yard, and by doing this there will be less of
5 a front yard and I think that doesn't -- you
6 know, takes away from the character of the
7 village's look for the village is and I --
8 Sutton Place I don't think is any different
9 from any other street in the village of
10 Lawrence. It's not busier. Yes, it's off
11 Central Avenue, but I don't think it requires
12 a circular driveway.

13 MR. FLAUM: I am looking at the site
14 plan right now. I think we did a very good
15 job minimizing the amount of circular coverage
16 for the circular driveway. The majority of
17 the front and on Central is ceded as probably
18 within 50 percent of the one on Sutton, but I
19 can discuss with the client to see if there is
20 a way to minimize it further or eliminate it
21 but that's a discussion because I can't
22 make --

23 CHAIRMAN KEILSON: Would anyone from the
24 audience want to speak to the matter?

25 MRS. ADLER: Elsa Adler. 140 Hards but

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1 I am on the Sutton, so in other words, my
2 house is Sutton. Bernstein, Lebovic, and then
3 Brickman. That's how it went. I just want to
4 know, my concern is the front, the frontage.
5 Compared -- how does the house in the front
6 compare to the house next door? Does it go
7 further out? Or is it the same?

8
9 CHAIRMAN KEILSON: Okay, Mr. Flaum, do
10 you want to respond to that?

11 MRS. ADLER: If you are telling me with
12 the feet and inches it's like --

13 MEMBER GOTTLIEB: It's a great question.
14 We like hearing this.

15 MR. FLAUM: So on the survey that you
16 have in your packages, it says the average
17 front yard setback for all the houses going
18 further to Sutton Place is 25.4, and looking
19 at the existing house that is currently
20 adjacent to this corner house facing on
21 Sutton, we are a little more forward on the
22 garage but that house looks like it's
23 approximately 26 or 27 feet. I can give you
24 an accurate number when I come back for the
25 next one. But it's pretty much in line.

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2 MEMBER GOTTLIEB: I think that you can
3 say that it would be the same as where it is
4 now.

5 MR. FLAUM: Approximately, yes.

6 MEMBER GOTTLIEB: The house now is 28
7 feet and your proposal is mostly 25 feet.

8 MR. FLAUM: Right.

9 MEMBER GOTTLIEB: With a little bump out
10 at the garage.

11 MR. FLAUM: Right.

12 MS. DIAMOND: Does that answer your
13 question?

14 CHAIRMAN KEILSON: Please.

15 MS. BERNSTEIN: My name is Dina
16 Bernstein. I live at 69 Sutton Place in
17 Lawrence. I lived in the community for over
18 50 years at 69 Sutton Place, Lawrence. My
19 concern is the height of the house. All the
20 houses on that block are Lebovic's house and
21 my house are lower. This house is planning to
22 go up very high. That's my concern. The
23 height of the house.

24 CHAIRMAN KEILSON: Okay. So in reality
25 the houses are permitted to go to 36 feet and

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2 they are only going to 31; is that correct,
3 Mr. Flaum?

4 MR. FLAUM: Correct. Proposed to be
5 lower than the maximum allowable height.

6 CHAIRMAN KEILSON: I grant you it's not
7 the same as the other houses on the street,
8 but it would have been within their right to
9 actually go to 36 feet if it didn't impact
10 other areas. In other words, when the house
11 goes higher, depending on the size of the yard
12 next to it, it may violate some other issue
13 but the house is only -- only going to 31 feet
14 as opposed to 36 so it will be higher.

15 MS. BERNSTEIN: It will be higher?

16 CHAIRMAN KEILSON: Yes. In fact, what
17 is the Brickman house currently? What is the
18 current house?

19 MR. FLAUM: 26.7 to the highest ridge.

20 MS. BERNSTEIN: If it went as high as
21 the current house, I would -- the current
22 Brickman house, I would have no problem with
23 it.

24 CHAIRMAN KEILSON: Okay. Thank you very
25 much. Anyone else want to speak to the

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matter?

MRS. KATZ: Hello, how are you? How are you? Susan Katz, 1665 51st Street in Brooklyn. And 65 Sutton eventually. So you were saying that the glass --

(Discussion off the record.)

CHAIRMAN KEILSON: We find very often that we have been asked over the years to approve something and that they will somehow work it out. And that it's led to all types of issues because they didn't work it out. So rather we ask that everything be defined and approved or disapproved upfront so there is no confusion later on. And there are -- we have had issues now with pools where people want to put some sort of enclosure around it, retractable roof and the like, which is a new type of entity which we have never faced before, so we have to deal with it up front. This particular type of request we have never had before. Okay. So we have to be able to know what we are voting on. It needs definition.

MRS. KATZ: If it would be retractable,

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2 why is that a problem? Let's say it's low.

3 CHAIRMAN KEILSON: Then you basically
4 have a pool in your backyard.

5 MRS. KATZ: I don't. It's 8 feet down,
6 10 feet down.

7 CHAIRMAN KEILSON: But the effect might
8 be the same. In other words, why do we have
9 restriction on encroachments with pools?
10 Because pools by definition are noisemakers.
11 People swim, people play, people laugh, people
12 scream.

13 MRS. KATZ: They don't do that if we are
14 outside playing ball?

15 CHAIRMAN KEILSON: That's why precisely
16 you have restrictions on where pools can be
17 placed in the backyard. This pool, if it were
18 above ground or at the ground level, would be
19 a problem because you are encroaching on your
20 neighbor.

21 MRS. KATZ: What I am saying is let's
22 say there is no pool. I have got my
23 grandchildren over, I have got a playground in
24 the backyard. I have got a basketball thing.
25 They are playing, jumping, yelling. Why is

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2 that less noisy than kids swimming 10 feet
3 down in the pool?

4 CHAIRMAN KEILSON: Because pools
5 generally draw people to stand around the
6 pool.

7 MRS. KATZ: It's indoors.

8 CHAIRMAN KEILSON: It's not indoors;
9 it's open. You have a retractable roof.

10 MR. VACCHIO: Chairman, what if it was
11 not retractable?

12 CHAIRMAN KEILSON: Doesn't matter.

13 MEMBER GOTTLIEB: Mr. Flaum, can I ask
14 you a question? Did you do borings for water
15 table? Just thinking because you are going
16 into the basement and then 8 feet below.

17 MR. FLAUM: I think we did do borings
18 already.

19 MEMBER GOTTLIEB: I believe Temple
20 Israel's basement took on a lot of water. I
21 don't know if it was a low water table or just
22 poor engineering.

23 MR. FLAUM: I think our soil was very
24 good.

25 MR. VACCHIO: You can still request it.

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2 MEMBER GOTTLIEB: It's not my purview,
3 not my concern.

4 MR. FLAUM: Good to know but there might
5 be a much deeper basement.

6 MEMBER GOTTLIEB: It could have been the
7 engineering. The way Temple Israel was
8 constructed, it gathered water instead of
9 shedding it away. I don't know if it's a high
10 water table, but it seems to be the highest
11 point in Lawrence is Central Avenue.

12 MR. FLAUM: Noted.

13 CHAIRMAN KEILSON: Okay. So we have --
14 I think we heard the presentation.

15 MR. KATZ: One second. May I? Hi. My
16 name is Mr. Ray Katz. I live at the same
17 place my wife lives, which is 1665 51st and I
18 grew up in this area, so 17 Sutton Place and I
19 lived here many years before. I like the area
20 very much, so we are happy to be able to be
21 coming back.

22 The question is would it be possible
23 even if we do have to wait to get a permit for
24 us to be able to knock the house down because
25 at this point it's an eyesore and the whole

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neighborhood really wants it cleaned up. So that's really a request that I am making to see if we could do that and then afterwards Mr. Flaum could follow up with the details.

CHAIRMAN KEILSON: My concern is I am not sure which is worse. Which is a better or worse condition having a construction fence around an empty lot?

MEMBER GOTTLIEB: You mean there would be a construction fence, a wooden wall around the property?

MR. FLAUM: I don't know. I am not the contractor.

MEMBER GOTTLIEB: I am looking at you because you are the applicant.

MR. FLAUM: I am assuming to the best of my knowledge when they demolish the house, they are not going to fill it in with dirt just to unfill it again. So my guess is once they demolish the house, they would probably erect a construction fence for the purpose of keeping people out from getting hurt.

MEMBER GOTTLIEB: That might be worse.

MR. VACCHIO: You are going to still

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2 need a demo application.

3 MR. KATZ: I think the demo application
4 was filed.

5 MR. FLAUM: I think the contractor
6 filed, everything is in order. They are just
7 waiting for the living area to be granted
8 which it doesn't seem to be granted this
9 evening until we get more clarity.

10 MEMBER GOTTLIEB: I think it's not
11 something we have to address, but this is a
12 personal opinion. I don't like those wooden
13 walls. I think it's more difficult for
14 safety, for walking, for driving. You can't
15 see.

16 MR. KATZ: No problem. I figured it
17 would be enhanced, it would be more -- you
18 know, a little cleaner, but if you feel we
19 should wait --

20 CHAIRMAN KEILSON: Who is the
21 contractor?

22 MR. FLAUM: It's South Shore Building.
23 Jason Terramo.

24 MR. KATZ: He is going to be the one
25 knocking it down. He is doing that. The rest

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2 of the contractor we haven't decided yet.

3 MEMBER GOTTLIEB: Have them leave up the
4 tree in the front with the pretty orange
5 leaves.

6 MR. KATZ: We will try.

7 MEMBER GOTTLIEB: When we were there
8 yesterday, there was actually someone taking
9 pictures of it.

10 MR. KATZ: Oh, really? Okay. That's
11 good. Thank you.

12 MR. FLAUM: Is that the 36-inch diameter
13 one on the corner?

14 MEMBER GOTTLIEB: No. It was a little
15 orangey, reddish orange.

16 MR. FLAUM: You have to point it out to
17 me on the survey.

18 MEMBER GOTTLIEB: You can drive by.

19 MR. FLAUM: It might not be orange by
20 the time I get there.

21 MEMBER GOTTLIEB: Yesterday it was
22 there.

23 MR. FLAUM: Any other comments from the
24 Chair? Any comments?

25 CHAIRMAN KEILSON: No comments at the

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present time.

MR. FLAUM: We may have an earlier date.
We will see.

CHAIRMAN KEILSON: That would be a
burden on you to come up with the
specifications.

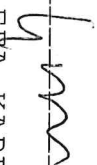
MR. FLAUM: I think we can do that.

CHAIRMAN KEILSON: We are adjourned.

(Whereupon the hearing concluded at 8:17

p.m.)

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



YAFRA KAPLAN

Court Reporter