

1 1/11/2023 - Fuchs

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5 INCORPORATED VILLAGE OF LAWRENCE
6 BOARD OF APPEALS

7
8 Village Hall
9 196 Central Avenue
Lawrence, New York

10 January 11, 2023
11 7:35 p.m.

12 APPLICATION:

Fuchs
18 Lord Avenue
Lawrence, New York

13 P R E S E N T:

14 MR. LLOYD KEILSON
Chairman

15 MR. EDWARD GOTTLIEB
16 Member

17 MR. PHILIP KERSTEIN
Member

18 MS. SYMA DIAMOND
19 Member

20 MR. ANDREW K. PRESTON, ESQ.
Village Attorney

21 MR. GERRY CASTRO
22 Deputy Village Administrator

23 MR. DANNY VACCHIO
24 Building Department

25 Yaffa Kaplan
Court Reporter

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2 CHAIRMAN KEILSON: Okay. Good evening,
3 ladies and gentlemen. Welcome to the Lawrence
4 Board of Zoning Appeals. Please turn off your
5 phones. If you do have a need to speak, go
6 out into the anteroom or whatever. Proof of
7 posting?

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

10 CHAIRMAN KEILSON: Okay. Let's review
11 the calendar and see what adjournments we
12 might have. The matter of Abittan, 247
13 Juniper Circle East. There was a request on
14 the part of an objector and the applicant
15 agreed to an adjournment and we have already
16 posted notice for February 1st. Everybody in
17 accord on that?

18 MR. CASTRO: Yes.

19 MR. PRESTON: Yes.

20 CHAIRMAN KEILSON: Badian, 145
21 Harborview South, also adjourned to the next
22 available date. Yet to be determined. Rubin
23 at 116 Harborview East, also an adjournment at
24 next available date. If they are prepared.
25 Grossman at 8 Sealy Drive, also an

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2 adjournment. Till the next available date I
3 would imagine. All right. So the sole matter
4 that we are dealing with this evening is Fuchs
5 at 18 Lord Avenue. They or their
6 representative, please step forward. Identify
7 yourself to the stenographer.

8 MR. FLAUM: Good morning, Chairman and
9 members of the Board. My name is Shmuel
10 Flaum, residing at 194 Wanser Avenue, Inwood,
11 New York 11096. I am here on behalf of my
12 client who is the owner of 18 Lord Avenue, Mr.
13 and Mrs. Fuchs, who are seeking variances to
14 install or relocate a currently detached
15 garage that's in their rear yard to their side
16 yard adjacent what's really their rear yard
17 but next to the side of the neighbor adjacent
18 and attached to their current home. They will
19 bring more practicable and functional garage
20 usage to their current situation where right
21 now, the garage is in disuse. It's not
22 currently used because it's so far back and so
23 far away from the house that it loses
24 practicality for actually parking there and/or
25 using it in any functional manner.

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2 So the proposal in front of you in your
3 drawing sets is to relocate the garage, move
4 it forward, attach it to the house, and also
5 becomes a segue into a mudroom that will take
6 you from the garage into the mudroom into the
7 house and becomes a much more functional
8 useful garage for the homeowners and their
9 family.

10 I am going to open up the code relief
11 that I have in front of me and go through
12 those items. I am going to go through the
13 code relief items we are seeking a request
14 from one by one.

15 The first item seeking a variance is
16 Section 212-12.1, maximum building coverage,
17 where you are permitted a maximum coverage of
18 3,444 square feet. The existing is 3,857
19 square feet. We are proposing 4,023 square
20 feet. It's an overage of 579 square feet or
21 approximately 16.8 percent. Please note the
22 existing building coverage is already over by
23 12 percent. So it's a net difference of 4.8
24 percent.

25 Item number 2 is seeking variance for

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2 Section 212-12.1, maximum surface coverage.
3 Where you are permitted 5,875 square feet, the
4 existing surface coverage is 5,797.5 square
5 feet. Our proposed is 5,967, an overage of 92
6 square feet or 1.5 percent.

7 Section 212-12.1, minimum rear yard
8 setback, where you are permitted or required
9 to have 40 feet, where existing is 26 feet 8
10 inches to the house currently without the
11 attached garage that we are proposing. With
12 the attached garage, it would be brought to 3
13 feet 11 inches to the garage and it's a --
14 sorry. Let me rephrase that. I apologize.
15 Twenty-six feet, 8 inches to the house
16 currently. The detached garage is currently
17 in the rear. It's 3 feet 11 inches from the
18 property line to the garage.

19 The proposed relocation of the garage
20 attached to the house will result in a net
21 side yard of 63 and a quarter inches which
22 brings the house setback much closer but
23 pushes the garage further away than it
24 currently is. So the overage there is
25 negative 33 feet 9 inches. Last but not

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2 least, by relocating the garage to the side of
3 the property, we are creating another variance
4 for Section 212-12.1, maximum rear yard
5 setback, height setback ratio. Where you are
6 permitted 0.55 ratio, the existing being 0.93,
7 we will be creating a proposed 1.88.

8 Those are the four variances we are
9 seeking relief from on this application.
10 Happy to take any questions from the Board. I
11 know that there may be questions and concerns.
12 As a note, before I go into it, I do have
13 letters from three of the neighbors submitted
14 to go into evidence. I believe it's Aber,
15 Ganz, and Plaut, all in support of the
16 variance application.

17 CHAIRMAN KEILSON: Who is the neighbor
18 to the left?

19 MR. FUCHS: Aber. My name is Shabsie
20 Fuchs, 18 Lord Avenue, Lawrence, New York.
21 And --

22 CHAIRMAN KEILSON: That neighbor is Aber,
23 the one most directly affected?

24 MR. FUCHS: Aber, the neighbor.

25 MEMBER GOTTLIEB: Who is Norman Blinder?

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2 MR. FUCHS: They moved. Aber bought
3 Blinder's house.

4 MEMBER GOTTLIEB: That's the same lot
5 number and Ganz is across the street and
6 Plaut?

7 MR. FLAUM: Plaut also across, 28 Lord.

8 CHAIRMAN KEILSON: Plaut is the corner
9 house of Lord and --

10 MR. CASTRO: Just want to note, I don't
11 see the addresses on here, but all the
12 signatures look different.

13 CHAIRMAN KEILSON: I believe the
14 previous hearing on this matter, there were
15 questions that arose regarding the curb cut
16 history so maybe just for the record --

17 MR. FLAUM: Just to reprise that one
18 once again -- we like opening old wounds --
19 during COVID, over the height of COVID when
20 the Building Department was closed, Mr. Fuchs
21 had done work without the benefit of a permit
22 that required a curb cut enlargement and the
23 Board of Building Design approval. After
24 completing that work, the applications were
25 made to correct and legalize the work that was

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2 done, and those applications were filed,
3 approved, and signed off. So there was an
4 enlargement of the curb cut to accommodate
5 more cars at the property since that was the
6 reason why they did the work in the first
7 place, and so that has now been rectified
8 accordingly.

9 CHAIRMAN KEILSON: He became a full-time
10 penitent as a result. They approved it; is
11 that what happened?

12 MR. FLAUM: Who?

13 CHAIRMAN KEILSON: Mr. Fuchs. He was a
14 penitent; he regretted he had done it without
15 permission.

16 MR. FLAUM: Yes. Unfortunately, there
17 were a lot of people who did work in the COVID
18 era without permits who had to apologize for
19 what they did.

20 MR. FUCHS: And pay fines. It's never
21 going to happen again.

22 MEMBER GOTTLIEB: The two-car extension
23 of the driveway is approved?

24 MR. FLAUM: It was approved.

25 MR. KERSTEIN: And permanent?

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2 MR. FLAUM: Currently, yes.

3 MEMBER GOTTLIEB: Who would have
4 approved that?

5 MR. FLAUM: In what respect?

6 MEMBER GOTTLIEB: Coverage, extending
7 concrete in front of the house? What -- was
8 it the Building Department? Building Design?

9 MR. FLAUM: Well, in terms of the front
10 yard surface coverage, they were under.

11 MR. CASTRO: Can I ask a question,
12 Shmuel, just for clarification? You
13 previously went through all of his existing
14 and proposed numbers, one of them being
15 surface coverage. Your existing calculations
16 did you omit -- were you omitting the
17 driveway, the allowance for the driveway going
18 back? Was that deducted? Because I think --
19 I mean, we realize that in reality, the
20 driveway is there. But it's very possible
21 that it was okay because the garage was
22 detached. Is that correct? Because that's
23 why the surface coverage number was likely so
24 much lower.

25 MR. FLAUM: Right.

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2 MR. CASTRO: Probably why it worked
3 previously.

4 MR. KERSTEIN: But if you now include
5 it --

6 MR. CASTRO: If you now include it, it's
7 there. It counts towards the numbers,
8 although by pushing the garage forward, you
9 also eliminated a lot of what was being
10 excluded previously.

11 MR. FLAUM: The deduction is no longer
12 counted because you are attaching it but in
13 reality you are really deleting or eliminating
14 a lot of excess coverage from the driveway and
15 from the property in general because you don't
16 have all that extent of pavement anymore.

17 MR. CASTRO: Just to answer your
18 question, the reason it worked before was
19 because it was detached.

20 MEMBER GOTTLIEB: Even though where it
21 was located?

22 MR. KERSTEIN: Because he isn't counting
23 the entire side concrete.

24 MR. FLAUM: It's like 70 feet. So 700
25 square feet of impervious surface that gets

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2 deducted.

3 CHAIRMAN KEILSON: You can bank it.

4 MEMBER GOTTLIEB: The proposed driveway
5 now counts as surface coverage where it did
6 not previously?

7 MR. FLAUM: Correct, the proposed.

8 MR. KERSTEIN: Did you count it that way
9 I think was the question.

10 MR. FLAUM: Yes. It's calculated on the
11 surface coverage diagram.

12 MS. DIAMOND: It looks like a very long
13 driveway and now you have -- and then you
14 added another two cars over there?

15 MR. FUCHS: Correct.

16 MS. DIAMOND: So it seems like there is
17 a lot of cars you can technically park over
18 there. My concern is of the detached garage
19 when you move it up, what are your plans with
20 regard to the shrubbery or the greenery that's
21 over there?

22 MR. FUCHS: Which greenery?

23 MS. DIAMOND: On the side by your
24 neighbor.

25 MR. FUCHS: It's my property, right?

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2 MS. DIAMOND: Is it going to stay there
3 because you are putting in a two-car garage?
4 That's going to have to come out, is it not?

5 MR. FLAUM: You are talking about the
6 trees that are on the property line?

7 MS. DIAMOND: On the property line.

8 MR. FLAUM: I don't think you are
9 touching those.

10 MS. DIAMOND: For a two-car garage?

11 MR. FLAUM: Why do you have to take out
12 the greenery that's on the property line?

13 MS. DIAMOND: Because if you look where
14 you are moving up the cars and --

15 MR. KERSTEIN: Look at the existing
16 picture.

17 MR. FLAUM: I am looking at the site
18 plan.

19 MR. FUCHS: We are still going to have
20 trees in between us and the neighbor.

21 MR. FLAUM: Even if you have to remove
22 the trees, I think we would want to have a
23 privacy screen between him and the neighbor
24 that he can install on the lot line. There is
25 going to be 6 feet of space that's going to be

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2 between him and his neighbor. But does the
3 neighbor maintain or care for that patch of
4 property between the driveway and your
5 property line?

6 MR. FUCHS: No. I mean, I have to pick
7 -- the landscaping -- of course, it's my
8 property. He actually asked me to cut down
9 one of the trees that were dead, and it would
10 maybe lean into his property so I got rid of
11 it, of course. There is a lot of dead stuff
12 there anyways, so once we do it, we will plant
13 fresh trees, you know.

14 MEMBER GOTTLIEB: So should this be
15 approved, you are willing to put up screening
16 for let's say where the house starts to the
17 end of the property? For your property as
18 well as for your neighbors?

19 MR. FLAUM: From here to the end of the
20 property -- well, I don't know if you can put
21 it where there is currently fences because you
22 would have to move the fences and it's not --
23 it's your neighbor's fence.

24 MEMBER GOTTLIEB: Well, it looks like
25 you have 6 feet 3 inches.

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2 MR. FLAUM: He is saying would you plan
3 from here to there?

4 MEMBER GOTTLIEB: So we can put
5 screening there. Would that be okay with you
6 if they put in screening?

7 MS. DIAMOND: My only other concern is
8 would that -- being so close a two-car garage
9 over there, I was wondering -- which I had
10 mentioned at our last meeting -- a one-car
11 garage. Especially if you need those spaces
12 for that extra space for parking already.

13 MR. FLAUM: So I heard your concern and
14 I don't know if I addressed it last time, but
15 I will address it in front of the owner. I
16 hear your concern but if you look at the
17 current garage, it's only half the distance.
18 It's only 3 feet away, and that's closer than
19 the actual structure that it utilizes. There
20 is a garage next to his and he has a pergola
21 in the backyard attached to the neighbor's
22 garage. If you take a look at the aerial
23 photo of the property, so it would be further
24 away from the space that the neighbor actually
25 uses and be less intrusive to his living space

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2 in the rear yard. So I don't know how that
3 would --

4 MS. DIAMOND: Who is "his"?

5 MR. FLAUM: The neighbor. The neighbor
6 has a garage, and attached to it is a pergola.

7 MS. DIAMOND: Correct.

8 MR. FLAUM: Part of his outdoor
9 entertainment area, I presume. The current
10 garage would be demolished and move forward
11 and that would create a barrier of, you know,
12 anybody going and bothering that neighbor.

13 MS. DIAMOND: Right but you are bringing
14 it up towards -- closer to the actual living
15 space now.

16 MR. FLAUM: Well, it's to the house, but
17 there is a driveway from the property line to
18 the house. So it's not really living space.
19 It's a driveway and it's at least 12 feet of
20 driveway between the property line and the
21 house so 6 plus 12 is 18 is 20 feet away from
22 the actual house itself, which I think is
23 still better than being 3 feet away from his
24 backyard where he is actually using his
25 backyard. He is not using his driveway. From

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2 a practical sense.

3 CHAIRMAN KEILSON: A practical
4 proposition.

5 MS. DIAMOND: Listen, if the neighbors
6 are okay, you have a letter from the neighbor?

7 MR. FUCHS: Rachel Aber.

8 MEMBER GOTTLIEB: I would like to go
9 back over surface coverage for just a moment.
10 So I understand you have the numbers. That I
11 understand. Surface coverage, you have
12 permitted is 5,875. Existing 5,797. So the
13 existing 5,797 --

14 MR. FLAUM: Takes into account the
15 deduction for the driveway.

16 MEMBER GOTTLIEB: Right. Okay. So that
17 is deducted. Meaning that you are not
18 counting it because it never counted. But now
19 when you have proposed, it's only 200 feet
20 more than existing?

21 MR. FLAUM: Right.

22 MEMBER GOTTLIEB: But now that this is
23 an attached garage, you have about 1,500 feet
24 of driveway that didn't -- that didn't count
25 before.

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2 MR. FLAUM: So the garage got smaller,
3 and not all of the driveway is deducted. The
4 driveway only -- I think only you deduct 10
5 feet of the width for the whole length. This
6 driveway is wider than 10 feet. It's almost I
7 would say 16 to 17 feet. So you are not --
8 you don't get to deduct the entire driveway
9 when you do that deduction for the detached
10 garage.

11 MEMBER GOTTLIEB: So you mean the
12 driveway previously was?

13 CHAIRMAN KEILSON: Part of it was
14 counted.

15 MR. VACCHIO: It starts from the front
16 line of the house to the beginning of the
17 detached garage.

18 MEMBER GOTTLIEB: Okay. So that was
19 approximately 20 feet wide by 70 feet deep.

20 MR. CASTRO: Which you only do 10 feet
21 wide.

22 MEMBER GOTTLIEB: What I am saying is it
23 looks like you are only adding 200 feet over
24 existing on paper.

25 CHAIRMAN KEILSON: That's the case.

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2 MEMBER GOTTLIEB: Even though you have
3 got this entire driveway that now counts as
4 surface coverage and it didn't before or
5 probably didn't before?

6 MR. FLAUM: Correct.

7 MR. CASTRO: But you also have to remove
8 the part that's being removed. You are
9 pulling the garage forward. I don't know how
10 much that is.

11 MR. FLAUM: A hundred percent.

12 MEMBER GOTTLIEB: But that didn't count.

13 MR. VACCHIO: I don't have a scale ruler
14 here, but if you look at the front line of the
15 house to the new proposed garage, it seems to
16 be about 30 feet would you say?

17 MR. FLAUM: Twenty-three feet to the
18 front of the house and then it's 56.3, so if
19 you subtract it, it's 23 foot 3.

20 MR. VACCHIO: So 23 times 10 is 230
21 square feet which is now added on.

22 MEMBER GOTTLIEB: But why aren't you
23 adding the entire 56.3?

24 MR. VACCHIO: Because everything else
25 was added on prior to this application. He

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2 only deducted 10 feet from the beginning of
3 the house to the beginning, but I see what you
4 are saying but I see it to be justifiable.

5 CHAIRMAN KEILSON: It all captioned, it
6 all landed out, and that's as shown.

7 MR. PRESTON: If there were screening
8 criteria, they were only mentioned off record.

9 MR. VACCHIO: Are we screening on the
10 record?

11 CHAIRMAN KEILSON: Well, they have no
12 issue with it I assume.

13 MR. FUCHS: No issue.

14 CHAIRMAN KEILSON: It will go onto the
15 record.

16 MR. VACCHIO: It will.

17 CHAIRMAN KEILSON: As part of the vote.
18 Any other questions? And there seems to be no
19 one in the audience. We are going to take
20 into consideration the discussion regarding
21 screening and we are going to take into
22 consideration the benefit to the applicant as
23 opposed to any detriment to the community and
24 we are going to ask the Board to vote and we
25 have Mr. Kerstein.

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2 MR. KERSTEIN: In favor.

3 CHAIRMAN KEILSON: Ms. Diamond?

4 MS. DIAMOND: In favor.

5 CHAIRMAN KEILSON: Mr. Gottlieb?

6 MEMBER GOTTLIEB: Despite that I don't
7 like the two-car driveway that was previously
8 approved and is not part of this application,
9 I vote in favor.

10 CHAIRMAN KEILSON: Okay. And I vote in
11 favor as well. And year and a half?

12 MR. VACCHIO: How high are we doing the
13 screening to start with? Six feet? Five
14 feet? Is there any particular number?

15 CHAIRMAN KEILSON: I am not stipulating.
16 Whatever the --

17 MR. VACCHIO: Building Department.

18 MEMBER GOTTLIEB: What does the Building
19 Department deem?

20 MR. VACCHIO: Five. Five feet.

21 MEMBER GOTTLIEB: It doesn't have to be
22 crazy. It will grow.

23 CHAIRMAN KEILSON: Okay, gentlemen.

24 (Exhibit A, Letters of approval, marked
25 for identification, as of this date.)

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2 (Whereupon the hearing concluded at 7:53 p.m.)

3 *****

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

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8 YAFFA KAPLAN

9 Court Reporter

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EXHIBIT

FOR ID.

Exhibit A

Letters of support

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