

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3
4 Village Hall
196 Central Avenue
5 Lawrence, New York6 November 27, 2017
7 7:35 p.m.8 APPLICATION: 5/7 Keewaydin Road
9 Lawrence, New York

10 P R E S E N T:

11 MR. LLOYD KEILSON
Chairman12 MR. EDWARD GOTTLIEB
13 Member14 MR. DANIEL HILLER
Member15 MR. AARON FELDER
16 Member17 MR. KENNETH A. GRAY, ESQ.
Village Attorney18 MR. GERALDO CASTRO
19 Building Department20 MR. DANNY VACCHIO
Building Department21
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24 Mary Benci, RPR
Court Reporter
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1 CHAIRMAN KEILSON: The next request for
2 extension comes from 5 and 7 Keewaydin Road. Is
3 there a representative here tonight? Please step
4 forward. Please identify yourself for the record.

5 MR. FISCHLER: Yosef Fischler, 280 Morris
6 Avenue, Inwood, New York 11096.

7 CHAIRMAN KEILSON: So we have your letter
8 which sets forth three reasons. One second. One
9 deals with the renewal fee, which is not within
10 our purview.

11 MR. FISCHLER: Right. That letter is --

12 CHAIRMAN KEILSON: That would be the Trustees
13 for discussion. The delays are attributable to
14 external forces. Let's see. So why don't you
15 expand on the external forces. Go ahead.

16 MR. FISCHLER: Just because of dealing with
17 and satisfying neighbor requirements and the stop
18 work orders that we went through, that took a lot
19 of significant delays to answer that up and slowed
20 us down. That's a big part of it and there were
21 more than a few.

22 CHAIRMAN KEILSON: Right.

23 MR. FISCHLER: So that's a big part of the
24 delays right now.

25 MEMBER HILLER: Have they all resolved?

1 MR. FISCHLER: Pretty much, yeah.

2 MEMBER HILLER: "Pretty much" means?

3 MR. FISCHLER: They are resolved at this
4 point. There's a few outstanding.

5 MEMBER HILLER: That means they're not all
6 resolved.

7 MR. FISCHLER: Well, they're resolved. The
8 actions are resolved. There's some monetary
9 discussions going on that we are going to satisfy
10 without an issue.

11 MEMBER GOTTLIEB: Monetary discussions in
12 terms of?

13 MR. FISCHLER: I'm just making sure everyone
14 is left that they feel that they weren't wronged
15 in any way.

16 MEMBER GOTTLIEB: Do you mean your
17 contractors or your neighbors?

18 MR. FISCHLER: Neighbors. Not the
19 contractors. Contractors, I mean, we filed all
20 legal protocol, Village protocol, law protocol to
21 rectify everything. But we want to make sure that
22 we're left with happy neighbors and not neighbors
23 that -- you know, we want to get along. So
24 action-wise we're all complete. Just, you know,
25 monetary, to make sure everyone is left happy.

1 CHAIRMAN KEILSON: Yes, we want happy
2 neighbors. So where are we in terms of the
3 project, I guess?

4 MR. FISCHLER: We are forming -- we finished
5 forming the second floor. We are doing rebar now,
6 bending rebar, and then should be pouring in about
7 two weeks.

8 CHAIRMAN KEILSON: What is your projected
9 completion date?

10 MR. FISCHLER: So I have a schedule from my
11 VP of construction here, which shows the projected
12 completion date of February 2019.

13 CHAIRMAN KEILSON: That's a year from
14 February. Mr. Castro, how does that assessment
15 look? How many years is this under construction?

16 MR. FISCHLER: It's been a while. I don't
17 know exactly. But we haven't -- we haven't
18 stopped because of internal reasons. So we've
19 been moving. We haven't left the site, you know,
20 unattended. We've complied with every safety and
21 every monitoring requirement around. So there's
22 really nothing, you know, that's slowed us down
23 for that, you know, reason.

24 CHAIRMAN KEILSON: And the projection?

25 MR. FISCHLER: We're asking for a two-year to

1 cover our bases. Because, you know, weather
2 delays, if it's a bad winter it's going to kill
3 us, so things like that. We don't know. So we're
4 asking for two years to cover ourselves.

5 CHAIRMAN KEILSON: Okay. Any comments from
6 the Board? Are we comfortable with two years?

7 MEMBER GOTTLIEB: The other option would be
8 one year and have him come back again. Clearly,
9 it will not be done in one year if they're first
10 pouring concrete now.

11 CHAIRMAN KEILSON: We'll mix the coffers of
12 the Village interest.

13 MEMBER GOTTLIEB: That's always our interest.

14 CHAIRMAN KEILSON: Okay. So Mr. Gottlieb,
15 are you comfortable?

16 MEMBER GOTTLIEB: I'm okay with two more
17 years.

18 CHAIRMAN KEILSON: Mr. Hiller.

19 MEMBER HILLER: Yes.

20 CHAIRMAN KEILSON: Mr. Felder.

21 MEMBER FELDER: For.

22 CHAIRMAN KEILSON: Thank you very much.

23 Two years. Tell Mr. Marks two more years and
24 that's it.

25 MR. FISCHLER: I will tell him that.

1 CHAIRMAN KEILSON: Have a good evening.

2 (Whereupon, the hearing concluded at

3 7:40 p.m.)

4 *****

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

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9 Mary Benci

10 MARY BENCI, RPR
11 Official Court Reporter
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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York

6 November 27, 2017
7 7:34 p.m.

8 APPLICATION: Central Sutton LLC
9 160 Central Avenue
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. DANIEL HILLER
17 Member

18 MR. AARON FELDER
19 Member

20 MR. KENNETH A. GRAY, ESQ.
21 Village Attorney

22 MR. GERALDO CASTRO
23 Building Department

24 MR. DANNY VACCHIO
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals. Please turn off your phones, and
4 please, no cross-conversations. If need be,
5 please step out and have your conversations in the
6 hall.

7 Proof of posting, Mr. Castro.

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

10 CHAIRMAN KEILSON: Very good. Thank you very
11 much.

12 Okay. We have two requests for extensions
13 which we'll deal with first. We have 160 Central
14 Avenue from Central Sutton LLC. Theirs expires on
15 February -- no --

16 MR. CASTRO: 2018.

17 CHAIRMAN KEILSON: February 2018. They're
18 asking for an extension of a year attributable to
19 the fact that the construction has taken longer
20 than anticipated.

21 Okay. Any discussion from the Board?

22 MEMBER GOTTLIEB: What percentage of the
23 construction is complete in your opinion?

24 MR. CASTRO: Approximately 80 percent
25 complete.

1 MEMBER GOTTLIEB: So they're almost done.

2 MR. CASTRO: Correct.

3 CHAIRMAN KEILSON: Okay. So Mr. Felder,
4 acceptable?

5 MEMBER FELDER: Yes.

6 CHAIRMAN KEILSON: Okay. So we'll talk about
7 a year's extension per their request.

8 (Whereupon, the hearing concluded at
9 7:35 p.m.)

10 *****

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue.
5 Lawrence, New York

6 November 27, 2017
7 7:40 p.m.

8 APPLICATION: Gordon
9 16 Sunset Road
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. DANIEL HILLER
17 Member

18 MR. AARON FELDER
19 Member

20 MR. KENNETH A. GRAY, ESQ.
21 Village Attorney

22 MR. GERALDO CASTRO
23 Building Department

24 MR. DANNY VACCHIO
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The first matter is Gordon
2 of 16 Sunset Road. Please identify yourself for
3 the record.

4 MR. GORDON: Larry Gordon, Esther Gordon.
5 Mr. Savaldi.

6 MR. SAVALDI: Amiel Savaldi, architect for
7 the Gordons. We were here in 2016, a year plus
8 ago, and the Board was kind enough to grant us a
9 variance. Since then, the Gordons tried to find a
10 contractor and they concluded that it was too
11 costly to build. So what we have in front of us
12 is a scaled-down version, as before we were
13 proposing to have an addition in front of the
14 garage and a second floor on top of the garage
15 that's on Mr. Kappel's side, and now we are
16 leaving it alone. As you can see here on the side
17 elevation, that's the existing garage with an
18 attic on top of it. That's on the Kappel side.

19 CHAIRMAN KEILSON: I'm sorry, the Kappel side
20 is?

21 MR. SAVALDI: Is the north side.

22 CHAIRMAN KEILSON: Let's work with north and
23 south.

24 MR. SAVALDI: Yes.

25 CHAIRMAN KEILSON: So we're not doing

1 anything on the north side?

2 MR. SAVALDI: We're not doing anything on the
3 north side. Instead we are adding a second floor
4 on top of the den, on the one-story den on the
5 south side. And the addition in the back on top
6 of the existing one story is remaining the same.

7 CHAIRMAN KEILSON: So what variances are you
8 seeking?

9 MR. SAVALDI: The variances are mostly due to
10 the existing conditions. We are not adding a
11 footprint. We are building a second floor on top
12 of the rear one story and the side one story. We
13 are requesting a surface coverage which, again,
14 we're not adding to it but it's there. Side yard,
15 side-yard aggregate --

16 CHAIRMAN KEILSON: Why don't you speak to the
17 ones that are existing. Building coverage is no
18 change, correct?

19 MR. SAVALDI: Okay. The building coverage,
20 the existing is 2,118 and it remains unchanged.
21 The surface coverage is 3,245 square feet; it's no
22 change. The side-yard aggregate required is
23 25 feet; we have existing 16 feet and 3 inches,
24 that remains the same. The north side is 10 feet
25 required; 9 foot 3 is what's existing and

1 remaining. And the south side is required again
2 10 feet, and we have 7 feet; it's unchanged. And
3 the last thing is the side yard height ratio
4 that's required is 2.2, and with the new addition
5 it's going to be 4.5. Again, this is on the same
6 footprint of the existing.

7 MEMBER GOTTLIEB: Mr. Savaldi, the addition
8 in the rear that doesn't trigger any variances; is
9 that correct?

10 MR. SAVALDI: That's right.

11 MEMBER GOTTLIEB: So we're really only
12 looking at the existing center of the building
13 above it.

14 MR. SAVALDI: Right.

15 MEMBER HILLER: I was going to ask that as
16 well. Are you building anything over and above
17 the variance you got last time?

18 MR. SAVALDI: No, it's less, because the
19 variance that we were granted included adding in
20 front of the -- in front of the garage over here
21 and in the back (indicating). And now we don't
22 have any new foundation. We're just building on
23 top of existing.

24 MEMBER HILLER: You're not adding anything to
25 the back of the house?

1 MR. SAVALDI: We're adding to the back of the
2 house but not footprint. We have the one-story
3 portion a couple of feet and we're building over
4 this.

5 MEMBER HILLER: Have you spoken to your
6 neighbor, I believe the Kleins, about how they
7 feel about having a wall facing them?

8 MR. GORDON: I tried to reach out to them.
9 They haven't been around. They got the letter
10 like everybody else within a few hundred feet of
11 the house. Some commented and I haven't heard
12 from them about it.

13 MEMBER HILLER: When you were going to build
14 on the south side -- the north side, I'm sorry.
15 When you were going to build on the north side,
16 what was the height/setback ratio?

17 MR. SAVALDI: It was -- I don't have the
18 exact number, but it was very similar I would say.
19 It was about a bit less because the setback is a
20 bit -- is a bit greater.

21 MEMBER HILLER: Because of the three feet.

22 MR. SAVALDI: Well, the north setback
23 existing is 9 foot 3 inches, and now on the south
24 we have 7 feet.

25 MEMBER HILLER: You didn't reach out to that

1 neighbor, Mr. Gordon?

2 MR. GORDON: No, I tried to. We were
3 unsuccessful. It's an actual wall. It's the same
4 distance from them as the rest of the house is
5 currently.

6 MEMBER HILLER: I understand that. There's a
7 different perception when you're facing an
8 indentation and a flat wall. This is a -- you
9 realize this is a very excessive overage.
10 Mr. Savaldi will tell you.

11 MR. SAVALDI: We could have made it -- we
12 could make the ratio much less if I had a shed
13 roof here, but I don't know that it would go with
14 the character of the house and the neighborhood if
15 I have a shed roof here. And the reason I have
16 such a severe ratio is because of the peak, and it
17 really comes only at one point here. So that's
18 the alternative.

19 MR. CASTRO: I just wanted to bring to your
20 attention on page A5 it actually does show a shed
21 roof. The rest of it is a gable.

22 MR. SAVALDI: If the Board would feel that it
23 would make a big difference, then we will make it
24 a shed roof. And again, there was an intention --

25 CHAIRMAN KEILSON: I'm sorry. Mr. Castro,

1 can you clarify?

2 MR. CASTRO: Page A5 shows the pitch.

3 MEMBER FELDER: A5?

4 MR. CASTRO: A5. Shows the pitch one way.
5 That's a shed roof.

6 MEMBER FELDER: So this (indicating)?

7 MR. CASTRO: Yeah, where everything slopes
8 down toward the neighbor. Page A6 shows a
9 different roof line, a gable end which matches
10 that.

11 MR. SAVALDI: We were going back and forth
12 and it was left over there. Again, when we --
13 last year when we were negotiating or talking with
14 Mr. Kappel, one of the things was the concern of
15 the privacy, and what we did here was we did not
16 show any windows here so they would not feel like
17 you're looking -- you're looking into them and
18 they'll have that sense of privacy.

19 CHAIRMAN KEILSON: Unfortunately, when a
20 neighbor who is most impacted is not here to
21 clarify one way or the other, it's difficult to
22 understand why he couldn't be reached.

23 MR. GORDON: They received notice like
24 everyone else did, and some commented to me and
25 some didn't.

1 CHAIRMAN KEILSON: As we know, people don't
2 necessarily --

3 MS. GORDON: We'll get it tomorrow. We'll go
4 knock on the door.

5 MR. SAVALDI: The Gordons believe they can
6 get consent, for them to sign a consent letter.

7 MEMBER HILLER: I guess they're arriving
8 tonight.

9 MR. GORDON: I'm not familiar with their
10 travel schedule.

11 MEMBER HILLER: Apparently you are.

12 MR. GORDON: No. I just know when they are
13 away. I didn't know when they left or when
14 they're returning.

15 MEMBER GOTTLIEB: Could you briefly speak of
16 the benefit, of the need.

17 MR. SAVALDI: Yes. The Gordons have several
18 kids in the neighborhood. They have a couple of
19 kids with families and when they host they really
20 have no place to go.

21 MS. GORDON: I had my mother coming over who
22 now is living with me most of the time. She takes
23 up a whole bedroom, and then when I have -- I
24 can't even have two of my six children come at any
25 time. One room runs into the other. The rooms

1 are not -- were never touched from the time that I
2 moved in. And even my bedroom is from 90 years
3 ago and the bathroom.

4 MEMBER HILLER: How many bedrooms do you have
5 right now?

6 MS. GORDON: How many bedrooms do I have? I
7 would say there's one that walks into another so
8 we consider that one because it's like a shared
9 bedroom.

10 MEMBER HILLER: Okay.

11 MS. GORDON: And then there's two, three. I
12 mean, there is like four bedrooms.

13 MEMBER HILLER: And how many will you have in
14 the new --

15 MS. GORDON: The bedrooms are larger and more
16 doable, that's all. So you don't have to walk
17 through one room to get to the other. And even my
18 bedroom, my bathroom is about two by two. And
19 I've lived in the neighborhood 24 years, and I
20 figured I married off five kids I'd like to have a
21 new bathroom. You know, I'm not looking for a
22 mansion. I mean, I'm just looking for living
23 space.

24 MEMBER HILLER: I understand. You realize
25 you're not extending the amount of bedrooms,

1 you're keeping the same.

2 MS. GORDON: I also have no closet space.

3 MEMBER HILLER: Well, now you certainly do.

4 MS. GORDON: Now I do.

5 MEMBER HILLER: Yes.

6 MR. SAVALDI: What we are creating is an
7 access. By having the rear addition, we can have
8 now a hall leading to the suite over the garage,
9 which before you had to go through another family.
10 So if you have the two families you can have
11 separation.

12 MEMBER HILLER: I do understand. And I also
13 am sympathetic to the design that you have. I
14 think the pitched roof the other way would affect
15 the design. I can see that. Even though I would
16 have liked to have seen a letter from the Kleins.

17 MR. GORDON: We'll get that.

18 CHAIRMAN KEILSON: We don't do things ex post
19 facto.

20 MEMBER GOTTLIEB: Subject to?

21 MR. GRAY: If you're closing the hearing
22 today, you're closing the hearing today.

23 CHAIRMAN KEILSON: Yes.

24 MR. GRAY: If you're not closing the hearing
25 today, you're not closing the hearing today.

1 CHAIRMAN KEILSON: Thank you, Counsel.

2 Is there anyone in the audience who wants to
3 speak to the matter?

4 CHAIRMAN KEILSON: Okay. Mr. Kappel, I see
5 you're really focusing on it.

6 Just introduce yourself to Mary, the
7 stenographer.

8 MR. KAPPEL: I'm Herman Kappel, 14 Sunset. I
9 am on the north side. I have to look at the
10 directions of the north and south to make a
11 decision.

12 So the Gordons were kind enough to have a
13 meeting with me earlier. And I was going out of
14 town, so basically I wrote a letter to the Board.
15 Basically, my concern was basically the privacy of
16 my bedroom which faces exactly across, and with
17 this development here my concerns are less.

18 CHAIRMAN KEILSON: Well, it's not affecting
19 you at all, actually.

20 MR. KAPPEL: Well, the look and the size, but
21 that's fine with me.

22 CHAIRMAN KEILSON: No, they're doing nothing
23 on your side.

24 MR. GORDON: I understand. He said it was
25 less.

1 CHAIRMAN KEILSON: He doesn't need an
2 interpreter.

3 MS. GORDON: There's always a window there.

4 MR. GORDON: The window is different sizes.

5 CHAIRMAN KEILSON: No conversation.

6 MR. GORDON: I'm addressing the Board.

7 CHAIRMAN KEILSON: On Saturday night you'll
8 have your radio show and have the opportunity to
9 talk as much as you want, but not here.

10 Yes, Mr. Kappel.

11 MR. KAPPEL: Basically, I'm okay with the
12 change they made. Basically, it doesn't affect me
13 very much. It's just a construction change, but
14 that's perfectly acceptable. They're good
15 neighbors.

16 MR. GORDON: Thank you.

17 MR. SAVALDI: Thanks.

18 MR. KAPPEL: Thank you.

19 CHAIRMAN KEILSON: All right, the benefit --
20 we have to weigh the benefit to the applicant as
21 opposed to any detriment to the community. It's
22 unfortunate we don't have the neighbor most
23 affected here tonight, but considering the size of
24 the project and how it's been scaled back
25 significantly from what it had been previously

1 approved, I will now place the Board to vote.
2 We'll start with Mr. Felder.

3 MEMBER FELDER: I am for.

4 CHAIRMAN KEILSON: Mr. Hiller.

5 MEMBER HILLER: For.

6 CHAIRMAN KEILSON: Mr. Gottlieb.

7 MEMBER GOTTLIEB: For.

8 CHAIRMAN KEILSON: And I'll vote for. And
9 we'll give you two years.

10 MR. SAVALDI: Thank you very much.

11 CHAIRMAN KEILSON: Board of Building Design,
12 Mr. Castro? Is that a yes?

13 MR. CASTRO: Yeah, yeah.

14 (Continued on the following page.)
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1 CHAIRMAN KEILSON: So it has to go to the
2 Board of Building Design.

3 MR. GORDON: Thank you.

4 CHAIRMAN KEILSON: Okay thank you.

5 (Whereupon, the hearing concluded at
6 7:54 p.m.)

7 *****

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

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12 Mary Benci
13 MARY BENCI, RPR
14 Court Reporter
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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York

6 November 27, 2017
7 7:54 p.m.

8 APPLICATION: SDIG Equities LLC/Rothman
9 347 Mulry Lane
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. DANIEL HILLER
17 Member

18 MR. AARON FELDER
19 Member

20 MR. KENNETH A. GRAY, ESQ.
21 Village Attorney

22 MR. GERALDO CASTRO
23 Building Department

24 MR. DANNY VACCHIO
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Okay. The next matter is
2 Rothman. Would they or their representative
3 please step forward.

4 DR. ROTHMAN: How are you?

5 CHAIRMAN KEILSON: Are we ready?

6 MR. SAVALDI: Good evening to the Board
7 again. I'm representing Dr. Rothman, who is an
8 acupuncturist and holistic medicine specialist.
9 She lives in the neighborhood for many years, and
10 she practices out of her house for the last
11 several years. Her patients are all from the
12 neighborhood, a lot of the Village of Lawrence are
13 patients.

14 And they have purchased this house, as you
15 can see here. It's right near the parking lot
16 here of Seasons and other commercial areas, and
17 this is the house. And we are not proposing to
18 add any square footage, just to, first of all,
19 repair the house, as the building is in very poor
20 shape, a very old house. And they had all kind of
21 additions during the years that don't have
22 foundations. So we propose to do foundation,
23 foundation work but only under existing floor
24 area. We're not adding any new floor area.

25 If you go through the plans, you'll see that

1 there is the treatment rooms, reception area for a
2 small group to sit. Sometime in the evening
3 Dr. Rothman is seeing a -- giving like a talk to a
4 small group. And as you can see here, the
5 elevation here shows the house exactly the way it
6 is now, only that we're going to renovate it and
7 have new material, new siding, new brick and new
8 roofing, clean it up, clean -- organize the
9 parking that currently is a disaster. It's all
10 kind of strangers parking there without
11 permission. And it became really a trouble spot
12 for the community in the last several years that
13 it was owned by the school. It wasn't really
14 serving any purpose. It was just random parking
15 and storage use.

16 MEMBER GOTTLIEB: Mr. Savaldi, can we just
17 get to the variance you're looking for succinctly.

18 MR. SAVALDI: Yeah. The variance really is
19 due to the parking. The use that we have is
20 requiring parking space for every 200 square feet.
21 And because of that we need -- we cannot provide
22 enough parking spaces. We are providing seven
23 spaces.

24 MEMBER GOTTLIEB: And the required amount is
25 fourteen?

1 MR. SAVALDI: Correct.

2 MEMBER GOTTLIEB: I have a question. Perhaps
3 it's logistics. How does your client buy a
4 property knowing that you need a change of use,
5 and she just bought this property a few months ago
6 knowing that it doesn't fit, that you're going to
7 need a variance?

8 MR. SAVALDI: The reason for it is that it
9 did not come up. We did not think that we will
10 need to have that change. The -- it was --

11 DR. ROTHMAN: Can I speak yet?

12 CHAIRMAN KEILSON: Please, just identify
13 yourself for the record.

14 DR. ROTHMAN: Sure. Dr. Deborah Rothman, I
15 guess the owner of 347 Mulry Lane. I'm sorry, I'm
16 not too familiar with how this works, but to
17 answer your question --

18 CHAIRMAN KEILSON: We're very informal.

19 DR. ROTHMAN: Okay, great, thank you, because
20 this is very nerve wracking.

21 On the original survey that I believe is on
22 file there, it actually shows in pencil that --
23 I'm not sure if it was the surveyor, that he
24 actually said recommended nine spaces. So we were
25 able to grant -- we actually made one of them

1 wheelchair accessible. And I'd like to address
2 that later on why that's so important and one of
3 the main reasons -- or one of the main purposes
4 rather for this building. But we were actually
5 able to get four, including the handicap
6 accessible, and three parking spots on the other
7 side, which don't even exist now. So we were able
8 to get seven. So when we saw nine, we really felt
9 that we can't possibly give land that's not there.
10 So we felt that that was very close. And we never
11 anticipated anything like fourteen. So that was
12 just a very big surprise in total in the
13 measurements. We're not changing the size of the
14 building.

15 CHAIRMAN KEILSON: It shouldn't be a surprise
16 to the architect. There's a formula. It's a
17 matter of square-foot usage. The fact that you're
18 renovating the basement and have so much use of
19 additional space has given rise to the need. And
20 I think we need some clarification as to how you
21 intend to use it.

22 You're a solo practitioner currently?

23 DR. ROTHMAN: Yes, I'm happy to answer that.
24 I'm a solo practitioner.

25 CHAIRMAN KEILSON: But you're showing here --

1 let's just for the record -- go ahead.

2 MEMBER GOTTLIEB: If I've read this right,
3 you've got four treatment rooms, four offices, a
4 break room for six, and seven bathrooms, right? I
5 mean, I'm just reading the plans briefly.

6 DR. ROTHMAN: Okay. I assume the numbers are
7 correct. So the way in my mind, so just to give
8 you a little bit of background of how we're
9 treating now, which I think would help clarify a
10 little bit. I live in Woodmere. I've resided in
11 Woodmere 25 years. It's two minutes away. Some
12 of the neighbors who I've actually met with I gave
13 them my business card which has my address.

14 I currently have two treatment rooms, I see
15 patients. I don't have a receptionist. I have an
16 on-line scheduling system which you can see on my
17 website. I currently treat back-to-back. So that
18 means if I have a patient scheduled, every
19 treatment is an hour.

20 This is not -- the reason that holistic
21 healing is so important today is because, as many
22 of you know there's a lot of insurance issues. If
23 you're going to your doctor's office today they
24 spend less than six minutes with you. There's a
25 bell that rings off after six minutes, they're

1 losing money.

2 So when you come to an acupuncturist, it's a
3 very different style of treatment. You're
4 spending an hour with the patient. So you don't
5 have turnover of cars, which is very relevant to
6 the matter at hand.

7 But what's important in the way that I see
8 patients, I stagger my appointments. So that I
9 see a patient at 8:00. I welcome another patient
10 at 8:30. The first patient is leaving by 8:45, so
11 there's an overlap of 15 minutes. The next
12 patient comes into the first room at 9:00.

13 The issue that I've run into is that right
14 now in my current office, which is a separate
15 entrance on the -- attached to my house, there's
16 two steps in. And I have many patients I treat
17 including, you know, from the whole community, but
18 especially in Lawrence I treat patients who suffer
19 from Parkinson's. I have patients who are
20 terminally ill, and who are wheelchair bound.
21 They can't get into my office.

22 For me, being I love what I do, I love
23 helping people feel better, it's what I live for.
24 So when somebody can't come to my office because
25 they can't be treated, that makes me feel

1 horrible.

2 So a big part of what was so appealing of
3 this particular venue is it gives me two things.
4 It gives me the space. So that if I have somebody
5 who has a disability who needs more time to be
6 assisted, because you have to get on the treatment
7 table, and if you have somebody with Parkinson's,
8 if anybody is familiar, as an example, with the
9 tremors you sometimes get locked in a position.
10 So what should take you a few minutes, you need to
11 give the proper care to have that patient get on
12 the table. Having an extra room is not -- I can't
13 physically treat more than two patients at a time.
14 But what it enables me to do is to clean up that
15 room to have that patient be comfortably seen. So
16 that's why we have the four treatment rooms
17 upstairs, so that I'm accessing two and I have
18 another one that can be used in that manner.

19 There's also one, I believe it's written on
20 the plans, that's says "moxa" on the upstairs
21 floor. It says "moxa" on it. There's an herb
22 that I burn that is for medicinal purposes, but it
23 smells like pot. There's no pot being used in my
24 office. It's a very famous thing that if you're
25 familiar with acupuncture and Oriental medicine.

1 So I created a separate room that I want to use
2 that has two windows in that room. It's a corner
3 room close to an exit door just for ventilation
4 purposes, because, quite frankly, I can't stand
5 the smell, and I just need that to vent. So that
6 answers the rooms upstairs.

7 The downstairs room I specifically set up
8 because I do lectures around the community. And I
9 brought up Parkinson's because I did give a
10 Parkinson's. The JCC in Cedarhurst has a
11 Parkinson's meeting every week, and I have
12 patients who participate in that and they actually
13 invited me in and I did a lecture, I think it was
14 about two months ago, and they specifically
15 requested we wish that you had in your office a
16 place that we could come and hold a meeting
17 once -- you know, quarterly. Not often, but that
18 we can come and you can show support for the
19 patients who you're seeing, that it could really
20 benefit them. So the downstairs floor is really
21 what I had in mind, and that's why that elevator
22 we really made accommodations to accommodate
23 people who physically need to get downstairs and
24 that was why that has those bathrooms.

25 The offices are just in terms of setup,

1 storage. We called it office. It's storage.
2 Meaning, the basement room, the basement floor is
3 meant for that purpose alone. The treatment rooms
4 are upstairs.

5 MEMBER HILLER: How many employees do you
6 have?

7 DR. ROTHMAN: None. It's all on me.

8 MEMBER HILLER: You have an employee break
9 room.

10 DR. ROTHMAN: I do. I put in an employee
11 break room because my intention is that at some
12 point I can have a receptionist so people can --
13 you know, I can go downstairs, a person can go
14 downstairs and there's a private place to eat.
15 There's also a laundry room because my biggest
16 expense is my laundry service I'm sending out
17 every day, so being able to have that there. So I
18 tried to make that and that's why I put that in
19 the basement because the basement is not really
20 being utilized as offices. That's like my extra
21 once in a blue moon for a lecture purpose.

22 CHAIRMAN KEILSON: The problem is that when
23 we issue a variance it goes with the land. So if
24 in five years you decide you want to retire and
25 pass it on to another series of doctors, multiple

1 doctors, then they will need all the parking. The
2 way you're describing it you really don't even
3 need the seven spaces.

4 DR. ROTHMAN: I don't even need the seven
5 spaces.

6 CHAIRMAN KEILSON: I understand but --

7 DR. ROTHMAN: But Mr. Keilson --

8 CHAIRMAN KEILSON: I have to finish.

9 DR. ROTHMAN: I'm sorry.

10 CHAIRMAN KEILSON: We have to look at it long
11 term.

12 DR. ROTHMAN: Sure.

13 CHAIRMAN KEILSON: Okay. And even the fact
14 that you're introducing the fact that you're
15 giving lectures quarterly may become monthly, may
16 become weekly, and then we have to deal with the
17 parking issue. And I would assume at this point
18 you haven't done a traffic study.

19 MR. SAVALDI: We have not.

20 CHAIRMAN KEILSON: So you're going to be
21 relying on the parking lot I assume?

22 MR. SAVALDI: Correct.

23 CHAIRMAN KEILSON: Okay, for the overflow.
24 That parking lot has heavy usage currently, okay.
25 That's a very big issue. Mulry has a very big

1 issue in terms of traffic.

2 Mr. Castro.

3 MR. CASTRO: Correct.

4 CHAIRMAN KEILSON: Could you just for the
5 record state what the problems are currently on
6 Mulry.

7 MR. CASTRO: There's basically illegal
8 parking in the turning lanes because there is no
9 shoulder and it doesn't exist on Mulry Lane.

10 MR. SAVALDI: Let me know when I can respond.

11 CHAIRMAN KEILSON: Please.

12 MR. SAVALDI: Okay. I fully understand the
13 Board's concerns, but I would like to point to
14 several things. To begin with, this is not a
15 residential that we are transferring into
16 something else. It was a church, then it was a
17 Republican Club. Then for the last several years
18 it was used with the yeshiva. So it was used as
19 public use for as long as it -- for many years.
20 So it's not like we changed the use here. So in
21 the same way --

22 CHAIRMAN KEILSON: Except you didn't --
23 you're referring to use of years ago, as well as
24 the fact that the yeshiva did use it for parking
25 and whatever they used it for.

1 MR. SAVALDI: No, they used it for --

2 CHAIRMAN KEILSON: Can I finish? The fact of
3 matter is the street has changed dramatically, and
4 now they're adding a gymnasium on that same
5 street, which will further exacerbate the traffic
6 and the parking issues.

7 MR. SAVALDI: I understand.

8 CHAIRMAN KEILSON: So by converting it, if
9 you come in and just have one floor with a limited
10 number of rooms and the like, then it would not be
11 seeking the parking variance. But by introducing
12 the fact that you've now renovated the two floors
13 you now have the requirement for the fourteen
14 spots.

15 DR. ROTHMAN: I just want to answer.

16 I have to tell you that I met with some of
17 the neighbors on the block, and I absolutely feel
18 their pain because I understand the congestion,
19 and that was one of the --

20 CHAIRMAN KEILSON: And you can relieve their
21 pain.

22 DR. ROTHMAN: I can relieve their pain, I
23 really can. Because I see the yeshiva and it's a
24 beautiful building, but unfortunately, the
25 accommodations were not made. And that's what's

1 so hard, because I feel like I'm one person and
2 I'm not looking for that kind of parking
3 congestion.

4 But what I want to answer is because I've
5 thought about everything you're saying. Honestly,
6 I thought about it for selfish reasons. No
7 patient is coming to me and looking for parking
8 for half an hour. The patients that I see, the
9 serious illnesses that I treat, people come to me
10 two to three times a week every week for a few
11 months. It's not like a doctor you go to once a
12 year for a checkup.

13 Nobody is coming to me -- and I have a few
14 patients who have been kind enough to show up in
15 the room, and they can vouch for this. If your
16 appointment is at 8:00, by 8:03 you're inside on
17 the table. I run like clockwork because I don't
18 have a receptionist and I have to run that way.
19 So there's no backlog with the traffic. There are
20 no issues like that. I would never build a
21 facility or a building, a structure for myself
22 that patients had to search for parking. So I was
23 very careful in terms of it served -- I didn't
24 understand, you're right, Mr. Keilson. I did not
25 understand the legalities of the 200 square feet

1 and the parking. But I knew that for my purposes
2 it was sufficient. So I was looking at it from
3 the other side.

4 But also to answer what you said, which is a
5 very valid point, about any kind of, you know,
6 open meeting for the community, again, serving the
7 community about a wellness discussion, something
8 that people were interested in, that would not be
9 during the day. Meaning, people are working,
10 people have lives. That would be on an evening
11 when the municipal lot is empty across the street
12 when my regular patients aren't there. So I'm not
13 seeing -- I can't be putting needles into people
14 at the same time as I'm giving a lecture. I just
15 can't physically do that. So I thought about
16 that.

17 So definitely I -- would it be using some of
18 the municipal lot? Yes, but that would be only
19 when the municipal lot is pretty much empty. The
20 municipal lot is only an issue on a Friday. I
21 don't work on Fridays, I should mention that. My
22 hours are -- it's on my website; it's a public
23 record. I work Sunday, eight to two. I work
24 Monday through Thursday, eight to seven. I have
25 very long hours, and that's treating back-to-back

1 straight. I really try to do the best for my
2 patients, but I don't work evenings. I'm not
3 there at night, so there's no burden on the
4 community. And I don't treat patients on Fridays
5 and Saturdays. So the Seasons parking lot is most
6 heavily -- if anybody is familiar with that
7 parking lot, Fridays is a disaster.

8 CHAIRMAN KEILSON: That's why we have a
9 traffic study. That's why we ask people to bring
10 a traffic study to buttress whatever their
11 position may be, number one.

12 Number two, I applaud your passion, and I'm
13 sure you're fantastic to your patients, and I'm
14 sure we could listen the whole night to their
15 plaudits about what you do. We have to look at
16 it, number one, tomorrow you may want to take in
17 an assistant or two assistants, okay. People do
18 -- entrepreneurial people like to expand their
19 businesses. You may want to expand your own
20 business, or such time as you may decide that you
21 want to curtail your practice and you're going to
22 sell the building to a different type of practice
23 where they're going to make use of the additional
24 spots where their turnover will be vastly
25 different than yours.

1 Mr. Gray, did you want to say something?

2 MR. GRAY: Just one thing that I did hear, I
3 believe I heard, was that it's possible that the
4 plans as submitted were not accurately labeled,
5 and if some of the space that we believe was going
6 to be used as office space that would go towards
7 the calculation in figuring out how many of the
8 200-square foot per parking spot. For instance,
9 and Mr. Castro I think earlier today had pointed
10 out that for instance the square footage for a
11 bathroom would be excluded from the calculation.
12 So if some of that space especially on the
13 basement level was actual storage, as opposed to
14 office or treatment facilities, I believe storage
15 would be excluded from the calculation. So if
16 this Board is concerned about the degree of a
17 variance that is being sought here, I think if it
18 was properly labeled that that percentage of need
19 would be reduced. So I don't know if the
20 applicant wants to take a look at that to see what
21 can be correctly labeled.

22 CHAIRMAN KEILSON: Maybe they would.

23 DR. ROTHMAN: I'm very open to that and I
24 appreciate that because, as a matter of fact, the
25 basement where it says offices, there was supposed

1 to be one office that was more -- I shouldn't even
2 say office. It was file cabinets for patient
3 records and the other two are storage. So I've
4 been so busy with getting ready for this that I
5 didn't even see this.

6 But there was supposed to be the open
7 activity area. The break room and laundry room
8 are supposed to be there. The two, you know,
9 handicap-accessible bathrooms and the elevator.

10 MR. SAVALDI: So the basement can be reduced
11 by half I can say. Half of the basement can be
12 designated as storage and removed from the
13 calculation, roughly.

14 DR. ROTHMAN: In other words, there's three
15 offices marked which would be storage.

16 MEMBER FELDER: It would be more than half.
17 You can do -- the open activity area could be made
18 more storage. The reception area you wouldn't
19 need.

20 MR. SAVALDI: We're talking about that half.

21 MEMBER FELDER: The employee break room could
22 be made technically smaller.

23 MEMBER GOTTLIEB: If you make the open
24 activity area storage, then where is she going to
25 hold these classes, the storage room?

1 MEMBER FELDER: No, not the whole thing, not
2 the whole thing, but you can certainly reduce it.

3 MEMBER GOTTLIEB: When you hold your classes,
4 you're going to have ten, twenty people?

5 DR. ROTHMAN: Yes. Again, there's no way to
6 know, but that's what I would anticipate. We're
7 not talking about something that -- whenever I
8 talk, I speak on very specific topics. So it's
9 not something where you have, you know, 80 people
10 showing up. It's usually fifteen people, ten
11 people, depending on the night, and it's not
12 often. I don't have the time. I'm treating
13 patients. So I wish I had the chance to do it
14 more often, but it's not going to be.

15 CHAIRMAN KEILSON: Hold just for a moment.
16 Anyone else wants to speak? Do you want to speak
17 to the matter?

18 MR. HYAMS: Yes. My name is Rich Hyams,
19 H-Y-A-M-S. I live 376 Mulry Lane in Lawrence.
20 And I would just like to comment that like you
21 mentioned before that you need a traffic expert or
22 study, I am that person. I have lived there for
23 27 years. I have seen it all.

24 CHAIRMAN KEILSON: You're a professional or
25 you're a homemade?

1 MR. HYAMS: I am a professional amateur at
2 that. I have seen cars, so you know.

3 CHAIRMAN KEILSON: Okay.

4 MR. HYAMS: And yes, as Mr. Castro said,
5 there is a lot of traffic. There is a lot of --
6 which, basically, not to be rude, but it was sort
7 of like put upon us with the yeshiva, you know,
8 decision, which, okay, we're living with it.
9 We're -- you know, some other people aren't living
10 with it, but you know, we are, our side is.

11 Deborah -- can I call you Deborah?

12 Deborah came to my house the other day and
13 introduced herself. And as soon as she said I am
14 going to be at 347 Mulry and parking and things
15 like that, I said, oh, man, I can't wait to come
16 here, you know, finally, whatever it is.

17 But getting to the -- getting to the point,
18 just from -- you know, I would welcome a neighbor
19 like her. I would welcome --

20 DR. ROTHMAN: Thank you.

21 MR. HYAMS: You're welcome.

22 And I would welcome the services that she's
23 doing, and I wouldn't really care about a doctor
24 eight years up or ten years. You look like you're
25 going to stay for a long time though, I would

1 imagine.

2 DR. ROTHMAN: I spent a lot of years in
3 school.

4 CHAIRMAN KEILSON: Let's stay on point.

5 MR. HYAMS: I mean, something like that will
6 add to the -- you know, drab dreariness of the,
7 you know, Mulry Lane type of thing that, you know,
8 we're helping, you know. People are willing to --
9 I am. Well, nobody else came. But I am willing
10 to put up with a little extra traffic.

11 And as far as like having meetings, my
12 suggestion might be that the school has a big gym
13 that they're making, and they were saying -- I
14 have the -- you know, I have all the, you know,
15 all the transcripts from it saying they would
16 welcome people using their gym and their --

17 CHAIRMAN KEILSON: They'll host her sessions?

18 MR. HYAMS: Her meetings and things like
19 that. So that would be -- you know, all the
20 neighbors would be getting together which would be
21 really something that would be good for Lawrence,
22 for the area, for, you know, especially the
23 patients who probably deserve it more than, you
24 know, anybody else.

25 CHAIRMAN KEILSON: Thank you very much.

1 MR. HYAMS: You're welcome.

2 CHAIRMAN KEILSON: Anybody else? Anyone else
3 in the audience?

4 DR. ROTHMAN: There's a couple of people in
5 the audience. They also have some signatures.

6 CHAIRMAN KEILSON: Dr. Rothman, just wait.

7 DR. ROTHMAN: I'm sorry.

8 MS. FELDER: Jennie Felder, 105 Barrett Road,
9 Lawrence, and a patient of Dr. Rothman.

10 Just want to say that, you know, I've been to
11 her many times. I've never seen -- I think twice
12 I've seen one other person in the waiting room.
13 And the whole point is you walk in, it's very
14 calm, it's very quiet. It wouldn't even be
15 consistent with her philosophy or her practice if
16 there was a big waiting room full of people. So
17 it's very calm.

18 I've come late; she doesn't keep me late if I
19 come late. Then, you know, that's taken off of my
20 time.

21 So you know, it's really -- there's only
22 another person there if, you know, they came early
23 before I'm leaving. It's an overlap of a few
24 minutes. So I can't -- you know, I've parked in,
25 you know, her driveway, in front of her house.

1 There's never been more than another car in front
2 of her house in the years that I've been going to
3 her as a patient.

4 CHAIRMAN KEILSON: Thank you very much.

5 MS. GORDON: And I too am a patient, and I
6 have to tell you it's a very Zen-like experience.
7 The whole point is I never get to see one other
8 person; it's a very personal thing. I've always
9 walked right into the room. So it's not the type
10 of doctor's office that you're imagining. It's a
11 whole different experience. So I can't imagine it
12 would be a hullabaloo.

13 MR. HYAMS: I'd like to say one more thing
14 real fast. If she needs a space or two, my
15 driveway is -- she's welcome. You know, she can
16 use a space, that is, you know.

17 CHAIRMAN KEILSON: We'll put that in your
18 deed.

19 MR. HYAMS: Yes, definitely. I mean, I can
20 take four or five cars and double garage, so you
21 know. I don't know if they can get out but --

22 CHAIRMAN KEILSON: Any other testimonials?

23 MS. TSADIK: Hi, how are you?

24 I've been seeing --

25 CHAIRMAN KEILSON: State your name.

1 MS. TSADIK: Tahila Tsadik, T-S-A-D-I-K. I
2 live in Lawrence. I've been seeing Deborah for
3 probably over a year, and you know, like everyone
4 else said, it's very quick. You go in, you're
5 seen right away. It's not like -- it doesn't
6 bring any extra traffic to the neighborhood. It's
7 a quiet environment. It's somewhere you go to
8 like be cared for and relax. It's not -- it's not
9 like a typical doctor's office where you're
10 circling for parking. You're in, you're out, you
11 go on with your day.

12 CHAIRMAN KEILSON: Thank you very much.

13 We have more. Is there a bus outside?

14 MR. GRAY: Where they'd all park?

15 MR. FRISCH: My name is Jonathan Frisch.
16 Yeah, same. I just want to back up what everybody
17 else here says. I've been a patient for a few
18 months. It's a very quiet, private experience.
19 You very rarely see another patient coming in.
20 The timing as Dr. Rothman described is very exact.
21 So I'm a half hour and very rarely see other
22 patients and have no issues parking at all on the
23 private street. It's a very simple experience.

24 CHAIRMAN KEILSON: Right. Thank you very
25 much.

1 Mr. Savaldi, where are you? I think what we
2 need is a revision of the downstairs, and I don't
3 think you should do it on one foot standing here
4 right now.

5 MR. SAVALDI: I can even do that. It's that
6 easy.

7 DR. ROTHMAN: Can I just ask, can I add
8 something else?

9 CHAIRMAN KEILSON: Sure.

10 DR. ROTHMAN: Is that okay? I have
11 signatures from the four people. I can give you
12 the lot numbers; I highlighted them.

13 CHAIRMAN KEILSON: That's very important,
14 yes.

15 DR. ROTHMAN: This is what I went around with
16 when I met the other day, right before
17 Thanksgiving. He was kind enough to explain to us
18 how he felt. And as I said earlier, I heard him.

19 These are four signatures from the immediate
20 -- if you look here, you know, the two immediate
21 neighbors across the street, the ones who face
22 this horrible disaster of a property right now,
23 which is what it is.

24 I think you're all familiar with the former
25 Republican Club. It was amazing in the heyday,

1 but it's been absolutely left to shambles right
2 now.

3 I also have signatures from the two people on
4 either side. So I'm happy to provide this. The
5 pages inside of here are -- it was raining in the
6 morning when I went around, so I stuck it in
7 plastic, but that shows the letter that I went
8 with which was submitted to the committee by
9 Mr. Savaldi.

10 The other thing is here I have four signed
11 letters that were submitted to the committee
12 today. Thank you so much. These are all from --
13 every one is from a member of Lawrence, they live
14 in Lawrence, and these are all people who, once
15 again, say exactly what you heard from my patients
16 who are kind enough to show up and support, which
17 is that I'm only one person. I can only treat
18 staggering appointments.

19 The other thing is I actually pulled this off
20 of Google today, Google Maps, in preparation. In
21 between patients I went to Google Maps and I
22 printed this. I just want to show you, and this
23 you're familiar with with the parking. This is
24 what it looks like.

25 CHAIRMAN KEILSON: Could you direct it here.

1 DR. ROTHMAN: I'm sorry. The parking
2 disaster, the building disaster, and then this one
3 is the gaping holes that are inside the building.
4 The building is falling apart, and I'll be very --
5 I hope I'm not speaking disrespectfully, but
6 there's not many people who are in my position who
7 could buy this property, because you cannot expand
8 the footprint and --

9 CHAIRMAN KEILSON: Well, to be fair, the
10 record will reflect that the school represented
11 they were going to knock down that house and use
12 it for parking to alleviate the congestion on
13 Mulry. So if there's any aggrieved party it's the
14 Board who, I should say, has been misrepresented
15 to by the institution on that street.

16 DR. ROTHMAN: And I'm sorry for that
17 unfortunate thing, because as I said, if I lived
18 on that block, it's a mess. But it's not -- I'm
19 not -- you know, we can't go back. We can only go
20 forward.

21 CHAIRMAN KEILSON: We're not coloring you
22 with that brush.

23 DR. ROTHMAN: Exactly. I can't do anything
24 about that. I can only explain the purpose for
25 me.

1 CHAIRMAN KEILSON: Okay, okay.

2 DR. ROTHMAN: We're good?

3 CHAIRMAN KEILSON: We are waiting for
4 Mr. Savaldi to give us new numbers.

5 Mr. Savaldi.

6 MR. SAVALDI: I have the sketch. I can
7 present it.

8 CHAIRMAN KEILSON: We need to know how many
9 parking spaces you require on your redraft, if you
10 can give that to us.

11 MR. SAVALDI: Well, I'll be able to reduce it
12 to -- I'll be able to reduce it to ten on that, at
13 least.

14 CHAIRMAN KEILSON: We don't vote on around.

15 MEMBER GOTTLIEB: We need to know the square
16 footage.

17 MR. CASTRO: What's the square footage?

18 MEMBER GOTTLIEB: Can we do the square
19 footage? What's the square footage on the first
20 floor and the square footage on the second floor?

21 MR. SAVALDI: I have a sketch showing what
22 we're going to do storage, and we'll make sure
23 that we provide all the parking that's required
24 for the remaining space.

25 MR. GRAY: I guess what's being asked though,

1 the first floor you're going to leave alone. So
2 we know what the square footage is on the first
3 floor, and we know how many parking spots on the
4 first floor. I think it's six, correct?

5 MR. VACCHIO: On the first floor is six.

6 MR. GRAY: So on the second floor and
7 revising the plan --

8 MR. VACCHIO: No, excuse me. The basement is
9 six. The first floor is eight.

10 MR. GRAY: So on the bottom floor, the
11 basement floor, currently, as proposed you need
12 six parking spaces because it's at least
13 1,200 square feet on the basement level. Based on
14 your proposed revisions, how much of that square
15 footage remains as usable space, for lack of a
16 better word, on the basement level?

17 DR. ROTHMAN: Does this include the bathroom
18 and laundry room as usable space?

19 MR. GRAY: No, that was excluded. That's not
20 counted.

21 MR. SAVALDI: I would say 200 square feet
22 remaining, so we need one space there.

23 MEMBER HILLER: You have over 700 square feet
24 between the reception and open activity area.

25 MR. SAVALDI: Yeah.

1 MEMBER GOTTLIEB: It was 1,267.

2 MR. GRAY: If that's what you're proposing,
3 then what this Board --

4 MR. SAVALDI: 300, it will be 300 square
5 feet, and the garage, which is a car and a half.

6 MR. GRAY: Right, which is two cars, because
7 you can't have --

8 MR. SAVALDI: We average it with the
9 upstairs.

10 MEMBER GOTTLIEB: So the current basement
11 1,267 square feet of usable, is that a number
12 that --

13 MR. SAVALDI: The first floor?

14 MEMBER GOTTLIEB: The basement level. Gerry,
15 that's the number I got from you earlier, 1,267?

16 MR. CASTRO: The basement area?

17 MEMBER GOTTLIEB: Or Danny?

18 MR. VACCHIO: It's 1,267.

19 MR. CASTRO: Yes. Already the bathrooms and
20 laundry room have been excluded from that number.

21 MEMBER GOTTLIEB: I just want to come up with
22 the right number, whatever it is, if it's ten
23 spaces, eleven, nine, let's just get it right and
24 get it now.

25 MR. SAVALDI: We'll have 300 square feet of

1 office space downstairs.

2 MEMBER GOTTLIEB: So you're --

3 MR. SAVALDI: We'll go down to 300.

4 MEMBER GOTTLIEB: You're removing 800 feet,
5 867 feet?

6 MR. SAVALDI: Yes.

7 MR. GRAY: It's relabelling it, not really
8 removing it.

9 MR. SAVALDI: I can show you the --

10 CHAIRMAN KEILSON: I'll tell you what, let's
11 go off the record for a moment.

12 (Whereupon, a discussion was held off the
13 record.)

14 CHAIRMAN KEILSON: Okay. Back on the record.
15 So the request from the applicant is?

16 MR. SAVALDI: As I said, we will reduce the
17 office space in the basement to 300 square feet
18 maximum.

19 CHAIRMAN KEILSON: Repeat.

20 MR. CASTRO: 246 square footage.

21 MEMBER GOTTLIEB: Really, from 1,200?

22 MEMBER HILLER: What happened to the open
23 activity area?

24 MR. SAVALDI: Storage.

25 MEMBER HILLER: The open activity area became

1 storage?

2 MR. GRAY: They're going to store people.

3 MEMBER GOTTLIEB: How are you going to use it
4 for public assembly if it's labeled storage?

5 CHAIRMAN KEILSON: They're going to use the
6 gymnasium.

7 MEMBER GOTTLIEB: Is that for real?

8 MR. SAVALDI: Pardon me?

9 MEMBER GOTTLIEB: You're not going to use the
10 lower level for public assembly?

11 MEMBER FELDER: If they do, it will be in
12 246 square feet.

13 CHAIRMAN KEILSON: Okay. So again, let's --
14 what are you requesting? And what do we require
15 then, Mr. Castro?

16 MR. CASTRO: Ten spaces.

17 CHAIRMAN KEILSON: And on the site we have
18 seven spaces.

19 MEMBER HILLER: And three over there.

20 CHAIRMAN KEILSON: Talking about overflow of
21 three. Since we had the traffic expert already
22 testify that there's more than adequate, okay.

23 MEMBER GOTTLIEB: If those are the numbers,
24 okay. Did you say you have four signatures from
25 neighbors?

1 DR. ROTHMAN: I do, yes. Do you have that?

2 CHAIRMAN KEILSON: Yes, she submitted them.

3 It's part of the record.

4 DR. ROTHMAN: Those are the letters, but
5 there's also in that plastic right there those are
6 the four signatures from all of the closest
7 property owners.

8 MEMBER GOTTLIEB: I think we know that the
9 residents on Mulry Lane can be particularly vocal
10 when it's something they are adamantly against, so
11 this is nice that they are supporting you.

12 CHAIRMAN KEILSON: That's exceptional.

13 MEMBER GOTTLIEB: Isn't it?

14 CHAIRMAN KEILSON: Between the neighbors and
15 the testimonials from the patients.

16 MEMBER GOTTLIEB: And the contribution of
17 parking spaces.

18 CHAIRMAN KEILSON: Correct. No question
19 about it.

20 So weighing the benefit to the applicant as
21 opposed to any potential detriment to the
22 community and the like, taking into consideration
23 the very passionate presentation from the
24 applicant, which of course just swayed the Board
25 immeasurably, we'll now go for a vote and start

1 with Mr. Felder.

2 MEMBER FELDER: I am very much for.

3 CHAIRMAN KEILSON: Mr. Hiller.

4 MEMBER HILLER: More than him.

5 CHAIRMAN KEILSON: Mr. Gottlieb.

6 MEMBER GOTTLIEB: This was quite a turnaround
7 of what I was expecting. I am for this
8 application.

9 CHAIRMAN KEILSON: Right. So you can pull
10 the pins out. And I vote for as well. I wish you
11 great success, and you have two years.

12 MR. CASTRO: Two years. And Mr. Savaldi, are
13 you changing the facade, the exterior of the
14 building?

15 MR. SAVALDI: Yeah.

16 MR. GRAY: Will you submit revised plans
17 consistent with this?

18 MR. SAVALDI: Absolutely.

19 MR. GRAY: Thank you.

20 (Continued on the following page.)
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DR. ROTHMAN: Thank you so much.

MR. SAVALDI: Thank you.

(Whereupon, the hearing concluded at
8:30 p.m.)

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

Mary Benci

MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York

6 November 27, 2017
7 8:30 p.m.

8 APPLICATION: Warshawsky
9 211 Harborview North
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. DANIEL HILLER
17 Member

18 MR. AARON FELDER
19 Member

20 MR. KENNETH A. GRAY, ESQ.
21 Village Attorney

22 MR. GERALDO CASTRO
23 Building Department

24 MR. DANNY VACCHIO
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is
2 Warshawsky. Will they or their representative.

3 For the record, give your name.

4 MR. WARSHAWSKY: My name is Mendel Marc
5 Warshawsky, 211 Harborview North. And this is my
6 architect, Jordan Rosenberg, and my wife.

7 If you don't mind, my next-door neighbor is
8 here. We didn't realize it would take so long.
9 Can he make a quick statement so he can go?

10 CHAIRMAN KEILSON: Certainly.

11 MR. WARSHAWSKY: This is the neighbor on the
12 right of my house if you're looking straight at
13 the house.

14 CHAIRMAN KEILSON: State your name for the
15 record.

16 MR. DEUTSCH: Ron Deutsch, 205 Harborview
17 North. I reside on the right. I don't know if it
18 is north or south.

19 CHAIRMAN KEILSON: The west side.

20 MR. DEUTSCH: The west side of the property.
21 I'm aware of the flooding situation in Lawrence
22 Bay Park and how serious the Village is about
23 that, specifically the residence in question, and
24 his other neighbor to the left of him we've
25 endured that for years, the Katz family as well.

1 We were required and satisfied the Village request
2 three to four years ago to install four monstrous
3 dry wells almost four years and since then have
4 not had any pools of water, flooding runoff to any
5 of our neighbors, and our grass and property have
6 survived through many storms, as the Chairman can
7 attest to since, of course, he has a bird's eye
8 view of our property 24/7. I hope you agree,
9 Mr. Keilson. And the Warshawsky family can concur
10 with that as well.

11 I don't profess to be an engineer, and if the
12 Warshawskys install or share dry wells on the
13 property I can guarantee you that there will be no
14 flooding in that area. I heard that that was a
15 big concern of the Board, and I can guarantee you
16 that it's on record the dry wells that I installed
17 in my property three years ago due to new
18 regulations I have not had any flooding whatsoever
19 in my property since this occurred. Not one.

20 On a serious note, if I may, you may not want
21 to hear this, but we are aware of the issues and
22 concern of the Village. By no means we are
23 disrespecting, my family and I, my wife and I, the
24 rules and regulations of the requirements of
25 construction in the Village of Lawrence. We are

1 simply, my wife and I as well, are requesting you
2 to look at a higher authority. Some of you who
3 sit on the Board know the stress and tumultuous
4 past the Warshawks have endured in their lives.
5 My wife I, due to their stresses, we realize that
6 God has given them another chance to raise and
7 grow their family without prejudice, and as a
8 result, besides taking into account the prevention
9 of flooding in the backyard, which we're all
10 concerned about, we have no objection to their
11 construction and hope the Board will find in their
12 favor without any prejudice and assist them with
13 their situation to help them complete their
14 project.

15 Thank you.

16 CHAIRMAN KEILSON: Okay, thank you.

17 MR. WARSHAWSKY: Thank you.

18 I'd like to say I had no idea that that was
19 in the statement. We just wanted their support
20 and they support our construction.

21 Let me say the neighbor to the other side of
22 us has just been -- well, the wife is unable to be
23 here because she's giving a lesson, and the
24 husband she didn't want him to come for fear that
25 he might be too impassioned, but they support our

1 -- we've had discussions with them, and they
2 support our construction as well.

3 CHAIRMAN KEILSON: We saw passion works with
4 the prior application.

5 MR. WARSHAWSKY: Well, I think that it's
6 probably better that he's not here.

7 And then the last thing that I'm going to say
8 is that when we addressed the need, since I'm
9 already speaking, and my parents-in-law are here
10 as well. My parents-in-law as well as my parents
11 are both elderly and somewhat infirm, and often
12 stay the weekend with us and often together as
13 well. And that's why we put a bedroom on the
14 first floor in order that they shouldn't have to
15 go up steps. That's why we have an extra bedroom
16 on the second floor, which is a guest bedroom.
17 And that's pretty much our need.

18 The rest of our need is like any other home
19 in Lawrence. I mean, we are -- in particular, we
20 live behind the synagogue so we often host people
21 as well. But those are our needs as far as why
22 we're requesting the things that we are.

23 I'll leave the rest for the architect.

24 Thank you.

25 MR. ROSENBERG: Good evening.

1 CHAIRMAN KEILSON: Good evening. Your name
2 and address for the record.

3 MR. ROSENBERG: Certainly. Jordan Rosenberg,
4 architect of record. My business address or the
5 address of the project?

6 MR. GRAY: Your business address.

7 MR. ROSENBERG: 27 North Broad Street,
8 Ridgewood, New Jersey.

9 CHAIRMAN KEILSON: Welcome.

10 MR. ROSENBERG: Thank you.

11 We feel that we have made significant strides
12 to reduce the number of variances since our
13 previous application. We've also reduced the size
14 of the variances as well as the number of them.
15 We went from seven variances down to four
16 variances, and the four variances that are
17 remaining are further reduced.

18 We've shrunk the house 700 square feet in
19 living space. I know this breaks my clients'
20 heart to hear that, but we recognize that
21 concessions have to be made.

22 We further reduced the width of the house,
23 thus eliminating both the right side and the left
24 side side-yard height/setback ratio variances.

25 Special time and care was put into the

1 amended plans that you have in front of you
2 tonight so as to enable my clients to create a
3 home for them that still meets with their needs of
4 the family and does not create a flood hazard any
5 longer. The new home has been designed in
6 accordance with FEMA requirements for homes
7 located in the AE flood zone. Below the first
8 floor shall be a crawlspace designed in accordance
9 with waterproofing construction standards.

10 As for the side-yard setback variance, the
11 existing side-yard setback on the left is
12 10.4 feet. The new proposed side-yard setback on
13 the left is 13.25 feet. That's an improvement of
14 2.85 feet on the left.

15 As for the setback variance request on the
16 right, the existing house is at 11 feet. We're
17 proposing an improvement of 13.67 feet on the
18 right, and that's a further reduction of 2.67 feet
19 on the right, farther away from the setback line.

20 It's important to note in respect to the
21 side-yard setback variance, I want you guys to
22 notice that the side yard on the left and the
23 right at some point is actually in compliance with
24 the 15-foot minimum side-yard setback. It's
25 because the property lines are skewed or converged

1 towards the front because the property is on a
2 curved part of the street that the house then goes
3 exacerbates slightly over the side-yard setback
4 requirement. So in that respect we are partially
5 in conformance with side-yard setback and
6 partially out of conformance with side-yard
7 setback. That is, in my estimation, one of the
8 big improvements.

9 MEMBER GOTTLIEB: Mr. Rosenberg, I would like
10 to make a comment. I wasn't here for your first
11 presentation last month, I believe.

12 MR. ROSENBERG: It was very brief.

13 MEMBER GOTTLIEB: I did read it. However, I
14 look at this as a fresh application with no
15 prejudice towards your prior application. I look
16 at it as it is today without any consideration for
17 the prior, and my sort of knowing you're building
18 a new house and this is your choice to build a new
19 house. This is not -- there is a house there now.
20 That you should build within code. So I'm not --
21 I'm not saying I'm not going to listen to your
22 presentation, which I have been, but typically I
23 feel if you're going to build a new house you
24 should build within the code which has been
25 relaxed over the past year.

1 CHAIRMAN KEILSON: Yeah.

2 MR. ROSENBERG: I certainly absolutely
3 respect and appreciate that position. As a member
4 of the Board in my town for many years, I think I
5 put a lot of weight on the zoning ordinance and
6 the intent and the purpose of the zoning
7 ordinance, and I don't like to abuse it, and I
8 certainly like to come before the Board with an
9 application that would seem reasonable.

10 In that respect, my justification, which I'm
11 going to get to, is that we recognize that we are
12 seeking variances for a new house, and we're
13 hoping that the benefits for this new house will
14 outweigh the detriments, and we are doing
15 substantial improvements to the property and to
16 the aesthetics of the neighborhood, which I'm
17 going to talk about, and then really it's just
18 your personal opinion as you think -- well, let me
19 just get to it.

20 MR. GRAY: Mr. Rosenberg, can I just ask a
21 question for clarification. You had mentioned the
22 side-yard setbacks.

23 MR. ROSENBERG: Yes, sir.

24 MR. GRAY: And for instance, on the
25 right-hand side looking at the house you had

1 indicated that it's currently 11 foot.

2 MR. ROSENBERG: 11.0.

3 MR. GRAY: 11.0, and it's going to be 13.67.

4 MR. ROSENBERG: Did you say the left or the
5 right?

6 MR. GRAY: On the right-hand said.

7 MR. ROSENBERG: Yes, that's correct.

8 MR. GRAY: I just want to clarify, were those
9 for the existing residence that's there now --

10 MR. ROSENBERG: Yes.

11 MR. GRAY: -- or were you referring to your
12 last proposal?

13 MR. ROSENBERG: No. That's a very good
14 question. I'm referring to the existing residence
15 that's there now.

16 MR. GRAY: And that would be the same for the
17 left-hand side as well, you were referring to the
18 existing residence?

19 MR. ROSENBERG: Correct. So Mr. Moskowitz,
20 in respect to your comments --

21 CHAIRMAN KEILSON: Gottlieb.

22 MR. ROSENBERG: Oh, so that's incorrect.

23 CHAIRMAN KEILSON: Mr. Moskowitz is missing.

24 MR. ROSENBERG: I apologize.

25 MEMBER GOTTLIEB: I'm taking up two seats.

1 That's why I didn't look up when you didn't call
2 my name.

3 MR. ROSENBERG: In respect to your comment
4 looking at this as a new application, I'm just
5 referring to the existing conditions that are
6 there today in respect to this.

7 MEMBER GOTTLIEB: You're doing what you need
8 to do.

9 MR. ROSENBERG: I am.

10 CHAIRMAN KEILSON: Because you introduced it
11 by saying you are on the Board of your local -- of
12 your home area and that you never bring before a
13 Board something that would be outlandish.

14 MR. ROSENBERG: No.

15 CHAIRMAN KEILSON: But yet you brought the
16 other matter before us.

17 MR. WARSHAWSKY: That was my fault. I
18 insisted. He advised me against it.

19 CHAIRMAN KEILSON: Again, I'm addressing the
20 architect that just made a statement, and I want
21 to understand his sentiment on it.

22 MR. ROSENBERG: He's completely correct.

23 CHAIRMAN KEILSON: I see.

24 MR. ROSENBERG: I urged him.

25 CHAIRMAN KEILSON: I see, okay.

1 One of the problems is there's no template
2 this time around. There's no streetscape this
3 time around, which makes it much more difficult
4 for us.

5 MR. ROSENBERG: Well, the streetscape is
6 still applicable because what's presented in the
7 streetscape is -- and you should still have it
8 from the last hearing. If you don't, I have one
9 or two copies.

10 CHAIRMAN KEILSON: Even the streetscape does
11 not conform to what we normally get. You put a
12 picture in of some sort.

13 MR. ROSENBERG: That's right.

14 CHAIRMAN KEILSON: That's not what we require
15 normally. We don't have it and certainly the
16 template we don't have.

17 MR. ROSENBERG: Okay.

18 CHAIRMAN KEILSON: So the template he's
19 looking at is the prior one.

20 MR. ROSENBERG: No, we have a template. I
21 don't know why he didn't give it to you. We have
22 a revised template. I needed to fill out the
23 revised template in order to get the revised
24 letter of denial.

25 MR. GRAY: Do you have a copy with you?

1 MR. ROSENBERG: It's in this long pile. I
2 can get it.

3 CHAIRMAN KEILSON: Danny do you have a
4 template?

5 MR. VACCHIO: No.

6 MR. ROSENBERG: I'll get it at the end unless
7 you need it now.

8 MR. GRAY: Take two minutes, please.

9 MR. CASTRO: And this template reflects the
10 most recent changes?

11 MR. ROSENBERG: That's right. This is the
12 old template. It appears that I presented
13 everything but the revised template, which I know
14 I filled out because that was how I knew what
15 variances I needed.

16 Okay. So I touched on the fact that we're
17 reducing the side-yard setbacks. From the
18 existing house today the combined side-yard
19 setback is a variance that we seek. That's the
20 one that still remains where we have 26.92 feet,
21 where 35 feet is the minimum required for a
22 minimum combined side setback. Although we seek a
23 variance in this regard, from strictly a numerical
24 standpoint the width of our now house is actually
25 5.6 feet narrower than what exists there today,

1 and it's 60 -- 65 feet wide is what we're
2 proposing for our house.

3 MEMBER HILLER: What was the house proposed
4 last time?

5 MR. ROSENBERG: 65 plus six -- 70, about 70
6 and a half, 71 feet.

7 MEMBER HILLER: What is the -- we actually
8 have to go like variance point by variance point
9 to see what is existing now. What's existing now
10 and how you're changing it. We don't have that.

11 MR. ROSENBERG: Well, it's easy to calculate.

12 MEMBER HILLER: Go ahead.

13 MR. ROSENBERG: We have a lot that's 90 feet
14 wide.

15 MEMBER HILLER: No, no, I'm not talking about
16 that. Let's start with where you're requesting
17 variances. You have four variances. So the first
18 one here we have is front-yard ratio.

19 MR. ROSENBERG: We have a front-yard ratio
20 which I was going to get to next.

21 MEMBER HILLER: Do you want to start with
22 building coverage?

23 MR. ROSENBERG: I was going to start with --
24 I started with side-yard setbacks, and now I was
25 going to go to combined side-yard setbacks.

1 MEMBER HILLER: Explain to me again what are
2 the present side-yard setbacks and what are the
3 ones you are proposing.

4 MR. ROSENBERG: The present side-yard setback
5 on the right is 11 feet, and we are proposing
6 13.67. And that 13.67 is just because we have a
7 little turret that pops out, so the entire length
8 of the side yard is farther in by another foot and
9 a half.

10 MEMBER HILLER: Okay. And the other side?

11 MR. ROSENBERG: The other side what's
12 existing is 10.4 feet to this property, to the
13 side property line, and we're proposing 13.25.

14 MEMBER HILLER: So you're improving on both
15 sides.

16 MR. ROSENBERG: Improving on both sides.

17 MEMBER HILLER: Next.

18 MR. ROSENBERG: Certainly.

19 MEMBER HILLER: Next.

20 MR. ROSENBERG: Just to take this in
21 comparison as to what's happening with the
22 neighbors' houses, we're at 65 feet wide, the
23 neighbor on the left, which is 217 North
24 Harborview, is 70 feet wide; and the neighbor on
25 the right, which is 205 North Harborview, is

1 69 feet wide, so we're narrower than our
2 neighbors' houses. And that's something that we
3 can do because we are proposing a new house,
4 rather than doing a mani-level and keeping it
5 wide.

6 MEMBER HILLER: All right.

7 MR. ROSENBERG: Okay. In regards to -- do
8 you want to talk about the front setback ratio
9 variances?

10 MEMBER HILLER: I want to talk about -- what
11 do you have, five variances, four?

12 MR. ROSENBERG: Four.

13 MEMBER HILLER: Four variances. Each one.
14 Because we don't have a template to work from, so
15 I want to know what is present.

16 CHAIRMAN KEILSON: I think the coverage is
17 the most concerning one.

18 MR. ROSENBERG: Okay. We require a building
19 coverage variance of 3,708 square feet whereby
20 3,282.9 was the maximum allowed. This is an
21 excess of 425 square feet, 13 percent.

22 MEMBER HILLER: What is the present house?

23 MR. ROSENBERG: Present house is 1,198 square
24 feet. This new home contains a larger footprint
25 than what the code allows, primarily in order to

1 compensate for the loss of a 1,600 square-foot
2 basement because we're removing it.

3 MEMBER HILLER: You have a third floor.

4 MR. ROSENBERG: We have a partial third
5 floor, yes. It's not nearly as big as the
6 existing basement, but yes, that's correct.

7 MEMBER HILLER: It's not partial.

8 CHAIRMAN KEILSON: Good point.

9 MEMBER HILLER: The third floor is big, not
10 small.

11 MEMBER GOTTLIEB: I think that's why we
12 changed the code. In order to offset the loss of
13 basement, we allowed 36 feet.

14 CHAIRMAN KEILSON: Actually, we changed the
15 code for the entire village. Some portions of the
16 village, such as where you have the flood zone,
17 and therefore you can't have a basement. So it's
18 a little more egregious because of his situation,
19 and therefore he has to compensate somehow with
20 storage space and the like.

21 MR. ROSENBERG: That's right.

22 MR. GRAY: Two bedrooms and one and a half
23 baths.

24 MR. ROSENBERG: It's a bit more restrictive
25 where we are because as opposed to another -- if

1 it unilaterally changed for the whole town,
2 there's other houses that are not in the
3 floodplain that don't have to suffer from this
4 restriction that we do.

5 And in respect to the --

6 CHAIRMAN KEILSON: How many bedrooms? I
7 think you have eight bedrooms proposed?

8 MR. ROSENBERG: Well, so including the guest
9 room, guest bedroom, on the first floor we have
10 one guest bedroom. Five bedrooms on the second
11 floor.

12 CHAIRMAN KEILSON: Six.

13 MR. ROSENBERG: And two guest bedrooms --
14 excuse me. Two bedrooms in the attic.

15 CHAIRMAN KEILSON: So eight bedrooms. How
16 many children in the family?

17 MR. WARSHAWSKY: Three.

18 CHAIRMAN KEILSON: Three children.

19 MS. WARSHAWSKY: Uh-hm.

20 MR. ROSENBERG: Out-of-town parents that come
21 to visit.

22 MR. WARSHAWSKY: With the option to have
23 more.

24 CHAIRMAN KEILSON: By all means.

25 MEMBER HILLER: Then you'll come for a

1 variance.

2 MR. ROSENBERG: It's important to recognize
3 that those bedrooms in the attic are used
4 primarily for guests after services on Shabbat.
5 It's really for overnight guests. It's not for
6 any type of long-term resident. It's primarily
7 going to be vacant for most of the year.

8 CHAIRMAN KEILSON: We're trying to reduce the
9 bulk, you know, the building coverage.

10 MR. ROSENBERG: Excuse me?

11 CHAIRMAN KEILSON: We're trying to evaluate
12 the building coverage, and obviously the more
13 rooms creates the bulk.

14 MR. ROSENBERG: The other thing that's
15 interesting about the attic is the client
16 requested -- they fell in love with this authentic
17 historic Tudor style, and because -- to follow the
18 rules, the precedent that exists from 300 years
19 back in historic Tudors, you have to maintain a
20 certain pitch of the roof or a certain perception
21 of pitch, not necessarily pitch, in order to
22 create a true Tudor house, and so as a result you
23 end up with attic space as opposed to say again
24 brow roof or farm style roof. And so we have
25 the space. How we utilize it or how you tell us

1 we're allowed to utilize this it's basically there
2 as a result of architecture.

3 CHAIRMAN KEILSON: The house is beautiful.
4 The question is the lot on which it's being built.

5 MR. ROSENBERG: Understood.

6 CHAIRMAN KEILSON: We're trying to
7 accommodate everybody's needs and aspirations. So
8 do you want to continue.

9 MR. ROSENBERG: I just have a couple -- I
10 just want to touch on a couple of the reasons or
11 the rationales as to help you justify.

12 CHAIRMAN KEILSON: He wants to finish the
13 variance list.

14 MR. ROSENBERG: Yes, of course. So the last
15 variance is the height/setback ratio at the front,
16 and the reason that exists is because I'm
17 maintaining the same -- I'm trying to create a
18 homogeneous landscape and keep the house in
19 compliance with the other houses along the same
20 line. If I was to shift the house back seven,
21 eight feet, that front setback height ratio would
22 disappear. But it wouldn't be in line with the
23 rest of the houses. It would be like a shorter
24 tooth in a mouth of perfect teeth.

25 MR. GRAY: If you push it back seven, eight

1 feet, wouldn't that also reduce the amount of
2 variances you need for the side-yard setbacks and
3 the aggregate side-yard setback?

4 MR. ROSENBERG: It would reduce them further,
5 yes. It would make a substantial improvement.
6 But it would get closer -- it would reduce the
7 backyard, which is not a variance; it wouldn't
8 require a variance. It would just -- some say
9 that a house set back five feet more might look
10 more prestigious or picturesque, but the truth is
11 that the purpose was to create a homogeneous
12 landscape, which really is the intent of the
13 zoning ordinance to keep houses in line with each
14 other.

15 MEMBER GOTTLIEB: Clearly, a house like this
16 is not homogeneous with the rest of the houses on
17 the street. I kind of like the idea, and I don't
18 know if it's architecturally feasible, why you
19 wouldn't want to do it, but by pushing the house
20 back you are reducing at least three variances, if
21 not more, left side, right side, aggregate and
22 front height/setback ratio. I don't understand
23 why you wouldn't want to. You have a huge
24 backyard.

25 MR. ROSENBERG: It was a balancing act. I

1 had to decide whether or not it was more important
2 to keep in line with the other houses on the block
3 which run along the entire street or to be the one
4 house that's set back farther than the rest. I
5 wasn't sure how the Board would react to that.

6 MEMBER GOTTLIEB: Clearly, the streetscape
7 that you prepared, clearly this house doesn't look
8 like any of the others. It might look like all
9 the others in a couple of years.

10 MR. ROSENBERG: Right. We might be setting a
11 trend. Who knows.

12 MEMBER GOTTLIEB: It takes the first one, but
13 I don't understand why you wouldn't want to do
14 that. And again, I'm not the architect. I don't
15 know if there's a detriment to doing it. There's
16 a huge benefit to keeping it inline. I think a
17 house of that size might look much better pushed
18 back. I'm not suggesting it. I'm just thinking
19 of the variances it relieves.

20 MR. ROSENBERG: I mean if push comes to
21 shove and that's what it takes to get this
22 approved.

23 MEMBER GOTTLIEB: I don't want to push you in
24 one direction or another.

25 CHAIRMAN KEILSON: But if we push the

1 house --

2 MEMBER GOTTLIEB: The bulldozer is coming
3 anyway.

4 MEMBER FELDER: Would it have to be pushed
5 back a full five feet in order to alleviate the
6 variances?

7 MR. ROSENBERG: Not to alleviate the side
8 yards. To alleviate the front ratio, the front
9 setback height ratio.

10 MEMBER FELDER: A foot?

11 MR. ROSENBERG: What?

12 MEMBER FELDER: What would you need to push
13 it back? A foot?

14 MR. ROSENBERG: Because the conversion of the
15 property lines are relatively subtle, you would
16 have to push the house back 40 feet.

17 MEMBER FELDER: I'm sorry?

18 MR. ROSENBERG: Like approximately 40 feet
19 you'd have to push the house back to get it to
20 eliminate the side-yard setbacks.

21 MEMBER FELDER: Oh, well, that's not
22 happening.

23 MEMBER GOTTLIEB: Eliminate them altogether.

24 MR. ROSENBERG: It wouldn't eliminate them.
25 It would reduce them further, because it's a

1 subtle angle. I mean, I can't speak to the exact
2 percentage. But if a perfect lot is -- parallel
3 lots are 90 degrees to the front, this is like
4 we're talking like 88, 87 degrees, something like
5 that.

6 MEMBER HILLER: And what about the building
7 coverage?

8 MR. ROSENBERG: It wouldn't -- pushing the
9 house back --

10 MEMBER HILLER: I'm saying what can you do
11 about the building coverage?

12 MR. WARSHAWSKY: Can I speak to that?

13 MR. ROSENBERG: Yes.

14 MR. WARSHAWSKY: I mentioned before that we
15 have three children, five bedrooms upstairs, so
16 that's four bedrooms for three children and two
17 parents. And two guest bedrooms, one on the first
18 floor for, let's say, my parents-in-law, and one
19 on the second floor for my parents. So we're
20 really using all those bedrooms often. The one on
21 the first floor is tiny; it's really just there
22 because we want a bedroom on the first floor
23 that's wheelchair accessible and that doesn't
24 require walking upstairs. So those bedrooms are
25 occupied; they're not terribly large. So you

1 know, that's why we requested the square footage.

2 The third floor is not really bedrooms as far
3 as being used for sleeping. I mean, they're there
4 when we have guests or when we need to host people
5 for other people that have something in the area.
6 But the five bedrooms that are in the living area
7 of the house that aren't on the third floor are
8 pretty much used quite often most of the time. We
9 feel that maybe 400 feet isn't that much, too
10 much. I don't know if it is or not but --

11 CHAIRMAN KEILSON: By the standard that we
12 normally have, it's a problem, especially with new
13 construction.

14 MR. WARSHAWSKY: We often feel that we're
15 caught between a rock and a hard place because
16 we've eliminated our basement so we want to regain
17 that anywhere, and we can only regain that in
18 height. If you regain that in height, then you
19 lose your side-yard setback ratio. You seem to
20 lose a little bit wherever you go. And we've
21 tried to find a good balance in keeping that. We
22 understand we were overzealous in our first
23 application, and we've really tried to cut back as
24 much as we can.

25 CHAIRMAN KEILSON: So again -- go ahead.

1 MR. GRAY: I just had one question. I note
2 that I think currently the property has an
3 in-ground pool in the backyard. Is that being
4 removed?

5 MR. ROSENBERG: So in respect to the total
6 lot improvements, one of the variances we
7 eliminated was the total pervious coverage for the
8 entire lot which is significantly over, at
9 84 percent for the entire lot with paving and wood
10 decks and concrete and pool, all of that's being
11 removed. So the benefit of this application,
12 although we're asking for a larger building
13 coverage, is we've completely eliminated this
14 potential for rainwater runoff onto neighbors by
15 reducing the pervious area and allowing for a much
16 greater area of rainwater percolation.

17 MR. GRAY: So the pool is being filled in?

18 MR. ROSENBERG: Yeah.

19 MR. GRAY: Okay.

20 MR. ROSENBERG: With, you know, permeable
21 material so that it can drain. We're not filling
22 it in with concrete or anything like that.

23 MR. GRAY: No. What I meant is there is no
24 -- I didn't see an in-ground pool on the plans.

25 MR. ROSENBERG: That's correct.

1 MR. WARSHAWSKY: There's no pool.

2 MR. ROSENBERG: That's one of the benefits of
3 this application is that it does reduce all of
4 that, the improvements, the whole yard. I mean, I
5 have the existing survey if you wanted to see it,
6 showing you how it looks like the whole backyard
7 is being completely covered.

8 CHAIRMAN KEILSON: I'm not clear. Moving the
9 house back will give no benefit as far as the
10 variances?

11 MR. ROSENBERG: It will eliminate the
12 height/setback ratio variance on the front, yes.
13 Right now the height/setback ratio, which is a
14 calculation of height to setback, is encroaching.
15 The top of the house because of its steep gables
16 encroaches.

17 CHAIRMAN KEILSON: How far would you have to
18 move it back?

19 MR. ROSENBERG: Not a lot. According to
20 this, it's my understanding that perpendicular
21 gables in the attic are allowed to extend into the
22 height/setback ratio, turrets, chimneys, feature
23 items, so I probably would have to push it back
24 about -- I want to say it's going to be somewhere
25 between five to ten feet. I want to leave my --

1 leave that broad range open just so when I do run
2 the calculation back at the office I'll know.

3 MR. CASTRO: I'm looking at the front cover
4 and I think the reason why the height/setback
5 ratio was taking to one of the reverse gables
6 rather than the eave, which is about 22 and a
7 half, is because the aggregate of these reverse
8 gables exceeded the 50-percent --

9 MR. ROSENBERG: That's correct.

10 MR. CASTRO: -- rule. I'm not sure -- you
11 also have a dotted line which represents the
12 required front yard height/setback ratio.

13 MR. ROSENBERG: Yes.

14 MR. CASTRO: And it seems as though in order
15 to fit that reverse -- the front reverse gable
16 into or beneath that sky exposure plane it's going
17 to have to move back quite a bit, maybe even
18 closer to ten feet. I'm not sure if anything
19 could be done to minimize the 50-percent rule,
20 which would then --

21 MR. ROSENBERG: The way I figured it is if I
22 could get this dotted line -- the house comes
23 back, this dotted line will project somewhere
24 through the middle of the roof which then when you
25 calculate the 50-percent rule, 50 percent will be

1 roof beyond and 50 percent will be three
2 perpendicular dormers popping forward. It
3 certainly is a complex calculation, but the
4 computer can do it quite easily. I just don't
5 know exactly what it is.

6 So one of the --

7 MR. WARSHAWSKY: We're very open to moving it
8 back if it helps. We're very open to moving it
9 back.

10 CHAIRMAN KEILSON: Off the record.

11 (Whereupon, a discussion was held off the
12 record.)

13 CHAIRMAN KEILSON: Back on the record.

14 If we moved it back five feet, what would be
15 the impact on the variances?

16 MR. ROSENBERG: The height/setback ratio in
17 the front would still exist, it would just be
18 reduced. The ratio would be reduced. To what
19 degree I don't know, but probably a good size
20 reduction. The side-yard setbacks would be
21 further reduced probably by a matter of inches,
22 we're not talking feet. Overall, the overall look
23 of the house, the house will appear to be smaller
24 the farther it is set back from the street.

25 CHAIRMAN KEILSON: Okay.

1 MEMBER GOTTLIEB: If the house is back
2 further, that means the neighbors left and right
3 are going to see more house.

4 CHAIRMAN KEILSON: All right.

5 MR. WARSHAWSKY: Our neighbors are good
6 neighbors to us. They don't have a problem with
7 it. You can call. Like I said, he didn't come
8 for a reason. Mrs. Katz is available on the
9 phone.

10 MR. ROSENBERG: Well, you didn't have the
11 luxury of seeing this at the last hearing.

12 MEMBER GOTTLIEB: You already built it? That
13 was fast.

14 MR. ROSENBERG: That's really funny because I
15 don't remember which member of the Board spoke to
16 me afterwards and they thought I was copying a
17 house that was already existing. I'm explaining,
18 no, this is a rendering, a drawing of this house,
19 exactly this house. No, it was --

20 CHAIRMAN KEILSON: Yeah, I see Dr. Warshawsky
21 on the second floor.

22 MR. WARSHAWSKY: And my car, I wish.

23 MEMBER GOTTLIEB: So this is a model that
24 represents a house that does not exist anywhere?

25 MR. ROSENBERG: This is a 3D rendering made

1 with the same software that they used to make the
2 movie Toy Story.

3 MR. WARSHAWSKY: It cost a lot of money.

4 MEMBER GOTTLIEB: You had to get that in
5 somewhere.

6 MR. WARSHAWSKY: I had to.

7 MEMBER GOTTLIEB: Is there enough parking?

8 MEMBER FELDER: Yep, looks like it.

9 MEMBER GOTTLIEB: Well, you can fit another
10 half car further back.

11 CHAIRMAN KEILSON: Mr. Rosenberg, we're
12 trying to calculate, because in order to take a
13 vote we have to know what we're voting on.

14 MR. ROSENBERG: Of course. It's not possible
15 to give you a definitive ratio without running the
16 computer on the calculation, but I could say that
17 reducing the -- pushing the house back five feet
18 would be a reduction in height/setback ratio less
19 than --

20 CHAIRMAN KEILSON: Well, maybe Mr. Castro can
21 do it. Don't feel any pressure, Mr. Castro.

22 MR. VACCHIO: Not at all.

23 MEMBER GOTTLIEB: Are you comfortable with
24 the left and right height setback?

25 CHAIRMAN KEILSON: You mean the encroachment?

1 MR. ROSENBERG: Does anyone have a scale, a
2 ruler?

3 CHAIRMAN KEILSON: Off the record.

4 (Whereupon, a discussion was held off the
5 record.)

6 CHAIRMAN KEILSON: Back on the record.

7 So what are we requesting at this point? I
8 assume the building coverage remains the same?
9 Mr. Rosenberg?

10 MR. ROSENBERG: Yes.

11 CHAIRMAN KEILSON: All right. So we're being
12 requested coverage of 3,708, in excess of
13 425 square feet. The side-yard setback remains
14 the same.

15 MR. GRAY: A little bit less.

16 MR. CASTRO: No, a little less. I have the
17 north side as -- yeah, the north side --

18 CHAIRMAN KEILSON: The east side.

19 MR. CASTRO: Sorry. The east side being
20 1,348.

21 CHAIRMAN KEILSON: Okay.

22 MR. CASTRO: As opposed to 1,334. And I have
23 the west side as 1,377 as opposed to 1,367.

24 CHAIRMAN KEILSON: Okay. So those are the
25 numbers that we will adopt.

1 MR. ROSENBERG: I concur with those numbers.

2 MEMBER GOTTLIEB: Is that because when you
3 went back seven feet it's now --

4 MR. ROSENBERG: That's correct.

5 MR. GRAY: Which will now also adjust the
6 aggregate.

7 MR. ROSENBERG: 13.48 becomes the left and
8 13.77 becomes the right. The house goes back
9 seven feet and the height/setback ratio
10 disappears.

11 CHAIRMAN KEILSON: And the aggregate becomes?

12 MR. GRAY: 27.75?

13 MR. CASTRO: More.

14 MR. GRAY: 27.25?

15 MR. CASTRO: 27.25.

16 MR. ROSENBERG: 27.25.

17 CHAIRMAN KEILSON: Okay. So now we know what
18 we've been asked to vote on.

19 MEMBER GOTTLIEB: Wait a minute. Is that it?

20 CHAIRMAN KEILSON: There's no height/setback
21 ratio.

22 MEMBER GOTTLIEB: The impervious coverage, is
23 that gone?

24 MR. ROSENBERG: Gone. We've eliminated it.

25 MEMBER GOTTLIEB: You know what, I'm looking

1 at the old.

2 MR. GRAY: Now, with the added extra seven
3 feet of driveway that you'll need, does that add
4 any complications?

5 MR. ROSENBERG: It's an impervious paver
6 driveway, so it's not going to have any impact on
7 the impervious coverage calculation.

8 MEMBER GOTTLIEB: The side height/setback
9 ratio, is that still there?

10 CHAIRMAN KEILSON: There is none.

11 MR. ROSENBERG: There is no variance anymore
12 for side height back ratio and it further improves
13 the condition.

14 CHAIRMAN KEILSON: No problem.

15 MEMBER GOTTLIEB: So we're looking at three
16 variances.

17 CHAIRMAN KEILSON: Correct.

18 MEMBER GOTTLIEB: And just for clarity, when
19 we talk about the side-yard setback and the
20 aggregate, it's really only at the very front of
21 the house where this is a problem and it
22 disappears as it goes back further. I think we
23 should -- that it should be noted on the record.

24 CHAIRMAN KEILSON: You just noted it.

25 MEMBER GOTTLIEB: So it be noted. Thank you.

1 CHAIRMAN KEILSON: Okay.

2 MEMBER GOTTLIEB: Leaving basically one
3 variance.

4 CHAIRMAN KEILSON: Does anyone else want to
5 speak to the matter from the audience?

6 (No response.)

7 CHAIRMAN KEILSON: Okay. Not even the
8 in-laws.

9 MR. WARSHAWSKY: They're the best.

10 CHAIRMAN KEILSON: Okay. Taking into -- you
11 have something to say?

12 SPEAKER: Just getting up to stretch.

13 MR. CASTRO: Can I revise the side-yard
14 setbacks and the aggregate?

15 CHAIRMAN KEILSON: Absolutely.

16 MR. CASTRO: It's slightly better than the
17 original because originally I calculated at five,
18 not seven. So the west side side-yard setback
19 will be 13.54. And just give me a second. The
20 east side is going to be 13.80. And so now your
21 new aggregate --

22 MR. WARSHAWSKY: 27.34.

23 MR. CASTRO: Yeah.

24 CHAIRMAN KEILSON: So now the record is clear
25 what we're voting on, and we'll take into

1 consideration what Mr. Gottlieb brought to our
2 attention, that the issue really is on the forward
3 part, not towards -- it's reduced as it goes
4 further back, correct?

5 MEMBER GOTTLIEB: Correct.

6 CHAIRMAN KEILSON: And weighing the benefit
7 to the applicant as opposed to any detriment to
8 the community, and applauding the most beautiful
9 design from our architect, Mr. Rosenberg, and for
10 the dreams and aspirations of the Warshawskys,
11 taking into consideration the in-laws were
12 present --

13 MEMBER HILLER: They look fit to me.

14 CHAIRMAN KEILSON: So we're going to take a
15 vote. We'll start with Mr. Gottlieb.

16 MEMBER GOTTLIEB: I vote for.

17 CHAIRMAN KEILSON: Mr. Hiller.

18 MEMBER HILLER: I vote for.

19 CHAIRMAN KEILSON: And Mr. Felder.

20 MEMBER FELDER: I vote for.

21 CHAIRMAN KEILSON: And I will vote for as
22 well, and you have -- I think you need more than
23 two years.

24 MR. WARSHAWSKY: We hope not.

25 CHAIRMAN KEILSON: But that way you won't

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1 have to come back then. Why don't you put it in
2 for three years because, realistically, on a
3 practical level.

4 MR. WARSHAWSKY: Thank you.

5 MS. WARSHAWSKY: Thank you very much.

6 (Whereupon, the hearing concluded at
7 9:13 p.m.)

8 *****

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

12
13 Mary Benci
14 MARY BENCI, RPR
15 Court Reporter
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