

## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Lawrence Yacht & Country Club  
4 101 Causeway  
5 Lawrence, New York

6 December 20, 2016  
7 7:50 p.m.

8 APPLICATION: Kahati  
9 92 Bannister 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. ELLIOT MOSKOWITZ  
19 Member

20 MR. AARON FELDER  
21 Member

22 MR. KENNETH A. GRAY, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

MR. DANNY VACCHIO  
Building Department

MS. DANA GARRAPUTA  
Building Department

Mary Benci, RPR  
Court Reporter

Kahati - 12/20/16

1 CHAIRMAN KEILSON: Good evening, ladies and  
2 gentlemen. Welcome to the Lawrence Board of  
3 Zoning Appeals. We apologize for being tardy. We  
4 were engrossed in reviewing some of your  
5 applications. We want to do the best job  
6 possible, and in the spirit of the holiday we try  
7 to be as compassionate as possible.

8 Mr. Castro, proof of posting.

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

11 CHAIRMAN KEILSON: Okay, very good.

12 Please, everyone, turn off your cell phones;  
13 and if there are any conversations, please take it  
14 outside.

15 We have a request for an adjournment, do we  
16 not?

17 MR. CASTRO: Yes.

18 CHAIRMAN KEILSON: The application is Kahati  
19 on Bannister Lane. Okay, so they've asked to be  
20 held over for the next date. The next date being?

21 MR. CASTRO: That's January 11th.

22 MS. GARRAPUTA: I think it's January the  
23 11th.

24 CHAIRMAN KEILSON: Okay.

25 (Whereupon, the hearing concluded at

Kahati - 12/20/16

1 7:52 p.m.)

2 \*\*\*\*\*

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

6  
7 Mary Benci  
8 MARY BENCI, RPR  
9 Court Reporter

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## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Lawrence Yacht & Country Club  
4 101 Causeway  
5 Lawrence, New York

6 December 20, 2016  
7 7:52 p.m.

8 APPLICATION: Bohorodzaner  
9 46 Auerbach 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. ELLIOT MOSKOWITZ  
19 Member

20 MR. AARON FELDER  
21 Member

22 MR. KENNETH A. GRAY, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

MR. DANNY VACCHIO  
Building Department

MS. DANA GARRAPUTA  
Building Department

Mary Benci, RPR  
Court Reporter



1 CHAIRMAN KEILSON: The next matter is  
2 46 Auerbach Lane, and whatever the name of the  
3 applicant is we still can't pronounce it.

4 MS. TENDLER: Bohorodzaner.

5 CHAIRMAN KEILSON: Okay, very good.

6 MR. YOON: Good evening. Young Yoon, PAU  
7 Architects.

8 CHAIRMAN KEILSON: I think it's important for  
9 the record to reflect that we've already had quite  
10 a lengthy discussion on this matter, and as I  
11 recall you were going to go back and just refine  
12 some of the numbers so that we could expedite on  
13 this occasion the final decision.

14 MR. YOON: So would you like me to go over  
15 the --

16 CHAIRMAN KEILSON: Not lengthy, no. Just  
17 what are you requesting, what aren't you  
18 requesting.

19 MR. YOON: Okay. So we did -- based on last  
20 hearing's conversation, we did reduce the surface  
21 coverage for the driveway by pulling it forward  
22 and narrowing down the driveway, and therefore  
23 putting it under the required surface coverage.  
24 So we're no longer asking for a surface coverage  
25 variance.

1           We are still requesting a rear-yard setback  
2           for the house that was existing, which was 25 feet  
3           5 and a half inches, where we're proposing 30 feet  
4           6 and a half inches, an overage of 9 feet 5 and a  
5           half, and a deck to be 25 --

6           CHAIRMAN KEILSON: So the house is at a  
7           greater distance, technically.

8           MR. YOON: Yes, we have improved the  
9           setbacks, correct.

10          CHAIRMAN KEILSON: You're introducing a deck,  
11          however.

12          MR. YOON: And the existing deck was 25 feet  
13          5 and a half. We're proposing to keep it at 25  
14          feet 5 and a half, an overage of 14 feet 6 and a  
15          half. And the rear yard height/setback ratio  
16          where the requirement is 0.55, the existing is  
17          0.68, we're proposing to do 0.88; that's 0.33  
18          over.

19          And the existing garage, to maintain the  
20          existing garage that is 18 feet one and a half  
21          feet by 22 deep, and that's no change in that.

22          I do have a letter from the third neighbor  
23          that he doesn't contest and he has no problems  
24          with the variances that we're requesting.

25          MEMBER HILLER: That's the side neighbor or

1 the rear neighbor?

2 MR. YOON: It is the side neighbor. The rear  
3 had no problems, and the one closest to the garage  
4 had no issues. We didn't have it from the third  
5 neighbor at the last hearing, and we have a letter  
6 from them stating that they don't have an issue.

7 CHAIRMAN KEILSON: So the neighbor to the  
8 right?

9 MR. YOON: Correct, yes.

10 CHAIRMAN KEILSON: I think, Mr. Hiller, you  
11 spoke --

12 MEMBER HILLER: I spoke to the neighbor in  
13 the rear.

14 CHAIRMAN KEILSON: So do you want to put it  
15 on the record.

16 MEMBER HILLER: I spoke to the neighbor on  
17 the rear, and as you said, the neighbor had no  
18 objection.

19 MR. YOON: The letter?

20 CHAIRMAN KEILSON: Yeah, why don't you submit  
21 it.

22 MR. YOON: (Handing.)

23 MR. GRAY: We'll make it part of the record.

24 CHAIRMAN KEILSON: Okay. Any questions from  
25 the Board?

1 Mr. Gottlieb.

2 MEMBER GOTTLIEB: Just in continuing on from  
3 where we were before, these are new residents to  
4 the community. How many children are there  
5 currently in the house?

6 MR. YOON: There are currently two children  
7 and one on the way.

8 MEMBER GOTTLIEB: So we're going to call it  
9 three.

10 MR. YOON: Two and a half, three.

11 MEMBER GOTTLIEB: One of the concerns I have  
12 with the rear yard height back setback ratio, and  
13 this wasn't addressed at our last hearing, but it  
14 maybe should have been, as you go toward the rear  
15 there's about a two and a half foot drop in grade  
16 from the houses on Auerbach to the houses on  
17 Hawthorne. So what I find is that where your  
18 request is for a rear yard height/setback ratio,  
19 it's actually exacerbated more so than shown  
20 because the houses on Hawthorne sit so much lower.  
21 I know this wasn't addressed before, but it's  
22 always a concern because people don't realize the  
23 purpose of the setback ratio, and it is large, and  
24 when you're on the other side it's quite --

25 CHAIRMAN KEILSON: More pronounced.

1 MEMBER GOTTLIEB: Thank you.

2 CHAIRMAN KEILSON: Absolutely.

3 MEMBER GOTTLIEB: You might not have an  
4 answer for it. I just had to express it.

5 CHAIRMAN KEILSON: But if you have an answer,  
6 provide it.

7 MR. YOON: Right. Well, based on -- I mean,  
8 and I believe I said it at that last hearing as  
9 well. We stayed within the footprint of the house  
10 for many reasons; you know, financially, not  
11 having to do the foundation and bringing up, you  
12 know, going up a second floor was really  
13 financially their best option. And they do need  
14 the space because they are -- you know, they're  
15 planning to grow in terms of their family, their  
16 size. So even though they have three kids right  
17 now, or one on the way, they do plan to have more  
18 children, or at least I think they are, and you  
19 know, they don't want to come back here asking for  
20 more variances later in the future, you know, to  
21 build a bigger home. And just the way the house  
22 is situated and the way it's kind of tucked  
23 towards the back, you know, it gives them a  
24 natural hardship.

25 MEMBER GOTTLIEB: I guess what I said at the

1 last hearing, and I'll say it again, is that  
2 several houses on this street have been modified  
3 or rebuilt as of right, including the house to the  
4 left and the house to the right. And you're  
5 asking for one, two, I think, three or four  
6 variances on --

7 CHAIRMAN KEILSON: Well, it could be down to  
8 two really, because if you view the garage as no  
9 longer required in the new zoning, but of course,  
10 we can't split it.

11 MEMBER GOTTLIEB: I wouldn't have an issue  
12 with the garage being a few inches short. I just  
13 mentioned the other --

14 CHAIRMAN KEILSON: Absolutely.

15 MEMBER GOTTLIEB: And actually, we did take  
16 off the other -- the surface coverage.

17 CHAIRMAN KEILSON: So we're down to two.

18 MEMBER GOTTLIEB: So we're down to three, the  
19 setback of the house, the deck.

20 CHAIRMAN KEILSON: Correct, absolutely.

21 Any further questions from the Board? Anyone  
22 from the audience want to speak to the matter?

23 (No response.)

24 CHAIRMAN KEILSON: I guess not.

25 MS. TENDLER: I'll just say that the house --

1 CHAIRMAN KEILSON: You have to identify  
2 yourself for the record.

3 MS. TENDLER: Hi, I'm Esther Tendler.

4 So the house needs a lot of work. It's  
5 really in bad, bad shape. We want to do the work  
6 now, we want to do it right, we want to do it  
7 nice. We're just literally building right over  
8 the footprint. We're not doing anything else, and  
9 I think this is the smartest way to do it, the  
10 most cost-effective. We would really appreciate  
11 it.

12 MEMBER GOTTLIEB: Thank you.

13 CHAIRMAN KEILSON: Okay. Thank you for the  
14 remarks.

15 So taking into consideration the statutory  
16 requirements of weighing the benefit to the  
17 applicant as opposed to any detriment to the  
18 community and the like, we will take a vote of the  
19 Board at this point.

20 We're going to start with Mr. Felder.

21 MEMBER FELDER: I'm for.

22 CHAIRMAN KEILSON: Mr. Hiller.

23 MEMBER HILLER: For.

24 CHAIRMAN KEILSON: Mr. Gottlieb.

25 MEMBER GOTTLIEB: Given the applicant's

1 explanation that they're building over the  
2 existing footprint and not going any further, I'm  
3 going to vote for this application.

4 CHAIRMAN KEILSON: That's very kind of you.

5 MEMBER GOTTLIEB: I know it is.

6 CHAIRMAN KEILSON: Mr. Moskowitz.

7 MEMBER MOSKOWITZ: For.

8 CHAIRMAN KEILSON: And I will vote for as  
9 well, and two years.

10 MR. YOON: Yes.

11 CHAIRMAN KEILSON: Board of Building Design?

12 MR. CASTRO: Yes.

13 MR. YOON: Thank you very much.

14 (Whereupon, the hearing concluded at  
15 7:58 p.m.)

16 \*\*\*\*\*

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

20  
21 Mary Benci  
22 MARY BENCI, RPR  
23 Court Reporter  
24  
25



## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Lawrence Yacht & Country Club  
4 101 Causeway  
5 Lawrence, New York

6 December 20, 2016  
7 7:58 p.m.

## 8 APPLICATION:

9 Kaufman  
10 1135 Doughty Boulevard  
11 Lawrence, New York

## 12 P R E S E N T :

13 MR. LLOYD KEILSON  
14 Chairman

15 MR. EDWARD GOTTLIEB  
16 Member

17 MR. DANIEL HILLER  
18 Member

19 MR. ELLIOT MOSKOWITZ  
20 Member

21 MR. AARON FELDER  
22 Member

23 MR. KENNETH A. GRAY, ESQ.  
24 Village Attorney

25 MR. GERALDO CASTRO  
Building Department

MR. DANNY VACCHIO  
Building Department

MS. DANA GARRAPUTA  
Building Department

Mary Benci, RPR  
Court Reporter

Kaufman - 12/20/16

1 CHAIRMAN KEILSON: The matter of Kaufman on  
2 Doughty Boulevard. Will they or their  
3 representative.

4 Good to see you, Mr. Macleod.

5 MR. MACLEOD: Good evening, Mr. Chairman and  
6 members of the Board. Good to see you again.

7 John Macleod, 595 Park Avenue, Huntington,  
8 New York.

9 CHAIRMAN KEILSON: This should be one of your  
10 shortest presentations.

11 MR. MACLEOD: I hope so.

12 CHAIRMAN KEILSON: We can vote "no" very  
13 quickly.

14 MR. MACLEOD: So I'm here this evening for  
15 the Kaufmans who have recently purchased the  
16 property on the corner of Doughty and Alonzo,  
17 which is a brick colonial house built in 1924.  
18 And the intent is to extend the upper floor over  
19 the existing one-story sections on the left-hand  
20 side and the right-hand side of the house with  
21 additional bedrooms and bathroom. And we are  
22 staying within the footprint of the existing  
23 house.

24 We have a technical variance, what I'm  
25 referring to as a technical variance, being that

1 the rear portion of this property is actually in  
2 Queens; 25 feet of the rear of the property is in  
3 Queens, and 100 feet of where the house is is in  
4 Lawrence.

5 I do have one letter of support from the  
6 nearest neighbor directly to the left of the  
7 house, it's Judith Hulkower, supporting the  
8 application (handing).

9 MR. GRAY: I'm making it part of the record.

10 MR. MACLEOD: So what we are requesting this  
11 evening is relief from the code for a rear-yard  
12 setback to the house and a rear-yard setback to  
13 the deck, the proposed deck, and a height/setback  
14 ratio relief in the year yard.

15 Currently, the house --

16 CHAIRMAN KEILSON: In each of the cases, were  
17 it not for the two jurisdictions would you be  
18 seeking any relief?

19 MR. MACLEOD: I'm sorry?

20 CHAIRMAN KEILSON: Were it not for the fact  
21 that you have two jurisdictions --

22 MR. MACLEOD: That is correct.

23 CHAIRMAN KEILSON: -- if you merged the  
24 properties, so to speak.

25 MR. MACLEOD: Yes. If you were to regard

Kaufman - 12/20/16

1 this as a 125-foot deep property, none of these  
2 variances would be required, and we're asking you  
3 to review it in that respect.

4 CHAIRMAN KEILSON: Fine. Any questions from  
5 the Board?

6 MEMBER GOTTLIEB: One question. Do you have  
7 to apply in Queens for a variance?

8 MR. MACLEOD: We're not doing anything in  
9 Queens, so we don't have to apply for anything.

10 MEMBER GOTTLIEB: That's my question.

11 CHAIRMAN KEILSON: Interesting. Anybody in  
12 the audience want to speak to the matter?

13 (No response.)

14 CHAIRMAN KEILSON: In light of the very  
15 special circumstances, and we've had this before,  
16 we've always taken into consideration the reality  
17 of what we're dealing with, and so we're going to  
18 go for a vote immediately and start with  
19 Mr. Moskowitz.

20 MEMBER MOSKOWITZ: For.

21 CHAIRMAN KEILSON: Mr. Gottlieb.

22 MEMBER GOTTLIEB: For.

23 CHAIRMAN KEILSON: Mr. Hiller.

24 MEMBER HILLER: For.

25 CHAIRMAN KEILSON: Mr. Felder.

Kaufman - 12/20/16

1 MEMBER FELDER: For.

2 CHAIRMAN KEILSON: And I am for as well. How  
3 much time?

4 MR. MACLEOD: Thank you very much.

5 CHAIRMAN KEILSON: How much time do you need,  
6 two years?

7 MR. MACLEOD: Two years.

8 MR. CASTRO: Board of Building Design.

9 (Whereupon, the hearing concluded at  
10 8:04 p.m.)

11 \*\*\*\*\*

12 Certified that the foregoing is a true and  
13 accurate transcript of the original stenographic  
14 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 Lawrence Yacht & Country Club  
4 101 Causeway  
5 Lawrence, New York

6 December 20, 2016  
7 8:04 p.m.

8 APPLICATION: Schreiber  
9 3 Regent Drive  
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. ELLIOT MOSKOWITZ  
19 Member

20 MR. AARON FELDER  
21 Member

22 MR. KENNETH A. GRAY, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

MR. DANNY VACCHIO  
Building Department

MS. DANA GARRAPUTA  
Building Department

Mary Benci, RPR  
Court Reporter

Schreiber - 12/20/16

1 CHAIRMAN KEILSON: The matter of Schreiber on  
2 Regent Drive. Would they or their representative.

3 MR. MACLEOD: John Macleod, 595 Park Avenue,  
4 Huntington, New York.

5 On this occasion I am representing the  
6 Schreibers, number 3 Regent Drive, for a swimming  
7 pool, rear-yard setback variance to the swimming  
8 pool and to the pool equipment. We're requesting  
9 15 feet to the pool, where 20 is required, and  
10 12 feet to the pool equipment, where 20 is  
11 required.

12 I have letters of support from the immediate  
13 neighbors on the pool side, and as they are so  
14 well written I'd like to read them into the  
15 record.

16 CHAIRMAN KEILSON: Really? They're so  
17 unique?

18 MR. MACLEOD: May I give you copies  
19 (handing).

20 The first one is from Chana Friedman in the  
21 rear, who says she resides at 218 Broadway,  
22 Lawrence. "My rear yard adjoins the Schreibers'  
23 rear yard. I write this letter in enthusiastic  
24 approval of the application made by Shoni and  
25 Baruch David Schreiber at 3 Regent Drive,

Schreiber - 12/20/16

1 Lawrence, for a variance to reduce the backyard  
2 setback from 20 to 15 feet to construct a pool and  
3 to permit the pool equipment to be installed  
4 within 12 feet of the lot line separating our  
5 properties. I recognize that because of the odd  
6 configuration of the lot it is necessary for the  
7 rear-yard setback to be reduced to 15 feet so that  
8 the Schreibers not lose more valuable backyard  
9 space than is otherwise necessary. I fully  
10 support their request for this variance, as well  
11 as a request for a 12-foot setback to the pool  
12 equipment, and do not feel in any way that our  
13 privacy will be compromised by either of these  
14 requests. The Schreibers are excellent neighbors,  
15 friendly and caring and go above and beyond to  
16 ensure amity with their neighbors. I  
17 wholeheartedly approve both of their  
18 applications."

19 CHAIRMAN KEILSON: Beautiful, very moving.

20 MR. MACLEOD: That was the neighbor directly  
21 in the rear. And the neighbor in the front to the  
22 right side is Matthew Cohen, number 5 Regent  
23 Drive.

24 CHAIRMAN KEILSON: Yes, a former member of  
25 the Board of Zoning Appeals.



Schreiber - 12/20/16

1 MR. MACLEOD: Perfect.

2 MEMBER GOTTLIEB: What did he have to say?

3 MR. MACLEOD: He said: "To whom it may  
4 concern."

5 CHAIRMAN KEILSON: So impersonal.

6 MEMBER GOTTLIEB: I guess he didn't like  
7 being here.

8 MR. MACLEOD: "David and Shoni Schreiber have  
9 been our neighbors for over 19 years. We have  
10 developed a very close relationship with them. I  
11 wholeheartedly endorse their application for a  
12 rear-yard setback reduction from 20 feet to  
13 15 feet with respect to the rear yard adjoining  
14 the Friedmans. At my request, the Schreibers are  
15 not seeking a variance to reduce the side-yard  
16 restriction which borders on my property. They  
17 dutifully maintain the 15-foot side-yard setback  
18 in the application. The Schreibers have always  
19 been superb neighbors. I have often shared my  
20 pool with them and am delighted that they will now  
21 be able to have their own pool."

22 MEMBER HILLER: That's an endorsement?

23 MEMBER GOTTLIEB: I think that's a  
24 self-serving statement.

25 MR. MACLEOD: "I therefore endorse their

1 application."

2 CHAIRMAN KEILSON: And finally.

3 MR. MACLEOD: This is better than my  
4 petition.

5 CHAIRMAN KEILSON: No question.

6 MR. MACLEOD: Then the last one is the rear  
7 right-hand side neighbor which is adjacent to the  
8 pool. This is from Isaac and Tova Schwartz.

9 "To whom it may concern: David and Shoni  
10 Schreiber have been our wonderful and helpful  
11 neighbors for over 19 years. We wholeheartedly  
12 endorse their application for a rear-yard setback  
13 reduction from 20 to 15 feet with respect to the  
14 rear yard adjoining the Friedmans and for  
15 installation of pool equipment in that area. The  
16 Schreibers' application maintains a 15-foot side  
17 yard from our property. We warmly endorse their  
18 application and wish them the best of luck."

19 CHAIRMAN KEILSON: If for any reason we  
20 decline the application we'll certainly give them  
21 a plaque, the best neighbor plaque.

22 MR. MACLEOD: So basically --

23 CHAIRMAN KEILSON: Can the pool be placed in  
24 the fashion that it will not encroach and require  
25 variances? In other words, what's the precipitant

1 causing the requirement for the variance as  
2 opposed to just placing it --

3 MR. MACLEOD: Okay. So by placing it in a  
4 different orientation it took up too much of the  
5 backyard. The Schreibers have grandchildren who  
6 like to play in the backyard. There's space for a  
7 swing set. There's space to enjoy the openness,  
8 and there's also the need to have some privacy for  
9 that pool area. There will be a privacy fence  
10 around it, so they tucked it away into the corner  
11 but still maintaining 15 feet from the two side  
12 properties.

13 The property itself as you see on the site  
14 plan is an odd shape. It goes down to a pointed  
15 triangle, and we tried to make the use of that  
16 unusual shape to use up this unused corner, and by  
17 pushing it any further in it just reduces the  
18 setbacks even more.

19 We've tried to keep it away from the house as  
20 far as possible and leave as much open space for  
21 play in the backyard. We feel that by bringing it  
22 any closer to the house it would just constrict  
23 the house, particularly with this privacy fence  
24 around it. And as we're not doing any harm to the  
25 neighbors who are immediately affected, we request

1 that the Board consider these variances.

2 MEMBER GOTTLIEB: How far is the pool from  
3 the house the way you have it proposed? It looks  
4 like it's 10 feet 8 inches. I'm not sure if I'm  
5 reading it correctly.

6 MR. MACLEOD: The pool has got a four-foot  
7 walk between the edge of the pool and a fence  
8 where it says "walk."

9 MEMBER GOTTLIEB: Yes.

10 MR. MACLEOD: And then there is a lawn  
11 section for 6 foot 8 inches. And then the next  
12 part is actually the concrete walk that goes  
13 around a ramp area.

14 MEMBER FELDER: That's existing?

15 MR. MACLEOD: That's existing, yes. The  
16 house and the concrete walk and the ramp are all  
17 existing.

18 MEMBER GOTTLIEB: So initially, I was going  
19 to suggest that you rotate the pool and you don't  
20 have to get a variance whatsoever. You'd be  
21 15 feet on the side, 20 feet on the rear. But  
22 understanding that you have the concrete walk, you  
23 have a lawn, you have a four-foot walk, if you  
24 were to move the pool five feet back you can do  
25 this as of right.

Schreiber - 12/20/16

1           MR. MACLEOD: Okay. So the desire to keep  
2 some greenery on the outside of the fence, and  
3 that's where the word "lawn" is, is 6 foot 8.  
4 There is a band which is basically from here to  
5 your table, about 6-foot-8, some greenery. If we  
6 push it any closer, it's just going to be a very  
7 narrow strip, and the fence is going to become --  
8 the six-foot-high privacy fence is going to be  
9 coming much closer to the house.

10           MEMBER HILLER: One of the problems we have  
11 -- and first of all, I'd love to have you as  
12 neighbors, but one of the problems we have with  
13 pools is that people want a pool and they also  
14 want it where they want it. It's hard to give a  
15 variance for something that can be corrected  
16 without a variance.

17           For instance, if the pool was moved  
18 horizontally, instead of vertically to the house,  
19 if it was moved horizontally to the house you  
20 would not need a variance. And also, you know,  
21 the size of the lawn remains the same. The pool  
22 takes up the same amount of square footage  
23 regardless of where it is, and you would still  
24 have a continuous lawn going all the way to the  
25 back towards the right side of the rear yard. And

Schreiber - 12/20/16

1 I don't see why we have to give a variance for  
2 convenience.

3 And the neighbors right now they may even  
4 agree with it, but when they hear the noise from  
5 the -- the understandable noise of children  
6 playing, and there are other things happening, it  
7 may encroach on them. That's the whole reason for  
8 the setbacks of the pools.

9 MR. MACLEOD: Okay. So if I could just  
10 address the orientation aspect. To comply with  
11 more of a horizontal layout we would still have to  
12 stay 20 feet off of the rear property line.

13 MEMBER HILLER: And you would be.

14 MR. MACLEOD: We would be, but it brings the  
15 pool a lot closer to the house, and then add the  
16 fence around it and then it does monopolize most  
17 of the backyard.

18 MEMBER HILLER: It does not.

19 MR. MACLEOD: Well, I'd be happy to draw a  
20 line.

21 MEMBER HILLER: I see the lawn. You have a  
22 nice wide lawn, and you have the space behind.

23 (Whereupon, a discussion was held off the  
24 record.)

25 CHAIRMAN KEILSON: Let's go back on the

1 record. Mr. Hiller.

2 MEMBER HILLER: Yes. It does not take up the  
3 whole yard. I sympathize with the need for the  
4 pool, and I don't want to take away anybody's  
5 pool, but when there's a way to do it that does  
6 not interfere then I think that's the way it  
7 should be pursued.

8 MEMBER MOSKOWITZ: Let me ask a question, if  
9 I may. So if I'm reading this correctly, when you  
10 look at both of the sides of the -- both of the  
11 setback issues, it's only a portion of the pool,  
12 right, that is actually encroaching on the 20-foot  
13 setback, right? It's not the entire side on  
14 either location?

15 MR. MACLEOD: It's the triangulated portion,  
16 probably the width of the pool which is 18, and if  
17 we were to draw a parallel line probably about  
18 seven feet into that corner. So it's not the  
19 whole pool that we're asking for a variance. It's  
20 just a fraction of the pool.

21 MEMBER MOSKOWITZ: So what fraction, like  
22 what fraction on each side is compliant and what  
23 fraction on each side is subject to the variance  
24 request? Approximately.

25 MR. MACLEOD: I would say probably about --

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1       probably about 15 percent.

2               MEMBER MOSKOWITZ: Is that the part that's  
3       compliant or the part that's --

4               MR. MACLEOD: That is noncompliant.

5               MEMBER MOSKOWITZ: So 85 percent on each side  
6       is compliant is basically what you're --  
7       approximately, correct?

8               MR. MACLEOD: Yes.

9               MEMBER MOSKOWITZ: So to me that sets it  
10      apart from some of the other situations that the  
11      Board can see from time to time.

12              CHAIRMAN KEILSON: We also have a problem  
13      with the pool equipment which is the noisiest part  
14      of it.

15              MEMBER MOSKOWITZ: We should talk about that  
16      separately or now, but I'm referring only to the  
17      pool itself which I think was the subject of the  
18      discussion. So to me this is less problematic  
19      than other situations perhaps, because it's mostly  
20      compliant, even if that's not captured in the pure  
21      variance request.

22              MEMBER HILLER: Ordinarily, I would agree,  
23      except the fact is that there is room to make it  
24      totally compliant.

25              MEMBER GOTTLIEB: I think there are options



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1 to make it compliant. One is either moving the  
2 pool a little bit closer to the house, because  
3 only a portion of the pool as we discussed is  
4 15 feet away and most of it is 20 feet. I don't  
5 mean most; the perimeter is 20 feet. Or you can  
6 turn it 90 degrees, as Mr. Hiller suggested a  
7 moment ago.

8 MR. MACLEOD: We would have to -- if we were  
9 to slide it straight up the page towards the  
10 house, the fence would basically be on the edge of  
11 the concrete walk there.

12 MEMBER GOTTLIEB: Right, the four feet.

13 MR. MACLEOD: Yes. So that 6-foot-8 of lawn  
14 would disappear completely and we would be dealing  
15 with much of the hard landscape as opposed to --

16 MEMBER HILLER: Or you don't have to have a  
17 walk on that side.

18 MR. MACLEOD: Well, a walk around the pool is  
19 preferable for safety reasons.

20 MEMBER FELDER: How much would you have to  
21 move the pool over if you wanted to alleviate the  
22 15 percent?

23 MR. MACLEOD: We would have to slide it up  
24 the page about --

25 MEMBER FELDER: Slide it up or over?

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1 MR. MACLEOD: We would be sliding it straight  
2 up the page towards the house by an additional  
3 five feet.

4 MEMBER FELDER: Five feet.

5 MR. MACLEOD: We're 15 feet and we'd have to  
6 slide it vertically on the page by five feet.

7 MEMBER HILLER: I'm okay with four feet.

8 CHAIRMAN KEILSON: Or could you angle it?

9 MR. CASTRO: Mr. Macleod, if you skewed the  
10 pool to maintain 15 feet on the side yard, would  
11 that increase alone --

12 MR. MACLEOD: It actually complicates things  
13 a little bit because the diagonal measurement of  
14 the pool is greater than the length of the pool.  
15 We tried it many different orientations to get the  
16 best -- not only the best fit, but also the best  
17 orientation and alignment of the house so it's not  
18 out of alignment, and we did explore that version,  
19 as Mr. Castro suggested putting it parallel to the  
20 right-hand property line, but as I said, it  
21 doesn't help with the 15-foot setback because  
22 you're turning something on an axis and that  
23 15 feet would perhaps be even reduced further.

24 MEMBER HILLER: So I ask you again, can you  
25 move it back four feet?

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1 MR. MACLEOD: We'd like to point out we did  
2 state it in the petition we would have preferred  
3 to have a 40-foot pool, but we did reduce it in  
4 size to a 36-foot pool.

5 CHAIRMAN KEILSON: Why not a 50-foot?

6 MEMBER HILLER: We're not dealing with that.  
7 We're only dealing with what we have.

8 The second problem besides that is the pool  
9 equipment. The neighbors don't realize perhaps  
10 the noise that's going to be generated by that.

11 MEMBER FELDER: I think all of the neighbors  
12 do have pools, so I think they understand.

13 MR. MACLEOD: They do have pool equipment and  
14 it's all in this kind of corner.

15 MR. SCHREIBER: The Friedmans' pool equipment  
16 is right near that.

17 CHAIRMAN KEILSON: She doesn't know who you  
18 are. Just tell her who you are.

19 MR. SCHREIBER: I'm David Schreiber, the  
20 petitioner. The adjoining neighbors, the  
21 Friedmans, their pool equipment is located in that  
22 same area.

23 CHAIRMAN KEILSON: Speak to us. Just  
24 identify yourself.

25 MR. SCHREIBER: It's located in the same area

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1 as the pool equipment that we are proposing. So  
2 it's basically in that same general square  
3 footage.

4 MEMBER HILLER: I stand by my last request.  
5 Move the pool four feet back and additionally to  
6 move the equipment back.

7 MEMBER GOTTLIEB: I think just to --

8 CHAIRMAN KEILSON: By the way, this is just  
9 minutia, but there's no such thing as a six-foot  
10 height fence in the yard. You need special  
11 permission for that; is that correct?

12 MR. CASTRO: Correct. Six foot is only  
13 allowed along the rear property lines. Anything  
14 forward of that would have to be granted.

15 CHAIRMAN KEILSON: It doesn't matter all that  
16 much.

17 MR. MACLEOD: It wasn't something that was  
18 cited to us to reply to.

19 CHAIRMAN KEILSON: I understand.

20 MEMBER GOTTLIEB: I was going to say,  
21 Mr. Macleod, you do have options. You can have a  
22 larger pool and lay it out in the other direction.  
23 You can have your 40-foot pool and lay it out  
24 horizontally. You can have a smaller pool and  
25 move it up and do it within code. It's not as if

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1 you have a tiny backyard and there's just no space  
2 to do this. You have many options.

3 MR. MACLEOD: So could I propose that we not  
4 reduce the size of the pool but do slide it up the  
5 page towards the house by two feet to 17 feet from  
6 the property line for the people who don't mind it  
7 being there and who have a pool backing onto this  
8 area also and will be making the same amount of  
9 noise.

10 MEMBER MOSKOWITZ: And then only --

11 CHAIRMAN KEILSON: We have an aerial photo.  
12 We don't see the pool backing up on their  
13 property. Maybe they moved it for the aerial  
14 photo.

15 MR. MACLEOD: The Friedmans do have a pool.

16 MEMBER GOTTLIEB: It's not close to the  
17 property line.

18 MEMBER FELDER: Their equipment is. The  
19 equipment is back on the property.

20 CHAIRMAN KEILSON: I don't see the equipment  
21 either, or I can't tell.

22 MEMBER MOSKOWITZ: If you moved up the pool  
23 by two feet, what percentage then would be  
24 compliant on each side? 95 percent of the pool,  
25 something like that?

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1 MR. MACLEOD: Probably about that, yes.

2 MEMBER HILLER: Mr. Macleod, it's not a  
3 question of two feet, three feet. You have enough  
4 of a property here where you can have your cake  
5 and eat it too, but it has to be done in a legal  
6 way. This property, the size of this property  
7 does not warrant a variance for a pool that could  
8 be put in a proper place without seeking a  
9 variance and not disturbing the property. Let's  
10 go from two feet to the four feet, and let's end  
11 this.

12 MR. MACLEOD: If we go for the full four feet  
13 we will be virtually on that concrete walk of the  
14 fence. We'll have a strip of grass about two feet  
15 wide to separate us.

16 MR. SCHREIBER: If I can just add, having the  
17 fence right next to the house does create another  
18 safety issue for us because we have children  
19 running in and out of the house. I'd like to have  
20 a buffer between the house and the fence. It's  
21 just a safety concern. In addition to the  
22 aesthetic concern, it's a very, very real safety  
23 concern. You know, the kids running in and out of  
24 the house, I want that buffer. That's why we're  
25 doing this.

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1 MEMBER HILLER: Where is the fence, by the  
2 concrete walk?

3 MR. MACLEOD: The fence is four feet away  
4 from the pool.

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

7 MEMBER HILLER: When you move the pool back  
8 you will build a fence that will be, you know,  
9 workable for you.

10 MR. SCHREIBER: You want that buffer, that's  
11 the point. You want a buffer between the door of  
12 the house and the fence.

13 MEMBER GOTTLIEB: But there is the concrete  
14 walk.

15 MEMBER HILLER: Reduce the pool. Reduce the  
16 size of the pool.

17 MR. SCHREIBER: We did.

18 MEMBER HILLER: Not enough to comply.

19 MR. SCHREIBER: I'm not going to argue.

20 MEMBER GOTTLIEB: Mr. Macleod, where is the  
21 gate to the pool?

22 MR. MACLEOD: There's two gates.

23 MEMBER GOTTLIEB: I see it, okay.

24 MR. MACLEOD: There's one over here and --

25 MEMBER GOTTLIEB: And one back here.

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1 MR. MACLEOD: Yes.

2 MEMBER GOTTLIEB: One is over here by the  
3 neighbor and the other one is by the other  
4 neighbor.

5 CHAIRMAN KEILSON: What happened with the  
6 pool equipment?

7 MR. MACLEOD: Just to point out, as my client  
8 stated, the backyard is not purely for the use of  
9 the swimming pool. It has shared functions with  
10 the swing set and play area, barbecue area, and if  
11 we keep pushing it closer to the house --

12 MEMBER HILLER: The same square footage is  
13 being taken up by the pool regardless of where it  
14 is. It's still on the side of the house. It  
15 still leaves ample lawn. I can't keep going over  
16 it. Other people on the Board may disagree with  
17 me, but when there's an opportunity to comply with  
18 the zoning regulations and it's just being  
19 ignored, that is a difficult thing for me.

20 MR. MACLEOD: We're not ignoring it. We are  
21 trying to respect it and suggesting some small  
22 changes to this particular property because of the  
23 odd shape of the property.

24 MEMBER HILLER: The shape is slightly  
25 irregular but it's not -- it's basically a square



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1 with a peninsula coming out over there, or an  
2 angle over there.

3 CHAIRMAN KEILSON: Mr. Macleod, we are  
4 peppered with a plethora of pools and we face this  
5 time and time again, people trying to fit pools in  
6 an area that will convenience them but not the  
7 zoning restrictions which were created in order to  
8 avoid problems with neighbors, because it's not  
9 just simply that you're a few feet closer, the  
10 noise is that much closer. People are -- they  
11 don't recognize it but there is a lot of noise  
12 associated with pools.

13 MR. MACLEOD: I believe the noise will be the  
14 same whether the pool is here or there.

15 CHAIRMAN KEILSON: I don't think -- that's  
16 not correct. I have a pool, and it's not correct.  
17 I have neighbors who have pools as well. The  
18 further away they are, the less -- there is a  
19 certain amount of buffer. And then you're placing  
20 the pool equipment right on their property line.

21 MR. MACLEOD: Could we make it 18 feet from  
22 the rear property line to the pool, leaving the  
23 pool equipment where it is? If we move the pool  
24 up a little bit, we can slide the pool equipment  
25 up as well. We can go 18 feet to the pool and

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1 15 feet to the pool equipment.

2 MEMBER HILLER: Three feet instead of four  
3 feet.

4 MR. MACLEOD: I'm just trying to keep a  
5 little grass between the fence and the concrete  
6 wall so it's not a meaningless --

7 MEMBER HILLER: Where is the pool equipment  
8 going? How many feet is it moving back? I don't  
9 want to get -- how many feet is it moving back?

10 MR. MACLEOD: Three feet.

11 MEMBER HILLER: So it's going to be 15 feet  
12 away?

13 MR. MACLEOD: Yes, 15 feet to the pool  
14 equipment, 18 feet to the pool, and that would  
15 leave a little bit of grass, which is what the  
16 Schreibers are looking for to separate the fence  
17 to the existing patio that's there.

18 MEMBER HILLER: I personally could live with  
19 it, even though it goes against my principles as  
20 far as pools. Pools have become the bane of this  
21 committee.

22 CHAIRMAN KEILSON: Any further questions from  
23 the Board?

24 MEMBER GOTTLIEB: This has nothing to do with  
25 the application. I just wanted to mention this.

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1       There is a proposed tall fence around the pool,  
2       and the tall fence concerns me for the same  
3       reasons why you probably want to put it there, is  
4       that you won't be able to see into the pool. And  
5       maybe you do that for modesty reasons. But when  
6       you've got children in the pool, they always need  
7       adult supervision within that fence. As opposed  
8       if there's someone outside by the barbecue or on  
9       the lawn, they won't be able to look inside and  
10      see what's happening in the pool. It's just a  
11      concern. I'm sure you're going to address it, and  
12      I'm sure there are reasons why you want to have a  
13      nontransparent fence around the pool. Just a  
14      concern.

15           MR. SCHREIBER: No, no, I understand. Thank  
16      you.

17           CHAIRMAN KEILSON: In our experience what we  
18      do is we close the blinds in the house. That  
19      gives you the privacy, and at the same time you  
20      can sort of see what the kids are doing.

21           MR. SCHREIBER: Thank you.

22           CHAIRMAN KEILSON: So where are we placing it  
23      now? Let's have a quick --

24           MR. MACLEOD: Instead of having a 15-foot  
25      setback from the rear property line, we're

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1 proposing an 18-foot setback to the pool, and the  
2 swimming pool equipment instead of being 12 feet  
3 it would also slide up the page and be 15 feet,  
4 while maintaining a 15-foot setback on the side  
5 yard in compliance with the code.

6 CHAIRMAN KEILSON: Any further questions of  
7 the Board? Any comments from the audience?

8 (No response.)

9 CHAIRMAN KEILSON: Is the house going to be  
10 angled? The 20-foot-8 will go up to 23-8?

11 MR. MACLEOD: That will also increase by a  
12 similar three foot. It will go to 23-foot-8, I  
13 believe.

14 CHAIRMAN KEILSON: Mr. Castro, do you want a  
15 quick drawing from him or just --

16 MR. CASTRO: Well, you will revise the  
17 drawing to match what's approved.

18 MR. MACLEOD: Yes.

19 CHAIRMAN KEILSON: So whereas the rear-yard  
20 setback has to be a minimum of 20, you're going to  
21 be at --

22 MR. MACLEOD: 18.

23 CHAIRMAN KEILSON: Okay. In terms of the  
24 rear-yard setback for the pool equipment which is  
25 also requiring 20, you will be at?

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1 MR. MACLEOD: Fifteen.

2 CHAIRMAN KEILSON: Fifteen.

3 So in weighing the benefit to the applicant  
4 and all the grandchildren of the Schreibers --

5 MR. SCHREIBER: And futures.

6 CHAIRMAN KEILSON: And futures, okay.

7 Mr. Moskowitz.

8 MEMBER MOSKOWITZ: I'm for.

9 CHAIRMAN KEILSON: Mr. Gottlieb.

10 MEMBER GOTTLIEB: For.

11 CHAIRMAN KEILSON: Mr. Hiller.

12 MEMBER HILLER: For.

13 CHAIRMAN KEILSON: Mr. Felder.

14 MEMBER FELDER: I am for.

15 CHAIRMAN KEILSON: And I vote for as well.

16 How much time do you need, a year?

17 MR. MACLEOD: A year.

18 CHAIRMAN KEILSON: A year, okay. Try to get  
19 it in for this season. A good grandparent would  
20 do that.

21 MR. CASTRO: Note that the fence permit is  
22 going to have to be filed and is subject to review  
23 by the Board of Building Design if they're not  
24 under the normal guidelines of the Board of  
25 Building Design.

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1 MR. MACLEOD: Just to clarify, it's permitted  
2 to be six feet on the rear property line?

3 MR. CASTRO: Along the rear. Five foot along  
4 the side.

5 MR. MACLEOD: Any restrictions within the  
6 property?

7 MR. CASTRO: It will be five. The only place  
8 a six-foot is allowed is the rear property line,  
9 and everything else is five.

10 MR. SCHREIBER: Thank you for making us  
11 aware.

12 (Whereupon, the hearing concluded at  
13 8:32 p.m.)

14 \*\*\*\*\*

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

18

19

Mary Benci

20

MARY BENCI, RPR  
Court Reporter

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## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Lawrence Yacht & Country Club  
4 101 Causeway  
5 Lawrence, New York

6 December 20, 2016  
7 8:32 p.m.

## 8 APPLICATION:

9 Billet  
10 29 Waverly Place  
11 Lawrence, New York

## 12 P R E S E N T :

13 MR. LLOYD KEILSON  
14 Chairman

15 MR. EDWARD GOTTLIEB  
16 Member

17 MR. DANIEL HILLER  
18 Member

19 MR. ELLIOT MOSKOWITZ  
20 Member

21 MR. AARON FELDER  
22 Member

23 MR. KENNETH A. GRAY, ESQ.  
24 Village Attorney

25 MR. GERALDO CASTRO  
Building Department

MR. DANNY VACCHIO  
Building Department

MS. DANA GARRAPUTA  
Building Department

Mary Benci, RPR  
Court Reporter

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1 CHAIRMAN KEILSON: The Billet residence on  
2 Waverly Place.

3 MS. KUPFERSTEIN: Good evening.

4 I'm Barbara Kupferstein, the architect  
5 representing the Billets at 29 Waverly Place.

6 CHAIRMAN KEILSON: This is a petition that  
7 you prepared?

8 MS. KUPFERSTEIN: Yes.

9 CHAIRMAN KEILSON: Because that paragraph is  
10 a very daunting one. Nobody on this Board could  
11 read it or understand it; the bottom paragraph is  
12 one long runon sentence. You will describe it in  
13 your drawing.

14 MS. KUPFERSTEIN: I will clarify, sure.

15 We're asking for relief from the rear-yard  
16 setback and from the side yard. That paragraph  
17 that you've alluded to is saying, in short -- if  
18 you could take a look at the site plan in front of  
19 you.

20 CHAIRMAN KEILSON: We all have site plans.

21 MS. KUPFERSTEIN: The side yard at the point  
22 of the proposed addition is on one side 14.8 feet,  
23 which is just a continuance of the existing  
24 building going straight back, maintaining that  
25 14.8 side-yard setback. The minimum required is



1 10 feet on one side, so it's well above that.

2 On the other side at the point of the  
3 proposed addition there's two different dimensions  
4 there. One is 54.3 feet to the other side, and at  
5 the narrow point it is 39.1 feet, for a total  
6 of --

7 MEMBER HILLER: I don't understand.

8 CHAIRMAN KEILSON: Where are you referring  
9 to?

10 MS. KUPFERSTEIN: I'm happy to come and point  
11 it out, if I may.

12 CHAIRMAN KEILSON: Okay, approach.

13 Mary, off the record.

14 (Whereupon, a discussion was held off the  
15 record.)

16 CHAIRMAN KEILSON: You suggest that there's a  
17 pre-existing nonconforming in a certain position  
18 on the site plan, whereas in the other area it's  
19 significantly over the requirement.

20 MS. KUPFERSTEIN: Correct. So that really  
21 leaves the rear yard as the one we're asking  
22 relief from.

23 CHAIRMAN KEILSON: The heart of the issue is  
24 the rear yard.

25 MS. KUPFERSTEIN: The rear yard.

1           We're looking to build a very modest  
2 one-story rear addition and it's to get more  
3 space. The dining room is very small.

4           CHAIRMAN KEILSON: How long are they living  
5 in the house?

6           MS. KUPFERSTEIN: The Billets are living here  
7 23 years. They're longtime residents, happy,  
8 satisfied residents of the community, and have  
9 made a lot of friends in the community.

10          CHAIRMAN KEILSON: Do you have letters from  
11 those friends?

12          MS. KUPFERSTEIN: I don't have letters with  
13 me today. I know the Billets have informally  
14 spoken to them. There's only one neighbor who may  
15 be impacted by it and they've spoken to them and  
16 they got a verbal consent from them.

17          CHAIRMAN KEILSON: Where is that neighbor  
18 located?

19          MS. KUPFERSTEIN: Behind them on Sealy Court.

20          MEMBER HILLER: Who is that neighbor?

21          MS. KUPFERSTEIN: Zupnick. They have verbal  
22 consent from them; of course, and we sent around  
23 all the letters to all the neighbors, you know,  
24 inviting them to attend if they have any  
25 objections, of course.

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1           It's a low height, you know, it's a  
2 one-story. It doesn't impact the streetscape,  
3 doesn't impact the community. It's a very  
4 localized, you know, structure. And like I said,  
5 it's because the dining room cannot be move  
6 forward. The living room that abuts the dining  
7 room is on a different level. So there's no way  
8 to move forward, and this is the only direction  
9 they can go.

10           CHAIRMAN KEILSON: So what are you building  
11 in that new area?

12           MS. KUPFERSTEIN: It's an extended dining  
13 room, an extended kitchen, because the table right  
14 now abuts the back wall of the house. So only  
15 three sides of the table are usable in the  
16 kitchenette. So this extra will allow more  
17 seating on both sides to accommodate the whole  
18 family.

19           It's a modest request, if I may say, in this  
20 climate of mansions and whatnot.

21           MEMBER GOTTLIEB: How much square foot in  
22 total is the addition?

23           MS. KUPFERSTEIN: How much square foot is the  
24 addition?

25           MEMBER GOTTLIEB: Yes.

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1 MS. KUPFERSTEIN: Yeah, the proposed addition  
2 is 265 square feet.

3 MEMBER GOTTLIEB: That's rather modest,  
4 right, Mr. Chairman?

5 CHAIRMAN KEILSON: Rather modest.

6 MEMBER GOTTLIEB: The next question I have  
7 is, the largest part of the addition, is it  
8 13 feet or 18 feet that's coming out?

9 MS. KUPFERSTEIN: It's 13 feet.

10 MEMBER GOTTLIEB: Which leaves you how much  
11 space between that addition and the property line?

12 MS. KUPFERSTEIN: I'll do the math for you  
13 in a second.

14 MEMBER GOTTLIEB: I don't see it on the plan.  
15 That's why I needed to ask you that.

16 MS. KUPFERSTEIN: Let's see. I'm sorry, if  
17 you would give me a minute.

18 MEMBER HILLER: It's 14.8.

19 MS. KUPFERSTEIN: 14.8, exactly.

20 MEMBER GOTTLIEB: So typically, I mean,  
21 you're giving up your backyard in exchange for the  
22 dining room, giving up a good portion of your  
23 backyard, right?

24 MS. KUPFERSTEIN: Somewhat.

25 MEMBER GOTTLIEB: And I was at the property.

1 I did walk behind the property. Sorry I didn't  
2 knock on your door, but I was there. I noticed  
3 that the back of this property is actually the  
4 neighbor's side yard. And the reason why I'm  
5 saying that is because, typically, I wouldn't like  
6 to see -- I would not like to see a 14-foot rear  
7 yard, even if it's only for a width of about  
8 12 feet. But because it is the neighbor's side  
9 yard it's not egregious to the neighbor. So it's  
10 almost a side yard against a side yard, and it's  
11 only for about 12 feet, and then the next portion  
12 is 14 feet out, I guess, and that's for a length  
13 of 15 feet.

14 CHAIRMAN KEILSON: Thank you for pointing  
15 that out. I think it's very helpful.

16 MEMBER GOTTLIEB: You're welcome,  
17 Mr. Chairman. Sometimes you don't realize that a  
18 rear yard is adjacent to a side yard.

19 CHAIRMAN KEILSON: The Village is very  
20 concerned about water absorption so we're always  
21 concerned about encroachments and reduction in  
22 lawn space, but we understand the special  
23 circumstances and a very unusual shaped lot.

24 MS. KUPFERSTEIN: And they will be putting in  
25 the dry wells as required.

1 CHAIRMAN KEILSON: But we know the dry wells  
2 don't do the job that open space will do.

3 Mr. Hiller, any questions?

4 MEMBER HILLER: No.

5 CHAIRMAN KEILSON: Silent? Any other  
6 questions from the Board?

7 (No response.)

8 CHAIRMAN KEILSON: Okay. Anyone from the  
9 audience want to comment?

10 (No response.)

11 CHAIRMAN KEILSON: Okay. So thank you for  
12 clarifying that paragraph, that was very daunting,  
13 yes.

14 In weighing benefit to the applicant as  
15 against any potential detriment, I think it's very  
16 important that my colleague has pointed out that  
17 it's a side yard of the neighbor to the rear, so  
18 we are certainly, you know, more inclined to work  
19 and support such an application and to expand the  
20 dining room which is so important, the kitchen so  
21 important, okay, paramount in our lives.

22 So Mr. Moskowitz.

23 MEMBER MOSKOWITZ: I'm for.

24 CHAIRMAN KEILSON: Okay. Mr. Gottlieb.

25 MEMBER GOTTLIEB: I think I could live with

Billet - 12/20/16

1 this. I'll vote for.

2 CHAIRMAN KEILSON: Mr. Hiller.

3 MEMBER HILLER: If Mr. Gottlieb can live with  
4 this, certainly I can.

5 CHAIRMAN KEILSON: Mr. Felder.

6 MEMBER FELDER: For.

7 CHAIRMAN KEILSON: And I'm going to vote for,  
8 and you have two years and Board of Building  
9 Design.

10 MR. CASTRO: No, not for this.

11 CHAIRMAN KEILSON: You saved yourself all  
12 that time and effort.

13 MS. KUPFERSTEIN: Thank you very much.

14 (Whereupon, the hearing concluded at  
15 8:41 p.m.)

16 \*\*\*\*\*

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

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Mary Benci  
MARY BENCI, RPR  
Court Reporter

## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Lawrence Yacht & Country Club  
4 101 Causeway  
5 Lawrence, New York

6 December 20, 2016  
7 8:41 p.m.

## 8 APPLICATION:

9 Leichtung  
10 15 Briarwood Lane  
11 Lawrence, New York

## 12 P R E S E N T :

13 MR. LLOYD KEILSON  
14 Chairman

15 MR. EDWARD GOTTLIEB  
16 Member

17 MR. DANIEL HILLER  
18 Member

19 MR. ELLIOT MOSKOWITZ  
20 Member

21 MR. AARON FELDER  
22 Member

23 MR. KENNETH A. GRAY, ESQ.  
24 Village Attorney

25 MR. GERALDO CASTRO  
Building Department

MR. DANNY VACCHIO  
Building Department

MS. DANA GARRAPUTA  
Building Department

Mary Benci, RPR  
Court Reporter



Leichtung - 12/20/16

1 CHAIRMAN KEILSON: The matter of Leichtung on  
2 Briarwood. Would they or their representative.

3 MR. DEFONSECA: Good evening.

4 CHAIRMAN KEILSON: No papers?

5 MR. DEFONSECA: No papers. You have the  
6 papers. My name is Carlos Defonseca. 158 Middle  
7 Neck Road, Great Neck, New York 11021. I'm the  
8 architect.

9 Basically, what we propose is a one-story  
10 extension to be used as a master bedroom with a  
11 half a bathroom. We have a situation in the  
12 family where the husband was operated on the two  
13 knees and it's very difficult for him to go up the  
14 steps.

15 CHAIRMAN KEILSON: He's not like new after  
16 the surgery?

17 MR. DEFONSECA: Huh?

18 CHAIRMAN KEILSON: He's not like new?

19 MR. DEFONSECA: No, not like new after the  
20 surgery, and so we really need the bedroom. There  
21 is no other place where we could put it. The  
22 house, we went for a variance for the house a few  
23 years ago, and we got it granted.

24 CHAIRMAN KEILSON: Were you involved in that?

25 MR. DEFONSECA: I was involved with that

Leichtung - 12/20/16

1 variance, yes.

2 CHAIRMAN KEILSON: That's 1999?

3 MR. DEFONSECA: Yes.

4 CHAIRMAN KEILSON: There is a reference to it  
5 in the application.

6 MR. DEFONSECA: We basically are building  
7 this room on an area --

8 CHAIRMAN KEILSON: Who prepared the petition?

9 MR. DEFONSECA: The client and myself at the  
10 time.

11 CHAIRMAN KEILSON: Reference was made that  
12 96 percent was built as of right?

13 MR. DEFONSECA: 96 percent as of right?

14 CHAIRMAN KEILSON: I'm just reading the  
15 paragraph.

16 MEMBER HILLER: On the '99 petition. In  
17 reality, you got a 20 percent overage and that was  
18 approved.

19 MR. DEFONSECA: Yeah, it was approved. At  
20 that time the zoning was different, so when we  
21 got --

22 CHAIRMAN KEILSON: They were much more  
23 compassionate then.

24 MR. DEFONSECA: The property was down some,  
25 so apart from the variance it became a

Leichtung - 12/20/16

1 nonconforming property. But basically we're  
2 building this room is on top of an area on top of  
3 a patio. It's not affecting the rear yard. It's  
4 not really affecting the side yard. It's not  
5 affecting light and air because we are only a  
6 one-story structure. So it's really in an area  
7 that doesn't really affect. It's not visible from  
8 the street, so it doesn't increase the degree of  
9 the compliance of the existing house.

10 CHAIRMAN KEILSON: Well, it does; the  
11 building coverage is excessive.

12 MR. DEFONSECA: Yeah.

13 CHAIRMAN KEILSON: Very significantly.

14 MEMBER GOTTLIEB: You're building 423 feet  
15 over what's there now, I think.

16 MR. DEFONSECA: Yes, yes.

17 MEMBER GOTTLIEB: So you'll be 1,033 over  
18 permitted, but 12 percent over your current,  
19 12 percent over your current building. And there  
20 is no change in the surface coverage?

21 CHAIRMAN KEILSON: No.

22 MR. DEFONSECA: No, no, no.

23 CHAIRMAN KEILSON: Under the new zoning what  
24 would be the impact? If we gave you a Chinese  
25 menu, would you choose A or B?

Leichtung - 12/20/16

1 MR. CASTRO: Under the new code it would be  
2 20 percent over permitted. I think it was  
3 12 percent over what was existing.

4 CHAIRMAN KEILSON: I see.

5 MEMBER GOTTLIEB: So back to the 12 percent.  
6 Did you look into putting an elevator from the --

7 MR. DEFONSECA: It is very difficult. They  
8 looked into putting that, but there's no place in  
9 the house to put it with the kitchen and the  
10 bathrooms. Structurally, it's --

11 MEMBER GOTTLIEB: It wasn't hard for me to  
12 find two places.

13 MEMBER HILLER: You have two studies on the  
14 first floor, and one of the studies could have  
15 been converted to a bedroom.

16 MR. DEFONSECA: They have a large family.  
17 They use the studies and they need the space for  
18 the children. They have a lot of children.

19 MEMBER HILLER: How many children are there?

20 MS. LEICHTUNG: Six children.

21 CHAIRMAN KEILSON: You have to identify  
22 yourself for Mary.

23 MS. LEICHTUNG: I'm Aliza Leichtung.

24 We have six children, three of them are  
25 married, seven grandchildren. When everyone comes

Leichtung - 12/20/16

1 we just don't have the space. One lives out of  
2 town in California. When they come in and  
3 everybody stays together for extended times, so  
4 it's a little challenging.

5 My husband is going to go in for an ankle  
6 replacement. Although he did have his knees, the  
7 ankle is going to be even harder on him for the up  
8 and down.

9 CHAIRMAN KEILSON: Is he a professional  
10 athlete?

11 MS. LEICHTUNG: He was.

12 MEMBER HILLER: I wanted to ask also about  
13 the deck that you wanted to put on the upper --

14 MR. DEFONSECA: It's a flat roof.

15 MEMBER HILLER: Is that a usable deck that  
16 people will go out on? Is there a door to that  
17 deck?

18 MR. DEFONSECA: We have a door to the deck.

19 MEMBER HILLER: Is the deck hardened and  
20 usable for sitting outside?

21 MR. DEFONSECA: Yes, it has a railing. It  
22 will be accessible, yes.

23 MEMBER HILLER: Does the neighbor know that  
24 their pool will be overlooked by a deck, where  
25 people can sit out and actually see them in the

1 pool?

2 MR. DEFONSECA: I think you got letter from  
3 the neighbor.

4 MS. LEICHTUNG: I have e-mail approval from  
5 all of them. But actually that neighbor has very,  
6 very tall trees so you can't see anything.

7 CHAIRMAN KEILSON: Who has the aerial shot?

8 MEMBER HILLER: In the back there are trees?

9 MS. LEICHTUNG: No, there are trees on the  
10 side by the --

11 CHAIRMAN KEILSON: Your name for the record.

12 MR. LEICHTUNG: Steve Leichtung, husband and  
13 the one with challenged joints.

14 MEMBER GOTTLIEB: You look fine.

15 MR. LEICHTUNG: I think there are high  
16 bushes, not trees.

17 MEMBER HILLER: I just wanted to ask you,  
18 that neighbor is aware that you will have a usable  
19 deck that you can sit on and it will overlook  
20 their pool?

21 MS. LEICHTUNG: Yes. And I have an e-mail  
22 from her and from the neighbor behind and from  
23 across all saying that they were not opposed.

24 CHAIRMAN KEILSON: I think we would look  
25 differently upon this application if you were

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1 going to be building a second story. So we're  
2 concerned that if we permit the first story, then  
3 will they be able to build above it by right?

4 MR. CASTRO: Yeah. I mean, it meets the  
5 side-yard setbacks.

6 CHAIRMAN KEILSON: So I think we would be  
7 more inclined to support the application if we  
8 knew that in the event that you do want to build  
9 above it that you're going to come back to the  
10 Board and not build by right housing.

11 MR. GRAY: You could put in a condition that  
12 this one-story addition will not have a second  
13 floor built upon it. You can build that in as a  
14 condition of your approval. And in the future,  
15 whether it's this applicant or a future owner of  
16 the property wants to amend that, they would have  
17 to come back and seek further relief.

18 MS. LEICHTUNG: That's okay.

19 MR. DEFONSECA: We would be amenable to that.  
20 That's not a problem.

21 CHAIRMAN KEILSON: Let's hear from the  
22 client.

23 MR. DEFONSECA: She told me already.

24 CHAIRMAN KEILSON: She told you already?

25 MS. LEICHTUNG: What? It's fine. We don't

Leichtung - 12/20/16

1 want a second story.

2 MR. DEFONSECA: You don't want a second  
3 story.

4 MS. LEICHTUNG: No, we just want that one  
5 room.

6 MR. DEFONSECA: If you ever want to build a  
7 second story, you would have to come back to the  
8 Board to get permission for it.

9 MS. LEICHTUNG: We don't have any intention  
10 of building.

11 CHAIRMAN KEILSON: Okay.

12 MEMBER GOTTLIEB: So at the end you will have  
13 eight bedrooms, eight bathrooms; is that the idea  
14 to -- that's the plan, right?

15 MR. DEFONSECA: That's right.

16 CHAIRMAN KEILSON: Any other questions from  
17 the Board?

18 (No response.)

19 CHAIRMAN KEILSON: Anyone from the audience  
20 want to comment?

21 (No response.)

22 CHAIRMAN KEILSON: I guess not, okay.

23 So taking into consideration that the new  
24 zoning is not nearly as egregious as the old  
25 zoning, and the special circumstances related to



Leichtung - 12/20/16

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MEMBER MOSKOWITZ: For.

CHAIRMAN KEILSON: And I will vote for, and  
you have up to two years.

MR. CASTRO: No Board of Building Design.

CHAIRMAN KEILSON: No Board of Building  
Design.

MR. DEFONSECA: Thank you very much.

MS. LEICHTUNG: Thank you so much.

(Whereupon, the hearing concluded at  
8:50 p.m.)

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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 Lawrence Yacht & Country Club  
4 101 Causeway  
5 Lawrence, New York

6 December 20, 2016  
7 8:50 p.m.

8 APPLICATION: Rosenfeld  
9 156 Harborview South  
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. ELLIOT MOSKOWITZ  
19 Member

20 MR. AARON FELDER  
21 Member

22 MR. KENNETH A. GRAY, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

MR. DANNY VACCHIO  
Building Department

MS. DANA GARRAPUTA  
Building Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: The Rosenfelds of  
2 Harborview South.

3 MR. SAVALDI: Good evening to the Board.

4 Amiel Savaldi, One Meadow Drive, Woodsburgh,  
5 New York.

6 I'm here this evening representing  
7 Dvora Rosenfeld, and her husband Avi and the  
8 contractor are both here. And in this case we  
9 have an application for a two-story rear addition.  
10 I don't know if you want me to go into what's in  
11 it or are you familiar with the plans? I could go  
12 briefly.

13 CHAIRMAN KEILSON: I think we're familiar  
14 with the plans. I understand that some  
15 construction is under way already?

16 MR. SAVALDI: Yes. So the history of it is  
17 the Rosenfelds suffered damage during Sandy.

18 CHAIRMAN KEILSON: How long are they living  
19 in the house?

20 MS. ROSENFELD: Since 2008.

21 CHAIRMAN KEILSON: Put your name on the  
22 record.

23 MS. ROSENFELD: My name is Dvora Rosenfeld,  
24 one of the owners of 156 Harborview South. We're  
25 living there since 2008.

1 CHAIRMAN KEILSON: Okay.

2 MR. SAVALDI: The basement was flooded, and  
3 they decided that they have to do work. They  
4 rushed things and they started -- they got a  
5 building permit for an addition in the back and  
6 they started to work about a year and a half ago.

7 And since then they're in -- they live in the  
8 house and the house is a construction site. They  
9 have no kitchen and it's -- you have to see it to  
10 believe it. And they realized during construction  
11 that it's not working the way they thought. They  
12 didn't get what they was expecting and --

13 CHAIRMAN KEILSON: I'm not sure what that  
14 means.

15 MEMBER GOTTLIEB: Who was the architect?

16 CHAIRMAN KEILSON: Who was the architect?

17 MR. SAVALDI: There was a different  
18 architect.

19 CHAIRMAN KEILSON: I see.

20 MEMBER HILLER: And they were building as of  
21 right?

22 MR. SAVALDI: Yes, yes. They got the  
23 building permit and they're building for the last  
24 year and a half.

25 CHAIRMAN KEILSON: Is there a one-time

1 exemption somewhere there?

2 MR. CASTRO: Yes.

3 CHAIRMAN KEILSON: Can you expand on it so we  
4 understand fully?

5 MR. CASTRO: The addition that's going up  
6 now, I guess you'd call it on the west side,  
7 doesn't conform with the 15-foot side-yard  
8 setback, but they used a one-time exemption on  
9 that side to be a relief from side yard  
10 height/setback ratio and aggregate.

11 CHAIRMAN KEILSON: So how much of that  
12 hatched area was --

13 MR. SAVALDI: Half of it.

14 CHAIRMAN KEILSON: Can I finish my question?

15 MR. SAVALDI: Sorry.

16 CHAIRMAN KEILSON: Thank you.

17 How much of that area was being built by  
18 right?

19 MR. CASTRO: Approximately half. I think  
20 it's a little less than half.

21 CHAIRMAN KEILSON: Okay.

22 MEMBER GOTTLIEB: That's the portion on the  
23 west side?

24 MR. SAVALDI: Correct.

25 CHAIRMAN KEILSON: Right.

1 MEMBER GOTTLIEB: So that's a 12-foot 8-inch  
2 side yard that's as of right with the one-time  
3 exemption?

4 MR. SAVALDI: Yes, one-time exemption.

5 So I prepared new plans showing squaring off  
6 the rest of the rear yard, maintaining the  
7 existing east side yard of 8 foot 5 inches. So  
8 that's a variance. The requirement is for a  
9 15-foot side yard and the aggregate of 30 feet.

10 CHAIRMAN KEILSON: Okay.

11 MR. SAVALDI: The ideal situation would have  
12 been to build the house from scratch or to build  
13 something bigger, but the budget is very limited  
14 and that's the reason that they realized that even  
15 though the budget is limited they have to do -- if  
16 they do it, they have to do it larger; they cannot  
17 start from scratch. So they have to contend with  
18 the 50 percent for --

19 CHAIRMAN KEILSON: FEMA purposes.

20 MR. SAVALDI: -- for FEMA.

21 CHAIRMAN KEILSON: Otherwise, they would have  
22 to raise the house, correct?

23 MR. SAVALDI: Correct.

24 MR. CASTRO: Just to note, I think the first  
25 floor doesn't meet FEMA regulations by about four

1 inches currently. I believe it is 10-foot-8.

2 MR. SAVALDI: That's before they lowered it,  
3 before they lowered it. It was lowered a bit so  
4 it would all be -- in order to gain the ceiling  
5 height that was done -- that was done.

6 CHAIRMAN KEILSON: But either way it's not  
7 50 percent, so there's no FEMA intervention yet.

8 MR. SAVALDI: Right.

9 CHAIRMAN KEILSON: Okay.

10 MR. SAVALDI: So here we are requesting a  
11 variance for side yard which is eight and a half,  
12 8-foot-5, which is less than 15, and 21 feet and  
13 one inch, which is less than aggregate than the  
14 30 required, and for lot coverage. Regarding the  
15 lot coverage --

16 CHAIRMAN KEILSON: So the side yard is the  
17 same nonconforming as it is on the present  
18 building?

19 MR. SAVALDI: It's exactly the line --

20 CHAIRMAN KEILSON: It's just extending  
21 further?

22 MR. SAVALDI: Right. It's not increasing it.

23 CHAIRMAN KEILSON: How far down -- how long  
24 is that wall that's being extended?

25 MR. SAVALDI: It's 20 feet from the main rear

1 line of the house.

2 MEMBER GOTTLIEB: On the west side?

3 MR. SAVALDI: On the west side.

4 MEMBER GOTTLIEB: 20 feet.

5 CHAIRMAN KEILSON: No, but the --

6 MR. SAVALDI: On the east side there's a  
7 section of three and a half feet by 15 feet  
8 additional to the 20 feet.

9 MEMBER GOTTLIEB: Are you also -- that three  
10 and a half feet is that also on the second floor  
11 in the front? You're widening the house on the  
12 second floor?

13 MR. SAVALDI: Correct, that's correct.

14 MEMBER HILLER: Why is that not indicated?

15 MS. ROSENFELD: Can I -- in the front of the  
16 house?

17 MR. SAVALDI: It's not -- you're correct,  
18 it's not hatched on the plan. Because it was on  
19 the existing footprint. I just showed the area.  
20 You're absolutely correct.

21 CHAIRMAN KEILSON: Could you just clarify it  
22 for those on the Board who were not there.

23 MR. SAVALDI: We are having on the east side  
24 of the second floor we are filling in on top of  
25 the existing one story with the three and a half



1 feet portion.

2 CHAIRMAN KEILSON: Okay.

3 MR. SAVALDI: I would like to point out, the  
4 building coverage according to the old building  
5 code, the --

6 CHAIRMAN KEILSON: What would you prefer, the  
7 new or the old?

8 MR. SAVALDI: On this one definitely the old  
9 -- the new, sorry. According to the old we were  
10 -- the old is 17 percent overage on coverage. The  
11 new one is 4.6 percent.

12 MEMBER GOTTLIEB: So you're adding on  
13 856 square feet, right, on the ground floor, on  
14 the surface or building coverage?

15 MR. SAVALDI: No, no, no. The net coverage  
16 that we are adding is 356 square feet.

17 MEMBER GOTTLIEB: 356. So I'm looking at one  
18 code relief that says 487 square feet over what's  
19 permitted, but my --

20 MR. SAVALDI: No, that's not correct, sorry.

21 CHAIRMAN KEILSON: Mr. Castro, how about a  
22 ruling from the floor?

23 MR. CASTRO: The original -- the building  
24 structure didn't really change. It was the  
25 permitted building coverage which changes,

1 decreasing the overage or shortage.

2 Just to make a correction, Amiel, on the  
3 revision you took the base lot, which is 2,635.  
4 You didn't include the excess over, which it adds  
5 an additional 13 square feet to the permitted. So  
6 it's actually 2,648, whereby making the overage  
7 only four percent, rather than 4.6 under the new  
8 code.

9 MEMBER GOTTLIEB: So Mr. Castro, also for  
10 that there are two code reliefs. The one  
11 previously submitted shows proposed 2,837 square  
12 feet, and the new one looks like 2,755 square  
13 feet, a little bit less.

14 MR. CASTRO: Yeah, I see that, under the  
15 proposed column.

16 MEMBER GOTTLIEB: So is that correct?

17 MR. CASTRO: Mr. Savaldi, was there a  
18 reduction in the building coverage of  
19 approximately 90 or 80?

20 MR. SAVALDI: I think there was a bit of a  
21 mixup because of the front that was roofed over.

22 MR. CASTRO: The roofed-over porch?

23 MR. SAVALDI: Yes, the front porch, which is  
24 existing, and I think some calculation of the area  
25 with the porch only was included, and others, the

Rosenfeld - 12/20/16

1 roof over the garage entrance was also included.

2 CHAIRMAN KEILSON: So for the Board's  
3 purposes, what is the correct number that we're  
4 looking at? Not that it's all that material, but  
5 still it's nice to have accurate numbers.

6 MEMBER GOTTLIEB: It would be good to get it  
7 right.

8 MR. CASTRO: If we included, Mr. Savaldi, it  
9 is 2,837, if you include the front -- the roof  
10 overhang; is that correct?

11 MR. SAVALDI: 2,837, correct.

12 MEMBER GOTTLIEB: Okay.

13 MR. SAVALDI: If I may add a couple of  
14 things.

15 CHAIRMAN KEILSON: One second.

16 MR. SAVALDI: Okay.

17 MEMBER GOTTLIEB: Thank you.

18 CHAIRMAN KEILSON: I just want to get an  
19 accurate number of what we want the record to  
20 reflect.

21 MEMBER GOTTLIEB: So we're only over by  
22 189 square feet over what's permitted by the new  
23 code.

24 MR. CASTRO: 7.1 percent.

25 MEMBER GOTTLIEB: Or 856 square feet as I

Rosenfeld - 12/20/16

1 previously mentioned over what's existing.

2 CHAIRMAN KEILSON: And the percentage is?

3 MR. CASTRO: 7.1.

4 CHAIRMAN KEILSON: 7.1, okay.

5 MEMBER HILLER: Am I correct in my belief  
6 that the basement has been rendered unusable? Or  
7 it's usable?

8 MR. SAVALDI: It's going to be filled. It  
9 has not been filled, but it's going to be filled.  
10 It's not going to be used.

11 MEMBER HILLER: It's going to be completely  
12 filled? Where is the boiler equipment and all  
13 that going?

14 MR. SAVALDI: That's going to the garage area  
15 towards the front, towards the driveway, from the  
16 existing basement.

17 MEMBER HILLER: It's going into the garage or  
18 next to the garage, you mean?

19 MR. SAVALDI: Correct.

20 CHAIRMAN KEILSON: Correct, what?

21 MR. SAVALDI: Correct, that it's going to the  
22 garage, or I -- if you look at --

23 MEMBER HILLER: It's not -- it's going into  
24 the garage?

25 MR. SAVALDI: I think that it's -- it may go

Rosenfeld - 12/20/16

1 -- right now the idea was to have it -- if you  
2 look at A3 I believe that it is designated "guest  
3 room."

4 CHAIRMAN KEILSON: It's going into the guest  
5 room?

6 MEMBER GOTTLIEB: The boiler is going into  
7 the guest room?

8 MR. SAVALDI: Well, it's called guest room.  
9 It is not going to be a guest room in that case.  
10 It's going to be utility and storage.

11 MEMBER GOTTLIEB: And I just need to ask you,  
12 what do you fill the basement with?

13 MR. SAVALDI: It has to be clean fill.

14 MEMBER GOTTLIEB: And then you put a concrete  
15 slab on it?

16 MR. SAVALDI: Yes. It would be the same  
17 level as the crawlspace.

18 MEMBER HILLER: Is it permissible for the  
19 utility room and the boiler to be on the main  
20 floor adjacent to living space?

21 MR. CASTRO: Yes. Typically, you're going to  
22 follow manufacturer's specs with the combustible  
23 walls within a certain amount of distance from  
24 those mechanicals.

25 MR. SAVALDI: Even if it's old equipment or

1       that's not -- some of the new equipment is direct  
2       vent and you see just a PVC pipe of exhaust and  
3       fresh air, and they can be in the open air. But  
4       even if it's not, you need a self-closing graded  
5       door and a window, and that will be okay.

6               MEMBER HILLER: This is just a personal  
7       question, but what do you fill in the basement  
8       with?

9               MR. SAVALDI: The basement will be filled  
10      with -- well, it's required by code to be clean  
11      fill, and concrete to be the same level as the  
12      basement -- as the crawlspace which is the rest of  
13      the house.

14              CHAIRMAN KEILSON: By the way, Mr. Gottlieb  
15      asked that.

16              MEMBER HILLER: When was that?

17              MEMBER GOTTLIEB: When you were talking to  
18      Gerry.

19              MEMBER HILLER: Great minds run on the same  
20      channel.

21              MR. SAVALDI: I would -- for now, the last  
22      note that I would like to make before we would  
23      have a few more things to say is that we maintain  
24      a 43 feet and 7 inch rear yard where we are  
25      permitted to go as close as further another 13 and

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1 a half feet. So we're keeping a very good  
2 distance --

3 CHAIRMAN KEILSON: Modest.

4 MR. SAVALDI: -- in the back.

5 And the Rosenfelds spoke to the neighbors.  
6 They have a long list of many neighbors that  
7 signed a consent.

8 MS. ROSENFELD: We have 25 signatures  
9 (handing).

10 CHAIRMAN KEILSON: Okay. You're not going to  
11 read all the letters though, right?

12 MR. SAVALDI: No, I'm not reading letters. I  
13 cannot compete with these beautiful letters.

14 MEMBER HILLER: It didn't work. The letters  
15 didn't work.

16 MR. GRAY: We'll make that part of the  
17 record.

18 MR. SAVALDI: Would you like to add anything?

19 CHAIRMAN KEILSON: Here is your big  
20 opportunity. You have hundreds of people waiting  
21 to hear from you.

22 MS. ROSENFELD: Okay. Again, my name is  
23 Dvorah Rosenfeld. My husband and I are owners of  
24 the property located at 156 Harborview South. We  
25 live there with our four children. We purchased

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1 the house in 2008 and have done no renovations or  
2 updates to the house at all.

3 I feel that our situation and circumstances  
4 are quite unique. I'm sure not many people come  
5 before you and ask for a variance while they're  
6 living in the house.

7 In terms of hardships, I feel that our  
8 hardships are so apparent for all to see. We are  
9 living in a gutted house for 16 months. We have  
10 no first floor, we have no kitchen, we have no  
11 playroom, we have no den, no dining room. We  
12 pretty much have no house.

13 We live on a second floor which is not even a  
14 full second floor. We have only a master bedroom  
15 and three small bedrooms upstairs. That is where  
16 we live, only on the upstairs. We've been eating  
17 take-out for 16 months and we live under terrible  
18 living conditions, with dust, debris, noise and  
19 banging.

20 In the winter the house is freezing and there  
21 have been many nights that we have no heat at all.  
22 In the summer we had no air conditioning for  
23 almost three months during the heat wave. My  
24 children slept with fans blowing hot air on them,  
25 and open windows.



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1           My children have not had any friends over in  
2           the past 16 months. We have not invited anybody  
3           over either.

4           My bedroom has turned into a family room  
5           where we hang out because there's nowhere else to  
6           go. We play games there, we do homework there, we  
7           eat dinner there, we hang out.

8           Our lives have been turned upside down, and  
9           none of this was planned. Obviously, if we had  
10          known it would have turned out this way, we never  
11          would have gutted the house and we would have  
12          never done any construction. No house is worth  
13          suffering the way we are.

14          Applying for a permit to then reconstruction  
15          and coming for a variance was not planned. Once  
16          we started the construction on the left side of  
17          the house, our contractor explained that if we  
18          ever wanted to extend the right side of the house  
19          it would require us to rip out a portion of the  
20          left side that was already completed, which would  
21          have been the kitchen. Therefore, we stopped the  
22          work, we drew up the plans and we submitted it for  
23          a variance.

24          This rear extension is the only work our  
25          budget permits for, and we are unable to move in

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1 to a rental, nor do we have any parents or family  
2 members to move in with. Our circumstances are  
3 quite unique, I'm sure, and it's different from  
4 anything you have heard before.

5 I'm requesting that you view this case as  
6 unique. We are seeking only necessities, no  
7 extras, nor luxuries. Please allow us to square  
8 off our house. Please grant us our request.

9 This variance will give us a den which will  
10 be the kids' playroom, since we would be giving up  
11 the basement as well. There are still many other  
12 necessities that we need, like a formal living  
13 room, that's still extra and we will not have with  
14 this variance.

15 But for now, please grant us what we need to  
16 complete this phase of construction and allow us  
17 to give our children a normal life and a home  
18 again.

19 CHAIRMAN KEILSON: I think we're speechless.  
20 That's the most passionate presentation I've heard  
21 in the decade I'm on the Board, and we feel very  
22 much for you, I think.

23 Any questions?

24 MEMBER GOTTLIEB: Is this a colonial or a  
25 splanch?

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1 MS. ROSENFELD: Splanch.

2 MEMBER GOTTLIEB: So is there a raised living  
3 room?

4 MS. ROSENFELD: On the middle floor, which is  
5 what we're dropping to get rid of the basement.

6 MEMBER GOTTLIEB: I was looking for it, I  
7 didn't see it. So you're getting rid of it.

8 MS. ROSENFELD: We're getting rid of it.

9 CHAIRMAN KEILSON: You got your  
10 clarification.

11 MEMBER GOTTLIEB: Clarification number one  
12 has been answered. Thank you.

13 CHAIRMAN KEILSON: Any other questions?

14 MEMBER GOTTLIEB: There was a question about  
15 the roof line. Is it a mansard roof or a flat  
16 roof?

17 MR. SAVALDI: It's really more like a skirt  
18 that we have there. It's not a mansard. It's  
19 like a parapet actually, but it's designed like  
20 that.

21 MR. CASTRO: Mr. Savaldi, is there a reason  
22 why you did the flat roof with a parapet wall  
23 rather than just a plain mansard roof?

24 MR. SAVALDI: We didn't want to go beyond  
25 higher than what it is. I know that the new code

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1 allows the roof to be higher, but we have not --  
2 we are not there at this time.

3 MR. CASTRO: Okay.

4 MEMBER HILLER: Can we anticipate a request  
5 for another floor?

6 MR. SAVALDI: No. Well, to raise it into a  
7 mansard? Maybe in two years. They'll be eligible  
8 in two years.

9 CHAIRMAN KEILSON: Okay. I think we'll  
10 address that when the time comes, okay.

11 I think in taking into consideration the  
12 benefit to the applicant as opposed to any  
13 detriment to the community, I think we understand  
14 your situation very, very well.

15 We'll go to vote. Mr. Felder.

16 MEMBER FELDER: I am for.

17 CHAIRMAN KEILSON: Mr. Hiller.

18 MEMBER HILLER: I want to thank  
19 Mrs. Rosenfeld for her eloquent and heartfelt  
20 words. It meant a lot, and I'm proud to be for.

21 CHAIRMAN KEILSON: Mr. Gottlieb.

22 MEMBER GOTTLIEB: I'll vote for.

23 CHAIRMAN KEILSON: Mr. Moskowitz.

24 MEMBER MOSKOWITZ: I'm for. And I also wish  
25 you well and commend you on your remarks, and

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1       sorry that you had to sit here so long for that  
2       answer. So thank you.

3               CHAIRMAN KEILSON: Okay.

4               MR. SAVALDI: Thank you very much. Two  
5       years.

6               CHAIRMAN KEILSON: I didn't vote yet.

7               MEMBER GOTTLIEB: You don't really need to.

8               CHAIRMAN KEILSON: Right. I'll vote for, and  
9       two years, correct. Good luck with it.

10              MS. ROSENFELD: Thank you so much.

11              (Whereupon, the hearing concluded at  
12       9:11 p.m.)

13              \*\*\*\*\*

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

17  
18                               *Mary Benci*  
19                               -----  
20               MARY BENCI, RPR  
21               Court Reporter  
22  
23  
24  
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## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Lawrence Yacht & Country Club  
4 101 Causeway  
5 Lawrence, New York

6 December 20, 2016  
7 9:14 p.m.

8 APPLICATION: Bais Medrash of Harborview  
9 214/218 Harborview South  
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. ELLIOT MOSKOWITZ  
19 Member

20 MR. AARON FELDER  
21 Member

22 MR. KENNETH A. GRAY, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

MR. DANNY VACCHIO  
Building Department

MS. DANA GARRAPUTA  
Building Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: The last matter this  
2 evening is the Bais Medrash of Harborview.

3 At this point, Mr. Gray, is there any point  
4 in reading the entire thing into the record? I  
5 think it's unnecessary in light of the fact there  
6 are no parties present.

7 MR. GRAY: Right. I believe the record can  
8 reflect that at the direction of the Chairman I  
9 had drafted a proposed decision which has a  
10 findings of facts section. It has a discussion  
11 section concerning the restrictive covenants and  
12 the current approvals and uses. It discusses --  
13 it has a section that discusses the requested  
14 variance as it relates to the parking, and then  
15 there's a fairly lengthy decision. I believe the  
16 Board can accept the proposed decision and the  
17 finding of facts and the discussion as submitted  
18 and previously reviewed. If you'd like, I can  
19 read in the decision into the record, or you can  
20 just adopt it as presented.

21 CHAIRMAN KEILSON: I think perhaps the  
22 decision should be read into the record.

23 MR. GRAY: I will do that then.

24 CHAIRMAN KEILSON: So if there's any  
25 dissenting comments.

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1 MR. GRAY: I'll try to read slowly.

2 CHAIRMAN KEILSON: And articulately.

3 MR. GRAY: Decision: On motion of Chairman  
4 Keilson to approve the application as more fully  
5 set forth below and subject to the following  
6 conditions, which shall be incorporated into a new  
7 superseding Declaration of Restrictive Covenants:

8 Item Number (1): The parking variance and  
9 relief from required on-site parking is granted.

10 (2) Requested changes and modifications to  
11 the Declaration of Restrictive Covenants are  
12 granted as follows.

13 (a): No on-premises catering Saturday  
14 night through Friday prior to the Sabbath.

15 (b): No catering trucks other than for  
16 deliveries.

17 (c): No tents on any of the three  
18 properties, except for 218 Harborview South  
19 for use Friday night/Saturday day events  
20 only. Erection and removal of tents subject  
21 to the regulations of the Building Department  
22 of the Village of Lawrence.

23 (d): No Brisim (Circumcision) ceremonies  
24 or collations Sunday through Friday prior to  
25 the Sabbath.



1 (e): No Bar Mitzvah or Bat Mitzvah  
2 ceremonies or collations Saturday night  
3 through Friday prior to the Sabbath.

4 (f): No community lectures or public  
5 gatherings Saturday night through Friday  
6 prior to the Sabbath, with the exception of  
7 the Father/Son learning program on Saturday  
8 night.

9 (g): Morning Minyan services Sunday  
10 through Friday with attendant classes.

11 (h): Afternoon/evening Minyan services  
12 Sunday through Friday with attendant classes.

13 (i): Services not to begin earlier than  
14 7 a.m. nor to end later than 10:30 p.m.  
15 Sunday through Friday prior to the Sabbath.

16 (j): No Kollel on premises.

17 (k): No Mikva on premises.

18 (l): No recreational activities on  
19 premises.

20 (m): One synagogue Melave Malka  
21 gathering on one Saturday night, one time a  
22 year.

23 Item Number (3): All approvals contained  
24 herein are conditioned upon and subject to the  
25 applicant petitioning and the Village Board of

1 Trustees adopting and implementing legislation  
2 which would prohibit all on-street parking from  
3 7 a.m. to 10 a.m. and from 5 p.m. to 10 p.m. on  
4 the south side of Harborview South between  
5 Lawrence Avenue and Harborview East and on the  
6 east side of Harborview East between Harborview  
7 South and Harborview North. Such restrictions  
8 would be in effect every day, including weekends.  
9 Until such time as the legislation is adopted and  
10 implemented, the existing "temporary" approvals  
11 and conditions shall continue in place.

12 Item Number (4): And, whereas, the Zoning  
13 Board of Appeals had previously declared itself  
14 Lead Agency pursuant to the New York State  
15 Environmental Quality Review Act for this  
16 application; and, whereas, the ZBA had previously  
17 identified this application as an "unlisted"  
18 action, and the applicant had submitted a Full  
19 Environmental Assessment Form; and, whereas, this  
20 Board has reviewed the Full EAF and additional  
21 evidence and testimony submitted at the Hearing  
22 related to environmental impact; now, therefore,  
23 the Board finds and declares that the granting of  
24 this application will not have an adverse  
25 environmental impact.

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1 That is the crux of the decision.

2 And Mr. Keilson, I believe it's your motion.

3 CHAIRMAN KEILSON: Yes, we will now put it to  
4 a vote on behalf of the Board.

5 Mr. Moskowitz.

6 MEMBER MOSKOWITZ: For.

7 CHAIRMAN KEILSON: Mr. Gottlieb.

8 MEMBER GOTTLIEB: For.

9 CHAIRMAN KEILSON: Mr. Felder.

10 MEMBER FELDER: For.

11 CHAIRMAN KEILSON: Mr. Hiller.

12 MEMBER HILLER: While I generally vote for  
13 the application -- not the application -- for the  
14 decision here, I offer dissenting opinion in order  
15 to protect the safety of the citizens of  
16 Harborview South. As indicated in our initial  
17 meetings, the prime concern was for the safety of  
18 the children and people crossing the streets  
19 looking in several directions.

20 Therefore, it was not only my opinion but it  
21 was the opinion of the traffic study that  
22 Harborview South should be a one-way street  
23 allowing for more clearance between one vehicle  
24 coming down the middle and allowing the  
25 concentration of the children to be in one

1 direction only. Other than that, I'm perfectly  
2 happy with the decision.

3 CHAIRMAN KEILSON: And I certainly vote for  
4 the decision as well.

5 MR. GRAY: Mr. Hiller, just for  
6 clarification, is that a vote in favor of the  
7 motion?

8 MEMBER HILLER: I'm in favor of the motion,  
9 but with that one caveat that I want it on the  
10 record.

11 MR. GRAY: Very well.

12 CHAIRMAN KEILSON: Okay. We will adjourn for  
13 the evening.

14 (Whereupon, the hearing concluded at  
15 9:24 p.m.)

16 \*\*\*\*\*

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

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MARY BENCI, RPR  
Court Reporter