

ORIGINAL

MINUTES OF BOARD OF ZONING APPEALS  
of the  
Village of Lawrence  
held on  
July 24, 2019

Held at: 196 Central Avenue  
Lawrence, New York 11559

7:40 p.m.

Deborah A. Cirabisi  
Shorthand reporter

APPEARANCES

Lloyd Keilson, Chairman

Elliot Moskowitz, Member

Edward Gottlieb, Member

Aaron Felder, Member

Gerry Castro, Deputy Administrator

Andrew Preston, Village attorney

Florence Maxwell, Building Department

NOT PRESENT: Danny Hiller, Member

Public Hearing:

Attia, 340 Ocean Avenue

Kahati, 92 Bannister Lane

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

MR. KEILSON: Ladies and gentlemen, welcome to the Lawrence Board of Zoning Appeals. Please turn off your phones and please don't converse here. If you need to converse, please step out into the lobby.

Mr. Castro, proof of posting?

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

MR. KEILSON: Thank you very much. I believe we have two extension requests. The first is Sanbraski (phonetic) at 194 Harborview North. They're asking for an extension of a variance that is terminating shortly. The reason is family reasons. They are unable to undertake the project as of yet. They still want to pursue the project. I guess they'll be asking for two years.

MR. GOTTLIEB: When was that first offered, when was the first

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

variance?

MR. KEILSON: The recent one was to be finished by 2015 or maybe that's the original, expiring in '17.

MR. GOTTLIEB: So it was granted in '15 and expired in '17, and they were granted another extension from '17 to '19?

MS. MAXWELL: Correct.

MR. GOTTLIEB: Did they specify how much time they need?

MR. KEILSON: I'm sure it's the same amount of time, so I suggest that we make this the final extension.

Okay?

MR. GOTTLIEB: For two years?

MR. KEILSON: For two years, give them one last chance.

Mr. Moskowitz?

MR. MOSKOWITZ: For.

MR. KEILSON: Mr. Gottlieb?

MR. GOTTLIEB: For.

MR. Kelson: Mr. Felder?

MR. FELDER: For.



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

MR. KEILSON: Then we have Marks at Keewaydin Road, and they're asking, because of construction delays, self-created, extending it. They'd like two years.

MR. GOTTLIEB: Same questions as before, Mr. Chairman, when was the initial approval?

MR. KEILSON: '17. That's the last renewal.

MR. CASTRO: No, that was the last extension. The original variance was probably granted in 2013.

MR. KEILSON: I would say that we don't have much in the way of options.

MR. GOTTLIEB: So just to review, it's been under construction for two years, four years, six years?

MR. CASTRO: I would say the last two and a half years.

MR. GOTTLIEB: Are they near completion?

MR. CASTRO: They were. No.

1  
2 MR. GOTTLIEB: The concern I  
3 have is that of the neighbors. It's  
4 one thing if you haven't started your  
5 work yet, you haven't inconvenienced  
6 your neighbors. If you've been under  
7 construction for three years, it's in  
8 a position that's not reasonable, even  
9 though we may not have a choice, as  
10 the Chairman said.

11 Do they know how much more time  
12 they need?

13 MR. KEILSON: Requesting two  
14 years. Should we issue it as a final  
15 extension?

16 MR. GOTTLIEB: Could we suggest  
17 one year in order to push that along  
18 and perhaps not make that a final.

19 MR. KEILSON: All right. We'll  
20 do one year. Hold them on a tight  
21 leash.

22 Mr. Felder?

23 MR. FELDER: For.

24 MR. KEILSON: Mr. Gottlieb?

25 MR. GOTTLIEB: For.

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

MR. KEILSON: Mr. Moskowitz?

MR. MOSKOWITZ: For.

MR. KEILSON: On the matter of  
15 Martin Lane, which was heard at the  
last hearing, the Board prepared a  
decision, and all the members of the  
Board have reviewed the decision, and  
we have a consensus in terms of the  
decision.

Mr. Moskowitz?

MR. MOSKOWITZ: Yes.

MR. KEILSON: Mr. Gottlieb?

MR. GOTTLIEB: Yes.

MR. KEILSON: Myself.

Mr. Felder?

MR. FELDER: Yes.

MR. KEILSON: At this point,  
we'll submit it, and we'll stamp it,  
circulate it.

MR. PRESTON: I'll provide a  
final copy to Mr. Castro this evening,  
and a received copy will be in the  
Clerk's office tomorrow.

MR. KEILSON: Very good.

1 Kahati, 92 Bannister Lane

2 The first matter we will hear is  
3 Kahati at 92 Bannister Lane.

4 MR. SHRIKI: Good evening, Board  
5 members. My name is Daniel Shriki.  
6 I'm a representative from John  
7 Capobianco's office here on behalf of  
8 the Kahati's.

9 We are here to seek relief for a  
10 shed. There are three variances  
11 we're seeking relief for that includes  
12 accessory in front yard, accessory  
13 side yard setback, required is 15,  
14 we're asking for three. Front yard  
15 surface coverage, required is 1,039  
16 square feet, we are requesting a total  
17 of 2,094, which includes a previous  
18 variance for the front yard surface  
19 coverage.

20 Due to their lot, they have a  
21 very unique lot, and their front yard  
22 joins 96 Bannister Lane, and it kind  
23 of pushes the front yard -- they don't  
24 really have a front yard, which is why  
25 we need to get relief for the previous

1 Kahati, 92 Bannister Lane  
2 variances. We also have okay letters  
3 from the neighbors at 96 Bannister,  
4 which is to the direct south, and the  
5 neighbor to the west has also given  
6 their consensus for the shed. It  
7 doesn't bother them. They're okay  
8 with the variances.

9 MR. KEILSON: Just summarize  
10 what occurred here. There was a shed,  
11 correct?

12 MR. SHRIKI: There originally  
13 was a shed on the property about  
14 45 feet north of the property line and  
15 right on the neighboring property line  
16 on the west side. The new shed got  
17 pushed closer to the front, two and a  
18 half feet off the front property line  
19 and three feet off the neighboring  
20 property line.

21 MR. KEILSON: It got pushed?

22 MR. SHRIKI: It was relocated,  
23 rebuilt. The old shed was  
24 dilapidated. It was falling down. It  
25 was not safe.

1 Kahati, 92 Bannister Lane

2 MR. KEILSON: So the new shed  
3 has been built without permission?

4 MR. SHRIKI: Correct.

5 MR. GOTTLIEB: Looking at the  
6 front yard coverage that you just  
7 mentioned of 1,055 square feet, the  
8 shed looks like it occupies 300 to 400  
9 feet of that.

10 MR. SHRIKI: The shed is only  
11 190 square feet.

12 MR. GOTTLIEB: So you're not  
13 actually asking for 1,000 feet?

14 MR. SHRIKI: There was an  
15 existing variance. Because the  
16 required front yard for the village is  
17 50 feet, we got a variance for 22 feet  
18 because they built a garage. There's  
19 also a driveway that extends -- if you  
20 look at the survey, it's a very unique  
21 property, and all that driveway  
22 counted to the west and was included  
23 in the primary coverage.

24 MR. GOTTLIEB: I mean, for this  
25 particular application, we're looking

1 Kahati, 92 Bannister Lane  
2 at 300 square feet, not 1,000.

3 MR. SHRIKI: Coverage of 190  
4 square feet, correct.

5 MR. KEILSON: How many times  
6 have they been before this Board?

7 MR. SHRIKI: This will be the  
8 third. The last one was --

9 MR. KEILSON: Three strikes and.

10 MR. GOTTLIEB: They get a punch  
11 card.

12 MR. SHRIKI: Free sub?

13 MR. GOTTLIEB: For a change, I  
14 got the luxury of seeing the finished  
15 product before it was approved. I did  
16 go to the property, and I personally  
17 have no objection to it, provided you  
18 have letters from the adjoining  
19 neighbors and it can't be seen from  
20 street.

21 MR. SHRIKI: It absolutely  
22 cannot be seen from the street.  
23 There's a whole property with a house  
24 on it with landscape all in front of  
25 it.

1 Kahati, 92 Bannister Lane

2 MR. KEILSON: I though there was  
3 an issue in terms of the backyard,  
4 which had been regraded without  
5 permission as well?

6 MR. SHRIKI: That has since been  
7 worked out.

8 MR. KEILSON: Is it possible  
9 that they may want to consult before  
10 they take their next step?

11 MR. SHRIKI: I believe this is  
12 the last step. This is the top of the  
13 ladder.

14 MR. KEILSON: Any other  
15 questions from the Board?

16 MR. GOTTLIEB: No.

17 MR. KEILSON: Anyone in the  
18 audience want to speak to the matter?

19 (No response.)

20 MR. KEILSON: So considering the  
21 benefit to the applicant as opposed to  
22 any detriment to the community, we  
23 will vote.

24 Mr. Felder?

25 MR. FELDER: For.



1           Attias, 340 Ocean Avenue

2           MR. KEILSON:   Mr. Gottlieb?

3           MR. GOTTLIEB:   For.

4           MR. KEILSON:   Mr. Moskowitz?

5           MR. MOSKOWITZ:   For.

6           MR. KEILSON:   I vote for.   And  
7 we don't have to give you time to  
8 complete.

9           MR. SHRIKI:   Did you get both  
10 letters?

11          MS. MAXWELL:   Yes.

12          MR. SHRIKI:   Thank you very  
13 much.

14          MR. KEILSON:   The matter of  
15 Attias.

16          MR. ATTIAS:   I'm Abraham Attias.  
17 I'm here about the property at  
18 240 Ocean [sic], about plans that have  
19 previously been approved, and if I was  
20 wasn't stuck with the person who  
21 originally owned the house for the  
22 last six years staying there, I would  
23 have built it with approved plans.

24               The plans that you are holding  
25 have already been approved with all

1           Attias, 340 Ocean Avenue  
2           the variances the way they were.  
3           Although I know the zoning has changed  
4           in the last few years, some things  
5           have gone away from being a variance  
6           and some have stayed. The changed  
7           things now would be tremendously hard  
8           for me because the foundation is there  
9           already. I can't start destroying the  
10          foundation and building it.

11                 MR. KEILSON: Why not?

12                 MR. ATTIAS: I don't have the  
13           money to do that. The foundation is  
14           there already. It cost me the last  
15           six years a ton of money without any  
16           benefit with the past owner, so.

17                 MR. KEILSON: How much did you  
18           pay for the property?

19                 MR. ATTIAS: The total property,  
20           it was a lot of money involved, close  
21           to two million.

22                 MR. GOTTLIEB: So are you not  
23           the buyer of June 10, 2016?

24                 MR. ATTIAS: No. I took it over  
25           in foreclosure. I own the note in

1           Attias, 340 Ocean Avenue  
2           2016. I own it from 2013, April 2013  
3           is when I bought the note, then I took  
4           over -- I foreclosed on it in '16.

5           MR. GOTTLIEB: You foreclosed on  
6           it?

7           MR. ATTIAS: Correct. I stopped  
8           him from getting foreclosed on to save  
9           from being foreclosed, and then I had  
10          to foreclose on them later on.

11          MR. GOTTLIEB: But even in 2013,  
12          the variance that was approved in 2004  
13          expired by 2006, which is seven years  
14          before you bought the note and three  
15          years hence.

16          MR. ATTIAS: I thought it was  
17          not. Okay. Maybe we could have  
18          extended it, I don't know, but at this  
19          point, there's a foundation there  
20          already, and the architect did certain  
21          things to --

22          MR. KEILSON: Hold on a moment.  
23          Where did you come up with your  
24          numbers?

25          MR. GOTTLIEB: Public records,

1           Attias, 340 Ocean Avenue  
2           Nassau County public records published  
3           that.

4           MR. KEILSON:   How do you account  
5           for the difference between that which  
6           is in the public record for the sale  
7           price?

8           MR. ATTIAS:   There's no purchase  
9           from the owner because I foreclosed on  
10          it.   Do you understand?

11          MR. GOTTLIEB:   I guess the  
12          reason we're confused about what you  
13          say is that according to public  
14          records, on June 10th of 2016, it was  
15          purchased for \$859,132.

16          MR. ATTIAS:   Correct.   Which is  
17          the note on the second mortgage.   The  
18          first mortgage is nine  
19          hundred-something thousand, so  
20          altogether, legal costs and other  
21          costs that are hidden, it's close to  
22          two million.

23          MR. GOTTLIEB:   It could be an  
24          error.

25          MR. ATTIAS:   So the bottom line

1           Attias, 340 Ocean Avenue  
2           is that the foundation is there. We  
3           planned --

4           MR. MOSKOWITZ: I'm less  
5           familiar with this history than some  
6           of my colleagues, so I just want to  
7           make sure I get it. The plans that  
8           you submitted to be approved are the  
9           exact same plans that were previously  
10          submitted, obviously a number of years  
11          ago, back in 2004.

12          MR. ATTIAS: I haven't changed  
13          it.

14          MR. MOSKOWITZ: You haven't  
15          changed a thing, those things were  
16          approved at that time --

17          MR. ATTIAS: Correct.

18          MR. MOSKOWITZ: -- by the Zoning  
19          Board in place at that time?

20          MR. ATTIAS: Whoever was  
21          involved at the time.

22          MR. MOSKOWITZ: Got it. And  
23          you've made no changes to those plans?

24          MR. ATTIAS: No. My plan is to  
25          build it the way it is because there's

1           Attias, 340 Ocean Avenue  
2           a lot of pressure from the neighbor on  
3           the right, and in general, I want to  
4           build it and just start with the  
5           plans that are available instead of  
6           starting to redo. Of course, it's  
7           internal, some kind of changes I'm  
8           sure my wife will want to do, but at  
9           this point, we're happy with the  
10          plans. We just want to build it the  
11          way it is.

12                 MR. KEILSON: How many members  
13                 are there in your family? How many  
14                 bedrooms are you building?

15                 MR. ATTIAS: To answer the first  
16                 question, I have seven children. Two  
17                 are married. I have one grandson and  
18                 one on the way, and we plan to have --  
19                 that's 14, God willing, plus kids, and  
20                 we need a big house. There are five  
21                 bedrooms upstairs, but we plan to have  
22                 probably -- we need at least --

23                 MR. KEILSON: In total, how many  
24                 bedrooms are you building?

25                 MR. ATTIAS: Six or seven, I'm

1           Attias, 340 Ocean Avenue  
2           not sure.

3           MR. KEILSON: That's not  
4           consistent with the drawings.

5           MR. ATTIAS: On the first floor  
6           there's one bedroom, and I believe in  
7           the basement I'm going to put a  
8           bedroom or something.

9           MR. KEILSON: So I'll repeat my  
10          question, how many bedrooms are you  
11          building?

12          MR. ATTIAS: The drawings show  
13          five at this point, I believe.

14          MR. KEILSON: That's not  
15          accurate.

16          MR. ATTIAS: How many upstairs,  
17          I don't know.

18          MR. KEILSON: We counted 12.

19          MR. CASTRO: 11.

20          MR. ATTIAS: 11 bedrooms? No,  
21          there's some mistake in the way you're  
22          reading that.

23          MR. GOTTLIEB: Is your architect  
24          here this evening?

25          MR. ATTIAS: No. It's John

1           Attias, 340 Ocean Avenue  
2           Capobianco. He told me he couldn't  
3           make it. The actual size of the  
4           house, the amount of bedrooms is not  
5           what's part of the variance anyway.  
6           It's the impervious coverage, so the  
7           actual size is not the --

8           MR. KEILSON: Building coverage  
9           --

10          MR. ATTIAS: Building coverage.  
11          The foundation is there already.

12          MR. KEILSON: Building coverage  
13          relates to -- all variances can only  
14          be granted only if there's need.

15          MR. ATTIAS: Correct. We need a  
16          big house.

17          MR. KEILSON: But you're not  
18          substantiating that. We asked you how  
19          many bedrooms and you don't even know  
20          how many bedrooms are on the plans.

21          How many years have you had  
22          these plans?

23          MR. ATTIAS: I haven't studied  
24          them that well, but I'm building the  
25          way they are. I haven't investigated



1           Attias, 340 Ocean Avenue  
2           the -- the whole point is that I'm not  
3           investing in plans, I'm using what I  
4           have, but I don't believe there are 11  
5           bedrooms there.

6           MR. GOTTLIEB: Either way, we're  
7           looking at a house that's  
8           approximately 15,000 square feet, if  
9           I'm not mistaken.

10          MR. ATTIAS: There's two floors  
11          upstairs, there's 49 -- it's 10,000  
12          square feet, a little less, 9,000  
13          square feet. I'm sorry.

14          MR. GOTTLIEB: Plus the basement  
15          is another --

16          MR. ATTIAS: I'm not counting  
17          the basement.

18          MR. GOTTLIEB: Are you using the  
19          basement for living space?

20          MR. ATTIAS: No.

21          MR. GOTTLIEB: Maybe that's  
22          where the missing six bedrooms are.

23          MR. ATTIAS: I don't plan to do  
24          the basement at this point.

25          MR. KEILSON: But the plans, as

1           Attias, 340 Ocean Avenue  
2           submitted, show usage.

3           MR. GOTTLIEB: Three bedrooms,  
4           exercise room, some kind of playroom.

5           MR. ATTIAS: These are all part  
6           of the original plans.

7           MR. FELDER: However they  
8           submitted it 14 years ago is  
9           essentially what we're studying now.

10          MR. ATTIAS: Correct.

11          MR. FELDER: Okay.

12          MR. KEILSON: It's not okay,  
13          that's why I'm asking the question.

14          MR. FELDER: You're asking about  
15          the number of bedrooms that are on  
16          these plans.

17          MR. GOTTLIEB: Actually, these  
18          plans are from 2006. A lot has  
19          changed in the village since 2004. I  
20          honestly don't remember what the need  
21          was or why this was approved.

22                 Do you have any letters of  
23          support, by any chance, from your  
24          neighbors?

25          MR. ATTIAS: I didn't approach

1           Attias, 340 Ocean Avenue  
2           any of my neighbors. I know that  
3           Mr. Shmelk has been after me to start  
4           building. I told him it was going to  
5           be the same, and he said just start,  
6           just do it; so I haven't had any  
7           discussions with anybody as far as  
8           positive or negative. I figured we  
9           went through this already once before  
10          and everyone was happy.

11                 MR. MOSKOWITZ: And to that end,  
12           this has been an eyesore on the block  
13           for many years, correct?

14                 MR. ATTIAS: I just want to  
15           start and build it already.

16                 MR. MOSKOWITZ: How fast do you  
17           think you would be able to complete  
18           this if you were given permission to  
19           do it?

20                 MR. ATTIAS: Probably a year, 10  
21           to 12 months.

22                 MR. MOSKOWITZ: You identified a  
23           builder already?

24                 MR. ATTIAS: I have several that  
25           I'm working with, and I'm ready to go.

1           Attias, 340 Ocean Avenue

2           MR. KEILSON:   The concern we  
3           have is the criteria for giving  
4           variances is being challenged pretty  
5           much on every point.   The fact that  
6           the plans preexisted doesn't obviate  
7           the need to make you justify the  
8           variances.

9           MR. ATTIAS:   The foundation  
10          being there is a very large point that  
11          I can't remove and break it and start  
12          over again.

13          MR. FELDER:   So it's a financial  
14          hardship to start over again?

15          MR. ATTIAS:   Correct.   I can't  
16          afford it.   It's another quarter of a  
17          million dollars to break it and build  
18          a new one.

19          MR. FELDER:   Just so the record  
20          is clear, a quarter million dollars to  
21          just --

22          MR. ATTIAS:   Quarter of a  
23          million dollars just to remove and put  
24          a new foundation, and make new plans,  
25          to start all over again, and now be

1           Attias, 340 Ocean Avenue  
2           delayed another year because then I  
3           have to start drawing new plans, and  
4           once you start -- it all started with  
5           the floor mat, you know how that goes,  
6           and then it all -- add another year or  
7           another year and a half until I --

8           MR. KEILSON: I think you're  
9           exaggerating. I don't think the cost  
10          is what you're describing. We haven't  
11          even discussed how to minimize the  
12          variance requirements.

13          MR. ATTIAS: If I start breaking  
14          the foundation, I'm going to -- this  
15          wasn't optimum. This isn't what I  
16          wanted to build, but since it's there,  
17          I want to build it. If I start  
18          breaking the foundation, I have to  
19          take the whole thing out. Then I'll  
20          build it without a variance, but then  
21          I don't --

22          MR. KEILSON: Sounds like a good  
23          idea.

24          MR. ATTIAS: I can't afford it.  
25          I can't afford it. That's the

1           Attias, 340 Ocean Avenue  
2           problem. This is just going to just  
3           delay --

4           MR. KEILSON: Would you afford  
5           it if the house is smaller?

6           MR. ATTIAS: I need to spend an  
7           extra 20/50 thousand dollars to build  
8           a new foundation.

9           MR. KEILSON: Where did you get  
10          that number from?

11          MR. ATTIAS: From the builder.  
12          To remove the old one will cost me  
13          \$50,000, to put another and make new  
14          plans, another \$50,000, and then  
15          50/60, and then another -- then to  
16          pour a new foundation, everything will  
17          probably cost \$250,000.

18          MR. KEILSON: I don't see the  
19          basis for your numbers. You're just  
20          picking numbers from the air.

21          MR. ATTIAS: This is what I was  
22          told it would cost.

23          MR. MOSKOWITZ: How much of the  
24          surface coverage overage is  
25          attributable to areas other than the

1           Attias, 340 Ocean Avenue  
2           foundation? In other words, let's say  
3           you leave the foundation exactly as is  
4           and a house is built on the foundation  
5           exactly as the plans say, what other  
6           areas of the property are contributing  
7           to the overage on the surface  
8           coverage? Is it the extent of the  
9           driveway? I'm trying to understand  
10          that better.

11                 MR. ATTIAS: I believe there's  
12          the deck. There's a back deck off the  
13          kitchen. There's the pool, the  
14          driveway, there's the carriage house;  
15          so there are a lot of things that are  
16          covering there. If it makes a  
17          difference let's say not to pave the  
18          driveway and just have a gravel  
19          driveway, I can do that. Will that  
20          change the whole picture?

21                 MR. MOSKOWITZ: Let me ask a  
22          question to Gerry, making the driveway  
23          gravel doesn't resolve the issue,  
24          right, but there are ways to resolve  
25          the issues in the sense of making

1           Attias, 340 Ocean Avenue  
2           making tiles in the driveway that are  
3           less than three feet wide?

4           MR. CASTRO: Right now, he does  
5           propose some pervious driveway. By  
6           some, I mean 3,155 square feet. I  
7           don't know if he has reached the limit  
8           of pervious, but it seems like if he  
9           did make the front driveway pervious,  
10          what that may do is trigger a pervious  
11          request for overage.

12          MR. MOSKOWITZ: So you would be  
13          helping the impervious request but it  
14          might trigger a pervious request?

15          MR. CASTRO: Yes.

16          MR. MOSKOWITZ: Is there a way  
17          to figure that out in terms of where  
18          he's at with pervious right now?

19          MR. CASTRO: Yes.

20          MR. KEILSON: Listen, you could  
21          also remove the carriage house. It  
22          would go a long way to a lot of these  
23          problems.

24          MR. GOTTLIEB: As far as  
25          pervious goes, you have 20 feet left



1           Attias, 340 Ocean Avenue  
2           over. You have 20 feet available.

3           MR. CASTRO: So he'd definitely  
4           be over, almost anything you touch.

5           MR. MOSKOWITZ: What's the story  
6           with the carriage house? Did the  
7           carriage house exist at the time that  
8           the prior plans were submitted and  
9           approved?

10          MR. ATTIAS: Correct. They were  
11          living there. It was there. It was a  
12          structure. It's a nice, little guest  
13          house, and I'd like to keep it the way  
14          it is.

15          Around the pool, you see we put  
16          blocks instead, of less than three  
17          feet, to create more of pervious  
18          structure. I could cut the deck a  
19          little bit, but in general --

20          MR. KEILSON: There's a lot that  
21          can be done to mitigate. It would be  
22          very helpful if you had your architect  
23          here.

24          MR. ATTIAS: He wrote me last  
25          last minute that he couldn't come, so

1           Attias, 340 Ocean Avenue

2           I said I'll go myself.

3           MR. GOTTLIEB:   The pool  
4           encroaches ten feet into the side  
5           yard, is that one of the side yard  
6           issues?

7           MR. ATTIAS:    I don't think so.

8           MR. CASTRO:    No.

9           MR. GOTTLIEB:   There's a side  
10          yard that says it should be 30 feet on  
11          each side, and it looks like 25 feet  
12          on one side.

13          MR. CASTRO:    It's the house on  
14          the east side.

15          MR. ATTIAS:    Mr. Shmelk said he  
16          doesn't have a problem with it.   I  
17          spoke to him.   He just wants me to --  
18          just two weeks ago he asked when are  
19          you starting?   I said I'm waiting for  
20          the Village, as soon as they're done,  
21          I'll -- if he had a problem, he would  
22          be here.   He's very vocal, you would  
23          know about it.

24          MR. FELDER:    The impervious  
25          terrace is what, that's a raised deck?

1           Attias, 340 Ocean Avenue

2           MR. ATTIAS:   Yes, a raised,  
3           cement deck.

4           MR. FELDER:   Does it make a  
5           difference if he uses a different  
6           material or it just triggers --

7           MR. CASTRO:   Again, you'd be  
8           going back to Mr. Moskowitz's comment,  
9           you reduce the impervious request, but  
10          there would still be a request, and  
11          then you would have an additional  
12          pervious request.

13          MR. MOSKOWITZ:  If someone uses  
14          not what he has here, which is  
15          Turfstone, but rather the less than  
16          three feet stones, is that considered  
17          pervious or is that considered  
18          nothing?

19          MR. CASTRO:   Technically, if you  
20          have like two four-foot strips where  
21          the car drives over, that wouldn't be  
22          counted at all.

23          MR. MOSKOWITZ:  So if he changed  
24          the driveway from a pervious driveway,  
25          which is Turfstone right now, to a

1           Attias, 340 Ocean Avenue  
2           driveway in the manner I just  
3           described -- similar to my neighbor on  
4           Margaret, across the street from me --  
5           if he did that, he would be reducing  
6           the pervious?

7           MR. CASTRO: Reducing the  
8           pervious so he could utilize that  
9           elsewhere. Impervious would still  
10          remain the same. Sorry, it would drop  
11          by whatever he's reducing it.

12          MR. MOSKOWITZ: He could then  
13          use pervious elsewhere to offset the  
14          impervious without triggering the  
15          pervious?

16          MR. CASTRO: Correct. Yes.

17          MR. KEILSON: I think,  
18          Mr. Moskowitz, we are in desperate  
19          need of having his architect  
20          available. It also is very troubling  
21          that the representative from  
22          Mr. Capobianco's office was just here  
23          for the prior matter. I'm sure he  
24          could have stayed over to discuss it.  
25          For whatever reason, they chose not

1           Attias, 340 Ocean Avenue  
2           to.

3           MR. MOSKOWITZ: He may not have  
4           been familiar with this assignment.

5           MR. KEILSON: He could have been  
6           more familiar than the present  
7           applicant making the presentation.

8           I think it would behoove you to  
9           have your architect present or have  
10          some discussions before we look at  
11          this again or you could ask us to  
12          vote.

13          MR. ATTIAS: The reason I was  
14          pretty confident that this would be  
15          okay is because it's already been  
16          approved once. Considering the fact  
17          that -- I understand we don't realize  
18          what was happening then -- I'm coming  
19          here in front of you with approved  
20          plans from the Village, from the prior  
21          administration, if you would.

22          MR. KEILSON: So the Village has  
23          already conveyed to the architect's  
24          office that there were concerns about  
25          this application.

1           Attias, 340 Ocean Avenue

2           MR. ATTIAS: I will tell you  
3           that I had discussions with people in  
4           the office upstairs, and they were  
5           okay with everything, the way it was  
6           and all these changes with the coming  
7           up with the three-foot blocks,  
8           et cetera, they were suggestions that  
9           came from the Building Department  
10          here.

11          Everything that was done there  
12          was done based on the recommendations  
13          we got from the Building Department.  
14          It's not that we came up with them,  
15          and we were basically figuring that  
16          this is what would be somewhat  
17          acceptable to the Building Department  
18          to just get this eyesore out of the  
19          way and start working and get this  
20          done.

21          MR. KEILSON: The application is  
22          very weak and lean on the information.  
23          We rarely have an application that  
24          comes before us that has no  
25          information in the petition itself.

1           Attias, 340 Ocean Avenue

2           There's nothing. There's a lot of  
3           platitudes, it tells us nothing about  
4           it.

5           MR. FELDER: That's why he's  
6           explaining it here.

7           MR. KEILSON: I understand,  
8           Mr. Felder, but I say it's rare, if  
9           ever, that we get a petition that has  
10          nothing in it. Okay?

11          MR. ATTIAS: Okay.

12          MR. KEILSON: And there's no  
13          architect here to answer those  
14          questions, so I'm suggesting that you  
15          seek an adjournment or we can go to a  
16          vote.

17          MR. ATTIAS: I don't know what  
18          ramification of going to a vote [sic].

19          MR. KEILSON: You get denied and  
20          you have to start all over again, and  
21          the only basis of starting over again  
22          is that you come up with something  
23          different.

24          MR. GOTTLIEB: Or you get  
25          approved.

1           Attias, 340 Ocean Avenue

2           MR. MOSKOWITZ: If it's two-two,  
3 it's not approved, is that right?

4           MR. KEILSON: That's correct.

5           MR. ATTIAS: I guess I'll go for  
6 an adjournment. I don't want to start  
7 over again, but I would really like to  
8 see if I can sway you to just -- if  
9 there are adjustments that need to be  
10 made later on --

11          MR. KEILSON: It doesn't work  
12 that way.

13          MR. FELDER: The question is  
14 whether we can we make adjustments  
15 right now.

16          MR. KEILSON: I'm not prepared  
17 to without his architect.

18          MR. FELDER: Right. I think  
19 some of the Board members would --

20          MR. KEILSON: Especially in  
21 light of the fact that the information  
22 was conveyed to the architect's  
23 office.

24          MR. ATTIAS: He worked with that  
25 information and came up with these



1           Attias, 340 Ocean Avenue  
2 plans based on that information.

3           MR. KEILSON: If that was the  
4 case, then there would have been  
5 further mitigation.

6           MR. MOSKOWITZ: I think,  
7 unfortunately, what you're hearing  
8 from my colleagues, and I'll just say  
9 it, your architect did you a  
10 disservice tonight. He's actually a  
11 respected architect in the village.  
12 If he were here, I can tell you that  
13 there would probably be a reasonable  
14 probability that the night would end  
15 as a happy night. Unfortunately, if  
16 there are some changes to be made, you  
17 don't have the capacity to address the  
18 questions. That's the issue. I could  
19 tell you on the record that I'm very  
20 sympathetic to this. I think it's a  
21 unique circumstance because you are  
22 submitting the exact same plans that  
23 were previously approved, and you've  
24 articulated a very good reason for why  
25 you need to do it that way, totally

1           Attias, 340 Ocean Avenue  
2           understandable, but we're four members  
3           of this Board.

4           MR. FELDER:   There are five  
5           members, one isn't here.

6           MR. GOTTLIEB:   Mr. Moskowitz,  
7           just to clarify something, most of the  
8           pages are from 2006.   The top page is  
9           from 2019.   I don't know if other  
10          changes were made outside of the house  
11          itself that may be different.

12          MR. MOSKOWITZ:   Do you know the  
13          answer to that?

14          MR. ATTIAS:   The top page is  
15          what John made, and his people, David,  
16          have made based on the recommendations  
17          from Mr. Vacchio.

18          MR. MOSKOWITZ:   In other words,  
19          they were improvements from the 2006  
20          plans?

21          MR. ATTIAS:   Correct.   They've  
22          been in contact with each other very  
23          much, the two of them, and they came  
24          up with this 2019 plan.   That's why  
25          I'm a little bit shocked that I need

1           Attias, 340 Ocean Avenue  
2           to go over this, to bring him to  
3           explain it. The 2006 plans are -- not  
4           the house itself -- but the outer  
5           parts are different. They worked  
6           together with Mr. Vacchio to get it to  
7           this point. I know I don't have him  
8           here to explain it, but all that will  
9           happen next month or whenever we come  
10          back is just another delay. Maybe I'm  
11          not explaining it right, but they  
12          worked together with Mr. Vacchio and  
13          John's guy, David Gonzales, to make  
14          this the way they wanted it made.

15                 I thought I'd see Mr. Vacchio  
16          here tonight, and maybe he'd explain  
17          where he came up with this, how they  
18          worked it out between them, but this  
19          is what it should be, and that that  
20          would be acceptable for a variance.

21                 MR. CASTRO: Just to clarify,  
22          one of the items that they may have  
23          worked on, looks like you did touch  
24          upon it, is the patio around the pool  
25          was modified previously.

1           Attias, 340 Ocean Avenue

2           MR. ATTIAS:   Correct.

3           MR. CASTRO:   That was something,  
4           I'm assuming, that was discussed.   I  
5           don't know of anything else other than  
6           the driveway.

7           MR. ATTIAS:   We would add in not  
8           paving the driveway, which would  
9           completely take this to fix the  
10          impervious variance.

11          MR. MOSKOWITZ:  Is that true  
12          though?  I think that already the  
13          driveway is contemplated to be  
14          pervious, not impervious.

15          MR. CASTRO:   Correct, the  
16          driveway leading to the rear portion.

17          MR. ATTIAS:   So even the front  
18          we would not pave.  If that makes a  
19          difference, we don't pave the front.  
20          That's it.  We use the gravel.  It's a  
21          nice, gravel driveway, and that's it.

22          MR. MOSKOWITZ:  This is what I'm  
23          trying to figure out, how much of the  
24          driveway is currently contributing to  
25          the impervious number?  I see a

1           Attias, 340 Ocean Avenue  
2           lengthy stretch of driveway there  
3           that's pervious.

4           MR. CASTRO:   3,352 square feet  
5           of impervious in the front.

6           MR. MOSKOWITZ:  If all of that  
7           were changed to pervious, then it  
8           would eliminate the impervious surface  
9           coverage variance, but it would  
10          trigger a pervious surface coverage  
11          variance, right?

12          MR. CASTRO:   Correct.

13          MR. MOSKOWITZ:  Although, if you  
14          were to change the Turfstone to  
15          three-foot format, then he would need  
16          neither a pervious variance nor an  
17          impervious variance, but none of us  
18          are doing the calculation, but that is  
19          likely what the outcome would be?

20          MR. CASTRO:   Possibly.

21          MR. GOTTLIEB:  My concern is the  
22          40-foot front yard in a double A zone,  
23          just something that I don't see how it  
24          can be addressed without changing the  
25          plans.

1           Attias, 340 Ocean Avenue

2           MR. MOSKOWITZ: But that was  
3 already the case in 2006, right?

4           MR. GOTTLIEB: Yes.

5           MR. MOSKOWITZ: Do you know if  
6 the changes to the zoning laws in  
7 between then and now implicate that  
8 concern? The zoning laws were the  
9 same in that respect, right?

10          MR. GOTTLIEB: I believe it was  
11 no different for a front yard setback.

12          MR. FELDER: That it was  
13 different?

14          MR. GOTTLIEB: I don't think so.

15          MR. MOSKOWITZ: It was not.

16          MR. GOTTLIEB: It's still a  
17 concern. I may have objected to it  
18 then. If I was here, I may have  
19 objected to it.

20          MR. FELDER: I think maybe it's  
21 just advisable for us to take the  
22 month to work out all the little  
23 things that Elliot and others have  
24 suggested. I'm sure we'll come up  
25 with something that will work, but to

1           Attias, 340 Ocean Avenue  
2           do it on the fly with a Board that's  
3           short one may not be --

4           MR. ATTIAS:   Okay.   We'll ask  
5           for an adjournment.

6           MR. FELDER:   Can we make sure to  
7           get him on the next possible meeting  
8           so we can expedite it for him?

9           MR. KEILSON:   It depends on the  
10          plans.

11          MR. CASTRO:   And how fast they  
12          work too.

13          MR. FELDER:   It's up to you.  
14          The call is yours.

15          MR. ATTIAS:   I'm not sure what  
16          starting over means.

17          MR. FELDER:   I don't think it's  
18          starting over, not at all.

19          MR. KEILSON:   Be very cautious  
20          in how you guide him because  
21          Mr. Vacchio is not here, and how many  
22          times have we heard about how the  
23          Building Department has told us that  
24          if you do the following and when we  
25          speak to the individuals in the

1           Attias, 340 Ocean Avenue  
2           Building Department and he says he  
3           never said any such thing. We're  
4           working with a lot of impressions here  
5           of all kinds of conversations, and I  
6           don't want to send back the wrong  
7           message. He has a very capable  
8           architect who's very skilled and  
9           knowledgeable about what's good for  
10          this village, so just come in and give  
11          us a petition. Never, in all these  
12          years, has John Capobianco ever  
13          submitted such a lean petition with no  
14          information.

15                 MR. MOSKOWITZ: Who prepared the  
16          petition? Did you have any role in  
17          this or --

18                 MR. ATTIAS: No, no. It was  
19          John Capobianco and his guy, David.

20                 MR. MOSKOWITZ: So that's a  
21          question we'll have for  
22          Mr. Capobianco.

23                 MR. KEILSON: I think it's very  
24          clear that they were assuming that  
25          because it was submitted X number of



1           Attias, 340 Ocean Avenue  
2           years ago, it was going to fly, but  
3           we're viewing this as de novo, as far  
4           as I'm concerned. We have a situation  
5           where he doesn't even know how many  
6           bedrooms are in the proposed house.

7           MR. GOTTLIEB: And 15 years  
8           later, it is de novo, and I'm very  
9           surprised John Capobianco would make  
10          that assumption.

11          MR. ATTIAS: He worked with  
12          Danny on this. It's not like we just  
13          started over. I mean, we started over  
14          with Mr. Vacchio, and it was worked  
15          on, and this will work.

16          MR. KEILSON: Again, were you  
17          present?

18          MR. ATTIAS: Yes, I was with  
19          Danny Vacchio, many meetings with him  
20          upstairs and he was on the phone with  
21          John and David. They worked between  
22          them back and forth and sending emails  
23          back and forth.

24          MR. KEILSON: And no one's here  
25          tonight, neither John nor David nor

1           Attias, 340 Ocean Avenue  
2           the fellow that was here previously.

3           MR. ATTIAS: No. So when John  
4           said he can't make it, they said, do  
5           you want somebody else to go? I said,  
6           no, I'll go myself because I don't  
7           need anybody, this is already worked  
8           out between the people.

9           MR. KEILSON: There is no such  
10          thing. The Building Department can't  
11          work out anything on behalf of the  
12          Board of Zoning Appeals.

13          MR. ATTIAS: I understand.  
14          Okay.

15          MR. KEILSON: Does anyone in the  
16          audience want to speak to the matter?

17          (No response.)

18          MR. KEILSON: We'll take an  
19          adjournment on it.

20          MR. MOSKOWITZ: Exactly.

21          MR. GOTTLIEB: Yes.

22          MR. KEILSON: Motion to close.

23          MR. GOTTLIEB: Second.

24          (Time noted: 8:20 p.m.)  
25

CERTIFICATE

STATE OF NEW YORK )

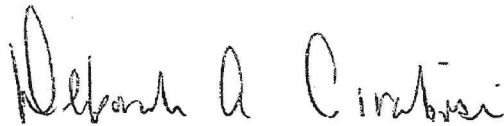
) ss.

COUNTY OF SUFFOLK)

I, Deborah A. Cirabisi, a  
Shorthand Reporter and Notary Public  
within and for the State of New York, do  
hereby certify:

That the foregoing transcript is  
a true record of the proceedings.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage and that I am  
in no way interested in the outcome of  
this matter.



-----  
Deborah A. Cirabisi