

## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

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

6 July 26, 2017  
7 7:30 p.m.

8 APPLICATION: Sambrowsky  
9 194 Harborview North  
10 Lawrence, New York

## 11 P R E S E N T :

12 MR. LLOYD KEILSON  
13 Chairman

14 MR. EDWARD GOTTLIEB  
15 Member

16 MR. DANIEL HILLER  
17 Member

18 MR. ELLIOT MOSKOWITZ  
19 Member

20 MR. AARON FELDER  
21 Member

22 MR. ANDREW K. PRESTON, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: Good evening, ladies and  
2 gentlemen. Welcome to the Lawrence Board of  
3 Zoning Appeals. We'd appreciate it if you have  
4 cell phones, please turn them off. If there's a  
5 need for a conversation, please take it outside.

6 Okay. Mr. Castro, do you have proof of  
7 posting?

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

10 CHAIRMAN KEILSON: Okay, thank you very much.

11 Let's take care of one piece of business  
12 before we start. We have a letter from the  
13 Sambrowskys at 194 Harborview North, and it's a  
14 letter dated July 20th, and they have a variance  
15 that is about to expire and they're asking for an  
16 extension. The reason given is they were not  
17 financially prepared to proceed, and they're  
18 asking for a 24-month extension so that they may  
19 complete the project at that point in time. Any  
20 discussion on the matter?

21 MEMBER GOTTLIEB: Has any work commenced on  
22 the project?

23 CHAIRMAN KEILSON: No. I happen to live  
24 across the street.

25 MEMBER GOTTLIEB: So there's been no

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1 inconvenience to the neighbors to date?

2 CHAIRMAN KEILSON: No. That's the only one  
3 on the block that has not inconvenienced me.

4 MEMBER GOTTLIEB: And that's what we care  
5 about.

6 CHAIRMAN KEILSON: That's right.

7 Any other discussion?

8 (No response.)

9 CHAIRMAN KEILSON: Consensus? Okay, no  
10 problem.

11 (Whereupon, the hearing concluded at  
12 7:31 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 MARY BENCI, RPR  
20 Court Reporter  
21  
22  
23  
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## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

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

6 July 26, 2017  
7 7:31 p.m.

8 APPLICATION: Portnoy  
9 148 Sutton Place 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. ANDREW K. PRESTON, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

Mary Benci, RPR  
Court Reporter



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1 CHAIRMAN KEILSON: The first matter this  
2 evening is Portnoy, 148 Sutton Place South. Would  
3 they or their representative please step forward.  
4 Please introduce yourself for the stenographer.

5 MR. SHRIKI: Daniel Shriki, S-H-R-I-K-I,  
6 45 Radcliff Road, Island Park, New York 11558.

7 Good evening, Board members.

8 CHAIRMAN KEILSON: Good evening.

9 MR. SHRIKI: I'm here on behalf of  
10 John Capobianco, architect, representing  
11 Mr. Portnoy who wishes to build a wood deck in the  
12 back of his house 20 inches above grade. We are  
13 here seeking relief for pervious surface coverage,  
14 side-yard setback, side yard aggregate setback,  
15 and rear-yard setback.

16 I have spoken with Mr. Portnoy, and he is  
17 actually willing to give up a portion of the deck,  
18 approximately 102 feet that extends over the side  
19 of the house and the deck at the side of the  
20 house.

21 CHAIRMAN KEILSON: So you will make it flush  
22 with the side of the house?

23 MR. SHRIKI: Making it flush with the  
24 exterior of the house, yes.

25 CHAIRMAN KEILSON: Do you have a drawing for

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1 the Building Department?

2 MR. SHRIKI: There are two surveys on that  
3 sheet; one of them what we were originally  
4 proposing, and the other one shows the  
5 modification. In removing this 102 feet, square  
6 feet, we will be under pervious surface coverage,  
7 eliminating the need for that variance.

8 CHAIRMAN KEILSON: Okay. So we only have  
9 three more to go.

10 MR. SHRIKI: Well, it will increase the  
11 side-yard setback to 12 feet, as opposed to  
12 requested 6 -- 6 and a half feet.

13 CHAIRMAN KEILSON: Okay.

14 MR. SHRIKI: And then we're requesting  
15 3 feet, as opposed to the 8 and a half feet. The  
16 aggregate side-yard setback will be increased to  
17 31.4 feet, as opposed to the 25.06 feet.

18 And for the rear-yard setback, Mr. Portnoy  
19 has future plans for the property behind him which  
20 he owns and rents out currently, and I'll let him  
21 explain that to you right now.

22 MR. PORTNOY: We don't plan to sell that  
23 property, and why we haven't joined it, I don't  
24 know why we haven't joined it because we have a  
25 house over there, and it seems somewhat

1 convenient, but we'll never sell that house and  
2 it's my property as well.

3 CHAIRMAN KEILSON: Who is living in the house  
4 currently?

5 MR. PORTNOY: Who is living?

6 CHAIRMAN KEILSON: In the house.

7 MR. PORTNOY: A gentleman -- a woman, a  
8 divorced woman.

9 CHAIRMAN KEILSON: A gentle woman.

10 MR. PORTNOY: A woman. No, she's a widow, a  
11 widow.

12 CHAIRMAN KEILSON: I understand. I have a  
13 question. We have the impression that work was  
14 done on this deck.

15 MR. PORTNOY: It's there.

16 MR. SHRIKI: Work was started. It's not  
17 finished.

18 CHAIRMAN KEILSON: It appeared one day, grew  
19 out of the ground?

20 MR. PORTNOY: I was not aware that -- it was  
21 totally my mistake, but I was -- I was -- people  
22 indicated to me, some friends of mine, that a  
23 wooden deck didn't need so much of a permit, so I  
24 went ahead and did it and found out that it does  
25 need a permit, and these people were, you know,

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1 just advising me wrongly.

2 CHAIRMAN KEILSON: I see. Do we know who the  
3 contractor is who did the work on the deck, if it  
4 was somebody who does work in the Village  
5 regularly?

6 MR. CASTRO: I don't believe so.

7 CHAIRMAN KEILSON: The work was completed or  
8 not completed?

9 MR. PORTNOY: I'd say I think it's 90 percent  
10 completed, 85 percent completed. It needs the  
11 wood on top. The whole foundation is made. It's  
12 just ready to close the floor. In fact, we have  
13 like a plank so people shouldn't fall in.

14 MEMBER HILLER: You realize that we're  
15 relying on what you said, that you're going to  
16 retain the property in the back; otherwise, you're  
17 encroaching on that property. If you were to sell  
18 it off, if you were to sell it off or not  
19 incorporate it into your property, then we'd be  
20 giving you a variance really illegally. Not  
21 illegally; that's what a variance is. But we'd be  
22 giving you a variance on a misunderstanding that  
23 you initiated.

24 MR. PORTNOY: Uh-hm. I could -- if need be,  
25 I could write a letter that if I do sell it I'll

1 take away the deck.

2 MEMBER HILLER: That would be helpful.

3 CHAIRMAN KEILSON: Counsel, are you  
4 comfortable with that?

5 MR. PRESTON: If this Board grants a  
6 variance, that variance can't be conditioned on a  
7 a future act, and it runs with the land whether he  
8 chooses to sell it or not.

9 CHAIRMAN KEILSON: All right.

10 MEMBER GOTTLIEB: Good answer. Not the one  
11 you wanted, but it's the right answer, but it  
12 doesn't solve the problem.

13 MEMBER MOSKOWITZ: How long have you owned  
14 the house in the back, the other house?

15 MR. PORTNOY: The other house, since 2000,  
16 2001, and I owned this the same time; I bought  
17 both houses.

18 MEMBER FELDER: Is there any reason you  
19 haven't knocked it down yet or incorporated it?  
20 Are you waiting for something?

21 MEMBER HILLER: Income?

22 MR. PORTNOY: Could be. No, but we only --  
23 we only moved into the house a year ago, a year  
24 and a half ago. We've been building this house.  
25 It took us quite a long time to build the house

1 that we're living in right now. And eventually  
2 we'll put it together, but we haven't done it yet,  
3 and it makes sense now not to just throw it down.  
4 One of the reasons I didn't throw it down is  
5 because when Sandy came I put a lot of money into  
6 the house to fix it up, and it just seems wasteful  
7 to just throw down a house because I would like a  
8 bigger property.

9 CHAIRMAN KEILSON: So during Sandy you were  
10 in which site?

11 MR. PORTNOY: I was in the old site, the old  
12 site.

13 CHAIRMAN KEILSON: The new house is still  
14 under construction?

15 MR. PORTNOY: Yeah, and nothing happened to  
16 the new house, but the old house was destroyed.

17 CHAIRMAN KEILSON: I think we granted you  
18 variances on the new house, correct?

19 MR. PORTNOY: Yes.

20 CHAIRMAN KEILSON: All right, I think I even  
21 had hair then.

22 MR. PORTNOY: So did I.

23 MEMBER GOTTLIEB: Can we take a look at what  
24 the new requests are and go over the code relief  
25 and see exactly how it's changed starting with the

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1 pervious surface coverage.

2 MR. PORTNOY: Yes.

3 MR. SHRIKI: So the pervious surface coverage  
4 we would be removing 5.66 by 18 feet.

5 MEMBER GOTTLIEB: So request number one  
6 doesn't exist.

7 MR. PORTNOY: Yes.

8 MR. CASTRO: Eliminated.

9 MEMBER GOTTLIEB: Let's go to the second one.

10 MR. SHRIKI: The existing side-yard setback  
11 is 12 feet, and we would be aligning with that, so  
12 the side-yard setback would be 12 feet and we'd be  
13 short by three feet.

14 MEMBER GOTTLIEB: But you're aligning it with  
15 the existing house which was probably given a  
16 variance to build that at 12 feet.

17 MR. SHRIKI: The aggregated side-yard setback  
18 would be 12 and 19 -- 19.6. So it's 19.4, so  
19 31.4.

20 MEMBER HILLER: Is that existing?

21 MR. SHRIKI: Actually, the existing on the  
22 other side of the house is 21.89, 21.9, with 12.  
23 It's over to begin with. With the deck extending  
24 down it's becoming 19.4 on that side of the house.

25 CHAIRMAN KEILSON: The neighbor impacted by

1 the deck on the side has he been spoken to?

2 MR. SHRIKI: The neighbor right here  
3 (indicating)?

4 MR. PORTNOY: Yes. In fact, he might show up  
5 to say that. I'm hoping that he walks in now to  
6 say that he has no objection.

7 CHAIRMAN KEILSON: Who is that neighbor?

8 MR. PORTNOY: His name is Newman.

9 CHAIRMAN KEILSON: Right.

10 MEMBER GOTTLIEB: Do we have any letters of  
11 support?

12 MR. CASTRO: (Indicating.)

13 MR. PORTNOY: I thought he would come in, and  
14 he is going to come in.

15 CHAIRMAN KEILSON: You're representing that  
16 you spoke to him about it?

17 MR. PORTNOY: Yes.

18 CHAIRMAN KEILSON: And he was in accord?

19 MR. PORTNOY: He had no problem with it.

20 MEMBER GOTTLIEB: Mr. Chairman, if I could  
21 point out that the deck, the part of the deck  
22 that's 19.4 feet from the property line, that's on  
23 a corner and it doesn't impact any neighbors.

24 CHAIRMAN KEILSON: I think we'll also take  
25 note that there's significant screening at this



1 point.

2 MEMBER GOTTLIEB: Yes, I had to push the  
3 bushes apart to see the deck.

4 CHAIRMAN KEILSON: Really?

5 MEMBER GOTTLIEB: Yes, sir.

6 CHAIRMAN KEILSON: How bold on your part.

7 MEMBER GOTTLIEB: It's unusual.

8 CHAIRMAN KEILSON: Anything further?

9 MEMBER GOTTLIEB: And then the last one is  
10 just the rear-yard setback which stays the same,  
11 right.

12 CHAIRMAN KEILSON: The rear-yard setback is  
13 really the concern.

14 MEMBER FELDER: That's the problem.

15 CHAIRMAN KEILSON: He will never sell the  
16 house and that he intends at some point to join  
17 the properties. Okay.

18 MR. PORTNOY: This is the gentleman that owns  
19 the house next-door to me. I promised that you  
20 would come.

21 CHAIRMAN KEILSON: Mr. Newman, we would like  
22 to have you go on the record. Have you seen --  
23 please step forward, introduce yourself to Mary,  
24 our stenographer.

25 MR. NEWMAN: Dr. William Newman.

1 CHAIRMAN KEILSON: And the address that  
2 you're at, that you're representing.

3 MR. NEWMAN: Myself.

4 CHAIRMAN KEILSON: Well, in this case you're  
5 representing the house next-door?

6 MR. NEWMAN: Which is myself, which is owned  
7 by myself.

8 CHAIRMAN KEILSON: Do you know the number?

9 MR. NEWMAN: 142 Sutton Place South.

10 CHAIRMAN KEILSON: Very good.

11 Have you seen the drawing?

12 MR. NEWMAN: No, not yet. That was the only  
13 reason I stopped by.

14 CHAIRMAN KEILSON: Let's do this  
15 expeditiously. Off the record.

16 (Whereupon, a discussion was held off the  
17 record.)

18 CHAIRMAN KEILSON: Mr. Newman, are you okay  
19 with that?

20 MR. NEWMAN: I'm fine.

21 CHAIRMAN KEILSON: Thank you very much.

22 MR. NEWMAN: You're welcome.

23 MR. PORTNOY: Thank you, Mr. Newman.

24 MR. NEWMAN: You're welcome.

25 MR. PORTNOY: It's hard to find a nice guy

1       these days.

2               CHAIRMAN KEILSON: I know. Hang around  
3       tonight and see.

4               Okay. Anyone in the audience who wants to  
5       speak to this matter?

6               (No response.)

7               CHAIRMAN KEILSON: All right, thankfully not.  
8       I think for the purposes of the Board, just so the  
9       record reflects, if a letter can be submitted that  
10      there's every intention to never sell the  
11      property, and that in fact it's your intention to  
12      probably join the properties at some point, I  
13      think that to the extent that it would satisfy our  
14      interests, we'd appreciate it.

15              MEMBER MOSKOWITZ: Probably the letter should  
16      say if you do sell the property I think you  
17      represented that you would remove the deck.

18              MR. PORTNOY: Remove the deck.

19              CHAIRMAN KEILSON: Correct. Thank you,  
20      Mr. Moskowitz, appreciate that.

21              Okay. So taking into consideration the  
22      statutory criteria for variances and weighing the  
23      benefit to the applicant as opposed to any  
24      detriment to any neighbors or the neighborhood and  
25      the health, safety and welfare of the

1 neighborhood, all right, having said that,  
2 Mr. Moskowitz.

3 MEMBER MOSKOWITZ: For.

4 CHAIRMAN KEILSON: Mr. Gottlieb.

5 MEMBER GOTTLIEB: For.

6 CHAIRMAN KEILSON: Mr. Hiller.

7 MEMBER HILLER: For.

8 CHAIRMAN KEILSON: Mr. Felder.

9 MEMBER FELDER: For.

10 CHAIRMAN KEILSON: And I vote for as well.

11 MR. PORTNOY: I was wrong. There are nice  
12 guys.

13 CHAIRMAN KEILSON: And I guess we'll give you  
14 a year, but I'm sure it won't require that, right.

15 MR. PORTNOY: Thank you very much.

16 (Continued on the following page.)  
17  
18  
19  
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22  
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25

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1 CHAIRMAN KEILSON: No problem. Thank you for  
2 coming down.

3 MR. SHRIKI: Thank you.

4 (Whereupon, the hearing concluded at  
5 7:43 p.m.)

6 \*\*\*\*\*

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

10  
11 Mary Benci

12 MARY BENCI, RPR  
13 Court Reporter  
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## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

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

6 July 26, 2017  
7 7:43 p.m.

8 APPLICATION: Eichner  
9 117 Monroe Street  
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. ANDREW K. PRESTON, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: Next is the matter of  
2 Eichner, 117 Monroe Street.

3 MS. EICHNER: Good evening. My name is  
4 Deborah Eichner, and this is my husband  
5 Moshe Eichner, representing 117 Monroe Street,  
6 where we've lived for the past 20 years. We're  
7 here tonight for three variances, but the first  
8 one we already spoke with the Village about, the  
9 pervious/impervious, and agreed to take away some  
10 of the driveway in the front and replace it with  
11 pervious.

12 CHAIRMAN KEILSON: My understanding is that  
13 it's no longer a request, right?

14 MS. EICHNER: Right.

15 CHAIRMAN KEILSON: Okay.

16 MS. EICHNER: My home --

17 CHAIRMAN KEILSON: We're down to actually  
18 2/3. You have the side-yard aggregate and you  
19 have the height/setback ratio in front and the  
20 height/setback ratio in the side yard.

21 MS. EICHNER: Right. We were damaged in  
22 Hurricane Sandy, and we're working with New York  
23 Rising to become FEMA compliant. So we're raising  
24 our home, and in addition to that we're  
25 renovating. In the process we're going to be

1       losing the basement, so we need to move our  
2       mechanicals to the first floor. So we're  
3       renovating the house at the same time that we're  
4       doing this, and we're asking for a variance  
5       because of existing side-yard setback of  
6       11.7 feet. That's the second variance that we're  
7       asking for.

8               CHAIRMAN KEILSON: All right, 11.7 and the  
9       aggregate.

10              MS. EICHNER: On the other side I have 15.9.

11              CHAIRMAN KEILSON: But the aggregate is only  
12       27.6, where you require 30.

13              MS. EICHNER: 30, correct.

14              CHAIRMAN KEILSON: So those are existing  
15       nonconforming.

16              MS. EICHNER: Yes.

17              CHAIRMAN KEILSON: Okay. So far I've got it  
18       right. Let's continue. Height/setback ratios.

19              MS. EICHNER: The third variance that we're  
20       asking is the height/setback ratio and the  
21       side-yard setback ratio which are unavoidable  
22       really due to the violations since the elevation  
23       of the home is required to be become FEMA  
24       compliant. Since we're losing space in the  
25       basement, we thought it best now to take advantage



1 of the fact that the Village is allowing a third  
2 floor, a legal third floor, and we're going up to  
3 the maximum of 36 feet from the center of the  
4 road.

5 CHAIRMAN KEILSON: So on the front the  
6 permitted is 0.74. You're going to 0.76, which in  
7 most cases we would look upon as being de minimis.  
8 And this is your bonus day. The fact of the  
9 matter is the numbers that you provided are  
10 inaccurate on the existing side yard and in fact  
11 they're closer to the proposed. The Village has  
12 brought to our attention, the Village Building  
13 Department, it's actually 1.9, approximately, and  
14 you're asking for 1.97. So once again, it's  
15 really de minimis, okay.

16 MS. EICHNER: Yes.

17 CHAIRMAN KEILSON: Today is your lucky day,  
18 okay. The Board can weigh in.

19 MEMBER GOTTLIEB: Just so I understand,  
20 you're filling in your basement completely?

21 MS. EICHNER: It's going to be considered a  
22 crawlspace. It's not going to be filled in  
23 completely.

24 MEMBER GOTTLIEB: And you're raising the  
25 first level, the house is going up?

1 MS. EICHNER: Two feet.

2 MEMBER GOTTLIEB: Two feet above where it is  
3 now?

4 MS. EICHNER: Correct. The house is right  
5 now at 34 feet in height and it's going to 36.

6 MEMBER GOTTLIEB: What I meant was from the  
7 grade level.

8 MS. EICHNER: Raising two feet.

9 MEMBER GOTTLIEB: And they're jacking up the  
10 house?

11 MS. EICHNER: Correct.

12 MEMBER HILLER: Do you have pass-throughs on  
13 the bottom level, like to allow water to pass  
14 through?

15 MS. EICHNER: Yes. One of the requirements  
16 for FEMA is to have flood vents in the foundation.  
17 What they do is they jack up the home, they rip  
18 out the existing foundation and put in a new  
19 foundation to mitigate the water problems. Any  
20 water that comes in automatically goes out through  
21 the flood vents.

22 MEMBER GOTTLIEB: So the crawlspace would not  
23 be below grade, it would be at grade? You  
24 mentioned there's a crawlspace.

25 MEMBER FELDER: Below the house.

1 MEMBER HILLER: Above grade.

2 MS. EICHNER: Above grade.

3 MEMBER GOTTLIEB: That's what I meant, okay.

4 CHAIRMAN KEILSON: Okay. Do you have letters  
5 of support from neighbors?

6 MR. EICHNER: One neighbor right here.

7 MS. EICHNER: My neighbor right next door to  
8 me.

9 CHAIRMAN KEILSON: Please approach and  
10 introduce yourself.

11 MR. ASSARAF: My name is Jacob Assaraf,  
12 115 Monroe Street. I'm the neighbor across to  
13 their house.

14 CHAIRMAN KEILSON: To the left or the right?

15 MS. EICHNER: Facing the house, to the right.

16 MR. ASSARAF: Yes.

17 CHAIRMAN KEILSON: North of theirs.

18 MS. EICHNER: North side.

19 CHAIRMAN KEILSON: So you're familiar with  
20 the requests they're making?

21 MR. ASSARAF: Yes, I'm very familiar.

22 CHAIRMAN KEILSON: Do you understand how it  
23 impacts on your property, if it does?

24 MR. ASSARAF: Yes.

25 CHAIRMAN KEILSON: Do you have any issues

1 with it?

2 MR. ASSARAF: No, I don't have any issue, any  
3 objections.

4 CHAIRMAN KEILSON: Do you have any water  
5 damage from Sandy?

6 MR. ASSARAF: No, two inches of water.

7 CHAIRMAN KEILSON: Really?

8 MR. ASSARAF: Yeah.

9 CHAIRMAN KEILSON: That's remarkable.

10 MEMBER FELDER: Only my side of the street  
11 got it.

12 MS. EICHNER: I had four and a half feet.

13 MEMBER FELDER: They got hit.

14 MS. EICHNER: Not to the ceiling like most of  
15 the others on our block, but I had four and a half  
16 feet.

17 CHAIRMAN KEILSON: Okay, thank you very much,  
18 appreciate it.

19 Okay. Anyone else want to speak to the  
20 matter from the audience?

21 (No response.)

22 MR. CASTRO: The only thing I want to say is  
23 I'd ask that the architect revise the drainage  
24 plan, the drainage plot plan, the actual  
25 specifications of the dry wells to reflect the

1 soil boring because there's a little bit of a  
2 conflict in the depth of the dry wells and the  
3 water table and that was developed on the soil  
4 boring.

5 CHAIRMAN KEILSON: So our vote will be  
6 subject to that, satisfying the Village Building  
7 Department in terms of that aspect.

8 MS. EICHNER: To revise the plot plan.

9 MR. CASTRO: Correct.

10 MEMBER GOTTLIEB: The drainage plan.

11 MR. CASTRO: The drainage plan.

12 MS. EICHNER: The drainage plan.

13 CHAIRMAN KEILSON: The drainage plan.

14 So let's evaluate the benefit to the  
15 applicant as opposed to any detriment to the  
16 neighborhood, the neighbors, et cetera, et cetera.  
17 And taking all that information into  
18 consideration, and of course, you will have the  
19 revised drainage plan, so we'll start with  
20 Mr. Felder.

21 MEMBER FELDER: I look forward to looking at  
22 it every morning in its new state. I am for.

23 CHAIRMAN KEILSON: Mr. Hiller.

24 MEMBER HILLER: I look forward to visiting  
25 Aaron and looking at it.

1 MS. EICHNER: You're welcome to park in front  
2 of my house.

3 MEMBER HILLER: For.

4 CHAIRMAN KEILSON: Mr. Gottlieb.

5 MEMBER GOTTLIEB: I'll just say for and leave  
6 it.

7 CHAIRMAN KEILSON: Mr. Moskowitz.

8 MEMBER MOSKOWITZ: For, and I wish you the  
9 best of luck.

10 CHAIRMAN KEILSON: And I'm for as well, and  
11 two years.

12 MR. CASTRO: Two years and subject to the  
13 Board of Building Design approval.

14 MS. EICHNER: Great.

15 CHAIRMAN KEILSON: Okay.

16 (Continued on the following page.)  
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MS. EICHNER: Thank you very much.

MR. EICHNER: Thank you.

CHAIRMAN KEILSON: You did a very able job.

MR. EICHNER: Thank you.

(Whereupon, the hearing concluded at  
7:50 p.m.)

\*\*\*\*\*

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

Mary Benci

MARY BENCI, RPR  
Court Reporter

## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

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

6 July 26, 2017  
7 7:50 p.m.

8 APPLICATION: Englander  
9 6 Marbridge Road  
10 Lawrence, New York

## 11 P R E S E N T:

12 MR. LLOYD KEILSON  
13 Chairman

14 MR. EDWARD GOTTLIEB  
15 Member

16 MR. DANIEL HILLER  
17 Member

18 MR. ELLIOT MOSKOWITZ  
19 Member

20 MR. AARON FELDER  
21 Member

22 MR. ANDREW K. PRESTON, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

Mary Benci, RPR  
Court Reporter



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1 CHAIRMAN KEILSON: The last matter this  
2 evening is Englander, 6 Marbridge Road. Would  
3 they or their representative please step forward.

4 MR. CALIENDO: Good evening, Mr. Chairman,  
5 members of the Board. My name is Ray Caliendo.  
6 I'm the managing principal of Art of Form  
7 Architecture in Amityville, and I'm representing  
8 Mr. and Mrs. Englander. Mr. and Mrs. Englander  
9 are present this evening.

10 As you are aware, the residence suffered  
11 severe damage in Hurricane Sandy. They had  
12 anywhere between 3 and a half to 5 feet of water  
13 in the home. Thus, necessitating this raising  
14 that we are proposing.

15 Their block, Marbridge Road, has pretty  
16 typical difficulties with respect to flooding. So  
17 this is a constant issue that was only exacerbated  
18 by Sandy and promulgated this entire situation.

19 Before I begin the nuts and bolts of the  
20 presentation, I would like to offer up six letters  
21 from neighboring property owners, two of which  
22 actually abut the property, and these are all in  
23 favor of the application by Mr. and  
24 Mrs. Englander. I would offer that into the  
25 record, if I may.

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1           CHAIRMAN KEILSON: Could you describe where  
2 those neighbors are located?

3           MR. CALIENDO: Two of them abut the property.  
4 Mr. Englander would know better than me.

5           MR. ENGLANDER: One is right behind me,  
6 currently building a new construction on  
7 Meadow Lane, but his backyard and my backyard  
8 touch up against each other.

9           CHAIRMAN KEILSON: That's the neighbor that  
10 the construction site is under a stop work right  
11 now?

12          MR. ENGLANDER: Correct.

13          CHAIRMAN KEILSON: Okay.

14          MR. ENGLANDER: Regardless, our properties do  
15 touch up against each other, as well as  
16 Mr. Michael Weiss who is on Margaret, our  
17 backyards do touch each other at points, and they  
18 are in favor of what I'm looking to do.

19          CHAIRMAN KEILSON: Okay, thank you.

20          MR. CALIENDO: Okay. Before I touch on the  
21 variances, just conceptually, the idea behind the  
22 project is to essentially lift the house in its  
23 current configuration. We're not proposing any  
24 structural additions to the house, only those  
25 involving stairways and the reconstruction of the

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1 rear deck in essentially the same area that it's  
2 in right now. So there are no real footprint  
3 additions, no living space additions contemplated.  
4 It is a straight raise.

5 The matter that's primarily at issue is the  
6 height. The house right now does not have a  
7 garage and is in need of one, and in order to do  
8 so the intent is to raise the house sufficiently  
9 high enough so that we can have a garage at grade  
10 level and then just storage space behind it, and  
11 then the existing two stories would simply be  
12 directly above that.

13 With respect to the variances specifically at  
14 issue --

15 CHAIRMAN KEILSON: I'm sorry. You say  
16 there's no garage currently?

17 MR. CALIENDO: There is no garage currently.

18 CHAIRMAN KEILSON: Was there a garage?

19 MR. CALIENDO: There was a garage, yes, sir.

20 CHAIRMAN KEILSON: What's in the garage  
21 currently?

22 MR. CALIENDO: The garage at some point in  
23 time was modified into living space, after Sandy.  
24 If you would like me to amplify on that a little  
25 bit.

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1 MEMBER GOTTLIEB: That's not permitted to  
2 abandon a garage. Was that done with permits?

3 MR. CALIENDO: No, sir.

4 MEMBER GOTTLIEB: Okay.

5 MR. CALIENDO: With respect to the need for  
6 the garage space, the living space, the Englanders  
7 have five children, and they have -- their parents  
8 are elderly and do occasionally stay with them on  
9 weekends. So there is a need for the space for  
10 them to occasionally accommodate their parents.  
11 So that living space was essential, is essential  
12 to them, and certainly we propose to maintain it  
13 in this application.

14 Specific to the variances --

15 CHAIRMAN KEILSON: Sorry, maintain the?

16 MEMBER FELDER: The living space in the  
17 garage.

18 MR. CALIENDO: The conversion of the space  
19 into living space from a former garage. So given  
20 that, if we were to not raise the house any higher  
21 than would be proposed under --

22 CHAIRMAN KEILSON: You would not be able to  
23 have that.

24 MR. CALIENDO: We wouldn't be able to have  
25 the garage. That's the essence of it.

1           So we have setback issues on the east and  
2 west sides which are necessitated by the fact that  
3 it is a nonconforming condition as it exists.  
4 Now, the west-side setback is exacerbated by the  
5 fact that we are proposing a small wood staircase  
6 out of the kitchen area. That is something that,  
7 you know, can be negotiated in terms of its  
8 location or positioning. But as of right now, we  
9 have a setback issue. We do not meet the minimum  
10 or the aggregate for the setback. Again,  
11 stressing the fact that this is a straight raise  
12 and it was nonconforming as it existed.

13           The second issue is the sky exposure plane,  
14 or setback ratio. I'll just flip to my drawing  
15 for that. On the west side we're permitted a 1.46  
16 ratio; we are proposing 1.90. On the east side,  
17 again, 1.46, and we are proposing 2.26.

18           Again, essentially, the house is being raised  
19 as is. So there's no new structures that would be  
20 impeding or encroaching upon the sky exposure  
21 plane.

22           CHAIRMAN KEILSON: Could you repeat again  
23 about the height/setback ratios, the numbers.

24           MR. CALIENDO: Okay. On the west side we are  
25 permitted a 1.6 ratio, which breaking down the

1 numbers that would be a height of 22 feet.

2 CHAIRMAN KEILSON: I'm sorry, the code relief  
3 does not read that.

4 MEMBER HILLER: 25.

5 MR. CALIENDO: The section is -- yeah, I  
6 guess you rounded it off to 1.5. In reality it's  
7 1.46.

8 CHAIRMAN KEILSON: 1.46 is the correct one,  
9 and the existing is correct?

10 MR. CALIENDO: Let's see, we are requesting  
11 1.9, but the existing is 1.4 to 1.5. The  
12 difference is really negligible.

13 CHAIRMAN KEILSON: Because the code relief  
14 reads 1.06 on the -- actually, I don't know which  
15 one is the --

16 MR. CALIENDO: I'm reading off of the  
17 June 29th letter of the Village.

18 MR. CASTRO: The denial.

19 MR. CALIENDO: Yeah, the denial letter. Do  
20 you want to just take this?

21 MR. CASTRO: I have a copy of it. I'm sorry.  
22 What did you say the date on that was?

23 MR. CALIENDO: I have June 29th. I can just  
24 give it to you if you want.

25 CHAIRMAN KEILSON: Gerry, I have it here.

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1 Here, if you want. There's June 29th (handing).

2 MR. CALIENDO: So according to what I have,  
3 the maximum is 1.5. And the way I calculated it  
4 was permitted is 1.46. So 1.46 to 1.45 is  
5 virtually no difference there. The essence of it  
6 is assuming 1.5 on the west side, we're proposing  
7 1.90.

8 CHAIRMAN KEILSON: Again, what is the  
9 existing? The template reads 1.06.

10 MR. CASTRO: 1.06.

11 CHAIRMAN KEILSON: 1.06 is the current.

12 MR. CALIENDO: Actually, I don't have that  
13 here. I will take your word for it though.  
14 That's fine. And then on the east side --

15 CHAIRMAN KEILSON: So again, the permitted is  
16 1.46, the existing is 1.06, and the proposed is  
17 1.9?

18 MR. CALIENDO: 1.9, that would be for the  
19 west side.

20 CHAIRMAN KEILSON: That's for the first  
21 floor.

22 MR. CALIENDO: Yes, that's the first floor on  
23 the west side.

24 CHAIRMAN KEILSON: Okay. Let's go to the  
25 east side.

1 MR. CALIENDO: The east side, again,  
2 hopefully there's no confusion on the numbers.  
3 There I have permitted of 1.46 and a proposed of  
4 2.26. That seems to jibe with your letter.

5 CHAIRMAN KEILSON: We have 1.44. You don't  
6 have that?

7 MR. CALIENDO: I do not have that, I'm sorry.  
8 I'll take your word for it.

9 CHAIRMAN KEILSON: Oh, thank you. What a  
10 relief.

11 MR. CALIENDO: And lastly, in terms of the  
12 variances, this is based on New York Rising  
13 standards, this would be considered a three-story  
14 house as opposed to a two-and-a-half-story house,  
15 which requires relief in relation to the Village  
16 Code, as I understand it.

17 So which brings me to the primary issue I  
18 believe, which is the height. And in order to  
19 realize the garage underneath the house, the  
20 absolute minimum necessary is what we are  
21 proposing in terms of the first floor finished  
22 elevation.

23 CHAIRMAN KEILSON: Well, in reality, your  
24 height request, barring the encroachments, is well  
25 below what the Village allows today.



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1 MR. CALIENDO: That's correct, yes, sir.

2 CHAIRMAN KEILSON: What does the Village  
3 allow today?

4 MR. CASTRO: 36.

5 MR. CALIENDO: 36. And this proposal would  
6 be 31 and change, yeah, 31.4.

7 MR. CASTRO: I think that height was taken to  
8 the 31.4 is to the mean grade.

9 MR. CALIENDO: Yes.

10 MR. CASTRO: So you have to add about a foot,  
11 probably about a foot and a half to the crown of  
12 the road.

13 MR. CALIENDO: Okay.

14 MR. CASTRO: It creates -- so the 36 is now  
15 measured from the crown of the road.

16 MR. CALIENDO: Okay. I wasn't aware of that.  
17 I thought it was still from grade. Well, in  
18 either case, apparently, we're still going to be  
19 significantly under the requirement.

20 MR. CASTRO: Yes.

21 MR. CALIENDO: And I had presented to the  
22 Village the analysis of the adjacent homes on the  
23 east and west sides in terms of their relative  
24 heights in relation to our proposed heights.

25 CHAIRMAN KEILSON: The streetscape, as we

1 call it.

2 MR. CALIENDO: Yes, sir.

3 CHAIRMAN KEILSON: Okay.

4 MR. CALIENDO: If I can find my streetscape.  
5 Here it is, okay. So this should be what you're  
6 looking at (indicating).

7 CHAIRMAN KEILSON: Yes.

8 MR. CALIENDO: Okay. So the top line of  
9 homes shows the Englanders' home in the middle in  
10 its existing configuration, and then the row of  
11 houses below horizontally shows the proposed.

12 The height of the ridge on Mr. Englander's  
13 home, Mr. and Mrs. Englander's home, would be  
14 comparable to the ones on either side of his.  
15 Plus, his house is actually turned 90 degrees so  
16 that the ridge runs north/south as opposed to the  
17 primary ridges on the adjacent homes which runs  
18 west.

19 CHAIRMAN KEILSON: We do have to take into  
20 consideration that -- is that the height or really  
21 the height should be a foot and a half more.

22 MR. CASTRO: It should be a foot and a half  
23 to 2 feet closer to 34.

24 MEMBER GOTTLIEB: That would be the same for  
25 all three houses shown?

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1 MR. CASTRO: Yes.

2 MEMBER GOTTLIEB: So proportionately it would  
3 be about the same.

4 CHAIRMAN KEILSON: Good. Thank you for  
5 pointing that out.

6 MEMBER GOTTLIEB: Mr. Caliendo, what is the  
7 FEMA requirement?

8 MR. CALIENDO: Right now they are required --  
9 I'll give you the exact numbers. Current floor  
10 height is 8.35. Base flood elevation minimum  
11 would be 9, but you have to add 2 feet to that so  
12 it's 11. So they have to be 2 to 3 feet higher  
13 than they are right now minimum. We're proposing  
14 7.

15 CHAIRMAN KEILSON: Okay. And the 7 is, as  
16 you've described previously, to accommodate the  
17 living quarters?

18 MR. CALIENDO: The garage.

19 CHAIRMAN KEILSON: And the garage.

20 MR. CALIENDO: It's primarily to be able to  
21 get a garage underneath there.

22 MEMBER HILLER: Will this be a real garage or  
23 a garage that --

24 MR. CALIENDO: A real garage.

25 MEMBER HILLER: A real garage and maintained

1 always as a garage?

2 MR. ENGLANDER: Always as a garage.

3 MEMBER HILLER: You have the pass-through  
4 water vents in the garage?

5 MR. CALIENDO: Yes.

6 MR. ENGLANDER: Yes.

7 MR. CALIENDO: I believe, and I've been  
8 through these Sandy proposals many times in many  
9 municipalities, I believe the homeowners will  
10 stipulate that the garage will remain a garage and  
11 we will make that a condition of the approval if  
12 that will satisfy the Board.

13 CHAIRMAN KEILSON: We certainly appreciate  
14 that.

15 MR. CALIENDO: I think that's pretty much all  
16 I can --

17 MEMBER GOTTLIEB: I was listening to your  
18 presentation, and one of the comments was that you  
19 don't use the garage currently because you're  
20 using it for bedrooms. And I don't know if it  
21 reduces the variances that we're looking for, but  
22 if you were only to raise it 3 feet and not use  
23 the garage as you currently do, then you would  
24 only need to raise it 3 feet and you would still  
25 accomplish the internal functions of the house,

1       you just don't have a garage. But I don't know  
2       that that necessarily reduces the variances that  
3       you requested.

4               MR. CALIENDO: My understanding is that a  
5       garage is necessary.

6               MEMBER GOTTLIEB: Well, you would be swapping  
7       out your variances for a no garage versus the  
8       height/setback. That was just because you're not  
9       using a garage currently and it was done without  
10      permits.

11              MR. CALIENDO: I understand. Honestly, we  
12      hadn't even considered that. I don't know.

13              MEMBER GOTTLIEB: I don't know if that's a  
14      good alternative, Mr. Chairman. It just came to  
15      mind.

16              MEMBER HILLER: I think it's best if they  
17      have a garage. Garages are required.

18              MR. ENGLANDER: Correct.

19              MR. CALIENDO: They do want a garage.

20              MR. ENGLANDER: When we converted the garage,  
21      we converted one of the rooms in the back as a  
22      bedroom, as a bedroom suite, so that my elderly  
23      father who is not so able to walk up steps would  
24      have an easier time of everything. We lost space  
25      in that room, and we lost the space then created

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1 when we took the -- converted the garage to a den,  
2 and we have no space for bikes and, you know, many  
3 other things that we were using the garage for.  
4 Not using it for a car necessarily, but we had a  
5 lot of storage ability. Now we have no storage  
6 ability. So it would create a much easier time of  
7 everything.

8 MEMBER GOTTLIEB: So we'll consider it the  
9 way it was proposed versus reducing it.

10 MEMBER HILLER: As you yourself suggested,  
11 the stairway on the west side of the house, you  
12 would remove a big obstacle between yourself and  
13 the house next-door to you should that be moved to  
14 the rear of the house. I understand in the plans  
15 you have a rear exit onto the deck from that same  
16 room, from the kitchen I believe.

17 MR. CALIENDO: That's right.

18 MEMBER HILLER: So I think as you considered  
19 it and you mentioned yourself, I think that should  
20 be absolutely part of the design, removing that  
21 staircase on the left.

22 MR. ENGLANDER: Understand that it creates a  
23 difficulty a little bit for us in the sense that  
24 right now it's an access off of our kitchen. It  
25 gives us access to the garbage pails. From the

1 rear deck we don't have any access to that area at  
2 all.

3 MEMBER HILLER: I understand. But we're  
4 trying to minimize the contentiousness of the  
5 neighbors' objections, and this would go a long  
6 way to do that.

7 MR. CALIENDO: If I may ask, if I can design  
8 a staircase -- I'm sorry. If I could design a  
9 staircase that would be located in the rear of the  
10 house but would cut into I guess that would be the  
11 west side deck, so that he can have access, more  
12 or less access, or I can engineer the access from  
13 the kitchen to get him around to the side of the  
14 house, I would be allowed to put that deck --  
15 excuse me -- that stairwell back there as long as  
16 I don't go beyond the plane of the house?

17 MEMBER HILLER: I think I understood you  
18 correctly. I think that would help a lot.

19 MR. CALIENDO: In other words --

20 MEMBER HILLER: You would not go beyond the  
21 house to the west.

22 MR. CALIENDO: Right.

23 MEMBER HILLER: You would not go beyond the  
24 plane of the house. You would just have direct  
25 access down.

1 MR. CALIENDO: Correct. I would just modify  
2 the deck in the back to have a staircase on the  
3 side, but that would not go any closer than the  
4 actual plane of the house.

5 MEMBER FELDER: So if you're looking up the  
6 divide between the two neighbors you wouldn't see  
7 anything.

8 MR. CALIENDO: Correct. Again, I'm only  
9 speculating here. I can't answer for the  
10 Englanders at this point whether or not that's  
11 acceptable. I'm just trying to make sure I  
12 understand what would be acceptable to the Board.

13 CHAIRMAN KEILSON: Tell us about the shadow  
14 study and what it shows in terms of the impact of  
15 raising the house.

16 MR. CALIENDO: Okay. I have one that's in  
17 color, actually. Bear with me a second, please.

18 Well, as you can imagine, the long shadows  
19 that are going to be created during the solstices  
20 are the most problematic. The house does face  
21 south, so for the most part the shadows, you know,  
22 are going back as opposed to side to side, and  
23 would just, you know, change during the course of  
24 the day. Based on what we're seeing, the effect  
25 of raising that house is negligible beyond what



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1 it's already doing. I don't know what else I can  
2 say about that, unless you want to get more  
3 specific about it in different times of the year.

4 CHAIRMAN KEILSON: Well, let's talk about it  
5 in terms of the neighbor to the east.

6 MR. CALIENDO: To the east.

7 CHAIRMAN KEILSON: During the summer months.

8 MR. CALIENDO: All right. So we're talking  
9 about --

10 CHAIRMAN KEILSON: When people are generally  
11 outside.

12 MR. CALIENDO: The summer solstice at 12  
13 noon, since that's the high point in the sky, and  
14 it's basically due south, all the shadows are  
15 going to be thrown backwards, or to the north.  
16 And during the summer solstice at 7 p.m., you  
17 know, when everything is going to be towards the  
18 west, it's going to cast some shadows, but still  
19 the way the -- the way we modeled this on the  
20 computer, the house to the east isn't going to be  
21 affected, despite the fact that it's, you know,  
22 going to be a very, you know, intense sun at that  
23 point in time. I don't know if I'm really  
24 answering.

25 MEMBER HILLER: Do you know the distance

1 between your house and the house to the east?

2 MR. CALIENDO: I can estimate it. I don't  
3 have a survey that depicts those adjacent houses.  
4 But based on the -- based on the elevation study,  
5 I might be able to. This is admittedly a guess.  
6 I'm going to guess in the range of about 35 to  
7 40 feet.

8 MR. ENGLANDER: More than that.

9 MR. CALIENDO: More than 40 feet?

10 MR. CASTRO: To the east, more.

11 CHAIRMAN KEILSON: Mr. Castro, do you want to  
12 weigh in?

13 MR. CASTRO: We're discussing the primary  
14 dwelling to the east, not the garage, because the  
15 garage is closer, the detached garage. I'd say  
16 more in the lines of -- I'd say more in the lines  
17 closer to 60, 60 feet, maybe even beyond that.

18 CHAIRMAN KEILSON: Thank you.

19 MEMBER MOSKOWITZ: Mr. Englander, just a  
20 question for you. With regard to communications  
21 with your neighbors, and I'm sure the people here  
22 will speak for themselves, but can you tell the  
23 Board whether you've attempted to speak with the  
24 neighbors -- the neighbor on the east, most to  
25 your east and most to your west, the two closest

1 neighbors?

2 MR. ENGLANDER: I was able to reach -- I was  
3 able to reach Mr. Borgen who is on one side. I  
4 was able to reach him.

5 MEMBER MOSKOWITZ: That's the west side?

6 CHAIRMAN KEILSON: East side.

7 MR. CALIENDO: I could tell you in a second.  
8 81 Margaret.

9 MR. ENGLANDER: I reached him on Sunday, and  
10 he specifically told me he didn't want to talk to  
11 me prior to the meeting. He said that if I wanted  
12 to I could talk with him after the meeting, but he  
13 wasn't going to talk to me before the meeting.

14 I attempted to reach Mr. Friedman Friday,  
15 Saturday night and Sunday. I must have called  
16 seven or eight times. I left voice mails and a  
17 few text messages, and nothing was returned. That  
18 was the extent of what I was able to get.

19 MEMBER MOSKOWITZ: Thank you.

20 CHAIRMAN KEILSON: Can we talk about the  
21 drainage proposal.

22 MR. CALIENDO: We haven't gotten that far on  
23 the drainage as of yet, but when we had done the  
24 drawings we did some preliminary calculations, and  
25 I don't foresee any issues with complying with --

1 MR. CASTRO: Again, as in the previous  
2 application, I'm going to ask that you revise your  
3 drainage calculations, because what's being  
4 proposed will not work in that area. The depth,  
5 primarily the depth of the dry wells that are  
6 being specified.

7 MR. CALIENDO: Okay. Meaning they're too  
8 deep in relation to groundwater?

9 MR. CASTRO: Yeah.

10 MR. CALIENDO: All right, so we'll just have  
11 to widen them.

12 MEMBER GOTTLIEB: Are we increasing the  
13 surface area of the existing surface or building  
14 coverage?

15 MR. CALIENDO: Slightly.

16 MEMBER HILLER: For the stairs?

17 MR. CASTRO: Can you quantify that.

18 MR. CALIENDO: Because of the stairs.

19 MEMBER FELDER: That's the only thing that's  
20 changing?

21 MR. CALIENDO: Yeah. There's nothing else  
22 with respect to the footprint that's changing.

23 MEMBER GOTTLIEB: And there are currently no  
24 dry wells there now?

25 MR. CALIENDO: Not to my knowledge.

1 MEMBER FELDER: And those stairs, are they  
2 going to be concrete or patio?

3 MR. CALIENDO: The stairs on the west side?

4 MEMBER FELDER: No. If you're moving it to  
5 the rear, just wherever they are going to be.  
6 Let's assume they're in the rear for now.

7 MR. CALIENDO: Those are intended to be wood.

8 MEMBER FELDER: Just wood planks?

9 MR. CALIENDO: Yeah.

10 MEMBER FELDER: So no major foundation  
11 beneath them?

12 MR. CALIENDO: That's correct, sir. The  
13 stair on the right, on the east side, is intended  
14 to be a masonry stair simply because of the look  
15 that the Englanders favor. I can stipulate, if  
16 need be, that if it's an issue of a  
17 non-impervious surface at the top landing that  
18 could be changed to a would deck so that water can  
19 pass through if that's an issue.

20 MEMBER GOTTLIEB: I don't think that's an  
21 issue. I was just really asking whether you were  
22 substantially changing the amount of surface or  
23 building coverage because we're talking about  
24 drainage.

25 MR. CALIENDO: No, sir. Just the stairs.

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1 And right now, again, the house is not elevated  
2 right now, so stairs of some sort are obviously  
3 needed. He does have existing masonry pathways  
4 that lead to the house, so that it's already  
5 covered in there. So the delta between the  
6 existing and proposed in terms of coverage is  
7 negligible.

8 MEMBER GOTTLIEB: That's what I was sort of  
9 asking.

10 MR. CASTRO: The only thing I noticed is that  
11 the reconstruction of the wood deck in the rear  
12 configures slightly differently.

13 MR. CALIENDO: Yes.

14 MR. CASTRO: I guess I'm just asking you to  
15 verify my accuracy in that the deck is -- the  
16 setback of the deck, of the existing deck is going  
17 to be less than the current deck, but it's going  
18 to be -- it's not going to have angles anymore in  
19 the rear.

20 MR. CALIENDO: Correct. It's going to be a  
21 square, essentially a square deck.

22 MR. CASTRO: So you're swapping surface  
23 coverage essentially to maintain the same amount?

24 MR. CALIENDO: That's right. The  
25 configuration of that deck may change slightly

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1 based on the discussion about the staircase  
2 moving, if it's decided that that's what's going  
3 to take place.

4 CHAIRMAN KEILSON: Any further questions from  
5 the Board?

6 MEMBER GOTTLIEB: No.

7 CHAIRMAN KEILSON: Okay. Is there anyone in  
8 the audience who wants to speak on the matter?  
9 Please step forward and introduce yourself.

10 MR. BORGEN: Evening, gentlemen. Barry  
11 Borgen, B-O-R-G-E-N, 81 Margaret Avenue. When you  
12 face the house, I'm on the right side right by the  
13 stairs.

14 CHAIRMAN KEILSON: East.

15 MR. BORGEN: I'm not good with compasses.  
16 That's why I got a phone.

17 Anyway, first of all, let me just say about  
18 three or three and a half years ago Mr. and  
19 Mrs. Englander tried to push this through. David  
20 didn't even get a letter. I got a letter a day --  
21 two days before the meeting. It was a Thursday.  
22 We came down here Tuesday, looked at the plans,  
23 and this and that. Mike Ryder was at the time in  
24 the Village, and we came down to speak to Mike  
25 Ryder. Now, that happened three years ago.

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1           This all could have been avoided. He did not  
2           meet with us three years ago, not to call us,  
3           nothing. He tried to sneak it through. I got a  
4           letter two days before the proposed meeting. I  
5           got a letter from the architect. So just to go  
6           back three, four years about him trying to  
7           communicate with us, he didn't even try to  
8           communicate with us at that point in time. So  
9           there was a lack of communication.

10           Now, first of all, the house right now is  
11           currently illegal the way it's built. Where his  
12           door is coming into his house on my side is not  
13           15 feet away from my property line. There's not a  
14           chance, not at all.

15           Now, the most important thing I hear is also  
16           the property line with the --

17           MEMBER FELDER: Has that always been there  
18           that way?

19           MR. BORGEN: Yeah, but the house is illegally  
20           built now the house. You can't build that house  
21           now.

22           MEMBER HILLER: There's such a thing as  
23           existing nonconforming.

24           MR. BORGEN: Yeah, but okay, now, so here's  
25           the thing. If he's going to go up now -- let me



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1 go one step at a time. That's number one. He's  
2 very close to my property line now, number one.

3 Number two, the plans that he has over here  
4 for this new basement extension, he basically  
5 wants a basement. There are two doors going out  
6 of that to a walk-out basement to the yard. If  
7 this is a so-called flood room, why are there two  
8 big doors to go out to the backyard as a walk-out  
9 basement? Now, he basically wants a basement out  
10 of this house. He's not looking to extend the  
11 house.

12 Secondly now, the way the house is situated  
13 now as well, he had -- he had like some -- like a  
14 fence over there that's coming out over there now.  
15 The fence is right also on my property line. I  
16 don't care about the stupid fence, it's there.  
17 You can see right through the fence; it doesn't  
18 bother me. He's going to make a walk-out basement  
19 from the back in this new extension that he wants  
20 to do.

21 Now, as for the sun issue, my wife and I  
22 seriously do --

23 MEMBER MOSKOWITZ: I'm sorry to interrupt.  
24 Just to be clear, you're suggesting that -- I just  
25 want to make sure I understand your point. You're

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1 suggesting that the space that they're  
2 characterizing as a garage is not --

3 MR. BORGEN: No, not the garage, no. This  
4 new thing where he's making a new basement, new  
5 foundation. He basically wants a basement.

6 It's not a question of raising the house.  
7 If you want to go up 3 feet, I don't care about  
8 3 feet. It's not going to bother me in the  
9 least 3 feet. That's the minimum Sandy  
10 requirement.

11 MEMBER FELDER: There were no doors accessing  
12 the lower level other than the garage door  
13 proposed.

14 MR. BORGEN: Okay. But he doesn't have a  
15 garage now.

16 MEMBER FELDER: No, after the raise, if he  
17 builds the garage under there as proposed and  
18 there were no other doorways leading out of that  
19 structure, you would be okay with that?

20 MR. BORGEN: No. Let me finish my -- let me  
21 finish my -- my spiel, and then you can ask me  
22 whatever you want, no problem.

23 MEMBER FELDER: It seems like you're bothered  
24 by the walk-out part.

25 MR. BORGEN: No, because he wants to make a

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1 walk-out basement. I'm trying to say the scenario  
2 is not to have a Sandy room. It's to have a  
3 walk-out basement. That's what the intention is.  
4 Once he gets the C of O for this, he will then  
5 finish the basement and have a basement. He did  
6 that with the garage. Now, I guess, you know,  
7 maybe I'll make my garage into a studio or an  
8 apartment. I mean, I guess you can do that. You  
9 can do the garage, he did it, made a room out of  
10 it. So he's going to have it. I don't want to  
11 get off the point here.

12 CHAIRMAN KEILSON: Good idea.

13 MR. BORGES: Next, the sun issue. My wife  
14 and I are seriously thinking of doing solar  
15 panels. If he's going to raise his house, why put  
16 in solar panels to get my electric bill down?  
17 It's going to be raised and I'm not going to get  
18 sun in September and October if he's going to  
19 raise his house. I want to do solar panels. It  
20 totally takes that out of the equation for me, for  
21 everyone to save money on solar panels.

22 Now, here's the other thing, a walkway on my  
23 side of the house is an eight-foot brick wall that  
24 he's taking away grass that would be absorption.  
25 Right now there's grass there with only pavers,

1       like little pavers, like little like bluestone.  
2       There's grass now to absorb the water. I have  
3       some photos. Let me show you. Can I bring these  
4       up?

5               CHAIRMAN KEILSON: By all means.

6               MEMBER HILLER: You can pass them.

7               MR. BORGEN: This was the last flood on  
8       Margaret Avenue, what, about two weeks ago. We've  
9       had about four floods in the past month. You can  
10      ask Mr. Castro; they used to come clean the  
11      sidewalk every time. As you can see, the water  
12      now the way it is is very bad. He's going to put  
13      up an eight-foot with a staircase of concrete or a  
14      brick wall with a staircase. There's nowhere for  
15      the water to go. It's all going to come to me,  
16      even more than I'm getting now. Look at the  
17      photos. They all know. My neighbor,  
18      Mr. Konigsberg, lost six cars already in this  
19      corner in the past three and a half years. And  
20      that's documented and they know the situation. I  
21      don't have to repeat that situation.

22              MEMBER FELDER: Just to clarify, this  
23      situation we all know. We all live here.

24              MR. BORGEN: I'm not disputing that. My  
25      point is he's going to cover up grass with a brick

1 wall.

2 MEMBER FELDER: According to the  
3 presentation, they're not extending any surface  
4 coverage outside. They're just raising up the  
5 house.

6 MR. BORGEN: There's grass there now. He's  
7 going to cover it up with concrete.

8 MEMBER FELDER: Are you talking about just  
9 the staircase?

10 MR. BORGEN: It's an eight-foot high  
11 staircase with a concrete wall, and there's going  
12 to be concrete steps because he has to get into  
13 his house, and a walkway.

14 MEMBER FELDER: If they concede, as we  
15 discussed, to move the staircase to the rear --

16 MR. BORGEN: I'm on the other side. I'm on  
17 the other. I'm on the other side.

18 MEMBER FELDER: The other staircase.

19 MR. BORGEN: I'm on the other side. It's an  
20 eight-foot high staircase with a brick wall. So  
21 he's taking away all that grass and then will put  
22 there a concrete wall. I mean, where's the water  
23 going to go? It's all going to come to me.

24 Next -- I made my list over here. During  
25 Sandy, I had 5 and a half feet of water in my

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1 basement, 5 and a half feet of water in the  
2 basement. He didn't have as much water in his  
3 house as he says he did. He can say what he  
4 wants. He had maybe 2 and a half, maybe 2 feet,  
5 maybe 2 feet maximum. I had 5 and a half feet of  
6 water in my basement. Mr. Friedman had about  
7 6 feet of water in the basement.

8 MEMBER MOSKOWITZ: You were in his house  
9 during Hurricane Sandy?

10 MR. BORGEN: We spoke about it after Sandy.  
11 We all spoke about our properties.

12 MEMBER MOSKOWITZ: I'm just asking if you  
13 were in his house.

14 MR. BORGEN: No. We all spoke about it after  
15 Sandy about what each person's situation was and  
16 so forth. I remember very clearly what took  
17 place, okay. I know what I had. All my neighbors  
18 got together and discussed the situation.

19 Now, next case. As for the letters from the  
20 neighbors, all the neighbors signed the letters  
21 all nice and dandy, but they're not impacted  
22 directly by this project. Certainly, the guy who  
23 got a stop work order behind him doesn't live in  
24 the house, never lived in the Village, and he's  
25 sending a letter to say he's okay with it? The

1       guy, he did things that he had to stop working.  
2       And as for the neighbors on the other side of the  
3       street, Levy, Shore and Koningsberg, this does not  
4       affect them at all, not at all, because I'm  
5       directly next to him. Those guys are on the side  
6       of the street; it doesn't affect them at all.  
7       It's all nice and dandy, but it doesn't affect  
8       them. So why should -- why should these guys mean  
9       anything, to be honest with you.

10               Now, as for the garage, you know, if he made  
11       a garage and took it away and he has five  
12       children, that's not even my problem. I have five  
13       children also. Thank God, I have enough bedrooms.  
14       If he doesn't have enough room in the house, so he  
15       should get a variance because he needs extra rooms  
16       in the house for his kids or someone coming to  
17       visit, such as relatives? I never heard a  
18       variance being granted because someone needs  
19       bedrooms for his kids. I mean, certain things you  
20       get a variance for, not because you need more  
21       bedrooms because you have more kids.

22               MEMBER GOTTLIEB: Mr. Borgen, if there's any  
23       reason why we ever grant variances it's because of  
24       kids, more than any other reason.

25               MR. BORGEN: You know, my brother-in-law has

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1 eight kids in West Hempstead. So he cries to my  
2 father-in-law, well, I have eight kids, I have  
3 expenses. So my answer is, who told you to have  
4 eight kids? I'm saying, honestly, if you want to  
5 have kids, you have to live with the situation.  
6 So if I want to have ten kids, I want to build a  
7 townhouse on my property, so I'm going to build a  
8 townhouse for ten kids.

9 MEMBER HILLER: Mr. Borgen, what he's saying  
10 is not to build extra bedrooms for the kids. He's  
11 raising his house as of a FEMA program. He is not  
12 adding to the house, other than your -- well,  
13 we're going to find out about it -- your statement  
14 that he wants to add some basement room. The  
15 house is basically going to be the same house,  
16 just raised with a garage underneath, according to  
17 what they're saying. So he's not asking for extra  
18 bedrooms. That was an incorrect statement.

19 MR. BORGAN: All right, I want to tell you  
20 something. I've seen houses that --

21 MEMBER HILLER: Just continue.

22 MR. BORGAN: Okay. I've seen houses that  
23 were raised, and I've seen houses that people have  
24 done in Long Beach and I've been in people's  
25 homes. Once they get that C of O then it's all



1        bets are off.

2                MEMBER HILLER:    That's not true.

3                MR. BORGEN:    But I've seen it.    I've seen it.

4        All bets are off.    All bets are off.    But the  
5        point that bothers me the most is -- forget about  
6        all that other nonsense -- he's going to take away  
7        absorption issues that are there right now, going  
8        to make a big wall with a staircase on my side of  
9        the house.    I want to put solar panels up.    I'm  
10       not going to put solar panels up because he's  
11       raising it 7 feet up.    If he needs a garage, take  
12       away the den you have and take your garage back.  
13       What's the big problem?    He wants to go up 2 and a  
14       half, 3 feet, I have no problem, but 7 feet to me  
15       is a little excessive, you know, because he didn't  
16       have that much -- I had more water than he had in  
17       his house.

18               I really don't think the variance should be  
19       granted.    I'm very, very opposed to it.    As a  
20       neighbor, I'm living there 22 and a half,  
21       23 years.    I didn't come here to have houses --  
22       you know, I know the house is grandfathered in.    I  
23       didn't come here from Brooklyn and Queens that the  
24       house is so close to me.    The house is there.    The  
25       house is there.

1           You see the flooding problem. It's only  
2           getting worse on our block. It's not getting  
3           better. Mr. Castro has been great about it; he's  
4           trying many different things. He's doing his best  
5           to alleviate the problem, but the problem,  
6           unfortunately, is getting worse.

7           MEMBER MOSKOWITZ: Was his house already  
8           there when you moved into your house?

9           MR. BORGEN: Yes, it was.

10          MEMBER MOSKOWITZ: Some of the things that  
11          you complain of were already there at the time you  
12          moved in.

13          MR. BORGEN: But he's taking more positives  
14          now with the staircase on my side of the house.  
15          There's no staircase there now.

16          CHAIRMAN KEILSON: Mr. Borgen, Mr. Castro  
17          already indicated your house is 16 feet away.

18          MR. BORGEN: My property line is not 16 feet  
19          away. My property line, not the house. So if  
20          you're telling me --

21          CHAIRMAN KEILSON: Mr. Castro, how far is the  
22          property line from the house?

23          MR. CASTRO: The survey shows 8.5 feet from  
24          the side entrance, approximately 16.7 feet from  
25          the main dwelling.

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1 MR. BORGEN: So you're telling me if I want  
2 to go up -- since I can go all the way to his  
3 property line, I can build the whole side yard up  
4 then?

5 CHAIRMAN KEILSON: When you want to come  
6 before us with a proposal, we'll discuss it.  
7 Tonight we're discussing Mr. Englander's house and  
8 any impact it might have. You're suggesting that  
9 solar panels will be impacted --

10 MR. BORGEN: And my water issue.

11 CHAIRMAN KEILSON: Let me finish. The shadow  
12 study seems to indicate otherwise.

13 Number two, in terms of the impact on the  
14 absorption of water, we're talking about a  
15 stairway that is, whatever, 50, 60 feet away from  
16 your house. It's hard to believe that that's  
17 going to be exacerbating the situation.

18 MR. BORGEN: Why should my yard get flooded  
19 numerous times? Why does it get flooded every  
20 time it rains and every time there's a storm?  
21 I've had flooding in my yard on numerous occasions  
22 as well. Why should my yard get flooded more than  
23 it should be now? That's going to happen.

24 MEMBER GOTTLIEB: Can I answer that?

25 CHAIRMAN KEILSON: Please.

1 MEMBER GOTTLIEB: So right now there is no  
2 drainage plan. There's no drainage system. They  
3 are putting in a full drainage system as per code,  
4 which does not exist. So while they may be adding  
5 60 or 70 square feet or 100 feet of stairway,  
6 they're going to be absorbing a considerable  
7 amount of water, of runoff.

8 MR. BORGEN: What kind of -- what kind of  
9 drainage system? Obviously, the architect didn't  
10 do -- should have had a drainage plan here, I  
11 think; don't you think?

12 MEMBER GOTTLIEB: The drainage plan will be  
13 done as per Gerry's, Mr. Castro's requirements,

14 MR. BORGEN: But I have no objection going  
15 2 and a half, 3 feet, I have no objection going  
16 up, but 7 I'm just vehemently opposed to it.

17 CHAIRMAN KEILSON: Thank you very much.

18 Good evening.

19 MR. FRIEDMAN: My name is Dave Friedman. I  
20 live at 2 Marbridge Road in Lawrence. I live on  
21 the west side of Mr. Englander.

22 Okay. I'm opposed to this structure that  
23 they're building. I am -- his property line is  
24 6 feet from my property line, and on top of that  
25 there's a 3-foot easement, a total of 9 feet. The

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1 3-foot easement was granted to us by prior owners  
2 45 years ago when Mr. Englander's house was built  
3 by two previous owners before.

4 So there's only currently 6 feet of grass.  
5 And we have -- this past summer we've had four or  
6 five floods. We had approximately 18 inches to  
7 2 feet of water. There are times that I can't get  
8 out of my house, and there are times I can't get  
9 back into my house. There were times that I was  
10 stranded out up until 2:30 a.m. Mr. Fragin used  
11 to keep me company and then he bailed on me.

12 So the problem we have now by him building  
13 up, we have a drainage problem. During Hurricane  
14 Sandy my basement was completely flooded. My den  
15 had 2 feet of water. We had to swim out of the  
16 house. We have approximately four floods a year,  
17 four or five floods a year, and they're each up to  
18 2 feet of water. My driveway gets flooded. The  
19 water comes into my den at times, and my detached  
20 garage gets flooded up to 2 feet of water.

21 First of all, Mr. Englander, during Hurricane  
22 Sandy I approached him to see how we can resolve  
23 the issue. After Hurricane Sandy, he had  
24 discussed with me about raising the house, and I  
25 told him I would let him -- I asked him how much

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1 water did you have on the first floor, because I  
2 was there. So he told me he had a foot of water  
3 on the first floor. Under the first floor there's  
4 a crawlspace of about approximately 3 feet, okay.  
5 So I said to him, not a problem. You could raise  
6 your house 2 and a half feet, and that's the  
7 minimum requirement for New York Rising, okay. So  
8 2 and a half feet. Mr. Englander never, other  
9 than Hurricane Sandy, had water on his first floor  
10 ever. Never had water coming into his first  
11 floor. So I had given an allowance several years  
12 ago of 2 and a half feet, the minimum requirement  
13 of New York Rising, and he only had at the  
14 worst-case scenario, Hurricane Sandy, one foot of  
15 water, okay.

16 MEMBER MOSKOWITZ: We just asked the same  
17 question. Were you inside his house during  
18 Hurricane Sandy?

19 MR. FRIEDMAN: Yes, I was. Not only was I in  
20 his house, I helped him out, okay. What I did was  
21 -- he was never to be seen after that. He was in  
22 Brooklyn for months on straight. So I gave him  
23 one of my workers that -- I own property in the  
24 City. So I gave him one of my workers to rip up  
25 the plywood floors, rip up the sheetrock. I got

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1 him a boiler, \$800 below price. I went to people  
2 that I buy plumbing supplies and I told them that  
3 my boiler got ruined in Hurricane Sandy, and he  
4 said for you, Dave, you're a great customer, I'll  
5 give it to you at cost. He got it \$800 cheaper.  
6 And each morning when I went out to work the  
7 boiler room door was open. I kept calling him.  
8 You need to come back and put a lock on your  
9 boiler room door. And then came January -- winter  
10 recess, January 18th. We were going away to Miami  
11 with the family. I called him and I said, you  
12 know, this is the coldest part of the year, you  
13 need to come here, put a lock on the door. Each  
14 morning I've been opening it, but I'm going away  
15 on vacation and no one is going to be locking the  
16 door and your boiler is going to, you know, freeze  
17 up. Sure enough, I'm in Miami. Mr. Englander is  
18 in Miami with his family. He didn't care about  
19 his boiler, and comes back, boiler blew up, okay,  
20 or froze all the pipes and the boiler blew up,  
21 okay. I did a lot of work for Mr. Englander. I  
22 helped him out a lot. Did not appreciate  
23 anything.

24 CHAIRMAN KEILSON: Okay.

25 MEMBER MOSKOWITZ: You can move on. I just

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1 wanted to know, because you made observations  
2 about the water level during Hurricane Sandy, I  
3 just wanted to know if that was from your own  
4 personal observations.

5 MR. FRIEDMAN: It was one foot of water and  
6 that's exactly what Mr. Englander had told me.

7 And I offered three, four years ago that we  
8 didn't have to come to this meeting, two and a  
9 half feet to go up. What he did was he converted  
10 his garage illegally to a den. And now he wants  
11 to build a garage, lift the house and build -- I  
12 don't understand how we do something illegal and  
13 then we're going to grant him a garage because the  
14 poor guy doesn't have a garage. He had a garage.  
15 How did the Village sign off a den from a garage?  
16 He had a garage.

17 CHAIRMAN KEILSON: I don't believe the  
18 Village signed off.

19 MR. CASTRO: There's no permits.

20 CHAIRMAN KEILSON: There's no permits.

21 MR. FRIEDMAN: No permits, okay. So now he's  
22 asking for a garage when he had a garage?

23 And I have water coming into my den. He has  
24 no consideration for me. He has -- he never had  
25 water in any of these floods other than Hurricane



1 Sandy.

2 CHAIRMAN KEILSON: Well, Hurricane Sandy --

3 MR. FRIEDMAN: I get the brunt of the  
4 problem. I live on the court.

5 CHAIRMAN KEILSON: Hurricane Sandy is the  
6 reason that we're here. That's why there's FEMA  
7 and that's why there's New York Rising, to  
8 preclude it from happening again. So it's  
9 affording the resident the opportunity in a flood  
10 zone to raise his house --

11 MR. FRIEDMAN: I offered him 2 and a half  
12 feet.

13 CHAIRMAN KEILSON: Let me finish. It's not a  
14 matter of what you're offering. He's here tonight  
15 to raise the house to 7 feet. What we'd like to  
16 hear from you -- and we're sympathetic to all of  
17 the problems you've had with the water. I'm  
18 familiar with the situation. I know people on the  
19 block. We want to understand how that impacts on  
20 you. I understand that there's some personal  
21 aspects to this, but it really doesn't fall within  
22 our purview to deal with that.

23 MR. FRIEDMAN: First of all, my driveway,  
24 when I did my extension I did everything legal,  
25 and they told me the second floor I have to push

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1 back 16 inches. I did exactly what the Village  
2 had told me. Now, he only has 6 feet of grass to  
3 absorb the water, and 3-foot easement which  
4 belongs to me indefinite. And he's building a  
5 stairway. And my view, now you're telling him he  
6 can build a stairway in the back? How is he going  
7 to get to the garbage? The back does not have a  
8 grass patch of 6 feet.

9 MEMBER HILLER: That's his problem.

10 MR. FRIEDMAN: What?

11 MEMBER HILLER: That's his problem.

12 MR. FRIEDMAN: No, it was suggested by the  
13 Board over here that he could take it from the  
14 back from his deck. Where is he going to get to  
15 the grass?

16 MEMBER MOSKOWITZ: He's willing to address  
17 one of the problems I think that you've identified  
18 which is the staircase that's on the west side of  
19 the house. And it's being removed from that  
20 location on the plan and it's being moved to the  
21 back. So to the extent that that staircase was  
22 facing your house and was an area of concern, it's  
23 being removed.

24 MR. FRIEDMAN: How is he going to get --  
25 where is the -- how is he going to get out

1 of the staircase? It's on my property.

2 MEMBER MOSKOWITZ: The staircase is on your  
3 property?

4 MR. FRIEDMAN: No. If you look at the plan  
5 where the 6 feet of grass is on the length of the  
6 house, when you get towards the back, the  
7 backyard, Englanders' backyard, there is no longer  
8 6 feet of grass over there. It's the driveway.

9 MR. CASTRO: I think what Mr. Friedman is  
10 saying is that his driveway, the cobblestone curb  
11 pushes further into the Englanders' property, so  
12 the distance between the cobblestone curb and the  
13 house is narrow, and you can see that on the  
14 survey.

15 MEMBER GOTTLIEB: So if it's not 6 feet, is  
16 it 4 feet?

17 MR. FRIEDMAN: No, there's nothing there.

18 MR. CASTRO: Less. It's approximately 3  
19 feet.

20 MEMBER FELDER: Is that driveway in its  
21 entirety yours or just the 3 feet of the easement?

22 MR. FRIEDMAN: No, entirely. There was a  
23 partial easement there that was granted 40,  
24 45 years ago when they built the Englanders'  
25 house, two owners prior to me, two owners prior to

1       Englander, and that's for my use, and the garage  
2       is for my use.

3               MEMBER FELDER:   He's technically --

4               MR. FRIEDMAN:   And I have to maintain it.  I  
5       had to put down cobblestone -- I mean pavers and  
6       cobblestone, and that was my job to do.

7               MEMBER FELDER:   But he's not allowed to step  
8       on that driveway at all, that belongs to you?

9               MR. FRIEDMAN:   He has his grass.  That's  
10       where he puts his garbage.  He has a walkway and  
11       the grass.

12              MEMBER HILLER:   I believe you're incorrect.  
13       What happens with your driveway is you have an  
14       easement.

15              MR. FRIEDMAN:   Correct.

16              MEMBER HILLER:   Technically, the easement is  
17       on half the driveway going up three -- you share  
18       equally with him.  You have half the land of the  
19       width of the driveway, and he has half the land.  
20       When the driveway comes near your garage, it's  
21       almost totally his land that you are using to go  
22       in.

23              Also, you are misinterpreting the easement.  
24       After doing research we have found that the  
25       easement does allow you to use that to pass

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1 through to get into your garage. Do you park cars  
2 in your driveway?

3 MR. FRIEDMAN: Yes.

4 MEMBER HILLER: Technically, you're not  
5 allowed to park cars on your driveway because you  
6 have only an easement to get to your garage. Yet  
7 we have never heard a word about this, so  
8 apparently it's all right with him.

9 So you are mistaken. The land at the end of  
10 your driveway when right in front --

11 MR. FRIEDMAN: It turns.

12 MEMBER HILLER: -- it turns and it's his  
13 land, but you have an easement so you can continue  
14 using it.

15 MR. FRIEDMAN: Correct.

16 CHAIRMAN KEILSON: Ingress and egress.

17 MEMBER HILLER: Yes, only for ingress and  
18 egress. You are not allowed to park cars there.

19 MR. FRIEDMAN: Right. And what about for  
20 Englander?

21 MEMBER HILLER: For Englander, he technically  
22 owns that land, but he can't do anything on it --

23 MR. FRIEDMAN: Correct.

24 MEMBER HILLER: -- because we have the  
25 easement.

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1 MR. FRIEDMAN: And I have to maintain it,  
2 which I do.

3 MEMBER HILLER: Yes, but you get an easement.

4 MR. BORGEN: The reason for that was, was his  
5 house was illegal to be built, so they had to give  
6 him more land.

7 MEMBER HILLER: That's not the reason.

8 MR. FRIEDMAN: What was the reason?

9 MEMBER HILLER: It's an existing  
10 nonconforming. Don't worry about that.

11 The other thing, by removing the staircase on  
12 your side and putting it wherever it is in the  
13 rear it will be on his property, one of your major  
14 concerns was addressed. You will not have any  
15 extension of his house towards your house at all.

16 MEMBER FELDER: Your view looking straight up  
17 that driveway will be identical.

18 MEMBER HILLER: You will have the same -- the  
19 same view you had.

20 MR. FRIEDMAN: There will be no steps,  
21 nothing there?

22 MEMBER FELDER: No.

23 MEMBER HILLER: Correct, nothing there. It  
24 will be in the rear. So that's good for you.

25 The other thing is we -- for you, this is

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1 your first encounter with FEMA regulations. We  
2 see them at every Zoning Board meeting. People,  
3 regardless of how much water they had, are  
4 entitled to apply for New York Rising. Once they  
5 apply for that, the Board is naturally very  
6 sympathetic to people who had flooding. That  
7 would include you if you wanted to raise your  
8 house; we would be very sympathetic to you. And  
9 we've even allowed people to go over the height  
10 limits at times. They are not going over the  
11 height limits.

12 My main concern in what you said and what  
13 Barry said is the fact that I want to be assured  
14 that the bottom level, the basement -- the garage  
15 level is not used as a finished basement. So  
16 that's my main concern.

17 MR. FRIEDMAN: So how could we be assured  
18 when someone turns a garage into a den and that's  
19 not credible?

20 MEMBER HILLER: That's going to be our  
21 problem, and I'm sure you'll be watching if any  
22 construction workers come around. But that is our  
23 problem and we will address it.

24 MR. FRIEDMAN: Let me ask you this. How are  
25 we going to address the water issue?

1           MEMBER HILLER: All right. The water issue  
2 was partially answered by Elliot. Right now you  
3 are in a condition where there's no drainage --  
4 drainage isn't being addressed. They had a lesser  
5 drainage solution, but Mr. Castro is going to be  
6 on top of it to make sure that a proper new plan  
7 for drainage is introduced which is actually going  
8 to help both of you.

9           MR. FRIEDMAN: Could Mr. Castro elaborate on  
10 that while we're here?

11          MEMBER HILLER: I can't speak for him.

12          MR. FRIEDMAN: Thank you.

13          CHAIRMAN KEILSON: Mr. Castro, would you like  
14 to elaborate on your thoughts on the drainage  
15 plan?

16          MR. CASTRO: Yes. What the applicant had  
17 submitted, actually the architect, were dry wells  
18 to encompass the roof runoff, as well as some of  
19 the driveway which you use to get in. The dry  
20 wells specified to encompass that water were  
21 10 feet wide by 10 feet deep. The water table is  
22 extremely high in that area. So what's going to  
23 have to be done is, it's just a suggestion, a  
24 different type of dry well, a very shallow dry  
25 well be used in his applications where the water



1 table is close to 3 feet below the grade.  
 2 Unfortunately, the area that they're going to have  
 3 to encompass is going to be much greater because  
 4 of the shallow depth. So it's very possible that,  
 5 you know, 50 percent of the rear yard might have  
 6 to be shallow dry wells.

7 MR. FRIEDMAN: What about the driveway?

8 MR. CASTRO: Next-door?

9 MR. FRIEDMAN: My driveway, our driveway.

10 MR. CASTRO: Since it's on his land, he's  
 11 proposing a drain to encompass the water that  
 12 actually pitches backwards towards the garage.  
 13 That would be connected to the dry wells, and then  
 14 the driveway would have to be restored back to its  
 15 original state, exactly as it is.

16 MR. FRIEDMAN: Wait. Who is going to restore  
 17 that? I have 6,000 PSI concrete under and are we  
 18 going to get matching bricks?

19 MR. CASTRO: Everything would have to be  
 20 restored in kind, exactly the way it is.

21 MR. FRIEDMAN: The full driveway? The  
 22 driveway is about five years old.

23 MR. CASTRO: Whatever the materials used,  
 24 that would have to go -- or have to be fixed.

25 MR. FRIEDMAN: How many wells are they going

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1 to be putting in the driveway?

2 MR. CASTRO: The architect is proposing one  
3 to capture the water that's running backwards  
4 towards the property because I believe the pitch  
5 differs from front to back. Some of it pitches  
6 towards the street, some of it pitches backwards,  
7 and since it's located on his property,  
8 unfortunately, he's obligated to take that water  
9 in also.

10 MR. BORGEN: Is he bringing dry wells on my  
11 side between him and my house as well?

12 MR. CASTRO: The dry wells are probably going  
13 to go front and rear yard, but the pipes and  
14 leaders that capture the water off of the roof  
15 that come down the sides will be piped into the --

16 MR. BORGEN: So he has to dig up the side of  
17 the house?

18 MR. CASTRO: It's possible.

19 MR. BORGEN: So he has to restore my grass  
20 and my swingset. Whatever's there, he has to  
21 restore everything exactly the way it is with the  
22 trees and everything?

23 MR. CASTRO: Yes.

24 MR. FRIEDMAN: So on my end of the driveway,  
25 how many shallow wells are we putting in?

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1 MR. CASTRO: Well, the driveway itself  
2 wouldn't hold the dry well. It would only have  
3 the catch basin to capture the water, which would  
4 direct it to the dry wells in his backyard which  
5 would be under the grass. Again, I don't know  
6 what the type is. Most likely they're going to  
7 have to use shallow dome dry wells.

8 MR. FRIEDMAN: On the driveway.

9 MR. CASTRO: No, not under the driveway. In  
10 the backyard. The driveway will only have a catch  
11 basin.

12 MR. FRIEDMAN: How much of an opening are  
13 they going to be making in the driveway?

14 MR. CASTRO: The catch basin is typically  
15 24 by 24. They could be 24 inches round. It  
16 could be a strip drain. There's many types of  
17 drains that are used.

18 MR. FRIEDMAN: And who is going to do this  
19 construction to my specs?

20 MR. CASTRO: The applicant, whatever  
21 subcontractor the applicant uses, they would have  
22 to suffice the Building Department's requests.

23 MR. FRIEDMAN: And how many -- and how many  
24 flat --

25 CHAIRMAN KEILSON: I have a suggestion.

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1 We're straying, okay. We would normally stipulate  
2 that whatever is going to be done for drainage  
3 will be approved by the Village Building  
4 Department. You can have adequate input, but  
5 you're asking him to respond off the cuff, and I'm  
6 not sure that we want to stipulate on the record  
7 exactly how many dry wells and exactly the  
8 configuration because we've been satisfied in the  
9 past, and I haven't had an issue that anybody came  
10 back to the Board to complain that when it's  
11 stipulated that the Building Department will  
12 oversee and approve, that that has seemed to  
13 suffice.

14 MEMBER HILLER: Gentlemen, you will be better  
15 off than you are now. The roof is the same roof  
16 line. It's higher, true, but --

17 MR. FRIEDMAN: But I offered two --

18 MEMBER HILLER: Just let me finish. I know  
19 you're concerned, but you have input, and you have  
20 responsiveness from Mr. Castro. You are going to  
21 be better off than you are now because there's  
22 going to be more places for water absorption.  
23 Let's not turn this into a --

24 MR. FRIEDMAN: My issue is the height,  
25 because I'm going to be driving into a dark

1 driveway.

2 CHAIRMAN KEILSON: You're introducing a new  
3 item now.

4 MEMBER HILLER: Let's move on. We've really  
5 heard your concerns and I think they've been  
6 addressed.

7 MR. BORGES: Can I ask you one question.  
8 This house is now illegally built. It's  
9 grandfathered in. Let's say during  
10 construction --

11 MEMBER FELDER: It's not grandfathered.

12 MEMBER HILLER: It's not.

13 MR. BORGES: Whatever the case might be,  
14 whatever the case might be. Let's say during  
15 construction the house is raised and then  
16 something happens and the house is destroyed. Is  
17 he going to be allowed to rebuild the same house  
18 on the same spot?

19 CHAIRMAN KEILSON: We don't deal in  
20 hypotheticals. Gentlemen, please sit down.

21 MR. FRIEDMAN: There was a house in back  
22 Lawrence that collapsed. This house, Englander's  
23 house, when you build a house you build the  
24 two-by-fours on the foundation. After the  
25 termites were -- this house was not built on the

1 foundation. The two-by-fours were built on the  
2 studs, on the beams, okay, because when we took  
3 down the plywood we were shocked to see that. And  
4 my concern is that the house is going to collapse  
5 and fall on my house. What guarantees do I have?

6 CHAIRMAN KEILSON: Mr. Castro, would you like  
7 to address such a hypothetical?

8 MR. CASTRO: It's subject to the  
9 subcontractor's insurance.

10 MR. FRIEDMAN: Okay.

11 MEMBER HILLER: I think you guys come out all  
12 right. Can we continue. Thank you very much.

13 MR. FRIEDMAN: Okay.

14 MS. SHORE: May I approach?

15 CHAIRMAN KEILSON: Please introduce yourself.

16 MS. SHORE: Tracie Shore, 315 Marbridge Road.  
17 I'm sorry I'm late. I came from work. I don't  
18 know what has transpired here.

19 CHAIRMAN KEILSON: Nothing. We're just  
20 having a nice, casual conversation.

21 MS. SHORE: But I just want you to know we  
22 live on a block of six families. We live in  
23 Lawrence. We live in a town that we pay taxes,  
24 like all of you pay taxes, but we are the orphan  
25 child.

1           When we get a rainstorm, our street floods  
2 constantly. We live in fear of the rain. This  
3 family lives in fear. They go to bed. No mother,  
4 no father should go to sleep with any amount of  
5 children in fear of the rain. When we hear that a  
6 rainstorm is coming, my husband gets up and goes,  
7 oh, we have to move the cars, in the fear that we  
8 are going to lose a car.

9           Now, I was on the -- when we had the whole  
10 Sandy thing and they had the people come down and  
11 they showed all the maps, how they're going to go  
12 ahead and change the water route, and Mayor Oliner  
13 was the one who was going to -- he was presiding  
14 at the time. \$8 million to fix the rain. Do you  
15 know how many phone calls I get when I'm at work?  
16 Don't come home tonight. How many times I'm at a  
17 simcha, you can't come home on your block tonight  
18 because we're flooded. It's enough. It can't go  
19 on anymore.

20           All I know is that when it happened in the  
21 Isle of Wight, they're done. They're clean. They  
22 never have a water problem. Every time it rains  
23 we are in fear.

24           This family got from New York Rising that  
25 they could go ahead and raise their house so they

1 won't be in fear of the rain anymore. It's  
2 ridiculous that that's what they're in fear of.  
3 We are the orphan child.

4 You go across the street to Dogwood Lane --  
5 have you ever been down Dogwood Lane?

6 CHAIRMAN KEILSON: Absolutely.

7 MS. SHORE: Two years after Sandy you paved  
8 the whole street. You got a guy who bought up two  
9 houses. It's mansion road.

10 You come to us -- you've been there, Danny,  
11 recently. What does our block look like? When's  
12 the last time you paved Marbridge Road? Living  
13 there 27 years, my kids used to play roller  
14 hockey. You've never paved our street. You know  
15 how they paved our street? Little patches of  
16 blacktop, that's how they paved our street. We  
17 pay thousands of taxes. It's ridiculous. We are  
18 the orphan child. Now this family wants to live  
19 in no fear. You need to help them.

20 MEMBER GOTTLIEB: So you're a proponent of  
21 the application, right? I just want to make sure  
22 I got this right.

23 MEMBER MOSKOWITZ: You support the  
24 application?

25 MS. SHORE: Uh-hm.



1 MR. BORGEN: Can I make a response to that?

2 CHAIRMAN KEILSON: No.

3 MEMBER HILLER: We're not having cross-talk.

4 MR. BORGEN: No, no, the reason why --

5 CHAIRMAN KEILSON: Mr. Borgen, we're  
6 finished. Mr. Borgen, please.

7 MS. SHORE: All I know is when there's a  
8 rainstorm, I have a basement, I have multiple sump  
9 pumps. At night music to my ear are my sump pumps  
10 going off. Nobody could live in Lawrence or on  
11 Marbridge Road without sum pumps.

12 CHAIRMAN KEILSON: I have a suggestion.  
13 Fortunately, the Village Administrator happens to  
14 be sitting in on our meeting. He heard everything  
15 that you've shared with us.

16 MS. SHORE: Who is it?

17 CHAIRMAN KEILSON: Mr. Goldman and the Mayor.

18 MS. SHORE: Oh, Mr. Goldman. You're the  
19 Mayor? You're not the Mayor.

20 CHAIRMAN KEILSON: The Mayor is here as well.  
21 It's not falling on deaf ears. If it were up to  
22 us, we would do everything that you want to  
23 rectify this. It's not up to us. Those two  
24 gentlemen have the quarterback. I believe it  
25 would be worthwhile when this meeting is over,

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1 Mr. Castro I know had outlined in my presence to  
2 Mr. Friedman certain things that are being  
3 contemplated for Marbridge Road. Perhaps he will  
4 share at that point, okay.

5 MR. CASTRO: Absolutely.

6 MS. SHORE: I mean, in all due respect, if I  
7 hear one more time that you're going to go ahead  
8 and open up the valves so the water could go  
9 through, whatever --

10 CHAIRMAN KEILSON: That's not for tonight.

11 MS. SHORE: -- it's ridiculous already, but  
12 it needs to be part of this discussion because  
13 part of the --

14 CHAIRMAN KEILSON: Thank you very much.

15 MS. SHORE: Part of the reason that we're  
16 here today is because of our flooding situation,  
17 and it's got to stop. It's enough already.

18 CHAIRMAN KEILSON: We understand. Thank you.  
19 Anyone who hasn't spoken yet?

20 MEMBER HILLER: I want to speak to  
21 Mr. Englander.

22 MR. BORGEN: Could I say one more thing?

23 CHAIRMAN KEILSON: Mr. Borgen, go ahead.

24 MR. BORGEN: It's so nice and dandy what my  
25 neighbor says, but by having a garage, if it rains

1 the water is still going to come there. It is  
2 irrelevant that they want to raise the house for a  
3 hurricane, not for the rain. So it's irrelevant.  
4 They want to sleep at night because the rain won't  
5 come to their house. The garage is still going  
6 to be ground level. It's a new garage that they  
7 won't convert into a den.

8 MS. SHORE: How many sump pumps do you have?

9 MR. BORGES: That's not the point.

10 CHAIRMAN KEILSON: No, no, no, please. You  
11 can take it outside, have all the fights you want.  
12 Okay. Back to the Englanders.

13 MEMBER HILLER: Mr. Englander, I have a very  
14 serious question based on what your neighbors said  
15 and the history of your garage up to this point.  
16 So your neighbors and somewhat the Board want to  
17 have full confidence that when you say you're  
18 building a lower level which contains a garage,  
19 that that's all it contains. That there will not  
20 be a conversion into a basement room or a playroom  
21 or a bedroom. We need to have confidence that  
22 that's what's going to happen.

23 MR. ENGLANDER: It's only going to contain a  
24 garage, that's it.

25 MEMBER HILLER: And the room behind it?

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1 MR. ENGLANDER: Empty, maybe storage, that  
2 would be it. There's no need. I have my den now  
3 from the converted garage. I have the space that  
4 I need upstairs. I need a garage for my storage,  
5 and whatever else might be downstairs is not going  
6 to be living space. According to FEMA  
7 regulations, I am not allowed to have any living  
8 space down there.

9 MR. CALIENDO: That's correct.

10 CHAIRMAN KEILSON: Okay. Mr. Architect, back  
11 to your suggestion of the stairway in the back,  
12 exactly how are they going to find ingress and not  
13 walk on the wild side?

14 MR. CALIENDO: I understand, sir.

15 I've reviewed the survey while we were  
16 talking. There's no exact dimension from the  
17 corner of the house, that would be the northwest  
18 corner of the house, and the stone fence. But  
19 just interpolating, it looks to me like there's  
20 about 3 and a half to 4 feet there. I don't know  
21 if Mr. Castro would agree with that. Plenty of  
22 room to be able to walk through that area. There  
23 is an air-conditioning condenser that's pad  
24 mounted right now; that could be very easily  
25 located. In plain English, it's not a big deal.

1 MR. CASTRO: The staircase, by relocating it  
2 to the back, did you say you're incorporating it  
3 into the deck?

4 MR. CALIENDO: Yeah.

5 MR. CASTRO: Or is it going to be in addition  
6 to the deck?

7 MR. CALIENDO: No, I think we're going to  
8 have to incorporate it into the deck, which means  
9 our lot coverage is actually going to decrease.  
10 Unless the Board -- unless the Board would permit  
11 us to increase the depth or the dimension of the  
12 deck on the east side to offset where the stairs  
13 go so that the numbers would equate, you know, the  
14 lot coverage.

15 MR. CASTRO: I think myself and the Board  
16 would prefer that the number goes down.

17 MR. CALIENDO: Okay. Again, I can't speak  
18 for Mr. Englander, but I know they want this  
19 approved. But the bottom line is I know there was  
20 some confusion about this which is why I tried to  
21 chime in before. That stairway that's on the side  
22 that's so objectionable will be gone on the west  
23 side.

24 CHAIRMAN KEILSON: West side.

25 MR. CALIENDO: That joins Mr. Friedman, his

1 property.

2 MR. BORGEN: What about the one on my side?

3 CHAIRMAN KEILSON: Please, Mr. Borgen.

4 MR. ENGLANDER: Should we get rid of that?

5 MR. BORGEN: You're taking away the grass.

6 CHAIRMAN KEILSON: Mr. Borgen.

7 MR. CALIENDO: The stair on the west, if that  
8 is removed, now you have basically a clear path  
9 all the way down. Nothing there. So essentially,  
10 you're not talking about any obstructions or  
11 additions on that side of the property. I mean,  
12 there were so many things brought up, I don't know  
13 which you want me to address first, and certainly  
14 if I miss any, tell me.

15 MEMBER FELDER: Any other option to the  
16 staircase on that side?

17 MR. CALIENDO: The staircase, the infamous  
18 staircase on the east side, the Englanders'  
19 aesthetic preference was to have that stair built  
20 out -- at least the facade of the stair built out  
21 of stone. As far as the underside of the stair,  
22 it will be open. Basically, there's going to be  
23 open area underneath there. Now, whether that's  
24 grass or whether that's the existing brick  
25 walkway that's still there right now, it doesn't

1 matter. Essentially, you're talking the same  
2 amount of surface area that's being covered right  
3 now. So there's not going to be any change.

4 CHAIRMAN KEILSON: So there's no net change  
5 in terms of surface coverage?

6 MR. CALIENDO: No net change. And also,  
7 again, you know, these are schematic design plans  
8 you're looking at here. They're not fully  
9 engineered drawings as of yet. So that stone wall  
10 in all likelihood would have some cross-vents  
11 through it to allow water to go in, you know,  
12 across in an east/west direction if need be. So  
13 that stone wall was just an aesthetic addition,  
14 and the stair is open underneath so the water  
15 would be allowed to pass through without any  
16 issue. So there really is no effect to the  
17 drainage on-site.

18 MR. BORGEN: It's 8 feet high. It's like a  
19 whole floor.

20 CHAIRMAN KEILSON: Mr. Borgen.

21 MR. BORGEN: Because he's talking.

22 CHAIRMAN KEILSON: Mr. Borgen.

23 MR. CALIENDO: Isaac's already stipulated  
24 with respect to the lower level, so to speak, is  
25 intended to be pure storage. I'll just amplify on

1       that by saying, and he touched on this, you  
2       probably know this, and I know Mr. Castro is well  
3       aware of this, the area below the base flood  
4       elevation is noninsurable. That means if he  
5       finishes or anybody finishes space down there it's  
6       basically laying wait to be destroyed. And we all  
7       know the problems that you have here. So it would  
8       basically be foolish to do anything down there  
9       other than to allow it to remain as a storage  
10      area.

11           CHAIRMAN KEILSON: How about the concern  
12      about the solar panels, the impact on that?

13           MR. CALIENDO: Here's the issue with that. I  
14      can't really speak to his solar designer's  
15      calculation specifically, but I design solar  
16      panels as well. Maximum solar gain is from the  
17      south side, not from the west side. He may be  
18      putting panels on the west roof, I don't know.  
19      But that is going to be the secondary location of  
20      the panels if need be. Again, I'm speculating  
21      here because I don't know exactly what his solar  
22      designer is planning. The gain on the west side  
23      is going to be minimal. And as Mr. -- I'm sorry,  
24      I'm very bad with names.

25           MR. CASTRO: Castro.



1 MR. CALIENDO: Mr. Castro stipulated we have  
2 approximately 60 feet of depth between the houses.  
3 The western sunlight would easily pass over his  
4 house even in an elevated configuration to reach  
5 those solar panels. So again, I don't want to --  
6 I don't want to -- I don't want to disagree, you  
7 know, but I guess I'll have to respectfully  
8 disagree with that until someone can prove to me  
9 otherwise mathematically that that would be an  
10 issue.

11 CHAIRMAN KEILSON: Any further questions from  
12 the Board?

13 MEMBER MOSKOWITZ: No.

14 MR. FRIEDMAN: I'd like to speak.

15 CHAIRMAN KEILSON: Mr. Friedman, I'll give  
16 you the courtesy of one last.

17 MR. FRIEDMAN: Okay. My suggestion would be  
18 that they go up no more than 2 and a half feet.  
19 They can have the garage. Put back where the  
20 garage was with the higher depth ceiling of 2 and  
21 a half feet. There is no need to go up 7 feet and  
22 cause darkness in my driveway. And on the east  
23 side of the house we're talking about an 8-foot  
24 wall. That's a full structure. And if you look  
25 at his plans, you would see that he has steps,

1 walkway, steps, walkway. The full length of the  
2 east side is all bricked up and all covered up.  
3 The full grass is covered up with steps and  
4 walkways, and it's not like that now at all.  
5 Right now there is coverage of grass. And with  
6 this plan it shows full coverage of the complete  
7 east side.

8 CHAIRMAN KEILSON: I think we just had a  
9 presentation from the architect which is contrary  
10 to what you just described.

11 MR. FRIEDMAN: The plans are there.

12 CHAIRMAN KEILSON: Okay, thank you.

13 MR. FRIEDMAN: Okay.

14 CHAIRMAN KEILSON: Okay. So gentlemen, all  
15 right, the Board has a responsibility of weighing  
16 the benefit to the applicant as opposed to any  
17 detriment that will be caused regarding the  
18 health, safety and welfare of the neighborhood,  
19 and we have five criteria. So we're going to  
20 evaluate this matter based on the criteria.

21 Number one, will an undesirable change be  
22 produced in the character of the neighborhood or  
23 the nearby properties? Personally, I don't think  
24 that the presentation tonight indicates that's the  
25 case. I think there's an express need, and I

1 don't think raising it 7 feet instead of 2 and a  
2 half feet has any undesirable change to be  
3 produced. In fact, I think with the improved  
4 irrigation and drainage systems, the circumstances  
5 might improve for the neighbors.

6 Number two, can the benefit sought by the  
7 applicant be achieved by some method other than a  
8 variance? Under the New York Rising, that would  
9 be impossible. It's only through the raising of  
10 the house.

11 Three, is the requested area variance  
12 substantial? I think overall, it's not, in the  
13 context of what's being requested.

14 Number four, will the proposed variance have  
15 an adverse effect on the physical or environmental  
16 conditions of the neighborhood? I think not. And  
17 again, I think that based on the proposed drainage  
18 systems that will be approved by the Village, I  
19 think things will be improved.

20 Lastly, is the alleged difficulty for the  
21 applicant self-created? I think the presentation  
22 suggests not. I think everybody on the block has  
23 suffered through Sandy, and I think this is just  
24 an opportunity for a family to be able to improve  
25 their living conditions and not live in fear, as

1 the presentation has indicated.

2 I think we would make it subject to the  
3 approval of the Building Department in terms of  
4 the drainage system. Obviously, we'll invite the  
5 neighbors to consult so that they have their  
6 input. And obviously, all of the concerns about  
7 restoring the property, whatever work is done,  
8 will have to be adhered to, and the Village will  
9 give scrupulous oversight to that.

10 So I, personally, based on my analysis of the  
11 criteria, would vote in the affirmative for the  
12 variance.

13 And I will ask the other members to weigh in.  
14 Mr. Moskowitz.

15 MEMBER MOSKOWITZ: I'm for.

16 CHAIRMAN KEILSON: Mr. Gottlieb.

17 MEMBER GOTTLIEB: Listening to your  
18 explanation, which was very detailed, due to the  
19 fact that there was some, whether it's personal or  
20 other, opposition to this particular application,  
21 there's been a lot of facts or opinions that were  
22 brought out, but I think that when you went  
23 through the criteria you answered it very  
24 carefully and succinctly, weighing in everything,  
25 and I agree with you fully, and I vote for.

1 CHAIRMAN KEILSON: Mr. Hiller.

2 MEMBER HILLER: I think the applicant and the  
3 neighbors walk away with a win tonight. All of  
4 them will benefit from the plans as stipulated by  
5 our Chairman. I'm for.

6 CHAIRMAN KEILSON: And Mr. Felder.

7 MEMBER FELDER: I concur. I'm for, based on  
8 the stipulations put forth.

9 CHAIRMAN KEILSON: So we approve and we'll  
10 give them two years.

11 MR. CASTRO: Two years.

12 CHAIRMAN KEILSON: Two years. Board of  
13 Building Design?

14 MR. CASTRO: I'd like it subject to the Board  
15 of Building Design because the lower level, the  
16 face of it can be seen from the street and is  
17 substantial. So I'd like it to be reviewed by  
18 them.

19 CHAIRMAN KEILSON: Needless to say, you will  
20 incorporate, Mr. Architect, all the changes that  
21 we've discussed tonight. You know, the fact in  
22 terms of the location of the stairway. And again,  
23 wherever we can consult with the neighbor,  
24 hopefully, he will give time to that. We don't  
25 need his approval, but certainly we would like his

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1 consultation on it, okay.

2 Thank you very much and good evening.

3 (Whereupon, six letters of support were  
4 received and marked as Applicant's Exhibit 1.

5 (Three pictures of street flooding were  
6 received and marked as Objectant's Exhibit A.)

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

9 \*\*\*\*\*

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

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Mary Benci

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MARY BENCI, RPR  
Court Reporter

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