

1 Billet

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INCORPORATED VILLAGE OF LAWRENCE

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BOARD OF APPEALS

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Village Hall  
196 Central Avenue  
Lawrence, New York

8

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September 25, 2019  
7:32 p.m.

10

APPLICATION:

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Billet  
29 Waverly Place  
Lawrence, New York

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P R E S E N T:

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MR. LLOYD KEILSON  
Chairman

14

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MR. EDWARD GOTTLIEB  
Member

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MR. DANIEL HILLER  
Member

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MR. AARON FELDER  
Member

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MR. ANDREW K. PRESTON, ESQ.  
Village Attorney

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MR. DANNY VACCHIO  
Building Department

23

24

Yaffa Kaplan  
Court Reporter

25

1 Billet

2 CHAIRMAN KEILSON: Okay, good evening,  
3 ladies and gentlemen. Welcome to the Lawrence  
4 Board of Zoning Appeals. Please turn off your  
5 cellphones. If there is need for  
6 conversations, please step out into the  
7 hallway. Okay. Danny? Mr. Vacchio.

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

10 CHAIRMAN KEILSON: Very good. Thank you  
11 very much. Okay. We have a request for a  
12 variance extension for Billet, 29 Waverly  
13 Place in Lawrence. It reads that the date of  
14 the expiration was December 20th of '18 on the  
15 variance granted in 2016. They indicate that  
16 they have had family issues. They were unable  
17 to begin the construction. They are asking  
18 for an extension for the variance for two  
19 years, and I am not sure we can extend  
20 something that's already expired. So counsel?

21 MR. PRESTON: You are correct.

22 CHAIRMAN KEILSON: So it's not within  
23 our purview to extend, so you will express to  
24 the Billets. Okay.

25 (Whereupon the hearing concluded at 7:34

Billet

p.m.)

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

-----*Ym*-----

YAFFA KAPLAN

Court Reporter

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Englander

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

September 25, 2019  
7:34 p.m.

APPLICATION:

Englander  
163 Harborview North  
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON  
Chairman

MR. EDWARD GOTTLIEB  
Member

MR. DANIEL HILLER  
Member

MR. AARON FELDER  
Member

MR. ANDREW K. PRESTON, ESQ.  
Village Attorney

MR. DANNY VACCHIO  
Building Department

Yaffa Kaplan  
Court Reporter



1                                   Englander

2                   CHAIRMAN KEILSON:   On the Englander  
3                   matter, 163 Harborview North.  They or their  
4                   representative.

5                   MR. ENGLANDER:   I wanted to know if I  
6                   could adjourn to a later date.

7                   CHAIRMAN KEILSON:   For a later date?  
8                   Okay.  Anyone want to speak to it at this  
9                   point?  I don't think it's necessary.

10                  Mr. Spiegel, you are the neighbor.  Mr.  
11                  Englander is requesting an adjournment to a  
12                  later date so it will not be heard tonight.

13                  MRS. SPIEGEL:   He wants an adjournment  
14                  for a later date?

15                  CHAIRMAN KEILSON:   Put your name on the  
16                  record.  Let the stenographer know your name  
17                  and address.  The Spiegels, what's your  
18                  address?

19                  MRS. SPIEGEL:   173 Harborview North.  
20                  How late a date?

21                  CHAIRMAN KEILSON:   We will see when it's  
22                  appropriate.  Right now the next hearing date  
23                  is late November, but if you are not -- you  
24                  will be advised of a later date, and if you  
25                  have an issue with that date, we can further

1                                    Englander

2                    adjourn it at that point.    Okay?    Anybody from

3                    the Board want to comment?    Otherwise --

4                    MR. GOTTLIEB:    Fine.

5                    MR. ENGLANDER:    Thank you.

6                    CHAIRMAN KEILSON:    Adjourned.

7                    (Whereupon the hearing concluded at 7:36

8                    p.m.)

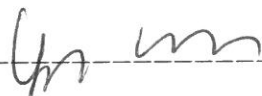
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10                   Certified that the foregoing is a true and accurate

11                   transcript of the original stenographic minutes in

12                   this case.

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YAFFA KAPLAN

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Court Reporter

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Congregation Shaaray Tefila  
INCORPORATED VILLAGE OF LAWRENCE  
BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

September 25, 2019  
7:36 p.m.

APPLICATION: Congregation Shaaray Tefila  
25 Central Avenue  
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON  
Chairman

MR. EDWARD GOTTLIEB  
Member

MR. DANIEL HILLER  
Member

MR. AARON FELDER  
Member

MR. ANDREW K. PRESTON, ESQ.  
Village Attorney

MR. DANNY VACCHIO  
Building Department

Yaffa Kaplan  
Court Reporter

1 Congregation Shaaray Tefila

2 CHAIRMAN KEILSON: So the next matter  
3 will be Congregation Shaaray Tefila, 25  
4 Central Avenue, they or their representative.  
5 Please step forward.

6 MR. BIRD: Good evening.

7 CHAIRMAN KEILSON: For the record,  
8 please state your name.

9 MR. BIRD: Sean Bird, architect for the  
10 property, 1045A Park Boulevard, Suite 4C,  
11 Massapequa Park, New York 11762.

12 CHAIRMAN KEILSON: We are very familiar  
13 with the matter, so just give us a quick  
14 synopsis.

15 MR. BIRD: Absolutely. Currently, my  
16 clients have a Homeland Security grant in  
17 order to give a little bit more security to  
18 the building. The existing vestibule, as you  
19 know, is a glass-enclosed vestibule. It's not  
20 really a very safe structure. So we are  
21 proposing a new vestibule made out of masonry  
22 with more secure doors.

23 The variance we are seeking is for lot  
24 coverage which we, of course, are already in  
25 excess of. The existing front yard which

1 Congregation Shaaray Tefila  
2 again is noncompliant, permitted is 35 feet.  
3 We are proposing 4.1 feet and also a maximum  
4 front yard height setback where .63 is  
5 permitted and we are at 6.0. Obviously being  
6 so close to the property line in the front,  
7 that gives us an issue with the height setback  
8 ratio.

9 CHAIRMAN KEILSON: So essentially for  
10 safety reasons and there is a grant that you  
11 have, so you need the variance in order to  
12 support that?

13 MR. BIRD: Correct.

14 MR. GOTTLIEB: A couple of easy  
15 questions. What is the increase in building  
16 coverage? You put down what is permitted,  
17 what you are looking at, but I don't know what  
18 the increase is.

19 MR. BIRD: We are doubling the size of  
20 the entry vestibule. So it's approximately  
21 100 to 1.

22 MR. VACCHIO: 167 to be exact.

23 MR. GOTTLIEB: So the increase is 167  
24 and front yard setback is currently versus  
25 what your proposing. You are proposing 4.1 so

1 Congregation Shaaray Tefila

2 would it be 8 feet now and you are going to 4  
3 feet?

4 MR. BIRD: The existing vestibule  
5 extended out 7 feet, so we are going an  
6 additional 7.2 feet. So if the original  
7 setback was approximately 11.1 feet off the  
8 corner of the vestibule.

9 MEMBER GOTTLIEB: And that's why the 6.0  
10 front yard height setback is so great?

11 MR. BIRD: Correct.

12 CHAIRMAN KEILSON: Okay. Any questions  
13 from the Board? Anyone from the audience want  
14 to comment on it? I guess just for the  
15 record, just reflect the fact that I am a  
16 member of the congregation but only since  
17 1952.

18 So we are going to vote at this point.  
19 Weighing the benefit to the applicant as  
20 opposed to any detriment to the community, Mr.  
21 Felder?

22 MEMBER FELDER: I am for.

23 CHAIRMAN KEILSON: Mr. Hiller?

24 MEMBER HILLER: For.

25 CHAIRMAN KEILSON: Mr. Gottlieb?

1 Congregation Shaaray Tefila

2 MEMBER GOTTLIEB: For.

3 CHAIRMAN KEILSON: I vote for and I  
4 certainly assume within one year.

5 MR. BIRD: Absolutely.

6 CHAIRMAN KEILSON: Anybody want to  
7 comment? Next time we take you into  
8 consideration.

9 MR. MELMED: President of the Shul,  
10 Yaacov Melmed.

11 (Whereupon the hearing concluded at 7:40  
12 p.m.)

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

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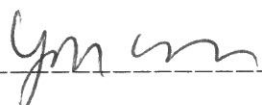
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YAFFA KAPLAN

Court Reporter

Guttman

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

September 25, 2019  
7:40 p.m.

APPLICATION:

Guttman  
180 Sage Avenue  
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON  
Chairman

MR. EDWARD GOTTLIEB  
Member

MR. DANIEL HILLER  
Member

MR. AARON FELDER  
Member

MR. ANDREW K. PRESTON, ESQ.  
Village Attorney

MR. DANNY VACCHIO  
Building Department

Yaffa Kaplan  
Court Reporter



1 Guttman

2 CHAIRMAN KEILSON: Next matter is  
3 Guttman, 180 Sage Avenue. They or their  
4 representative. State your name and address  
5 for the record, please.

6 MR. SHRIKI: Daniel Shriki, 159 Doughty  
7 Boulevard, Inwood, New York 11096. My name is  
8 Dan Shriki. I represent John Capobianco's  
9 office, here on behalf of Randy Guttman at 180  
10 Sage.

11 He is seeking a relief to put a  
12 second-story balcony on the east side of his  
13 residence, which is a street line. The  
14 allowable setback for that property is 50  
15 feet, and they are requesting a setback of 35  
16 so relief of 15 feet to the second-story  
17 balcony. As it stands now, the house has a  
18 front yard setback of 41.2 feet. So they are  
19 requesting an additional 6.2 feet.

20 CHAIRMAN KEILSON: The purpose of the  
21 balcony is aesthetics or use?

22 MR. SHRIKI: Both. It's tied into the  
23 house, it's going to have the same look. It's  
24 going to be a wood balcony with select  
25 stacking so a pervious balcony. There is no

Guttman

additional impervious lot coverage on the property. It's also attached to two bedrooms which do not have egress or windows, so this is going to be a means of egress.

MEMBER HILLER: You have in that bedroom two very large windows that are existing right now, and you have a skylight that opens up completely. I think if every house in Lawrence needed two egresses in the bedroom, we would be rebuilding the entire community.

MR. SHRIKI: I was informed that the window in one of the bedrooms was very small.

MEMBER HILLER: There are two enormous windows.

CHAIRMAN KEILSON: You can't speak without identifying yourself for the record. Do you want to step forward, please?

MR. GUTTMAN: Hi, I am Randy Guttman. There is one giant bay window, doesn't open, and there is two tiny little windows. That's the only access. The other two as well, they don't open. They are all bay windows, so in order to create a way out, an access out to the terrace --

1 Guttman

2 MEMBER HILLER: I happened to have gone  
3 in your house. It's lovely and you are doing  
4 a wonderful job. I commend you but there are  
5 two enormous windows in the bedroom on either  
6 side of where you want to put a sliding door  
7 to build out into the balcony.

8 MR. GUTTMAN: Right but they don't open.

9 MEMBER HILLER: Not my problem. You  
10 could have made them open. Basically you want  
11 to balance out one side of the house against  
12 the other.

13 MR. GUTTMAN: It will be beautiful,  
14 encompass the entire property.

15 MEMBER HILLER: But is it a hardship?  
16 It's a necessity?

17 MR. GUTTMAN: Nothing is an necessity.

18 MEMBER HILLER: Correct. You could have  
19 ended the sentence.

20 MR. GUTTMAN: Listen, I have elderly  
21 in-laws. Could be the case for them.  
22 Necessary.

23 MEMBER HILLER: Necessary for them to  
24 jump from the balcony?

25 MR. GUTTMAN: God forbid we have a fire.

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Guttman

MEMBER HILLER: They would jump from the balcony?

MR. GUTTMAN: I don't know. Just give you a scenario. Anyway, I have photos what it looks like.

MEMBER HILLER: I saw it. It's very lovely. I commend you. The job you are doing inside is magnificent. I see it just bare right now, just studs and things like that, but you can see a nice job is being done.

MR. GUTTMAN: When it's complete, it would complete the entire property because everything would look the same. The terrace in the back would look exactly like the one in the front.

MEMBER HILLER: That's the reason.

MR. GUTTMAN: For aesthetics.

MEMBER HILLER: Thank you. I feel a lot better.

CHAIRMAN KEILSON: Any other questions from the Board? Anyone else from the audience want to comment?

MR. SHRIKI: I just want to point out if there is an emergency, it's a lot easier to

1 Guttman

2 get out of a sliding door than it is to climb  
3 over a sill, especially for an elderly person.

4 MEMBER HILLER: I don't want to harp on  
5 it but the windows go from floor up. Goes  
6 to --

7 MEMBER GOTTLIEB: Do you have a  
8 rendering of what it will look like?

9 MR. SHRIKI: Just the elevations.

10 MEMBER GOTTLIEB: Is that the same as  
11 what we have?

12 MR. SHRIKI: Yes, it is.

13 MEMBER GOTTLIEB: This just gives  
14 partial views.

15 MR. SHRIKI: I do have pictures of  
16 aerials of the area that show --

17 MEMBER GOTTLIEB: We know what it looks  
18 like. We just want to know what it will look  
19 like when completed.

20 CHAIRMAN KEILSON: Okay. We are going  
21 to take into consideration the benefit of the  
22 applicant as to opposed to any detriment to  
23 the community. Having said that, Mr.  
24 Gottlieb, you will vote?

25 MEMBER GOTTLIEB: So I know you recently

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Guttman

purchased the house and I wish you good luck  
and I am voting for this application. I think  
it's a fine use of your balcony.

CHAIRMAN KEILSON: Mr. Hiller? Romeo  
and Juliet?

MEMBER HILLER: They will need a  
parachute to jump from the balcony. It's  
pretty high up, but nonetheless I commend you  
for the work you are doing and I also would  
like to note that you at the end came to the  
proper conclusion as to why you are doing it.  
So I vote for.

CHAIRMAN KEILSON: Mr. Felder?

MEMBER FELDER: I concur. I vote for.

CHAIRMAN KEILSON: And I vote for as  
well. How much time do we really need? Can  
you do it in a week?

MR. SHRIKI: Yes.

MR. GUTTMAN: The contractor is ready  
right now.

MR. SHRIKI: He is ready to go tonight  
if you want him.

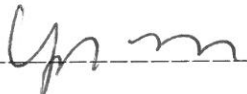
CHAIRMAN KEILSON: All right.

Guttman

(Whereupon the hearing concluded at 7:44 p.m.)

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

\_\_\_\_\_  \_\_\_\_\_

YAFFA KAPLAN

Court Reporter

1 Auerbach

2 INCORPORATED VILLAGE OF LAWRENCE

3 BOARD OF APPEALS

4  
5 Village Hall  
6 196 Central Avenue  
7 Lawrence, New York

8 September 25, 2019  
9 7:44 p.m.

10 APPLICATION: Auerbach  
11 50 Lawrence Avenue  
12 Lawrence, New York

13 P R E S E N T:

14 MR. LLOYD KEILSON  
15 Chairman

16 MR. EDWARD GOTTLIEB  
17 Member

18 MR. DANIEL HILLER  
19 Member

20 MR. AARON FELDER  
21 Member

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

24 MR. DANNY VACCHIO  
25 Building Department

Yaffa Kaplan  
Court Reporter



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Auerbach

CHAIRMAN KEILSON: The next matter is that of Auerbach at 50 Lawrence Avenue.

MR. MACLEOD: Hi, good evening. My name is John Macleod, 595 Park Avenue, Huntington, New York. We are here this evening representing the Auerbachs. Judy Auerbach is here.

CHAIRMAN KEILSON: Very good.

MR. MACLEOD: And we are here to ask permission to build a circular driveway on their house, which is almost completed, at 50 Lawrence Avenue. We have already been in front of the Board of Building Design as they have input into circular driveways, and we were approved by that board.

CHAIRMAN KEILSON: This is no moment here. Continue.

MR. MACLEOD: We have several letters of support from neighbors. We have six letters of support from neighbors. Would you like me to read the addresses?

CHAIRMAN KEILSON: Absolutely not. I assume they are on all on the block, more or less?

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Auerbach

MR. MACLEOD: They are right on the block.

MEMBER HILLER: The two neighboring properties?

MRS. AUERBACH: Well, one is building -- one is a pit right now. One there is nothing there but the one next to the empty lot and the Shul and across the street and then two on the other side and one more down the block.

CHAIRMAN KEILSON: Fine.

MR. PRESTON: Mr. Chairman, we are in receipt of the six letters. I am going to ask the stenographer to mark them as an exhibit.

(Applicant Exhibit 1, Neighbors' letters, marked for identification, as of this date.)

CHAIRMAN KEILSON: Mr. Macleod, proceed.

MR. MACLEOD: So I would like to discuss two main aspects that relate to the driveway. One is the technical aspects of the type of construction of the driveway and how we are going to be draining it and how that relates to pervious and impervious coverages. I did mention in the petition that the -- we are

Auerbach

over as you can see by 56.7 percent overage of impervious surface coverage.

CHAIRMAN KEILSON: Horror. Continue.

MR. MACLEOD: But we did not use the available 1,169 square feet of pervious surface coverage and the reason for that being that we would like to build a driveway that does not subside after a short period of time and be -- have the longevity of the house with a solid concrete base and then pavers on top. That is the method a normal paved driveway which would be regarded as impervious would be built, and so we would like you to take that into consideration when we look at these numbers because if we did include that 1,169 square feet, we would only be asking for an overage of 7.3 percent.

MEMBER HILLER: But you realize the difference between pervious and impervious and there are reasons for it.

MR. MACLEOD: There are but I would also like to point out that the driveway, the design has not just one or two French drains, but we have actually four French drains

Auerbach

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2 dispersed around the length of the driveway if  
3 you take a look at the plan, so in effect this  
4 driveway, which is impervious, will in fact be  
5 very pervious being it will be collecting all  
6 of its water and recharging that water back to  
7 the water table.

8 CHAIRMAN KEILSON: What can we do about  
9 the impervious patio? That's 462 square feet  
10 of impervious.

11 MR. MACLEOD: That's correct. That is  
12 part of the number.

13 CHAIRMAN KEILSON: The number is a  
14 problem. I understand how you are trying to  
15 rationalize it, and you can go through this  
16 with every application, pervious, impervious,  
17 but that wasn't the intent.

18 MR. MACLEOD: I understand. I think  
19 that needs some looking at in the long run.

20 CHAIRMAN KEILSON: I agree. Do you want  
21 to wait until we look at it?

22 MR. MACLEOD: But we are discussing it  
23 here today because we need a driveway right  
24 away so my client is going to move into that  
25 house which is almost completed and --

Auerbach

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2 CHAIRMAN KEILSON: The obvious question  
3 is why is it being considered at this juncture  
4 rather than before the construction was begun?  
5 That would be the logical time to bring it up.

6 MR. MACLEOD: Okay. So one of the  
7 reasons that we don't want -- we would prefer  
8 not to use the pervious driveway as a driveway  
9 for the longevity of the actual structure.  
10 Now we could and have submitted several plans  
11 to the Building Department where we use a lot  
12 of pervious type approaches to the driveway,  
13 but in discussion with local builders there  
14 are questions about the longevity of this type  
15 of driveway so we are hoping to take one step  
16 further here to try to present something that  
17 will have the longevity expected of a driveway  
18 rather than something that is largely untested  
19 although we have been doing the pervious  
20 driveways for a couple of years now but not  
21 extensively, and there is question as to how  
22 long they will actually serve their purpose in  
23 a worthy fashion.

24 MEMBER HILLER: Am I mistaken or have  
25 you already set the concrete there?

1 Auerbach

2 MR. MACLEOD: No, no.

3 MEMBER HILLER: So what is filling the  
4 concurrent driveway?

5 MR. MACLEOD: Just dirt. There might be  
6 some dry -- dry stone there for just vehicles.

7 MEMBER HILLER: There is no concrete?

8 MR. MACLEOD: No. There is nothing  
9 poured. Nothing laid down. It's all on paper  
10 right now.

11 MRS. AUERBACH: Absolutely not.

12 MR. MACLEOD: So these are the technical  
13 aspects of this driveway. I understand 57  
14 percent is a high number.

15 MEMBER HILLER: How many drains would  
16 you normally put in?

17 MR. MACLEOD: It's one at each entrance.  
18 If there is one driveway entrance, it would be  
19 one. If there is two, it would be two. Here  
20 we are doubling that and making it four, and  
21 basically there will be no runoff of this  
22 driveway. It will all be collected, and the  
23 purpose as I understand and as everybody aims  
24 to try to do is restrict the amount of  
25 stormwater runoff into the street so we don't

Auerbach

1  
2 have overload of the sewers when we have heavy  
3 rain, so we will be doing that in a slightly  
4 different fashion than just calling out for a  
5 pervious driveway.

6 CHAIRMAN KEILSON: So let me reiterate.  
7 Is there a way of changing the impervious  
8 patio to pervious?

9 MR. MACLEOD: The patio, not so easily  
10 as the driveway. No, this is already there so  
11 it would be possible at this stage to  
12 intermingle into the driveway if you so  
13 require because we do want to have the  
14 driveway, a portion of it as pervious. We  
15 would prefer not to just because of the  
16 construction techniques.

17 CHAIRMAN KEILSON: In your petition you  
18 make reference to the fact that there is a  
19 need for the circular driveway.

20 MR. MACLEOD: So that's the second part  
21 of what we like to discuss this evening, which  
22 is really the main purpose of the driveway,  
23 which is for safety reasons and if you -- if  
24 you know the property, you know it's one house  
25 away from Broadway. There is a synogogue on

Auerbach

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2 that corner and there is a lot of parked cars  
3 on a regular basis on this side of the street  
4 which makes extreme blind spots of reversing  
5 out if we have a regular reversing out  
6 driveway as well as the school, which is very  
7 close by. There is a tendency of a lot of  
8 pedestrian traffic, school kids as well as  
9 adults walking not necessarily on the sidewalk  
10 but actually the kids a lot in the middle of  
11 the street, and it's very difficult to see  
12 them when you are reversing out.

13 CHAIRMAN KEILSON: Would you be  
14 surprised to know there was testimony two  
15 months ago regarding the Horowitz matter that  
16 there was very little parking going on on that  
17 street?

18 MR. MACLEOD: Well, that's not what we  
19 have seen.

20 MRS. AUERBACH: Check it out. On a  
21 daily basis.

22 CHAIRMAN KEILSON: Because we had  
23 discussed the possibility of having no parking  
24 on one side of the street.

25 MR. MACLEOD: Which side?



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CHAIRMAN KEILSON: You choose.

MEMBER HILLER: The other side.

MR. MACLEOD: I would like to point out one other thing. The corner of Broadway where there is a traffic light, as we know in this county and state, we are allowed to turn right on red after stopping, so if somebody is coming from the westerly direction and the traffic light is indicating that they can come on, at least somebody reversing out could perhaps see them coming from that direction, but the side of the street that we are on, which is on the east side of the street, would not hardly ever be able to see somebody who is coming around that corner quickly and accelerating down Lawrence Avenue.

MEMBER GOTTLIEB: Are you suggesting a no turn on red?

MR. MACLEOD: That could be something that could contribute to the general safety of the neighborhood but doesn't help us with our driveway.

CHAIRMAN KEILSON: It would kill her relationship with her neighbors. How much are

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we going to go forward on this?

MEMBER GOTTLIEB: So just a couple of questions. I do understand the need for being able to pull out versus backing onto Lawrence Avenue. But is a 17-foot-wide driveway standard?

MR. MACLEOD: I actually forgot what standard is. We have designed this as close as we could to the recommendations of the Board of Building Design who created their own criteria for circular driveways, and we are within their parameters with the exception of the front yard setback, which as I said, we did show this to them and they approved it based on its merits for need and for safety, and the width of the driveway is actually somewhere between -- it's permitted between 13 to 20 feet but a minimum of 18 if there is two cars next to each other or passing by each other. So where we come in, we would have two cars coming into the driveway, towards the garage if you were coming in that direction. If you were coming around the other way, you can actually park in the driveway and pass the

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other car.

So the idea here is also as you know, my client has an adult family, lots of visitors and relatives that this would also provide onstreet parking overnight on -- off-street parking.

MEMBER GOTTLIEB: What I was trying to get at if you could make the driveway narrower, you would reduce the need. You would reduce the --

MR. MACLEOD: We wouldn't reduce it enough to take it away. Take the percentage points dramatically. We could shave it down a little bit to make it still work as a circular driveway.

MEMBER HILLER: You also indicated before that you could incorporate some pervious in the driveway.

MR. MACLEOD: We could incorporate some of that pervious if that is what the Board, you know, will approve.

MEMBER HILLER: How will you do that?

MR. MACLEOD: We have done it before. We generally subdivide up the surface area of

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the driveway into a design, and under maybe the middle section we would figure out how many square feet we have to distribute with pervious surface and then we then design a shape within the driveway that would be built with a pervious base and the perimeter of it would be built on a concrete base. So the end of the day, it would more or less look the same but would function differently over time.

MEMBER HILLER: Also just for my --

MEMBER FELDER: But if you did that structurally, would you still have a problem at least according to your argument?

MR. MACLEOD: The middle will settle.

MEMBER HILLER: Just what's the width of the French drain?

MR. MACLEOD: So these type of drains are generally about 8 inches. About the size of this. About the width of a piece of paper, and they have grills on them.

MEMBER FELDER: They run straight across.

MEMBER HILLER: And all four will be 8 inches?

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MR. MACLEOD: Yes and will be flush with the driveway so the water rushing toward them will be collected before it goes anywhere else.

MEMBER GOTTLIEB: Mr. Macleod, can you give us an idea, I guess if you could make it part pervious, part impervious, what those numbers might look like and I am asking you that as not to trap you or -- but the thing is that I think the application being 56 percent over and almost 2,000 square feet of additional impervious is very hard to digest.

MR. MACLEOD: Is it true that the concept of the circular driveway is not what the Board is objecting against but more focused on the square footages of the pervious and impervious?

MEMBER GOTTLIEB: Exactly. I have no problem with a circular driveway. I know this is a tough street. No one wants to back out onto Lawrence Avenue. I get that but now let's try to make that work.

MR. MACLEOD: So we have -- as I said, we have available to us, which is not used

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elsewhere on the property, 1,169 square feet of pervious surface coverage which we have not used. If the only way to get this driveway is to mix some of that in, then we will obviously accommodate that and be prepared to do repairs in five years or less. But --

MEMBER GOTTLIEB: Or not at all.

CHAIRMAN KEILSON: I think the editorial comment is not necessary. That may alienate some of our feelings.

MR. MACLEOD: Perhaps you could indicate to me what sort of percentage would be acceptable.

CHAIRMAN KEILSON: Five percent.

MEMBER GOTTLIEB: I was going to go zero.

MR. MACLEOD: As I said, if we used it all, we would be down to 17.3 percent if we used the whole 11. The total driveway size is 1,714. 1,714. If we flip that in half and did half and half, we would be using up about 850 square feet of our amount. I need a calculator to tell you what percentage that is. We are trying to figure out out of a

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total number --

MR. VACCHIO: The driveway is 1,714.

MR. MACLEOD: So we are allowed to have to have impervious coverage of 3,477. If we -- and we are proposing 5,450. If we were to reduce that 5,450 by 850, we would be down to 4,600. Which would be an overage of -- could you tell me the difference between --

MEMBER HILLER: You would be about 33 or 35 percent over.

MR. MACLEOD: 4,600 minus 3,477.

MR. VACCHIO: It would be over 1,123.

MEMBER HILLER: Which is about 33 percent. 44.7 permitted.

MR. VACCHIO: What's the allowable? The allowable is 3,477?

MEMBER HILLER: The fact that you also have four French drains would make that a more acceptable number. Not saying it's a guarantee but certainly more acceptable number.

MR. MACLEOD: So we would propose that we would mix in 850 square feet and bring the number down to 32 percent overage.

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CHAIRMAN KEILSON: Okay.

MEMBER HILLER: With the drains?

MR. MACLEOD: Including the four drains  
as per the plans.

MR. VACCHIO: So add 850 square feet of  
pervious?

MR. MACLEOD: Correct and subtract 850  
square feet.

MR. VACCHIO: Reduce the number down to  
32.2 percent.

MEMBER GOTTLIEB: Danny, is one 5-foot  
dry well sufficient for all these -- for 1,900  
feet of driveway?

MR. VACCHIO: Usually for one driveway,  
I normally see one just for a regular  
driveway. He has proposed four which is  
plenty.

MR. MACLEOD: Two here and two here.

MEMBER GOTTLIEB: Just all the drains  
seem to be going --

MR. VACCHIO: But they interconnect.

MEMBER GOTTLIEB: Okay.

MR. VACCHIO: So that's going to make up  
for the one that's directly to the driveway.



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MEMBER GOTTLIEB: I learn as we go.

MR. MACLEOD: The calculation for and the drainage are to the right of the site plan.

CHAIRMAN KEILSON: I think it's important for the applicant to understand that we are not being arbitrary about this, but we face this hearing after hearing and people come and ask for overages and this happens to be an unusually egregious overage, so we have to justify it so it doesn't serve as precedent for your neighbor who comes in and says how come Mrs. Auerbach got it. So there is some rationale here as to why we might be a little more, you know, facilitating on this.

Any other questions from the Board?  
Anyone else from the audience want to comment?  
Okay. So again, we are going to vote.

MEMBER GOTTLIEB: Can we hear the final numbers?

CHAIRMAN KEILSON: Yes. Let's hear the final numbers so we can vote and put it on the record. Danny, do we have the final numbers?

MR. VACCHIO: At the end as of now, he

1 Auerbach

2 is -- okay. You got 56.7 percent where it  
3 stands now. By him reducing 850 square feet  
4 of impervious to pervious, we are going to end  
5 up with 32.2 percent overage.

6 CHAIRMAN KEILSON: On the impervious and  
7 the pervious will be no issue?

8 MR. VACCHIO: No. It's still under.  
9 Still under by 300 and change.

10 CHAIRMAN KEILSON: So we will take into  
11 consideration the safety concerns that we  
12 have, the traffic patterns of Broadway, that  
13 this resident finds there are a lot of cars  
14 parked on Broadway contrary to the testimony  
15 from a few months ago, and we will vote.

16 Mr. Gottlieb?

17 MEMBER GOTTLIEB: For.

18 CHAIRMAN KEILSON: Mr. Hiller?

19 MEMBER HILLER: For.

20 CHAIRMAN KEILSON: Mr. Felder?

21 MEMBER FELDER: For.

22 CHAIRMAN KEILSON: And I will vote for.

23 I assume that --

24 MR. MACLEOD: We would like to start  
25 work on this as soon as possible.

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CHAIRMAN KEILSON: Six months? One  
year?


MR. MACLEOD: Give us one year but it  
will be done in two months.

CHAIRMAN KEILSON: Very good. Thank  
you.

(Whereupon the hearing concluded at 8:05  
p.m.)

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

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YAFFA KAPLAN

Court Reporter

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Frieling

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

September 25, 2019  
8:05 p.m.

APPLICATION:

Frieling  
10 Auerbach Lane  
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON  
Chairman

MR. EDWARD GOTTLIEB  
Member

MR. DANIEL HILLER  
Member

MR. AARON FELDER  
Member

MR. ANDREW K. PRESTON, ESQ.  
Village Attorney

MR. DANNY VACCHIO  
Building Department

Yaffa Kaplan  
Court Reporter

1 Frieling

2 CHAIRMAN KEILSON: Next matter is  
3 Frieling.

4 Identify yourself for the record,  
5 please.

6 MR. BRAUM: Andrew B-R-A-U-M. I am 1924  
7 Bellmore Avenue, Bellmore, New York 11710.  
8 Good evening.

9 CHAIRMAN KEILSON: Good evening.

10 MR. BRAUM: May I begin?

11 CHAIRMAN KEILSON: Sure.

12 MR. BRAUM: My name is Andrew Braum. I  
13 am an engineer, and I am representing the  
14 Frielings, Mr. And Mrs. Frieling who are both  
15 here tonight. As you know, they live at 10  
16 Auerbach Lane in the village. They bought the  
17 home in 1992, and they have children,  
18 expecting grandchildren.

19 We are here tonight for a proposed  
20 inground swimming pool. The family are  
21 current swimmers, they drive a considerable  
22 distance to go swimming as well as have some  
23 medical conditions that warrant them to do  
24 aquatic exercises. In the past they did a  
25 renovation in their home, everything as of

Frieling

right. Didn't request any variances. The pool that we currently have designed meets and exceeds the New York State code, the village code, also approved by PSEG for the distance that we propose to the wires. We do have letters in support. Did those make their way in, or should I hand those in as evidence now?

CHAIRMAN KEILSON: Counsel?

MR. PRESTON: I don't have them, Mr. Chairman.

MR. BRAUM: So these are four letters. I will not read the addresses based on previous testimony. If you look at the radius map of the house, it's immediate neighbors to the left, right, and the two who are to the rear. We are seeking a variance in the rear, so I think it's important to note that those two neighbors have letters in support of the variance.

(Applicant Exhibit 1, Neighbors' letters, marked for identification, as of this date.)

MR. BRAUM: Do you want me to read those into evidence?

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CHAIRMAN KEILSON: No. Please, no.

MR. BRAUM: First variance is section 212-12.1 for maximum imperviousness. The proposed pool will have an increase of over 723 square feet for a number of 25 percent imperviousness. We currently have a dry well designed for the swimming pool, which is required by the building code to drain the pool within 24 hours. So when you do the calculations for this increase of imperviousness, that dry well will take into account any of the runoff based on the village calculations.

If there is no questions on that, I will move on to the second variance that we are requesting.

CHAIRMAN KEILSON: Please.

MR. BRAUM: 212.48.B in a C-1 zone requires 20 feet from the rear property line when we are requesting 10 feet. When you look at the zoning map, which I don't need to show you folks which you have, the C-1 is a 9,000-square-foot area, which is a very limited portion of your village. And all the

Frieling

other zones, which are greater than that from the Bs and BBs and As to the larger lot sizes, they already are imposed with the same 20-foot-square rear setback. So here what we are trying to do is fit a swimming pool of a modest size into the rear yard here. Having trouble doing it with the as-of-right 20-foot distance.

So when you look at the survey of the property and the plot land, there are two sides of the house, what we call the left and what we call the right. If you look at the right side of the house, one would say that why didn't you just put the pool over there and request less of a variance, and the reason when we explored that very carefully and explained that with the client is that on that right-hand side, there is central air conditioning equipment there. There is also a lot of landscaping there, and when you look at the length of the pool on the left side versus the right, if you look at the survey, what I call the left-hand side, which is where we have the pool proposed, there is a much



1 Frieling

2 greater side yard there.

3 So note, we are not requesting a side  
4 yard variance setback. We are maintaining the  
5 10 foot, which is required in the zone. If we  
6 looked to the right side to try to make less  
7 of a request, the pool when the homeowners put  
8 an optional safety fence there, that actually  
9 blocked the egress of their window. So I  
10 believe, Mr. Hiller, you had a chance to visit  
11 the house there?

12 MEMBER HILLER: Yes.

13 MR. BRAUM: If you look at this side of  
14 the house where this one would be the right  
15 and this would be the left, if we put the pool  
16 on the right side, by the time they put a  
17 safety gate there, it's going to block this  
18 door, which is their egress from the house.  
19 So therefore we proposing to put it on the  
20 left side, which would essentially stop it  
21 right here by this fixed panel, so we did  
22 explore trying to request a little bit less of  
23 a request on that side.

24 CHAIRMAN KEILSON: The predicate being  
25 the dimensions that you have indicated, right?

1 Frieling

2 MR. BRAUM: Yes.

3 CHAIRMAN KEILSON: In terms of the pool,  
4 if the pool was smaller, then you would not  
5 have that issue?

6 MR. BRAUM: Yes. That would be correct.  
7 If the pool had -- that goes without saying.

8 CHAIRMAN KEILSON: It doesn't go without  
9 saying. That's why we create a record.

10 MR. BRAUM: But if there is a less  
11 length of a pool, that would not be correct.

12 CHAIRMAN KEILSON: Would you be  
13 surprised to find that many of the pools that  
14 we approve are not 38-feet long?

15 MR. BRAUM: I would not be surprised,  
16 no. One other item to go over is that --

17 MR. FRIELING: Can I comment on that?  
18 Jeffrey Frieling, 10 Auerbach Lane, homeowner.  
19 On the right side the pool would be  
20 significantly shorter. We are not talking  
21 about a foot or two. We are talking close to  
22 7, 8 feet shorter not to encroach and the fact  
23 with the -- on this photograph of the rear of  
24 the house, where the house on the right --  
25 where we would ask for less of a variance on

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the right side, we would be pushing the pool closer to the house, and any blockage of egress would be sort of magnified when the pool is closer to the house as opposed to the left where, in fact, the pool would barely even be touching this area.

CHAIRMAN KEILSON: Why would it be pushing it closer to the house?

MR. FRIELING: Because if we are getting less relief, we are asking for less relief on that side.

CHAIRMAN KEILSON: Well, what if the pool weren't 17 and a half wide?

MR. FRIELING: If the pool were -- if we are talking about if it were anywhere close to that, it would be very close to the entrance. We have 30 -- we have 36 approximate feet from the fence from the edge of the property line to the house.

MEMBER GOTTLIEB: Let me repeat, if I might, what you said.

CHAIRMAN KEILSON: Please.

MEMBER GOTTLIEB: You claim you need the pool for medical reasons.

1 Frieling

2 MR. FRIELING: I have a back injury from  
3 a severe car accident in 1983. I have a  
4 fractured vertebra. I like to swim.

5 MEMBER GOTTLIEB: No problem.

6 MR. FRIELING: And okay.

7 MEMBER GOTTLIEB: But what I think Mr.  
8 Chairman is suggesting that you can make the  
9 pool less than 17 and a half feet. I don't  
10 know what a sun ledge is.

11 MR. FRIELING: That was something that  
12 was taken off of a -- off one of the pool  
13 contractors that we met. It's not written in  
14 stone.

15 MEMBER GOTTLIEB: That's all right. I  
16 don't know what that is.

17 MR. FRIELING: It's a shallow area --

18 MEMBER FELDER: Extended shallow area.

19 MR. FRIELING: -- for potential  
20 grandchildren to use. It's also for family.  
21 It's not purely for exercise. I am not going  
22 to say it is.

23 MEMBER GOTTLIEB: I just meant because  
24 if it's for exercise, can you bring the pool a  
25 little bit narrower and then we are done.

1 Frieling

2 MR. BRAUM: So what --

3 MEMBER GOTTLIEB: Seven and a half feet.

4 I don't mean to be sarcastic.

5 MR. FRIELING: Seven and a half feet?

6 MEMBER GOTTLIEB: If it were 7 and a  
7 half feet, we wouldn't have any variance. You  
8 would be doing it as of right but something  
9 between let's say 17 and a half and 7 and a  
10 half. Seven and a half you could do as of  
11 right. You wouldn't have any impervious  
12 coverage.

13 MR. FRIELING: I want to thank you for  
14 getting this into your schedule, but I just  
15 want to mention that we did the work in 1993  
16 as of right. We did not ask for a variance.  
17 There is a photograph here that the house was  
18 not squared off and many people do it. We  
19 chose not to. We had one air conditioning  
20 unit at that time on the side of the house,  
21 and I believe that the zoning -- at that time  
22 the rules were that you can by right replace  
23 the unit in the same location. That was --  
24 those of you who have been around longer that  
25 was -- so we added a second unit at that time

Frieling

1  
2 and pushed them both to the back. We are one  
3 of the only people in Lawrence that have air  
4 conditioning units in the rear of our house.  
5 At some time --

6 CHAIRMAN KEILSON: I'm sorry. Hold on.  
7 And therefore?

8 MR. FRIELING: We were good neighbors;  
9 we did not ask for a variance; we did not have  
10 a stop work order at that time. We had no  
11 complaints. We are asking this is our last  
12 hurrah for something on the house. We are not  
13 looking to make the house larger. We are  
14 asking for a reasonable size pool.

15 You mentioned, Mr. Chairman, about pool  
16 sizes. I think the pool that Mr. Gottlieb is  
17 proposing is certainly quite small. I mean,  
18 the average pool that I have seen is probably  
19 18 to 20 by 40 to 50 and I am just -- and we  
20 understand that we have a small lot and that  
21 was our choice. So when we first were looking  
22 for homes, the first house we saw, 54 Martin,  
23 had a pool. We said we are not putting that  
24 pool in. Things have changed. We have  
25 children who want to swim and we have

1 Frieling

2 grandchildren and we want to use a pool.

3 Currently, my wife for most of the year  
4 uses the wreck in Long Beach and she works  
5 full-time and she takes an extra about 45  
6 minutes of her time, and in the summertime she  
7 is subject to the whims of North Woodmere Park  
8 of possibly getting a lane or not or sharing  
9 with two or three people. In addition, we  
10 would like to have some use of the pool for  
11 recreational -- for our family. We are not  
12 looking purely for a lap pool. The person  
13 behind us has a pool that's about 10, 11 feet  
14 and he said he inherited it and it's  
15 absolutely narrow. So I hear what you are  
16 saying and --

17 CHAIRMAN KEILSON: So number one, we are  
18 not against pools. We recognize that the  
19 culture today is that people do want to have  
20 pools in their backyard. And we try every  
21 which way to accommodate. Not every backyard  
22 is appropriate for a pool.

23 MR. FRIELING: Correct.

24 CHAIRMAN KEILSON: Not every backyard is  
25 appropriate for what everybody would like in

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terms of size. I have a pool. I have had it since 1984 and I have neighbors who have pools and I know for a fact that notwithstanding the fact that your neighbors have approved it, it does interfere with quality of life on the other side of the fence. It's inevitable. It's inevitable.

However, that being the case, we are -- again, I can speak for myself. They can speak for themselves. Ten feet is very difficult for us to approve especially when you also have a walkway there, so it's not really 10 feet from the neighbor's yard. It's really much less. What's the depth of that walkway?

MR. BRAUM: We have a proposed 4-foot.

CHAIRMAN KEILSON: Okay. So we are really very close to the backyard. People walking around, diving off, jumping off.

MR. FRIELING: We are not diving. The two issues that weren't mentioned one, we are planning to put quick-growing bushes on the left side for noise protection and for privacy for our neighbors. It hasn't been mentioned yet. The sun -- the photographs we have here



Frieling

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2 of sun at different times of the day on the  
3 right side is significantly less. In fact, my  
4 wife often likes to swim in the morning. We  
5 have a photograph early in the morning and  
6 there was no sun on the right and by 2:30,  
7 3:00, it's also gone from the right. So the  
8 quality of a pool and to enjoy our outdoor  
9 space, three hours of sun versus I would say  
10 7, 8 on the left is important to us for value  
11 for the amount of money that is being spent.  
12 That's our choice to spend the money. I  
13 understand that.

14 MEMBER HILLER: Let me ask you  
15 something. If you took away the walkway on  
16 the side -- the sidewalk walkway that is the  
17 against the house, 4 feet, and there was no  
18 walkway there, and you move the pool 4 feet  
19 back. You get to the same size, you would now  
20 be 14 feet away from the fence, and you would  
21 still have a pool of the same size that you  
22 want.

23 MR. BRAUM: Can you explain?

24 MEMBER HILLER: I am saying if the  
25 walkway that is against the house was removed.

1 Frieling

2 MR. BRAUM: Are you proposing the pool  
3 butt up against the house? We have it as  
4 3.72 feet, which as an engineer it's absolute  
5 minimum amount. It's as close to the house as  
6 it could be right now. 3.72 feet.

7 MEMBER HILLER: If you took 2 feet off  
8 the walkway and the 2 feet off the pool and  
9 made the pool 15 and a half feet and took off  
10 2 feet from there, you would be about 15 feet  
11 from the fence. You made the pool 15 by 38  
12 and took the walkway and removed 2 feet of the  
13 walkway.

14 MR. BRAUM: If I did a 15 by 38, I would  
15 take 2 feet off of the impervious?

16 MEMBER HILLER: Two and a half feet.

17 MR. BRAUM: Off the fence side of the  
18 walkway?

19 MEMBER HILLER: And move the pool 2 feet  
20 up into the walkway area.

21 MR. BRAUM: I can't slide the pool any  
22 closer to the house than I currently have it  
23 represented on the drawing because it's  
24 only --

25 MR. VACCHIO: It's dangerous.

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MR. BRAUM: Not only the footing but it would become a tripping hazard and I do appreciate you working with us, but I am not going to mislead you from a safety standard. You would be walking like this. It can't be reflected on the record, but it would become a tripping hazard. So I would take your suggestion of keeping the pool at 15 feet and with the homeowner's approval reducing the walkway in the rear to 2 feet, which would then effectively keep the pool still where 2 and a half feet less because we requested 17 and a half.

MEMBER HILLER: It won't be another 2 and a half feet because you count from the pool, not from the walkway.

MEMBER GOTTLIEB: He is at 12.

MEMBER HILLER: It would be 12 and a half feet.

MR. BRAUM: Yes, 12 and a half.

MEMBER HILLER: That's what I am saying. It would be another 2 and a half feet I think.

MR. BRAUM: Correct.

MEMBER HILLER: I think that would be a

Frieling

fair attempt in my opinion.

MR. BRAUM: I would just have a quick moment of turnaround here, but if I can make it clear to my understanding. The revised request would be 15 by 38 pool where we have it shown essentially the front -- may I approach Danny?

MEMBER FELDER: Just moving the 2 and a half feet and reducing the size of the --

MR. BRAUM: I am not moving the pool on the front end of the house.

MEMBER HILLER: No, not on the front end. On the back end.

CHAIRMAN KEILSON: Off the record.

(Discussion off the record.)

CHAIRMAN KEILSON: So what's the size of the pool? What's the distance? What type of encroachment?

MR. BRAUM: So the revised request would be a pool that is 15 by 38 with a proposed rear yard setback of 12.58, which would change the impervious, reduce the impervious percentage to --

CHAIRMAN KEILSON: 19.9.

1 Frieling

2 MR. VACCHIO: 19.9 percent.

3 CHAIRMAN KEILSON: 3,764 will be the new  
4 impervious surface coverage which reflects a  
5 19.9 percent overage.

6 MR. VACCHIO: Correct.

7 CHAIRMAN KEILSON: Is that what you are  
8 proposing?

9 MR. BRAUM: We are now proposing and  
10 just to further reiterate, the proposed dry  
11 well will more than adequately handle that  
12 amount of flow in the rainfall calculated by  
13 the village, and I would work that minor  
14 detail out.

15 MR. VACCHIO: Just one more detail is I  
16 want to add to that you submit more detail on  
17 the dry well.

18 MR. BRAUM: That symbol is DW and that  
19 says dewatering.

20 MR. VACCHIO: We don't show the location  
21 of the dry well.

22 MR. BRAUM: I will submit that to you.

23 MR. VACCHIO: You are aware it has got  
24 to be 10 feet off the property.

25 MR. BRAUM: Absolutely. The DW is

Frieling

dewatering where we put a perforated pipe.

MR. VACCHIO: Normally when it's submitted I am seeing a dry well in there but as long as we know the requirements.

CHAIRMAN KEILSON: Okay. Any other questions from the Board? Anyone from the audience want to further comment? Okay. So now we have the new numbers. I am not going to reiterate it yet again, so weighing the benefit to the applicant to opposed to any detriment and taking into consideration that which was on the record from the applicant, Mr. Felder?

MEMBER FELDER: I am very much for.

CHAIRMAN KEILSON: Okay. Mr. Hiller?

MEMBER HILLER: I am slightly for.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: I am extremely cautiously for.

CHAIRMAN KEILSON: And I am just for. All right. So how much time are you going to need for this?

MR. BRAUM: We will do one year, please.

CHAIRMAN KEILSON: One year. Fine.

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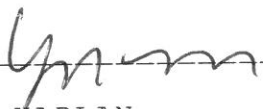
Okay. Thank you very much.

(Whereupon the hearing concluded at 8:28

p.m.)

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

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YAFFA KAPLAN

Court Reporter

Adler

INCORPORATED VILLAGE OF LAWRENCE.

BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

September 25, 2019  
8:28 p.m.

APPLICATION:

Adler  
227 Juniper Circle South  
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON  
Chairman

MR. EDWARD GOTTLIEB  
Member

MR. DANIEL HILLER  
Member

MR. AARON FELDER  
Member

MR. ANDREW K. PRESTON, ESQ.  
Village Attorney

MR. DANNY VACCHIO  
Building Department

Yaffa Kaplan  
Court Reporter



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Adler

CHAIRMAN KEILSON: Okay. Adler, 227  
Juniper Circle South, they or their  
representatives. The climax of the evening.

MR. MAYERFELD: Saving the best for  
last.

CHAIRMAN KEILSON: We generally leave  
the most complex challenging one and they  
rarely get approved, but let's see how we do  
tonight.

MR. MAYERFELD: Hi, good evening. My  
name is Stanley Mayerfeld. I live at 17 Bruck  
Court in Spring Valley, New York 10977.

CHAIRMAN KEILSON: Who is that with you?

MR. ROTHSCHILD: Joe Rothschild, same  
address for business.

MR. MAYERFELD: We are representing the  
Adlers who are here with us tonight, 227  
Juniper Circle South. So the Adlers have been  
living here at this address for 13 years.  
When they bought this house 13 years ago, they  
had one child. The house was not in -- it was  
not related to FEMA. Now the family has  
grown. They have a bunch of boys.

CHAIRMAN KEILSON: How many boys?

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MR. MAYERFELD: Four boys. And currently they have just three bedrooms on the main floor. It's very important to note one of the reasons we are here tonight is that since they moved in, since they bought the property, now they are in a FEMA zone. So the basement is -- you can't build anything there. It just won't comply. If its elevation is 8, then we have to be 2 feet above. Baseline plane which is 10 feet, we have to be at 12. So what we are kind of like forced to do is really want to go up. That's the direction we want to go in.

You want to maintain -- look to maintain the existing noncompliant yard. Want to extend to the backyard and another advantage going up is you get the number of bedrooms we are looking to get in the house is that we go further back, obviously we would have more coverage issues, yard issues, so we are really looking to maintain the yards and again because of FEMA, we want to go a little bit higher.

We have already been negotiating, they

Adler

1  
2 have already talking about guest rooms. There  
3 is no real guest room in the house, so they  
4 said listen, maybe the study can couple up.  
5 So they are trying to be creative with some of  
6 the additional rooms in the house plus on the  
7 first floor of the proposed plans, adjacent to  
8 the study, there is the bathroom. The purpose  
9 of that is when there is no guest room, maybe  
10 that can couple up as a guest room.

11 So again, on the second floor, it's only  
12 -- we are proposing to have I believe it's,  
13 you know, a master and then a bedroom for each  
14 one of the kids with the hope that now they  
15 are bunked up, but eventually they will get  
16 older, they get married, they come back. So  
17 that's why we are here tonight.

18 CHAIRMAN KEILSON: Well, we have a bunch  
19 of variance requests. Let's go through each  
20 of them and explain why we have them and what  
21 they are.

22 MR. MAYERFELD: So the --

23 MR. ROTHSCHILD: Before -- can I just  
24 add before Stanley lists them that the  
25 existing house currently does not comply with

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new code setback or height setback ratios, the current house. It's only two stories from grade.

MR. MAYERFELD: So the first two variances that we are seeking tonight is the minimum side yard and then the total side yard. Again, it's what is existing on the street side and we want to carry the same house, bring it to the back. So it's considered a variance, but again just retaining the existing condition.

CHAIRMAN KEILSON: Well, it has impact obviously.

MR. MAYERFELD: Of course, yes. Of course.

CHAIRMAN KEILSON: The neighbor sitting in their backyard has a different view.

MR. MAYERFELD: Yes.

MR. ROTHSCCHILD: Well, they are permitted to go all the way back. You are saying it's close -- they are going back to Rock Hall Road regardless. As of right, they can go all the way back.

MEMBER HILLER: We are not talking about

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the back; we are talking about the side yard.

MR. ROTHSCHILD: The neighbor in the rear --

CHAIRMAN KEILSON: I will repeat my comment. The neighbors on both sides are being impacted by the fact that the house is now deeper than it was previously.

MR. MAYERFELD: Correct.

MR. ROTHSCHILD: But I guess they are permitted to go all the way back either way.

CHAIRMAN KEILSON: No.

MR. ROTHSCHILD: Up until the setback.

CHAIRMAN KEILSON: It's a nonconforming --

MR. VACCHIO: You are referring to the rear; you are referring to the side.

CHAIRMAN KEILSON: To the side. I don't know what he is talking about truthfully.

MR. MAYERFELD: The second variance -- sorry. The third variance we are seeking tonight is the maximum side yard, the height setback ratio again, which it clips it now but obviously when we build up the house, the condition gets more intense. We have in the

1 Adler

2 rear yard very, very small --

3 CHAIRMAN KEILSON: Let's talk about the  
4 side yard height setback ratio. Again, it's  
5 the most impactful because that's what is  
6 affecting the neighbors, correct?

7 MR. MAYERFELD: Correct.

8 CHAIRMAN KEILSON: Okay and it's a very  
9 significant overage because you are going from  
10 1.6 on the north side to 3.0, the permitted is  
11 only 1.5. And the south, 1.6 to 2.63, so it's  
12 a very significant overage.

13 MEMBER HILLER: Have you consulted the  
14 neighbors?

15 MR. MAYERFELD: Yes, we have.

16 MEMBER HILLER: Can you tell us the  
17 results?

18 MRS. ADLER: The results are here.

19 MR. ADLER: Steven Adler, 227 Juniper  
20 Circle South, applicant. So we have letters I  
21 think from nine neighbors. We have both  
22 immediate left and right neighbors of the  
23 house. We have the two neighbors across the  
24 street. There is no neighbors behind us  
25 because we are on Rock Hall Road. And a bunch

1 Adler

2 of other Juniper -- we have two houses over.

3 CHAIRMAN KEILSON: Counsel, is nine  
4 letters enough?

5 MR. PRESTON: The answer is that it's  
6 not determinative.

7 (Applicant Exhibit 1, Neighbors'  
8 letters, marked for identification, as of this  
9 date.)

10 MR. MAYERFELD: So now continuing with  
11 the height setback ratio, we have to -- with  
12 our heavy one, the number 3, the fourth  
13 variance, we are seeking a very small variance  
14 for the rear to make up the right rear height  
15 setback yard ratio.

16 CHAIRMAN KEILSON: It's of no great  
17 moment because you are backing on Rock Hall  
18 Road.

19 MR. MAYERFELD: Not affecting anybody  
20 back there. And the last variance is the  
21 maximum exterior wall height.

22 MEMBER GOTTLIEB: That's a new one for  
23 us. So when you talk about being -- rather  
24 approaching Rock Hall Road, it's of no effect  
25 or no matter. If you look at the house to

Adler

your east, that house projects past where your current house is and I don't know how much further, so you will have that little tunnel if you will or that alleyway between the two houses. But your neighbor to the west has a much shorter house so where they have got air space, light. When you build back, they are going to lose that open air space and they are going to be replacing open air with a two-story 29-foot wall and that's of concern.

CHAIRMAN KEILSON: They are happy about it. Didn't they write a letter agreeing?

MEMBER GOTTLIEB: You know, Mr. Chairman, sometimes people write those letters without truly understanding because they don't want to offend their neighbors. Not that I have any inside information.

MEMBER HILLER: You are because of FEMA building up. Are you doing anything under the basement? Is there a basement at all?

MR. MAYERFELD: There is an existing basement, but it's just not habitable.

MEMBER HILLER: What's the height of that basement?



1 Adler

2 MR. ROTHSCHILD: Somewhere just under 8  
3 feet.

4 MR. ADLER: It's 7 and a half. So  
5 currently we are all above grade. Typical  
6 split ranch, everything is above grade.

7 MR. VACCHIO: Is that the lowest?

8 MR. MAYERFELD: That's the lowest floor.  
9 The grade is actually lower.

10 MR. VACCHIO: Which means you wouldn't  
11 have to raise it?

12 MR. MAYERFELD: Right.

13 MR. ROTHSCHILD: You are two steps.

14 MR. MAYERFELD: We couldn't use this as  
15 a space.

16 MR. VACCHIO: But you want to make sure  
17 you are even with the grade or above.

18 MR. MAYERFELD: We have photos. You  
19 will see we are two steps down.

20 MR. VACCHIO: So the results of this, if  
21 determinative, you will submit something to  
22 show us.

23 MEMBER HILLER: So it will not be used  
24 as habitable space?

25 MR. MAYERFELD: It will not be used as

1 Adler

2 habitable space.

3 MR. ROTHSCHILD: We have a garage.

4 CHAIRMAN KEILSON: The Building  
5 Department indicated at least in our initial  
6 meetings that you will have to sprinkler the  
7 house.

8 MR. MAYERFELD: Whatever --

9 MR. ROTHSCHILD: We are going to meet --

10 MR. MAYERFELD: Obviously all code  
11 building related items we have to comply with  
12 100 percent.

13 MR. ROTHSCHILD: Because it's three  
14 stories essentially.

15 MEMBER FELDER: They count the ground  
16 floor even in a FEMA house?

17 CHAIRMAN KEILSON: Right.

18 MEMBER GOTTLIEB: Mr. Chairman, I submit  
19 to you the letters that it's amazing. They  
20 are identical. All these folks went to the  
21 same school.

22 MR. MAYERFELD: They are in unison about  
23 this. They feel very strongly about this  
24 application.

25 MR. ADLER: I think we are in unison.

Adler

We spoke to the neighbors. I think everybody is for it. A lot of people in Juniper have similar houses, similar situation. I think the whole Juniper South looks the same way. I think every house being built around Juniper on the east or north is probably taller or higher.

I think we are not asking -- we are not looking to ask for anything egregious over here. We are not looking for an attic or additional space. We have spoken to builders. We would like to maintain the existing structure because if we start from scratch, given the FEMA structure and if we weren't complying, we basically would be starting from scratch, starting five feet up on a podium, building thin and narrow. So to us from a cost perspective, I think saving us a lot in terms of time and money to kind of keep that structure, make a nonliveable space have a full first floor and second floor in the space.

I think the neighbors, the house is certainly not out of context for what's going

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Adler

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on the block. I think the neighbor next door

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is probably similar. The two-story condition

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is the same thing. Even what we are

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suggesting as a third floor probably is going

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to be even height to their second floor with

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an attic. I don't think it's going to be

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anything out of character with anything that's

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going up right now in the area, so we are just

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looking to maintain it as much as possible.

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And then just kind of get that extra floor and

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go back from there.

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MR. MAYERFELD: Do you know if your

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neighbor did work?

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MR. ADLER: They did probably five years

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ago.

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CHAIRMAN KEILSON: Gentlemen, the

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comments come here. If you want to have a

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conversation, go out into the hallway. We

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will sit and wait.

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MR. MAYERFELD: The main point we are

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trying to bring up is that the neighbor

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immediately to the left does have a similar

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condition already in place. If you haven't

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been to the house, they have a first floor,

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second floor. I see some windows up. I don't know if they are just decorative up in the attic space, but in terms of comparing, you know, we talked about how it affects the neighbors. It will be like in line to what the existing condition is right now in the street.

CHAIRMAN KEILSON: Okay. Any further questions from the Board?

MEMBER GOTTLIEB: Do you have a picture outside of this diagram of what the front of the house will look like? Is that a chimney on the front of the house?

MR. ROTHSCHILD: Yes, asthetically.

MEMBER GOTTLIEB: It doesn't look asthetic. It looks like cinder block but that's what I was asking if you had a --

MR. ADLER: We are still working.

MR. MAYERFELD: We are showing you an early schematic.

MEMBER FELDER: I like it.

MR. ROTHSCHILD: Can I approach? Off the record.

(Discussion off the record.)

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MEMBER GOTTLIEB: One of the things I  
admire about the application is that you have  
been living here as long as you have and you  
have four boys and now have an application as  
opposed to I just moved here and I want what I  
want. That's my two cents.

CHAIRMAN KEILSON: Thank you very much.

MEMBER FELDER: He also grew up here.

MEMBER GOTTLIEB: That we can hold  
against you.

CHAIRMAN KEILSON: All right. Thank you  
for your presentation. I think the applicant  
has represented himself very well in terms of  
capturing the essence of what we look for, and  
taking into consideration the benefits to the  
applicant as opposed to any detriment with the  
community, I believe you haven't indicated any  
detriment to the local community. Pretty much  
conforms to what we like to see with most of  
our applications so we are going to vote.

Mr. Gottlieb?

MEMBER GOTTLIEB: For.

CHAIRMAN KEILSON: Mr. Hiller?

MEMBER HILLER: For.

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Adler

CHAIRMAN KEILSON: Mr. Felder?

MEMBER FELDER: Still very much for.

CHAIRMAN KEILSON: And I will vote for.

And Board of Building Design?

MR. VACCHIO: Yes. Absolutely.

CHAIRMAN KEILSON: And how much time?

MR. MAYERFELD: Two years. Still living  
there. Find a temporary home.

CHAIRMAN KEILSON: Harborview West. I  
know some people there. Okay. Good night. I  
will entertain a motion to adjourn.

(Whereupon the hearing concluded at 8:44  
p.m.)

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

  
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YAFFA KAPLAN

Court Reporter