

Solnik - 2/9/2022

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Broadway
Lawrence, New York

February 9, 2022
7:45 p.m.

APPLICATION: Solnik
149 Beach 2nd Street
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

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2 CHAIRMAN KEILSON: Good evening, ladies
3 and gentlemen. Welcome to the Lawrence Board
4 of Zoning Appeals. Please turn off
5 cellphones, and if you feel you need to have a
6 conversation, please take it into the hall.
7 Thank you.

8 Proof of posting?

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

11 CHAIRMAN KEILSON: Thank you. Okay. We
12 have one adjournment and that's Solnik of 149
13 Beach 2nd Street. That's been adjourned, Mr.
14 Flaum; is that correct?

15 MR. FLAUM: Not my clients. Oh, sorry.

16 MS. SOLNIK: My maiden name.

17 CHAIRMAN KEILSON: Are we mistaken or
18 are we adjourned?

19 MR. FLAUM: So I think it's adjourned,
20 but we would still like to present new plans.

21 CHAIRMAN KEILSON: Not tonight. There
22 is no notice on it.

23 MR. FLAUM: We can't do a presentation
24 even if it's not decided upon?

25 CHAIRMAN KEILSON: We will need a denial

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letter.

MEMBER GOTTLIEB: How can you hear something that's being adjourned?

MR. CASTRO: I concur.

MR. VACCHIO: I concur also.

CHAIRMAN KEILSON: So it's adjourned to the next date subject to you resubmitting your plans and your denial letter.

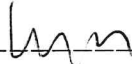
MR. FLAUM: Okay.

CHAIRMAN KEILSON: Okay.

(Whereupon the hearing concluded at 7:47

p.m.)

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

Leifer - 2/9/2022

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Village Hall
196 Broadway
Lawrence, New York

February 9, 2022
7:47 p.m.

APPLICATION:

Leifer
1 Amberly Road
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
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Building Department

MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

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CHAIRMAN KEILSON: There is the matter of Leifer, 1 Amberly Road, which is a consideration for an extension on a permit that expired. So the first question that we have is we already had considered that the last hearing, so will the Board acquiesce to rehearing it at this point.

MEMBER FELDER: Make a motion to rehear.

CHAIRMAN KEILSON: Okay. Mr. Moskowitz?

MEMBER MOSKOWITZ: I am in favor.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: I will listen to it.

CHAIRMAN KEILSON: Okay. And I will hear it as well. So if somebody is present on behalf of Leifer? Good evening. Put your names on the record.

MS. BOKOR: Good evening. I am Danielle Bokor, the architect.

CHAIRMAN KEILSON: Address?

MS. BOKOR: 811 Central Avenue -- my address? My professional address? 811 Central Avenue, Woodmere.

CHAIRMAN KEILSON: With you is Mr. Leifer?

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2 MR. LEIFER: Jonathan Leifer, One
3 Amberly Road, Lawrence, New York.

4 CHAIRMAN KEILSON: Okay. So we had a
5 situation where no work had been done and no
6 building permit had been issued?

7 MS. BOKOR: Correct.

8 CHAIRMAN KEILSON: So can you share with
9 us as to why that may have happened?

10 MR. LEIFER: Yes. If I may start with
11 an apology. I am sorry that we let this
12 lapse. It's an act of omission, not
13 commission, but just to put it in some
14 perspective, we were approved a variance just
15 before the start of COVID. Some of you are
16 familiar, knew my dad. My dad passed away
17 just at the beginning of COVID. Then COVID.
18 Then we had some immediate family dealing with
19 a very serious cancer issue, and all of that
20 just snowballed into just losing track of when
21 our variance expired. We are hopeful that for
22 the same reasons you approved our variance
23 request for a real need as our family is
24 expanding. We have been at the same address
25 for 23 years. I lived in the neighborhood for

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51 of my 51 years and don't intend to go
anyplace and just would like the consideration
of this Board to extend retroactively, if you
will, the variance that was issued so that we
can pull permits and get working immediately.

CHAIRMAN KEILSON: How much of an
extension do you think you will require?

MS. BOKOR: So the extension is the same
as it was before. It is -- beforehand it's
191 square feet --

CHAIRMAN KEILSON: No, I am talking
about timing.

MS. BOKOR: Oh, how much time? I mean,
if you approve it tonight, we get to start to
work, I would say by early spring we will be
filing for a permit.

CHAIRMAN KEILSON: In terms of the total
time that you will require to finish the
project.

MS. BOKOR: Finish 18 months of
construction post that.

CHAIRMAN KEILSON: Two years you are
asking for. Any questions?

MEMBER MOSKOWITZ: Have you consulted

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with your neighbors about that?

MR. LEIFER: Thank you for the reminder. I reached out to all those neighbors who were in support, wrote letters and were in support, and each one of them confirmed their ongoing support, principally the Siklik family who is most impacted right behind us if you know the corner. Mr. Gottlieb, you know it well. So Fran and Mark are enthusiastically supporting this -- his words.

CHAIRMAN KEILSON: Very nice. Okay. Any further questions from the Board? Counsel, any comment?

MR. PRESTON: Is there a neighbor here wishing to speak?

CHAIRMAN KEILSON: If there is any neighbors willing to speak on the matter? Seem not to be. Okay.

MEMBER GOTTLIEB: So as I consider this -- the reason why, of course, this was not even up as an option last month was that there was no building permit issued, and I thought it was our purview that we didn't even have an option to entertain reopening this or hearing

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1
2 this matter. When I considered that no work
3 has been done, there has been no inconvenience
4 to the neighbors, and nothing has been
5 started, nor as far as I can tell nothing in
6 the immediate area has changed, for example,
7 building a new house adjacent to you. As far
8 as I remember, none of your immediate
9 neighbors have changed, there has been no new
10 construction, so it's sort of like hearing the
11 same application again from a couple of years
12 ago in that nothing has changed, nothing has
13 begun work. So considering that, I don't
14 really have an opposition to moving forward
15 with the original application.

16 CHAIRMAN KEILSON: Okay. So we wouldn't
17 want to burden them to do motion and filing
18 rehearing.

19 MEMBER GOTTLIEB: There is no reason to
20 reburden them.

21 CHAIRMAN KEILSON: And us.

22 MEMBER GOTTLIEB: We all love what we
23 do, but we don't like doing it twice.

24 MR. LEIFER: I really appreciate the
25 sentiment. I was going to offer that if there

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1
2 was some negative comment. Just our need is
3 greater. We had a grandchild, another married
4 couple on their way, so the need is greater
5 than it was then.

6 CHAIRMAN KEILSON: Mr. Felder, how will
7 you vote?

8 MEMBER FELDER: For.

9 MEMBER GOTTLIEB: So is there a motion?

10 CHAIRMAN KEILSON: Motion to extend by
11 two years.

12 MEMBER MOSKOWITZ: Technically we are --

13 CHAIRMAN KEILSON: Extending -- amending
14 the original time that was allowed for it by
15 two years.

16 MS. BOKOR: Two years from now, correct?
17 As opposed to two years from August?

18 CHAIRMAN KEILSON: Two years from --

19 MS. BOKOR: It had been expired in
20 August. So just to clarify, the two years
21 would be from now or from August, August past?

22 MR. PRESTON: It's up to the Board.

23 CHAIRMAN KEILSON: I think
24 realistically --

25 MEMBER FELDER: Give them two and a half

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years from now.

CHAIRMAN KEILSON: From August. Mr.
Felder?

MEMBER FELDER: For.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: For.

CHAIRMAN KEILSON: Mr. Moskowitz?

MEMBER MOSKOWITZ: For.

CHAIRMAN KEILSON: And I vote for as
well.

MR. LEIFER: Thank you very much.
Appreciate it. Have a wonderful evening.

MS. BOKOR: Thank you very much.

(Whereupon the hearing concluded at 7:53
p.m.)

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



YAFFA KAPLAN

Court Reporter

Daniel - 2/9/2022

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Broadway
Lawrence, New York

February 9, 2022
7:53 p.m.

APPLICATION:

Daniel
3 Ivy Lane
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

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MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

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CHAIRMAN KEILSON: Next matter is that of Daniel at 3 Ivy Lane, they or their representative. Okay. Daniel, 3 Ivy Lane. Please identify yourself for the record, Mr. Flaum, and then the new father.

MR. FLAUM: Good evening, chairman of the Board, members of the Board. My name is Shmuel Flaum. I am the architect of record for the project. I reside at 194 Wanser Avenue, Inwood, New York 11096.

MR. DANIEL: Simon Daniel, 3 Ivy Lane in Lawrence.

CHAIRMAN KEILSON: Congratulations on the newborn.

MR. DANIEL: Thank you. Still have the wristband.

MR. FLAUM: Good evening, members of the Board. We are here this evening seeking a few variances for a proposed second-story addition of an existing one-story frame. We are specifically seeking four variances. I will enumerate them and discuss them in detail once I finished enumerating them.

The first variance we are seeking is

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Section 212-15.D(1), minimum front yard setback. Where you are permitted a front yard setback of 30 feet, we have an existing 22.9. That is actually the frontage. It's not the main frontage, but because the property fronts both Ivy Lane and Firethorne, so we are talking about the frontage on the Firethorne side so technically the rear of the house but it's still a front yard. So the existing garage encroaches into the required setback with an existing setback of 22.9 feet. The second-story addition that we are proposing over the main structure of the house actually only yields a 28-foot setback from that proposed second story. So it's an overage of 2 foot from what's allowed. So that's the first variance.

The second one is Section 212-15.D(1), minimum side yard setback. Where you are permitted to have a 15-foot setback on a given side yard, we have an existing side yard that the first story of 9 feet, we are proposing at lining up the second story of 9 feet, an overage of 6 feet, the side yard in that

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location. That would be the west side yard or the west -- southwest side yard.

The third variance we are seeking is Section 212-15.D(1), side yard aggregate. Where you are required to have a 35-foot aggregate side yard, we have an existing 20.9 feet. The proposed is still 20.9 feet with an overage of 14.1 feet. So we are not increasing any noncompliance. We are keeping the existing noncompliance on the side yard.

We should also note, if you take a look at the site plan, that the other noncompliance is only at one part of the garage because it's at an angle to the property line. This entire property is geometrically challenged. That's why we are here seeking variances in the first place.

Our last variance we are here for is Section 212-15.D(2)(b), side height/setback ratio. Where you are required to have 1.5, we have an existing 0.95. We are proposing a 2.8 ratio, an overage of 1.3.

So I am going to start my petition by just showing you, if you take a look at your

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2 site plans in Z-100, we have a very
3 interesting property shape. It's at the end
4 of a cul-de-sac. The setbacks are what they
5 are as per the zoning, and as such you can see
6 that the existing structure is noncompliant on
7 three different sides. It's noncompliant on a
8 side yard. It's noncompliant on a rear yard,
9 which is really another front yard, and it's
10 noncompliant on the other side yard. So we
11 have an existing house that we are looking to
12 do an alteration addition to add a second
13 story. The applicant, thank God, his family
14 is expanding literally as we speak and he
15 needs additional bedrooms and living space for
16 his growing family.

17 CHAIRMAN KEILSON: How long are they
18 living there?

19 MR. DANIEL: Five years.

20 CHAIRMAN KEILSON: How many children do
21 you have?

22 MR. DANIEL: Now we got three.

23 CHAIRMAN KEILSON: How many bedrooms are
24 being contemplated?

25 MR. FLAUM: There is a master bedroom

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and three additional bedrooms upstairs where there are currently no bedrooms upstairs. The lowest level has currently three bedrooms and a living room, dining room space, and a kitchen and some sort of half den. So the intention is to create more living space downstairs because we are going to propose new bedrooms only upstairs. So you would end up with four bedrooms on the second floor, master and three children's bedrooms and then primarily living space on the first floor with one flex guest room/playroom.

MEMBER GOTTLIEB: Is there a basement also?

MR. FLAUM: There is an empty vacant basement that's unfinished currently.

MEMBER FELDER: And the attic?

MR. FLAUM: This one, it's the same minimal attic. It's not going to be habitable. Just a storage attic proposed.

MEMBER GOTTLIEB: What's the overall height of the proposed house? I know I should have it in front of me.

MR. FLAUM: Give me one second. The

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proposed height? One second.

MEMBER GOTTLIEB: I believe you have it on the first page.

MR. FLAUM: We are not anywhere close to it, but I will tell you in one second. Hold on.

MR. VACCHIO: It wasn't part of the variance.

MR. VACCHIO: So you got 36 from the plane.

MR. FLAUM: If you look at the elevations, it will be listed there.

MR. VACCHIO: Maximum height is 36.

MR. FLAUM: A-200 or A-201 would have it. So --

MR. VACCHIO: It's showing 36.

MR. FLAUM: That's the maximum height allowable.

MEMBER GOTTLIEB: Oh, so 36 is permitted and we don't know --

MR. FLAUM: It's 27.3 to the proposed ridge.

MEMBER GOTTLIEB: The reason I ask is I wanted to see that the height setback ratios

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are at least within reason. You are not maximizing the height which is possible but not using the setback ratios.

MR. FLAUM: Correct. So we had tried many different ways to configure the proposed second floor. This one though was the most cost-effective and reasonable because it's over the existing bulk of the building, over the existing bulk of the main house. There would be more variances sought if we had proposed doing any enlargement over the garage portion which we had contemplated in the design. So this is the least of all evils because the majority of the proposed second story in this design layout is complying with the setbacks required.

There is only two points of contention with regard to the setback. One on Firethorne which doesn't really affect anybody and it's over an existing one-story. The other one being over the side yard that's 9 feet -- that's currently 9 feet and we are not enlarging it. It's just a continuation.

MEMBER GOTTLIEB: So could this

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application be done as of right using one-time exemptions?

MR. FLAUM: It could not have been.

MEMBER GOTTLIEB: Because?

MR. FLAUM: Danny, what was the reason?

MR. VACCHIO: Because the back is not compliant. You have a preexisting 2-foot encroachment in the rear. Well, the rear which is Firethorne, the front. So unless you bring that into compliance, you can use the one-time exemption if that's --

MEMBER GOTTLIEB: You are saying where it's 28 feet, it should be 30 feet in the rear?

MR. VACCHIO: Right. And then using the one-time exemption on the side would make it all as of right as far as that section.

MEMBER GOTTLIEB: The 22-foot-9 where the garage has a setback on Firethorne.

MR. PLAUT: They are not proposing any changes there.

MR. VACCHIO: That's going to be considering preexisting, not conforming.

CHAIRMAN KEILSON: There is a way of

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doing it?

MR. VACCHIO: Absolutely.

CHAIRMAN KEILSON: So why don't you respond that way? We will explore it and see why they shouldn't be doing it.

MR. VACCHIO: Well, the reason why I am assuming you are not using the one-time exemption because you want more square footage, correct?

MR. FLAUM: Well, it's not just that. Where the shape -- where the layout of rooms doesn't work when you have diagonals coming across it.

MR. VACCHIO: Right but if you look at the front yard -- well, the front yard which is Firethorne, you can keep that line-up until maybe 3 feet toward the end. Maybe you can jog it in.

MR. FLAUM: It's not 3 feet. It's more like 7 feet. But --

MR. VACCHIO: I don't know.

MR. FLAUM: I am saying you can see it's more than 3 feet because the 2 feet is set back. It's about half the room length.

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MR. VACCHIO: But it could be done?

MR. FLAUM: Anything could be done.

It's just not practical from a design perspective. Structurally it's more inefficient. Design-wise it creates a weird condition in the back corner from both an aesthetic and functional purpose. So it's also not affecting anybody at that location because it's not fronting anybody on that side, so understood that we could do it without going for a variance and utilizing the one-time exemption, but the issue is that, you know, it's more practical to build the house from the contractor's perspective who is building this in a certain way and to inset that creates more cost and complexity.

MR. VACCHIO: I agree. I agree.

MEMBER GOTTLIEB: The question comes up because we always look to grant the minimum variance that's required and understand if it can be done without our approval and that was why I was asking if it could be done. So the 9 feet to the neighbor that faces Washington Avenue, how far is it from their house to the

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property line? I am trying to get an idea of the distance between the two houses.

CHAIRMAN KEILSON: And the impact it might have on the neighbor.

MR. FLAUM: So I don't have the neighboring property in front of me. Let me see if I can pull the survey up. Let me see if it's on the survey because it would be there, if anywhere.

MEMBER GOTTLIEB: Did we do a shadow study?

MR. VACCHIO: They did away with that.

MR. FLAUM: They are not required, but I have an ace up my sleeve. We did it.

MEMBER GOTTLIEB: Because it seems like it would mostly affect that adjacent neighbor facing Washington.

MR. FLAUM: That's what you would think, but when you actually analyze it, there is minimal to no impact on that neighbor. I brought studies to disseminate to the Board and interested parties so they could see it. It's more detailed than usual, so I will walk you through it. I know you are familiar with

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it, but other people might not be.

MEMBER GOTTLIEB: I can assure you this is a very hot board.

MR. FLAUM: Give one to my good buddy Danny over there. Once everybody gets a copy, we will have a chance to look at it.

CHAIRMAN KEILSON: Okay. Proceed.

MR. FLAUM: So you have in front of you a three-page shadow study. What I have done is highlighted on the first page the two extreme times of the year, June 21st and December 21st which you have the highest and lowest declination of the sun casting shadows.

So for diagram number 1 you have the shadow of summer 8:00 a.m. You can see the little north arrow on the plan so you understand the sun is behind the houses. The adjacent neighbor on Washington Avenue is obviously the furthest away and adjoined. The subject property with the proposed second-story addition is modelled in 3-D as the middle house, and then the adjacent neighbor at the end of the cul-de-sac is closest to you. So in the summer, 8:00 a.m.

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you can see the shadows being generated are minimal on the adjacent structure, which makes sense because the sun is at its highest point.

To compare that to the summer at 4:00 p.m., which is below at shadow number 2. So the sun obviously transits throughout the day and at that point you have the shadows coming not from the subject property but from the adjacent neighbor onto the adjoining house and you can see it's very minimal also because at that time of year you wouldn't have major shadows being cast.

On diagram number 3, right, which is December 21st, which is the shortest day of the year, but also when you have the longest shadows at 8:00 a.m. in the morning, the proposed subject property of 3 Ivy Lane is casting shadows that aren't even affecting the adjacent property, and then in the afternoon, funnily enough the adjacent property facing Washington casts a major shadow onto 3 Ivy house at 4:00 p.m. because of the way the sun is located in the sky.

So this is the first page. So these are

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1 the two extremes of winter and summer. If you
2 go to the second page, so I did a separate
3 study of the sun casting shadows at hourly
4 intervals in the summertime which is the
5 highest point. Summer 6:00, 7:00, 8:00, and
6 9:00, so you can see at 6:00 in the morning
7 when you are getting the deeper shadow, there
8 is a minor shadow being cast on the house from
9 the new roof peak right on that dormer portion
10 of the Washington house, but by 7:00 in the
11 morning, which is the diagram below, that
12 shadow has already gone down and is hitting
13 the lower part of the first story. And at
14 8:00 in the morning there is no longer a
15 shadow being cast on that portion of the
16 second story, and by 9:00 in the morning there
17 is no shadows at all affecting that entire
18 house. So for the rest of the day, there is
19 no shadows being cast.

20
21 MEMBER GOTTLIEB: So currently there
22 would be no shadows being cast?

23 MR. FLAUM: Only at 6:00 to 8:00 you
24 would have a shadow that's decreasing from the
25 morning?

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MEMBER GOTTLIEB: But the way it is currently there would be no shadow.

MR. FLAUM: Well, there would always be a shadow, but it wouldn't necessarily be a shadow. Again, I didn't model the existing but there definitely would be a shadow because there is still a roof 10 feet lower. So you can imagine there's going to be a shadow. It's not hitting two stories. It's hitting one story. Right now at June 21st at 6:00 there is a shadow. It's just not --

MEMBER GOTTLIEB: So for clarity, the height of the current house versus the proposed 27 foot, how much?

MR. FLAUM: It's probably 17.

MEMBER GOTTLIEB: Seventeen feet.

MR. FLAUM: We are doing 8-foot second story.

MEMBER GOTTLIEB: It also has a roof now?

MR. FLAUM: It also has a roof now. We are literally making the same exact roof. Low level gable and roof.

MEMBER MOSKOWITZ: Let me ask it this

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2 way if there is a way to articulate it because
3 the illustrations don't show it. How much
4 greater is the shadow that could be affecting
5 the neighbor now with the proposed new
6 construction versus the existing?

7 MR. FLAUM: So discussions of shadows
8 are always a funny one because shadows aren't
9 permanent or constant. They travel with the
10 the sun. So just like you when you walk
11 throughout the day your shadow doesn't stay in
12 one place, so what I was trying to explain for
13 the second page is that for the duration of
14 6:00 in the morning to 8:00 in the morning,
15 you will have a diminution shadow that leeches
16 away from the subject property that's
17 nonexistent for the rest of the day because by
18 the afternoon time, Washington Avenue, that
19 house is projecting shadows onto 3 Ivy. So
20 everybody projects shadows onto other people.
21 It's just a matter of the way a house is
22 built. You can't have a neighbor close by and
23 no one is affecting another person with the
24 shadow, but ultimately the area of concern is
25 minimal and is only in the morning for the

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subject property.

MEMBER GOTTLIEB: Mr. Flaum, do you have an extra copy of this? The reason why is if the neighbor is here, maybe they --

CHAIRMAN KEILSON: He has extra.

MR. FLAUM: I just want to go through the last one, and I will be happy to give out the extra copies. The last page is the 3-D shadow study for the wintertime, the same time frame 6:00, 7:00, 8:00, and 9:00. Funnily enough, even though you have a lower declination and you have more shadows because of the sun angle, there is no shadows being cast onto the adjacent house from the proposed new construction. Six o'clock in the morning you can see there is no shadows being cast on the house from 3 Ivy to the Washington house. There is only a self-shading area from the dormer of the adjacent house. At 7:00 in the morning same thing. By 8:00 in the morning, the shadows already shifted away, and then 9:00 in the morning it's just shading the street.

CHAIRMAN KEILSON: So distill it down.

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MR. FLAUM: There is going to be shadows cast by the house at some point throughout the year.

MEMBER GOTTLIEB: But they are minimal?

MR. FLAUM: They are minimal. If you even notice them, it would be highly irregular because you have to be standing in that room specifically at a certain time of the day and stay there, and most people don't usually stand in one place throughout the day.

CHAIRMAN KEILSON: You have letters of support from neighbors?

MR. FLAUM: We have many letters of support from the ones we were able to obtain. Here is one, two, three.

CHAIRMAN KEILSON: Just tell us where the neighbors live, the ones that signed.

MR. FLAUM: Eight Ivy Lane, Miriam Zeitlin. She signed a letter of support. Robert and Miriam Schreier at 9 Ivy Lane signed a letter of support. Daniel Strauss of 1 Firethorne Drive wrote a letter of support, and there is one more, Susan Frieling of 7 Ivy Lane wrote a letter of support. Submitting

Daniel - 2/9/2022

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those in evidence.

MEMBER GOTTLIEB: Do you have letters of support from the most adjacent neighbor?

MR. FLAUM: I will let the --

MEMBER GOTTLIEB: Or most affected neighbor I should say?

MR. DANIEL: I went over to her house. I did the right thing. Spoke to her with the plans. Showed her exactly what I was doing.

CHAIRMAN KEILSON: Who is her?

MR. DANIEL: I believe she is here.

CHAIRMAN KEILSON: I am asking you who was her. She has a name.

MR. DANIEL: She has a name. My mind is a blank a little bit right now.

MEMBER GOTTLIEB: Mrs. Bierman perhaps?

MR. DANIEL: Sure. I spoke with her. I explained to her what we are doing. And that was it. She is here to speak her mind. It's her right.

CHAIRMAN KEILSON: Okay. Thank you for offering to let her speak.

MR. FLAUM: Does the Board have any further questions about the shadow study or

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the proposed variances we are seeking?

MR. VACCHIO: Good job.

MEMBER GOTTLIEB: I think we would like to hear if there is any opposition from the neighbors.

CHAIRMAN KEILSON: That's for them. Any questions for them? That's all.

MEMBER GOTTLIEB: Oh, them? No.

CHAIRMAN KEILSON: That's all. Thank you very much. Would you like to come forward? Thank you. Put your name on the record.

MS. G. BIERMAN: My name is Gabrielle Bierman. I live at 66 Washington Avenue, the adjacent house that we have been speaking of. We did speak to Mr. Daniel, and as we have now looked at the shadow study, we have come to an agreement that it is okay. As long as there is -- the whole thing is that my mom's bedroom window is right there. So as long as there is no windows on that side that could -- because literally they would be looking eye to eye through a window which in a bedroom is a little awkward. As long as that doesn't

Daniel - 2/9/2022

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happen, she is good.

CHAIRMAN KEILSON: Thank you. We appreciate that. Any other neighbors want to speak to the matter? Okay. So now we have heard from the neighbor most affected. She made one request. Are we going to acquiesce to that request?

MR. FLAUM: I believe it might already be --

MR. DANIEL: We have one window. We will take it off. We will move it to the other side.

CHAIRMAN KEILSON: Okay. I will ask the same question a second time. Have we eliminated all the windows on her side?

MR. DANIEL: Yes.

MEMBER GOTTLIEB: It looks like there is a double-hung window on bedroom number 2.

CHAIRMAN KEILSON: He is eliminating that.

MEMBER GOTTLIEB: You will have another window.

MR. VACCHIO: How about just shifting the window so she is happy?

Daniel - 2/9/2022

MR. FLAUM: We will take a look at the window and so I think put it on the other side. I think it's a simple solution.

CHAIRMAN KEILSON: Okay. Taking into consideration the benefit to the applicant as opposed to any detriment to community neighbors and the like, we are going to take a vote. Mr. Moskowitz?

MEMBER MOSKOWITZ: For.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: With the changes proposed, for. I would also like to thank the neighbor for agreeing to not disagree.

CHAIRMAN KEILSON: Gentlemen, hold applause. Mr. Felder.

MEMBER FELDER: I am happy to see a variance request that really is based on true hardship and I believe that with your growing family, this extra space will help you out quite a bit. And I also applaud the neighbors for working together so I am for.

CHAIRMAN KEILSON: And I also vote for, and we are talking about two years?

MR. FLAUM: Yes.

Daniel - 2/9/2022

CHAIRMAN KEILSON: Board of Building
Design, Mr. Castro?

MR. CASTRO: Yes.

CHAIRMAN KEILSON: Okay.

MEMBER GOTTLIEB: Just as a reminder,
there will be no work on the weekends.

MR. DANIEL: That's already in the
contract.

MEMBER GOTTLIEB: Great.

(Whereupon the hearing concluded at 8:16
p.m.)

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


YAFFA KAPLAN

Court Reporter

Schwartz - 2/9/2022

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Broadway
Lawrence, New York

February 9, 2022
8:16 p.m.

APPLICATION:

Schwartz
141 Beach 2nd Street
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

Schwartz - 2/9/2022

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CHAIRMAN KEILSON: Schwartz, next one.
141 Beach 2nd.

Ladies and gentlemen, please. I ask you
again, please. Thank you. Okay. Please
introduce yourselves, put yourself on the
record.

MR. JOYCE: James Joyce, 162 West Park
Avenue, Long Beach, New York.

MRS. SCHWARTZ: Jessica Schwartz, 147
Beach 2nd Street, Lawrence, New York.

MR. SCHWARTZ: Samuel Schwartz, same
address.

CHAIRMAN KEILSON: Okay. Mr. Joyce, we
applaud the work that you have done. Really
wonderful presentation. I don't know what the
result will be, but at least in terms of
presentation, very comprehensive and very
professionally done.

MR. JOYCE: Thank you. How are we
doing, Board?

CHAIRMAN KEILSON: Having said that --

MR. JOYCE: Yes, exactly. Impressed. I
am the architect representing Samuel and
Jessica Schwartz. They are proposing to build

Schwartz - 2/9/2022

1
2 a new home at 141 Beach 2nd Street in
3 Lawrence.

4 CHAIRMAN KEILSON: Are they presently
5 living there?

6 MR. SCHWARTZ: We live two houses down.

7 CHAIRMAN KEILSON: Okay. So you just
8 bought the house?

9 MR. SCHWARTZ: We bought this house at a
10 Sandy auction about five years ago.

11 CHAIRMAN KEILSON: Okay.

12 MEMBER MOSKOWITZ: And you currently
13 live at 149?

14 MR. SCHWARTZ: 147.

15 CHAIRMAN KEILSON: Is this a knockdown?

16 MR. JOYCE: Correct, yes.

17 CHAIRMAN KEILSON: So it's new
18 construction?

19 MR. JOYCE: Yes. It will be new
20 construction. Very good. They purchased this
21 house in 2015 with hopes of staying in the
22 neighborhood and building a home that fits
23 their current needs and provides a place for
24 their family to grow and enjoy.

25 CHAIRMAN KEILSON: What are their

Schwartz - 2/9/2022

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current needs? How many children?

MR. JOYCE: Four children. Two sets of twins.

CHAIRMAN KEILSON: Okay.

MR. JOYCE: So the new property is only 30 feet wide by 100 feet deep, and the property is located in the flood zone. We are proposing to demolish the existing home and build a new three-story, FEMA-compliant home.

As far as the zoning requirements, we will start at the front yard. The front yard required is 10 feet. The existing home that's on our property is 6.3-foot setback in the front yard. We are proposing to keep the same setback in the front at 6.3 feet.

CHAIRMAN KEILSON: Right.

MR. JOYCE: The required side yard setback is 5 feet on each side. We are proposing a north side side yard setback at 5.5 feet and a south side setback at 3.5 feet. Just for reference, the current house has a side yard setback in the south of 2.9 feet, so we are increasing that to 3.5.

As for the rear yard setback, the

Schwartz - 2/9/2022

required is 10 feet. We are proposing 20.2 feet to the home. 11.2 feet to the rear deck and 8 feet to the rear one-story egress stair that goes from that deck down to grade.

CHAIRMAN KEILSON: Repeat that because this is very material.

MR. JOYCE: Those setbacks in the rear?

CHAIRMAN KEILSON: Yes.

MR. JOYCE: So 20.2 feet to the house and then 11.2 feet to the rear deck.

CHAIRMAN KEILSON: Excuse me. Can you please ask them to be silent out there?

MR. JOYCE: So 11.2 feet to the rear deck, and then it's 8 feet. There is a one story from that deck down to grade staircase that encroaches down to 8 feet.

CHAIRMAN KEILSON: Right. Okay.

MR. JOYCE: Now, the requirements for height of the home are a little different because the house is located in the flood zone, so all the heights I am referencing here are taken from the crown of the road. The first height requirement is the house is allowed to be two and a half stories. We are

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1
2 proposing a three-story house because it's in
3 a flood zone, but that first story is
4 dedicated for parking storage and building
5 access only. There is also a height
6 requirement from the crown of the road to the
7 eave which is 23 feet and we are proposing
8 30.5 feet, 30.5 feet height to the eave, and
9 again that's because of the FEMA requirement.
10 And lastly, the overall height of the house
11 cannot exceed 36 feet. We are proposing 37.3
12 feet, so that's 1.3 feet over on overall
13 maximum height allowable.

14 CHAIRMAN KEILSON: So we have issues
15 with the height. Because that's something
16 sacrosanct. We raised it to 36. Used to be
17 30 feet. Raised it to 36 to accommodate FEMA
18 and growing families, et cetera. So now you
19 want to take it to yet a higher by 1.33. It's
20 a big problem.

21 MR. JOYCE: Okay.

22 CHAIRMAN KEILSON: So we ask you -- I
23 mean, we already examined the plans, so we
24 know it's possible to reduce some of the
25 heights so that we don't have to deal with a

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height variance.

MR. JOYCE: Because on the ground floor, I can give you a breakdown of the height. We have 8 foot 6 for the garage.

CHAIRMAN KEILSON: Does that have to be 8 foot 6? What's common, Mr. Vacchio?

MR. VACCHIO: Eight foot.

CHAIRMAN KEILSON: Eight foot is fine.

MR. JOYCE: Then the main living floor -- because the house is so narrow, we are looking to get 10-foot ceilings there on the main floor and then the bedroom level on the top floor is 8 foot 6 again.

CHAIRMAN KEILSON: Right.

MEMBER GOTTLIEB: So if you take off 6 inches from the ground level and 6 inches from the second floor, you could eliminate the height variance, can't you?

MR. SCHWARTZ: We also have the mechanicals and storage and like the attic space on a slope so there is going to be solar panels. So I mean, is it possible to lower the attic space?

MR. JOYCE: I wouldn't recommend

Schwartz - 2/9/2022

lowering the attic space just because it's really limited as of now.

MEMBER GOTTLIEB: So we take 6 inches off each floor and then you eliminate 1 and a half foot.

MEMBER MOSKOWITZ: Or whatever formulation you would prefer to arrive at compliance with respect to the height.

MR. JOYCE: Okay. That's something we can work out.

CHAIRMAN KEILSON: Good. Thank you very much.

MEMBER GOTTLIEB: So we knocked that one off?

MR. JOYCE: Correct.

CHAIRMAN KEILSON: Wonderful. So let's take a look --

MR. CASTRO: Just noting with those changes, whatever they may be, the exterior wall height is going to be affected in the exact same amount of I believe it's 1.33 feet a reduction.

CHAIRMAN KEILSON: So it will be less egregious?

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MR. VACCHIO: Yes.

MEMBER GOTTLIEB: It will be 6 feet 2 inches let's say instead of 7.5.

CHAIRMAN KEILSON: Okay. How far is the neighbor's house from his property line? The rear neighbor I am talking about.

MR. JOYCE: The rear neighbor, let's see if it's on the survey. Yes. On the survey it's not noted. What their rear yard --

CHAIRMAN KEILSON: Can you describe how far the neighbor's house is?

MR. SCHWARTZ: So the other houses on the block -- we live on Beach 2nd. Beach 3rd those houses are typically built even closer to the street. They typically have like driveways that go into the back and then sort of open space and garages over there.

CHAIRMAN KEILSON: Forget about typical. Your neighbor to the rear.

MR. SCHWARTZ: There is an empty yard behind their house. Directly behind their house.

CHAIRMAN KEILSON: Have you spoken to them about your impending construction?

1 Schwartz - 2/9/2022

2 MR. SCHWARTZ: No, we didn't.

3 CHAIRMAN KEILSON: Okay. Have you
4 spoken to any of the neighbors?

5 MR. SCHWARTZ: Yes. All the neighbors
6 that live on Beach 2nd Street.

7 MR. JOYCE: We have four letters.

8 CHAIRMAN KEILSON: It didn't occur to
9 you to speak to the neighbor who is going to
10 be most directly affected?

11 MR. SCHWARTZ: We felt that --

12 CHAIRMAN KEILSON: He is in New York
13 City. We understand.

14 MR. SCHWARTZ: Right. There is no
15 actual structure in the back. It's just like
16 a stairway coming down that encroaches on the
17 rear.

18 MR. JOYCE: Again, the only thing
19 encroaching into that 10 feet is just a
20 staircase from that first floor down to grade.

21 CHAIRMAN KEILSON: The house is
22 beautifully designed.

23 MR. JOYCE: Of course.

24 CHAIRMAN KEILSON: Gentlemen, any other
25 questions?

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MEMBER MOSKOWITZ: No.

MEMBER GOTTLIEB: In the section of the house where you have the 5-foot side yard, is that a shared driveway with the adjacent house?

MR. JOYCE: Correct, yes.

MEMBER GOTTLIEB: So you need to maintain that?

MR. SCHWARTZ: I think the code lets us go 5 feet. We are actually going 5 and a half feet so it's easier to get a car into the garage.

MEMBER GOTTLIEB: So even though you are not going to have a garage back there but the neighbors have that space and that will be fully paved?

MR. SCHWARTZ: Yes.

MEMBER GOTTLIEB: Is there any grass here on the open space?

MR. SCHWARTZ: There will be grass in the backyard 10 feet or so remainder.

CHAIRMAN KEILSON: They have an ocean down the street. A channel.

CHAIRMAN KEILSON: Okay. Is there

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1 anyone in the audience who wants to speak to
2 the matter? Okay. Please step up. Introduce
3 yourselves for the record.
4

5 MS. CORCHIA: Hi, good evening,
6 everyone. My name is Vanessa Corchia. This
7 is my husband Jose Velez. We are the
8 homeowners of 160 Beach 3rd street in Far
9 Rockaway. So we are on the -- we are not
10 directly in the rear but we are to the rear
11 and it's not that we necessarily object but we
12 did not -- we could not tell from the notice
13 we received that this was going to be new
14 construction. Our concern is pile driving,
15 things, excavation. We don't know what this
16 is going to entail. And I don't think I am
17 prepared to speak --

18 CHAIRMAN KEILSON: We have a radius map
19 which tells us which address you have.

20 MS. CORCHIA: Yes. I am 160 Beach 3rd.

21 MEMBER FELDER: So you are two house
22 away from them in the rear. You are two
23 houses away from their property. They are
24 three houses away from the Beach 2nd house.

25 MEMBER MOSKOWITZ: A sliver of your

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property is adjacent to their neighbor. First is Peters. Then is their property, Jessica Schwartz, and that's all in the back.

MR. VELEZ: Our only concern is what the new construction is going to entail. Our home is over 100 years old. We are concerned about the foundation. It's an old house where we are.

CHAIRMAN KEILSON: Fair enough.

MR. VELEZ: We are just concerned about how the process is going to occur.

CHAIRMAN KEILSON: Okay. Can someone enlighten us? Building Department or --

MR. VACCHIO: Well, let's hear from --

MR. JOYCE: So as far as I guess, you know, impact loads from piles being driven, we are going to be using helical piles.

MEMBER FELDER: They are like screws.

MR. JOYCE: We are not driving anything to create any vibration to adjacent neighbors. I think that's the only thing through the construction process that would affect somebody.

CHAIRMAN KEILSON: Mr. Castro?

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MR. CASTRO: There is only one other concern of mine, and that's the demolition process. Probably of any of the structure will be the existing foundation.

MR. JOYCE: Like I said, it's a bungalow and I am sure it's hollow concrete blocks. So I think removing that wouldn't be -- the same thing wouldn't be impactful.

MEMBER GOTTLIEB: Is there a basement currently?

MR. SCHWARTZ: No. There is a current crawl space.

MEMBER GOTTLIEB: So you are not using a wrecking ball to knock --

CHAIRMAN KEILSON: No. You are going to blow it down. Okay.

MR. JOYCE: So other than that, I think that's the only -- and then there is general wood framing and poured concrete and everything will be taking place obviously access from Beach 2nd Street.

MS. CORCHIA: Right.

CHAIRMAN KEILSON: Does that quiet your concerns?

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MR. VELEZ: Yes, I think so.

CHAIRMAN KEILSON: Thank you very much
for coming down.

MS. CORCHIA: Thank you for hearing us.

CHAIRMAN KEILSON: Any other neighbors
want to speak to the matter?

Okay, gentlemen. Any further questions?

MEMBER GOTTLIEB: Just to confirm that
the roof height will meet --

CHAIRMAN KEILSON: Yes. We are going to
go through that. So there is no longer a
variance request, so you are going to adhere
to the proper regulations zoning regulations.

MEMBER GOTTLIEB: On the height.

CHAIRMAN KEILSON: So they stipulate
what they want for the front yard which is
actually nonconforming preexisting. Same
thing on the side yard nonconforming
preexisting. The exterior wall height will be
actually diminished by a foot and a half
approximately in terms of the underside of the
eave. So the only question that we had really
was on the rear yard, and they have explained
that it's really only the stairway going up to

Schwartz - 2/9/2022

the deck that will encroach so that should mitigate the situation.

And having taken that into consideration, Mr. Moskowitz? Taking into consideration the benefit of the applicant as opposed to any detriment to the community and the like and Mr. Moskowitz?

MEMBER MOSKOWITZ: For.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: For.

CHAIRMAN KEILSON: Mr. Felder?

MEMBER FELDER: For.

CHAIRMAN KEILSON: And I vote for as well. Two years?

MR. JOYCE: Yes. I would think two years.

CHAIRMAN KEILSON: Okay. Board of Building Design for sure.

MR. CASTRO: And when you -- obviously there is revisions. When you do submit, if you could include a cover letter denoting the changes in the ceiling height so it makes it much easier for the Building Department.

CHAIRMAN KEILSON: Thank you, Mr. Joyce.

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We hope we will see you again.

(Whereupon the hearing concluded at 8:31
p.m.)

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



YAFFA KAPLAN

Court Reporter

Fishman - 2/9/2022

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Village Hall
196 Broadway
Lawrence, New York

February 9, 2022
8:31 p.m.

APPLICATION: Fishman
191 Harborview North
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

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CHAIRMAN KEILSON: Fishman.

MR. MACLEOD: Good evening, Mr.

Chairman, members of the Board. My name is John Macleod, 595 Park Avenue, Huntington, New York 11743. And we are here to look at -- for the second time -- the Fishman residence plans for a new house at 191 Harborview North in Lawrence. We were here in the previous meeting, and we went through most of the aspects.

CHAIRMAN KEILSON: John, hold it for a moment. We have a conversation in the hall. I'm sorry. Proceed.

MR. MACLEOD: So without going into all of the detail from the previous --

CHAIRMAN KEILSON: Yes. Spare us.

MR. MACLEOD: We will pick up where we left off. At the end of the last meeting, we had agreed to certain parameters that we would try to develop the plans in that direction. So we had like -- at the previous meeting we were requesting five variances, one of which was to not have a garage on the property. It was recommended at the meeting that we really

Fishman - 2/9/2022

try hard to get that one-car garage on the property, and so we have achieved that. We put it in the rear left corner of the property. And that now reduces it down to four variances, three of which are relatively small in size, and the one which we probably need to talk about the most is at the top of the list on the code relief chart if you have the latest version of that.

CHAIRMAN KEILSON: Yes.

MR. MACLEOD: So on the top line we have building coverage. The permitted maximum for this property is 3,071. At the previous meeting, we were requesting 3,305 without the garage, which was an overage of 7.6 percent or 234 feet. What we did to the plans to arrive at the numbers we are presenting today is we shrank the size of the house by 162 square feet in footprint, by cutting 2 feet off of the depth of the house and 1 foot off of the width of the house.

CHAIRMAN KEILSON: Honey, I shrank the house.

MR. MACLEOD: Indeed. So that 162 foot

Fishman - 2/9/2022

1
2 is the footprint reduction, which in effect
3 when you transfer that to the three different
4 levels that we had, it's closer to 500 square
5 feet of actual living space that we are giving
6 up to get to this point today. So in order
7 to --

8 CHAIRMAN KEILSON: Another way of
9 putting it, okay, is that essentially in terms
10 of house without the garage you are only 72
11 square feet over.

12 MR. MACLEOD: Yes.

13 MEMBER GOTTLIEB: Which allows you for
14 210 feet square feet of living space or was it
15 two story?

16 CHAIRMAN KEILSON: No, I am speaking in
17 terms of the garage. They were kind enough to
18 put a garage.

19 MR. MACLEOD: The garage is 231 square
20 feet.

21 CHAIRMAN KEILSON: More or less.

22 MR. FISCHLER: But only one story.

23 MR. MACLEOD: Yes. So essentially we
24 are over by 303 square feet of building
25 coverage, which represents 9.9 percent and

Fishman - 2/9/2022

that was a number that we were advised to come in at less.

CHAIRMAN KEILSON: No. Nobody advises you. You misunderstood. No more than you said we recommend -- we didn't recommend. We required a garage.

MR. MACLEOD: You required a garage. That is correct and we have provided a garage. In achieving that we -- and after reducing the size of the house, we still require a variance and we are now at a 9.9 percent request.

MEMBER FELDER: What was the original?

MR. MACLEOD: 7.6.

MEMBER FELDER: You are now at 9.6. What was it before?

MR. MACLEOD: 7.6.

MEMBER MOSKOWITZ: With the addition of the garage.

MEMBER GOTTLIEB: You have taken all of our suggestions and increased the surface building coverage?

MR. MACLEOD: That is correct.

MEMBER MOSKOWITZ: In the process reduced living space in the house.

1 Fishman - 2/9/2022

2 MR. MACLEOD: We have lost living space
3 and added a one-car garage.

4 CHAIRMAN KEILSON: I would like to look
5 at it favorably. Every meeting you reduced it
6 by a certain amount so if we adjourn it by
7 next month --

8 MR. FISCHLER: We will have only a
9 garage.

10 MEMBER GOTTLIEB: Mr. Chairman, it's new
11 construction.

12 CHAIRMAN KEILSON: I agree.

13 MEMBER GOTTLIEB: And I can always give
14 the minimum variance needed, but it's almost
15 like saying someone told you to come in under
16 10 percent and you came in at 9.99.

17 CHAIRMAN KEILSON: What would you
18 prefer?

19 MEMBER GOTTLIEB: 3 percent or zero, 5
20 percent. 8 percent but it's just if someone
21 tells you to come in under, I want to buy
22 something for under a dollar and you tell him
23 it's 99 cents.

24 CHAIRMAN KEILSON: It's almost
25 insulting.

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MEMBER GOTTLIEB: It's a little insulting. It's like I will give him the absolute minimum that I have to, and I still want what I want.

MR. MACLEOD: No intention to insult anybody. Just trying to achieve the numbers that suit my clients' usage of the property to their best benefit without any detriment to anyone else, any of the other neighbors.

CHAIRMAN KEILSON: And they have what? Six children?

MR. FISCHLER: Seven.

CHAIRMAN KEILSON: Seven since the last meeting?

MR. FISCHLER: No. They always had seven.

MEMBER GOTTLIEB: But not all of them live in the house.

MR. FISCHLER: Five or six. I am not sure to be honest.

CHAIRMAN KEILSON: You want to make a call?

MEMBER FELDER: Five.

MR. MACLEOD: But the number of bedrooms

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and spaces within the house when the children do reach the age I believe.

MR. FISCHLER: Two are married. One just got married.

MR. MACLEOD: They will have expanded their spouses and future children we hope.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: Yes.

CHAIRMAN KEILSON: Mr. Moskowitz, any questions?

MEMBER MOSKOWITZ: No. I appreciate that there was clearly a lot of effort made to respond to the concerns that the Board raised previously.

MEMBER GOTTLIEB: Mr. Macleod is known for that.

CHAIRMAN KEILSON: His plan B is always available.

MEMBER GOTTLIEB: Sometimes plan C is even better. Is there any leeway on that 9.9 or 303 feet over?

MR. MACLEOD: We don't have another position on that right now. We were hoping that this would be an adequate shrinkage to

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achieve the goals.

MR. FISCHLER: There were many versions of this house even before we came to the Board facing Harborview, and we tried it that way. We tried two ways on that direction. Then we switched it to Lawrence and tried three ways on Lawrence including the -- you know, the hearings that we had before this. So this is really not just a second version. This is more like a fifth version to us at least and continued reductions, continuing modifications with, you know, everything -- all the variances, reducing the variances and things like that. So it's -- I respectfully request if you could look at it more as many reductions, numerous reductions versus just last hearing and this one.

MEMBER GOTTLIEB: You know, Mr. Chairman, if I can address you.

CHAIRMAN KEILSON: Please.

MEMBER GOTTLIEB: I am looking at the 303 feet over, and if I was to ask him to take off another 30 or 40 feet or even 50 feet, it wouldn't really make a difference in the

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2 building and surface coverage, and it does
3 benefit them greatly having a large family.
4 So as much as I don't like to approve new
5 construction that's out of compliance, the 300
6 feet over is really not that substantial and
7 just making it clear that I won't have an
8 objection with this. Can't speak for my
9 colleagues or for the chairperson.

10 MR. FISCHLER: Appreciate it.

11 CHAIRMAN KEILSON: Change of heart.

12 CHAIRMAN KEILSON: Anybody in the
13 audience? We went through the neighbors
14 already? Anyone in the audience first time
15 here want to hear more? The thought of you
16 come being back again -- okay.

17 Taking into consideration the benefit to
18 the applicant and understanding the
19 circumstances in terms of what we have gone
20 through in terms of the number of family
21 members, and I have spoken directly to the
22 neighbor adjacent on Harborview North who
23 asked me to mention that he is approving. So
24 we are going to vote. Mr. Felder?

25 MEMBER FELDER: For.

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CHAIRMAN KEILSON: And Mr. Gottlieb?

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MEMBER GOTTLIEB: I am voting for.

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CHAIRMAN KEILSON: And Mr. Moskowitz?

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MEMBER MOSKOWITZ: For.

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CHAIRMAN KEILSON: And the chair will

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vote for and let's see.

8

MEMBER GOTTLIEB: How fast can they get

9

it done?

10

CHAIRMAN KEILSON: Let's give him three

11

years so Katz across the street, we should

12

maximize the number of construction sites on

13

Harborview North.

14

MR. MACLEOD: We will take three.

15

MR. VACCHIO: Board of Building Design?

16

They went already?

17

CHAIRMAN KEILSON: Board Of Building

18

Design and you can call him.

19

Good evening.

20

(Whereupon the hearing concluded at 8:43

21

p.m.)

22

23

Certified that the foregoing is a true and accurate

24

transcript of the original stenographic minutes in

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this case.

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YAFFA KAPLAN

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Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Broadway
Lawrence, New York

February 9, 2022
8:43 p.m.

APPLICATION:

Gluck
7 Firethorne Drive
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. AARON FELDER
Member

MR. ELLIOT MOSKOWITZ
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

MR. JACOB PLAUT
Building Department

Yaffa Kaplan
Court Reporter

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CHAIRMAN KEILSON: The next matter is the featured item tonight, Gluck at Firethorne, 7 Firethorne. We are privileged to have with us Mr. Christian Browne.

MR. BROWNE: The privilege is mine.

CHAIRMAN KEILSON: It's nice to see you again.

MR. BROWNE: It's good to be back. Nice to see you all.

CHAIRMAN KEILSON: Just for the record, state your name.

MR. BROWNE: It's Christian Browne at McLaughlin & Stern, 1122 Franklin Avenue, Garden City for the applicant, 7 Firethorne Drive.

CHAIRMAN KEILSON: Before you begin, if I might, just to offer a preamble since there are a lot of people here for the event and they should be given an understanding and some background as to what's important to know before we begin the hearing. So I have prepared a little background.

So before we begin the instant application, I would like to share an

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2 overarching principle that will bear on this
3 application. You will hear a lot about this
4 tonight. It's RLUIPA, the Religious Land Use
5 and Institutionalized Persons Act which is a
6 federal law enacted by Congress and signed by
7 President Clinton in the year 2000. The Act's
8 precept is straightforward. "No government
9 shall implement any regulation that imposes a
10 substantial burden on the religious exercise
11 of a person, including religious assembly,
12 unless the government demonstrates that the
13 imposition of the burden is in furtherance of
14 a compelling government interest."

15 As you can well imagine, there is a
16 significant body of case law on this statute.
17 In practical terms, it means that a religious
18 institution cannot be prohibited in a
19 residential district. However, local
20 government can take into consideration safety,
21 traffic congestion, i.e. parking, and the like
22 when making a decision on an application for a
23 religious institution. And with that
24 introduction, Mr. Browne.

25 MR. BROWNE: Thank you. Thank you for

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2 that introduction. This Board is very
3 familiar with these precepts obviously because
4 these sorts of applications are rather common
5 here, and what you just said, Chairman, is not
6 only true of the federal law; it's also true
7 of New York State Zoning Law which recognizes
8 the same sorts of precepts that religious or
9 educational institutions are deemed to be in
10 harmony in any district and are given a
11 substantial leeway. Not immunity from zoning
12 but a substantial leeway and substantial, you
13 know, favorable presumptions run in favor of
14 religious uses and the free exercise of
15 religion. Moreover, this village's code
16 permits the use of a religious institution in
17 this residence district as I think it does in
18 most districts. So the use itself is
19 permitted.

20 What we are proposing tonight is
21 essentially to -- to put an addition on a
22 residential home at 7 Firethorne Drive that
23 would be used as a sanctuary for an existing
24 congregation that has been meeting in this
25 location inside the, you know, the residence

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2 that exists there for the past four years. So
3 by doing the -- by allowing this addition,
4 essentially we would have a proper formal
5 sanctuary set off from the rabbi's residence.
6 The rabbi is here tonight. He lives in the
7 home, and he would be continuing to lead this
8 congregation in the new addition that we are
9 proposing to build basically on the side and
10 to the rear of the existing home.

11 The existing home otherwise will not be
12 changing. The driveway configuration will not
13 be changing. It's just really the equivalent
14 of putting an addition on a residence except
15 this addition will be a sanctuary for the use
16 of the congregation. The congregation, as I
17 said, has been in existence already for about
18 four years, has about 40 formal members.
19 Typical services draw between 25 to 50
20 persons. Those services take place on the
21 Sabbath, on Friday evening and Saturday and at
22 no other times. We would accept a condition
23 to the grant that those strictures, you know,
24 remain in place as a formality, that it only
25 be used on Friday, Saturdays, and holy days at

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2 which time the congregants would not be
3 driving but would be walking. There won't be
4 any other events there. Everything will be
5 strictly related to services. There won't be
6 -- there is not going to be any catered
7 affairs or anything of that type with the
8 exception of the customary Kiddush after the
9 services. That's it. So what has gone on
10 there for the past four years is what will
11 continue to go on there. There won't be any
12 changes to the way that the congregation
13 operates. It will just have a nicer, better,
14 more amenable, and you know, religious place
15 to conduct its services.

16 So the addition that's proposed is 993
17 square feet. As I said it's on the rear and
18 the side, so it triggers a number of area
19 variances. I would also note that in
20 connection with the addition, so while we are
21 adding 993 square feet of enclosed space, we
22 are also proposing to remove a number of
23 existing paved surfaces that are in the rear
24 and the side that are basically patios. So we
25 would be reducing the paved -- those paved

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2 surfaces by 963 square feet. So we are taking
3 -- we are adding 993 square feet of building
4 space and removing 963 square feet of paved
5 space. And that will actually slightly reduce
6 the existing impervious coverage on the
7 property.

8 So that -- I will get to those numbers
9 in a minute, but the existing impervious
10 coverage, it's already nonconforming. It's
11 already well over what's allowed, but this
12 project is actually slightly reducing it by
13 eliminating the concrete patios in the back
14 and on the side. So ultimately we will have
15 -- we will be adding some green space and
16 pervious surfaces in the rear. I mentioned
17 the size of the congregation when it meets and
18 I know the village -- the Board has other
19 customary conditions it imposes on these types
20 of cases, all of which we will accept and my
21 client has already reviewed.

22 I will run through the variances
23 quickly. The first is lot coverage. This is
24 a 12,000-square-foot lot so we are permitted
25 3,025 square feet. We currently the house is

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about 2,577 square feet and we are proposing with this addition 3,571 square feet for building coverage. Surface, we are permitted 4,699 square feet of impervious or surface coverage I guess we will call it. Currently there is 6,304 square feet. With the changes I mentioned, that number will come down to 6,276 square feet. So yes, it is over. It exists over. These were additions I should say or pavings that occurred I imagine before the code was what it is today. So we are slightly improving that condition. And actually we are taking away as I mentioned almost 1,000 square feet of the paved surface.

The side yard. The side yard along the Washington Avenue side is being reduced slightly in one area. At its lowest point it will be 14 feet 5 inches, which is down from the 15 feet 4 inches that currently exists. So this is a de minimis change. If you have seen the property -- I know you are all familiar with it -- it's very heavily screened there along the Washington Avenue side. It's impossible to see really beyond the fence and

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the bushes. So and of course, there is no neighbors there. It's just -- it's a corner property and that just goes out towards Washington Avenue. So it's really a de minimis change and won't affect any other properties. Rear addition. Rear yard. The addition reduces the rear yard at its closest point to the neighbor to 10 feet 2 inches. But that's just at one -- one point of the rear addition. The rest of the rear yard running I guess to the north back along Firethorne Drive, that remains unchanged at just over 25 feet.

So it's -- the encroachment is only in one particular area. Again, that area is already fenced and screened heavily. I don't believe it would be visible at all to the neighbor behind. And I believe that there is going to be some testimony here that the abutting neighbor has no objection, although may request some plantings or fencing additions to which we have no objection. So those are the variances.

Obviously, as we already discussed, this

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2 is a religious institution. It's permitted
3 use. Nonetheless, the code imposes on -- you
4 know, if you want to build a synagogue in a
5 residential zone you are held to the standards
6 for a house. So while I am not saying they
7 don't apply, I think there is a little more of
8 a liberal interpretation of those, you know,
9 area requirements when it comes to an addition
10 that is exclusively for religious use. And in
11 any event, I don't think any of the variances
12 will significantly in any way negatively alter
13 the nature and character of this area.

14 The lot is 12,000 square feet. It lends
15 itself nicely to having this addition placed
16 where it is proposed. As I said, it's heavily
17 screened and fenced along Washington Avenue,
18 so this -- most of this building structure
19 will not be visible to anybody from the street
20 and it doesn't really affect any properties
21 directly except to the one neighbor behind on
22 Washington. There is no other neighbors that
23 are affected by these additional
24 encroachments.

25 Finally, I am aware that safety is

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2 greatly on the minds of everybody here tonight
3 because of the terrible accident that occurred
4 a few years ago in this area. Obviously the
5 applicant has limited control over additional
6 safety measures but the applicant is
7 nonetheless equally concerned -- as equally
8 concerned as I think the Board and others are.
9 So that to that end, we would be willing to
10 request that the village undertake any
11 measures that this Board finds reasonable if
12 we can't promise that they be -- that they
13 will actually be undertaken. My thought was
14 to require some additional lighting on our
15 property. Right at the corner, there is a
16 large area at the corner of Firethorne and
17 Washington that's open where we can put an
18 attractive lighting structure. You know, a
19 lamp of some kind to provide additional
20 lighting right on the corner, and my client
21 has also suggested requesting that the village
22 paint a crosswalk at the corner and install a
23 stop sign. It could be a retractable stop
24 sign so it would only be -- you would only
25 need to have it in effect during the times

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2 when services are going on. And obviously the
3 rabbi and the congregation are quite cognizant
4 of these issues and we would agree that the
5 rabbi and other leaders in the congregation
6 will remind everybody who is attending the
7 services to please be careful and please
8 utilize the sidewalks when leaving.

9 There is not a sidewalk as you know
10 right adjacent to this property. The village
11 does own the right of way that's now a grass
12 strip. We don't have any objection to it
13 becoming a sidewalk or requesting that it
14 become a sidewalk if that's what the village
15 wishes to do in addition to the other measures
16 I mentioned. The only caveat to what I am
17 saying is obviously we can't promise that
18 those things would happen, but we would --
19 with the exception of putting a light on our
20 property or some kind of additional lighting,
21 but we would be willing to request those or
22 other measures that the Board may wish to see
23 imposed. As a condition we would make a
24 formal request to the village for the safety
25 enhancements.

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2 CHAIRMAN KEILSON: So thank you very
3 much. A very comprehensive presentation.
4 It's not clear how many seats are we adding
5 and how many -- what would be the total number
6 of seats?

7 MR. BROWNE: Sure.

8 CHAIRMAN KEILSON: Why don't you have
9 the contractor step up? Provide your name for
10 the record.

11 MR. PROFESORSKE: David Profesork, 7
12 Hawthorne Lane. I didn't add up the exact
13 number of seats although I do believe it's
14 around --

15 CHAIRMAN KEILSON: The drawing is
16 inaccurate?

17 MR. PROFESORKSE: It's accurate. I just
18 don't want to take too much time here counting
19 up one by one. Unless someone else can.

20 MR. BROWNE: Do you know what your
21 basic --

22 MR. PROFESORKE: It's about 110. It's
23 about 110 seats proposed currently. Anywhere
24 between 25 to 30 seats currently in the
25 current setting, and many of those aren't

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really seats. So yes, we are talking about an expansion of about 70 percent. Something like that, 70 seats.

CHAIRMAN KEILSON: So we know the axiom. Build and they will come.

MR. PROFESORSKE: Exactly.

CHAIRMAN KEILSON: That has to be a concern to us. Tell us about the discussions with the neighbors because I know a neighbor is here.

MR. PROFESORSKE: Okay. So I mean, we reached out to all the adjoining neighbors. Not I personally but between myself and the rabbi and I called quite a few. Some of them called me back; some didn't. Mr. Strauss who is at 1 Firethorne Drive, he -- I had a conversation with him. He is not opposing. I had a conversation with -- or one of the other members of the congregation is here tonight who had a conversation with the most important neighbor which is Mr. Satran.

CHAIRMAN KEILSON: Every neighbor is important.

MR. PROFESORSKE: Sorry. I don't mean

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2 most important. The most affected neighbor
3 who is Mr. Satran who is right behind us on
4 Washington Avenue and he can come up if you
5 would like and he also basically -- the
6 summary of his conversation was that he is not
7 in opposition. More than that, we have I
8 believe 10 or 11 letters of support. I have
9 taken the time to actually highlight them on
10 the radius map to make it easier for the
11 Board.

12 CHAIRMAN KEILSON: Terrific. Thank you.

13 MR. PROFESORSKE: If you want to pass it
14 around, Gerry, and the letters are here.
15 The --

16 MEMBER GOTTLIEB: The yellow dots are
17 letters of support?

18 MR. PROFESORSKE: The highlighted are
19 letters of support.

20 MR. BROWNE: Then we have the
21 accompanying letters here.

22 MEMBER GOTTLIEB: So most of these
23 letters are nowhere -- they are barely within
24 the 300 feet radius. I don't see anyone whose
25 address is on Firethorne.

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MR. PROFESORSKE: Right. So like I said, Mr. Strauss who lives on Firethorne told me he is not in opposition of it. He is not opposing it. And I asked if he could write a letter, and he said he would think about it, but he is also not here opposing it so -- and then like I said --

MEMBER GOTTLIEB: Anyone on Ivy Lane except for Schreier?

MR. PROFESORSKE: I don't know. I mean --

MEMBER GOTTLIEB: It seems like of all the letters you have, only one is adjacent or even within 100 feet.

MR. PROFESORSKE: I didn't do the computation.

MEMBER GOTTLIEB: There is no computation. I am looking at your map.

MR. BROWNE: But you also spoke to people.

MEMBER GOTTLIEB: But to me that's just hearsay. We heard enough cases, and I am not doubting what you are saying, but we have had plenty of cases where at a later time a

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neighbor says I never said that.

MEMBER MOSKOWITZ: Well, we accept
hearsay all the time here. Let me just go
through the adjacent -- so the Satrans we just
discussed?

MR. PROFESORKE: Correct.

MEMBER MOSKOWITZ: The Hirmees?

MR. PROFESORSKE: Ninety-seven years old
and he is there two months out of the year.

MEMBER MOSKOWITZ: He should live many
more years.

MR. PROFESORKE: Amen.

MEMBER MOSKOWITZ: Markowitzes?

MR. PROFESORSKE: I don't know who the
current owner is. I believe it was just
bought by Mr. Kafash. That's what I just
heard. So it was just bought by a developer
who is doing work on the project, so I did not
reach out to him.

MEMBER MOSKOWITZ: The Strausses?

MR. PROFESORSKE: The Strausses we
discussed. I reached out to him. He said he
is not sure if he wants to write a letter, but
as long as it remains to be a Sabbath-only, he

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has no opposition.

MEMBER MOSKOWITZ: The Frielings?

MR. PROFESORSKE: I don't even know who they are.

MEMBER MOSKOWITZ: US Bank National Association.

MR. PROFESORKE: That's Mr. Daniels who just presented. I don't think he is in opposition. I think someone spoke to him. On his way out I heard him say are you guys good without me.

MEMBER MOSKOWITZ: And he, of course, was here tonight so he has the information.

MR. PROFESORKE: Correct.

MEMBER MOSKOWITZ: And the Biermans.

MR. PROFESORKE: So the Biermans I reached out to. I didn't get a call back.

CHAIRMAN KEILSON: They are here tonight. So if we might, maybe we will hear from the Biermans.

MS. G. BIERMAN: So you guys are used to seeing my dad so now you have me. If you guys don't mind, I am just going to start with a letter that was actually written by our

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neighbor across the street at 71 Washington,
Virginia Schmeelk. I am not really great with
last names. She said, "Dear village of
Lawrence Zoning Appeals, regarding the
expansion of Firethorne property on top of the
change of use" -- this is all her words by the
way. I am reading directly.

CHAIRMAN KEILSON: No problem.

MS. G. BIERMAN: "Of use is excessive
and unjust to the surrounding residential
neighborhood. This hearing is being held
while I and many others affected are out of
town during the winter months. I respectfully
ask that this be postponed until the spring as
its significance on quality of life and safety
of all residents in the vicinity is greatly
affected. Up until now, the property owners
have not shown good faith with many other
issues such as sanitation, trash, and noise,
lighting and more. I strongly believe and
know that all of the residents who are
taxpayers deserve at least the same
understanding as those who are tax exempt.
Please see the attached which derives from New

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2 York State" which I will also read at the end.
3 "I would also like to add that this temple is
4 illegal. Not one of my neighbors or myself
5 received a letter informing us of the
6 intention of the temple in 2018. I would
7 furthermore like to add that I have spoken to
8 numerous people in the village hall about this
9 very issue. I add I have recorded many of my
10 conversations with assorted people at Village
11 Hall. The trash, the traffic, the danger this
12 presents to the community with fire codes and
13 other violations is outrageous. And instead
14 of the village taking action" -- which I
15 assume she is meaning in 2018 when no one was
16 notified -- "instead it's accommodating the
17 illegal behavior." So instead of punishing
18 what was already done, I am assuming she is
19 meaning working trying to accommodate it.

20 "It makes me question why this has gone
21 so far unchecked and who it is benefitting. I
22 also observed this property getting benefits
23 that do not apply to myself or my neighbors.
24 I again mentioned these numerous fire
25 violations in a place of gathering and a

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danger to pedestrian traffic." Which what she had sent from New York State I guess is from a legislation. It's an excerpt and it says, "This legislation fully recognizes the settled public policy in the State of New York that systematic exclusion of religious or educational institutions from a zoning district is beyond the power of any municipality because its uses are always presumed to be furtherance of the public health safety and morals. However, it is equally established in New York that this presumption is subject to rebuttal on a case-by-case basis by a substantial showing that a proposed religious or educational use at a particular location would actually have a net negative impact on the surrounding neighborhood. Some specific instances in which religious or educational uses may be found to have negative effects are where they impose a significant traffic congestion problem that jeopardizes public safety, a substantial adverse effect on surrounding property value, a significant overtaxation of

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basic municipal services and/or cognizable and substantial fire or other emergency risk."

So that is from the neighbor. I don't know if you guys want to have this.

CHAIRMAN KEILSON: Yes, we do.

MS. G. BIERMAN: You are more than welcome. Coming from myself and my family, we have a dog and we walk him multiple times a day, and as I have observed, my boyfriend and my mother, with the congregating we are forced out into the street because as was mentioned there is no sidewalk. And so there is really nowhere for us to go but to cross the street unsafely as you guys are familiar with that curve and the horrible tragedy that happened. On top of that, the lighting that was proposed, the lighting that they have on the house which I know my father specifically spoke to the family to try, you know, to be amicable with neighbors was changed but not really.

As I have photos, I will show you guys. The lights on the house I guess to light up the property go directly into my bedroom

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1 causing a daylight effect at night which
2 affects my sleep and therefore my entire life,
3 working and other. This was last week at
4 night as you can see and it was a rather foggy
5 night, but yet my home is light as if midday.
6 Next is from my bedroom. And this is at
7 night. There is no lights on around me at all
8 whatsoever. And the further as you can see,
9 it does look like daytime outside when again,
10 there is no extra light. Any artificial
11 light. It's intrusive and the fact that since
12 2018 that they were put up there is just no
13 respect and honestly the -- there is garbage.
14 I have literally had to move broken beer
15 bottles so that my dog could pee on a bush.
16 And it's a safety hazard. God forbid he gets
17 glass in his foot and the noise and people
18 walking across my lawn, I wish I had saved my
19 security cameras from heading to that property
20 or coming from.

21 MEMBER FELDER: What is your address?

22 MS. G. BIERMAN: 66 Washington Avenue,
23 directly across Firethorne. Our corners, our
24 side property corners are Ivy and Firethorne.
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MEMBER MOSKOWITZ: Are these difficulties that you are experiencing only on the weekend or also during the week as well?

MS. G. BIERMAN: On the weekends which impacts my life as well. I may also add that encounters with the neighbors have also cited my family as to not be recognized in the Jewish faith. My boyfriend was brought in on Sabbath to assist with electronics and was apparently told that he was not Jewish because he does not practice in the same regard and so was my father at a point.

So on top of the illegality now being asked to be made legal and the pure disrespect of neighbors even though there was an attempt at, you know, having a good-faith relationship is really why I oppose on top of my dog's wellbeing, anybody's wellbeing around there that we are all concerned that our -- the people walk in black which you are allowed to wear black. I wear black for a living. And we can't see you. I don't want anybody to get run over. I don't want somebody to pop out from the middle of the bush trying to get by

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2 and my dog getting startled. I have many
3 people walk up behind my dog. He is a
4 shepherd. He is trained. I can't help you.
5 He is trained as a shepherd would be.

6 MEMBER MOSKOWITZ: Is your objection to
7 the -- first of all, I appreciate all your
8 comments. Is your objection to the proposed
9 construction or to there being a synagogue at
10 this location at all?

11 MS. G. BIERMAN: The construction for
12 the expansion of the congregation which I
13 understand is technically allowed. However,
14 it does greatly impact my property as well as
15 others. Again, my neighbor across the street
16 who was kind enough to send the letter.
17 Obviously I can't speak for the people I
18 didn't speak to, but you have the highlighted
19 map of who replied and who didn't. We are
20 just the lucky ones who had time to come and
21 state our case. I think my mom may have a
22 couple of words.

23 MS. I. BIERMAN: We are greatly impacted
24 due to the fact if there is an increase in the
25 congregation, there is an increase in the

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2 number of people that stand on Firethorne
3 adjacent to my property. Sometimes they sit
4 on the lawn. There is just such congestion in
5 what was once a very quiet area that it seems
6 very unfair to have to be subjected to even
7 more.

8 MS. G. BIERMAN: On top of that, I am
9 going to add we also had the 3 Ivy which we
10 are completely in support of. If this is
11 going to be going on at the same time, we are
12 kind of hit from both ends, and also for this
13 to be brought up barely three months after the
14 unfortunate passing of my father who they did
15 have some run-ins with seems a little bit
16 interesting, to say the least.

17 CHAIRMAN KEILSON: My condolences on the
18 loss of your father, your husband.

19 MS. G. BIERMAN: Thank you.

20 CHAIRMAN KEILSON: Obviously we can be
21 impacted by what you have expressed. We are
22 not unfamiliar with such discussions because
23 there have been other synagogues that have
24 come before us and when they are bad
25 neighbors, doesn't matter whether a synagogue

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or an individual, it's just many more times more egregious when you have a group of people. All right. Thank you very much.

MS. G. BIERMAN: Thank you.

CHAIRMAN KEILSON: Who would like to speak on behalf of the synagogue after that presentation?

MR. BROWNE: Well, I will just make a few I think concluding remarks and I don't know if anybody from the congregation wants to address any specific remarks that were made about specific incidents, but I understand the concerns. Obviously it's a very difficult balance especially in a community where there is a lot of, you know, demand for religious institutions and there is a balance between the rights of the residential areas and the rights of people to congregate for religious exercise, both of which are highly prized.

In terms of the legality, I would proffer to you that this actually will improve the situation. It's probably not ideal to have people meeting in a residential house and in substantial numbers. This facility will be

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built to state building code. There will be a limit on the number of occupants per state code code, whatever number that comes out to be, Mr. Castro will determine, and no more persons than that number will be allowed legally to congregate in that sanctuary.

It will also be built, you know, to fire safety standards, to ADA accessibility. There will be a proper bathroom in this facility. So in that sense it will improve the life, safety conditions, and the controls that the village has over those types of matters as opposed to people maybe in even significant numbers informally gathering in a home that's really not designed to accommodate that sort of assembly use.

With respect to light, the light that I mentioned on the kind of corner of the property, that was just my idea. If it's offensive or annoying to the neighbors, it's not necessary. It was offered as a suggestion because I know there are safety concerns and I know that then, you know, in the winter months especially when it was dark, it was my

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2 understanding that that was driving some of
3 the concerns about people walking home in the
4 dark. Certainly as a result of this project
5 also, the village would be as part of the
6 permitting process looking at the lighting I
7 assume. We can shield the lighting, make it
8 comply with all the standard kind of
9 conditions that accompany lighting to shield
10 it and have it contained entirely on, you
11 know, the applicant's property so that there
12 is not lights spillover that's a nuisance to
13 the neighbors. We can agree to a condition
14 like that, and we can work with the Building
15 Department to make sure that the lighting on
16 the property is appropriately shielded and
17 doesn't spill over. I don't know if anyone
18 wants to talk about any of the specifics.

19 CHAIRMAN KEILSON: I think that the
20 concern that we have is they have lived there
21 for a period of time and we have a neighbor
22 whose lifestyle is impacted very dramatically
23 and it's -- I would hope that somebody would
24 be getting up and including the rabbi to
25 explain how a neighbor could be disregarded or

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impacted in such a negative fashion.

MR. BROWNE: I understand and I think the rabbi will try to address that.

RABBI GLUCK: Sender Gluck, Alexander Gluck. The lights which are shining into their windows, we are very -- I remember the father which we had a decent relationship with him. I remember him complaining to us and it was an issue at the time, so we installed light like a clock, a timer. We installed a timer, and every Friday night the lights go off around 9:15 p.m. So this picture must have been taken before 9:15 p.m. Every Friday night it's set, and normally during the week they are totally off. When the kids come home at night and these -- the early nights, they are on. During the night they are never on. They used to be on at the time when the father complained and we took action and we fixed that. That's all I have to say about the lights but that I definitely respect their concern.

CHAIRMAN KEILSON: Sanitation? We had a picture somewhere. Who had a picture?

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MEMBER GOTTLIEB: I did.

CHAIRMAN KEILSON: What did the picture show?

MEMBER GOTTLIEB: I just happened to pass by as we always do with all the applicants and there were, I don't know, half a dozen garbage barrels uncovered in front of the house, not concealed as it is required, and this is just one day I happened to pass by and you would think that before a hearing you are going to put your best foot forward. Apparently that didn't matter.

MR. PROFESORSKE: So I assume you are referring to garbage cans on the other side of the house.

MEMBER GOTTLIEB: In front of the garage.

MR. PROFESORSKE: Not that we are making an excuse or whatnot. Again, we are more than happy to work with the Building Department --

MEMBER GOTTLIEB: But why does it have to come now? Why aren't you a good neighbor from day one? Why do you become a good neighbor after there are complaints and you

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want something from the village?

MR. PROFESORSKE: Right. I fully understand. I mean there are a number of houses in the village of Lawrence that have uncovered garbage cans. I personally wasn't aware it was a code requirement to have a garbage can covered by an enclosure.

MEMBER GOTTLIEB: It should be concealed.

MR. PROFESORSKE: Okay. Again, we can drive around the neighborhood and find -- I am not arguing. I am just saying there are quite a few members -- neighbors that have uncovered garbage cans. But when they are made aware --

MEMBER GOTTLIEB: When they come before us it's mentioned, and they are offered a fine.

CHAIRMAN KEILSON: More importantly, those neighbors don't have 40 or 90 people traipsing through their house creating garbage.

MR. PROFESORSKE: I understand but the garbage is not strewn about on the lawn. It's in a garbage can which we will definitely --

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2 we are definitely okay with relocating to the
3 side of the house, not the side facing
4 Washington, the opposite side of the house,
5 and covering with any acceptable covering by
6 the Building Department.

7 MEMBER GOTTLIEB: I am only mentioning
8 it because there is the good neighbor effect
9 here, and otherwise I wouldn't have mentioned
10 it.

11 MR. PROFESORSKE: I understand.

12 MEMBER GOTTLIEB: So we talked about
13 lighting, we talked about trash, we talked
14 about congregating people.

15 MEMBER MOSKOWITZ: The congregating
16 there is no probably no way to resolve. The
17 neighbor has a concern -- and I understand it
18 very well -- that their peaceful enjoyment of
19 their home is being disturbed on a weekly
20 basis and then more than a weekly basis with
21 holidays et cetera by lots of people
22 congregating in close proximity to their home
23 on what would otherwise be a dead-end street,
24 and of course, if there is more people that
25 come to this Shul then that problem could be

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exacerbated. Is there any way to speak to that at all?

MR. PROFESORSKE: So in terms of congregating, the actual entrance to the Shul is on Washington Avenue. Yes, it's accessed through the front of the property, which is on Firethorne but behind a 6-foot-tall gate that has an opening of 3 feet. Obviously that gate would be modified slightly, but still it would still have a 4-foot opening with a 6-foot tall gate. It's heavily screened in the front of the property on the corner by tall trees. Heavily screened on the Washington side of the property by tall trees as well as the rear property so any congregating -- I mean, I can definitely speak to it because as I possibly did not mention, but I am a member of the congregation and I am usually inside but there are quite a few members outside behind the building which is where we are proposing now an extension. So that extension would actually better a situation where there could be noise outside because we now have a comfortable space that can fit all the members

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2 of the congregation which we currently do not
3 have. So --

4 MEMBER FELDER: Is the addition
5 incorporating the current sanctuary area, or
6 the current sanctuary area is being converted
7 to that?

8 MR. PROFESORSKE: Yes -- no, the current
9 sanctuary area is being added to the addition.

10 MEMBER FELDER: You are just making an
11 extension onto the existing sanctuary?

12 MR. PROFESORSKE: Correct.

13 MEMBER GOTTLIEB: So what I just heard
14 is the current sanctuary is not big enough for
15 the amount of people that you have there now?

16 MR. PROFESORSKE: Correct.

17 MEMBER GOTTLIEB: And yet Mr. Browne
18 told me you would not have over the amount of
19 people you are permitted, so clearly you are
20 already in some form of violation in having
21 more people than you could.

22 MR. BROWNE: What I was saying is --

23 MEMBER GOTTLIEB: With the new
24 building --

25 MR. BROWNE: If the new building is

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2 built, unlike this semiformal situation we
3 have now, it would be an occupancy determined
4 by the Building Department. Fire Code,
5 Building Code, ADA would all be compliant.
6 This is a -- for lack of a better word, a
7 makeshift situation that there is a conversion
8 of a residential house.

9 MR. PROFESORSKE: Correct.

10 MEMBER GOTTLIEB: So this particular
11 building has no occupancy limit or number as
12 you referred to with the new proposed
13 building?

14 CHAIRMAN KEILSON: No. There will be a
15 limit by the state regulations.

16 MEMBER GOTTLIEB: For the new building?

17 MR. BROWNE: Yes.

18 MEMBER GOTTLIEB: But currently there is
19 no occupancy limit?

20 MR. BROWNE: I don't think one was ever
21 formally established because they are just
22 using a house essentially.

23 CHAIRMAN KEILSON: I think, Mr.
24 Gottlieb, what it affords us as a board is an
25 opportunity to take control of a situation

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2 that would otherwise go undisciplined because
3 the village is not willing to act. So if we
4 impose certain conditions that will improve
5 the living conditions of the neighbor --
6 obviously we can't cover every act, but we
7 know from previous experience with house
8 synagogues that when we demand and we require
9 that there be garbage cans that are covered
10 and sheds built, there is a clear benchmark as
11 to what has to be done. So again, will it
12 solve it all the time? Not necessarily.
13 People will still be people and we will ask
14 people to turn off their phones; we still have
15 people whose phones are going off here, right,
16 without pointing fingers.

17 MEMBER GOTTLIEB: Mr. Chairman, one of
18 the big issues, which Mr. Browne mentioned
19 previously but perhaps the largest elephant in
20 the room is the safety of members of the
21 congregation walking on Washington Avenue at
22 night. It's dark. I drive there at night
23 when it's dark, and that's really more of an
24 issue to me than trash or lighting and so
25 forth. You know, you can control the lighting

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2 on your property, but you can't control the
3 lighting or the safety once your members leave
4 the property.

5 MR. BROWNE: That is true. I just want
6 to echo my thoughts were really along the
7 chairman's lines. So the issues that can be
8 controlled and that should be controlled can
9 be I think managed largely through conditions
10 from this Board which would then be
11 enforceable, and of course, if the
12 congregation were not to adhere to them, the
13 neighbors could complain and the applicant
14 could be brought back before this Board and
15 sanctions could be imposed, et cetera.

16 So there would be a great amount of
17 control over the operations on the site. Now,
18 when it comes to the safety issues, you are
19 right. There is less flexibility. We don't
20 control the sidewalk situation or stop signs
21 or crosswalks.

22 MR. PROFESORSKE: Or lighting.

23 MR. BROWNE: What we can do is, first of
24 all, admonish our congregants as to how to
25 behave, including not congregating outside of

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2 the confines of our property which can be
3 managed also by putting up signs and reminding
4 people, please, if you are going to gather,
5 gather only behind the fence. But as I
6 mentioned, my thought was also to, in
7 conjunction with the board, ask the village to
8 consider undertaking some of these additional
9 measures, and I think something reasonable is
10 a stop sign and a crosswalk.

11 CHAIRMAN KEILSON: So I think that we
12 have had similar situations with house
13 synagogues, and we are really assuming there
14 is a will to approve the request for the
15 variances. In those cases we actually made
16 the variances subject to the village acting
17 because if we willy-nilly leave it up to the
18 village to act on their own speed, it may not
19 happen, but if there is a congregation of 90
20 members or whatever the number will be
21 stalking the village making sure that it will
22 happen because otherwise they won't have the
23 ability to expand the synagogue, in the past
24 that has worked very well.

25 I can also tell you -- and I think Mr.

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2 Gottlieb should take cognizance of the fact
3 that in Harborview where we also have a highly
4 residential area, there was a will on the part
5 of congregation. To this day they still
6 adhere to the rules in terms of the parking,
7 and I know they continue to remind people to
8 park on only one side of the street and there
9 is "No Parking" signs. I don't think there is
10 any occasion where we had to call the police
11 in order to remind them that there is only
12 parking on one side. So we also have with the
13 new congregation on Broadway and Lawrence
14 Avenue.

15 So I would hope that again, if there is
16 an imposition of stipulations and if there is
17 a new tone to the way the congregants act
18 vis-à-vis their neighbors and hopefully can
19 dramatically improve, but I think in terms of
20 the Biermans, I think short of our taking a
21 strong position, if we decline it, then again
22 it will run undisciplined.

23 So I think it affords you an
24 opportunity, if the Board approves it, subject
25 to many stipulations, taking cognizance of all

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2 the things we mentioned, rather egregious
3 things that have happened, I think there is a
4 better chance for remediation. You did want
5 to say something I saw?

6 MS. G. BIERMAN: Yes, if I may. One
7 thing. As was brought up, the idea of a stop
8 sign and a crosswalk, many of you know
9 Washington Avenue and Kendridge. When is that
10 stop sign obeyed? As well as the people
11 speaking on behalf of the synagogue. Now, are
12 their homes impacted by this? So just two
13 things that I wanted to bring up regarding
14 those.

15 CHAIRMAN KEILSON: I am not sure that
16 will be a stop sign. I am not sure -- the
17 village would have to engage some
18 professionals to suggest what sidewalks can be
19 built. All right? I am not sure the
20 neighbors are going to be happy about it, but
21 that may be the only choice in order to
22 accommodate what is a burgeoning area in terms
23 of synagogues in general. So I think we are
24 not here to make that determination as to what
25 the best way of enforcing safety.

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2 MS. G. BIERMAN: Of course. I mean,
3 that was the one safety thing that was brought
4 up, and I just wanted to bring up the fact
5 that there is a stop sign that tries to make
6 some sort of safety and it's obeyed maybe 5
7 percent of the time.

8 CHAIRMAN KEILSON: We were there on a
9 site visit and I am in accord. Yes. It's a
10 big problem.

11 MS. G. BIERMAN: Absolutely. Thank you.

12 CHAIRMAN KEILSON: Mr. Bodner is
13 standing there aching to say something.

14 MR. BODNER: Not aching. Waiting. For
15 the record, Marc Bodner with a C. So I think
16 that of all the people in the room with the
17 exception maybe of the chairman and me, we
18 lived in this community longer than anybody so
19 have seen the shift in the demographics and
20 building of synagogues and I would agree with
21 Mr. Kielson in terms of better opportunity to
22 keep tabs and control what's going on, but I
23 think that if there are differences between
24 the rabbi and his family and some of the
25 neighbors, from my own perspective I would say

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that they are unintentional.

The rabbi of his family are extremely respectful of the neighbors to the back who are not members of the synagogue, and you know, there are neighbors that there are things that go on in their backyards during services that wouldn't go on in the rabbi's backyard. I think everybody is respectful of each other, and I certainly know in terms of the rabbi that if he understood that there were these negative feelings, I think he would not be happy about it and would try to rectify it.

But I think one of the things that keeps going through my mind and I think from both a safety perspective and a quality of life perspective is that the people who pray in the synagogue tend to take guidance and take constructive criticism from the rabbi and from others, and I think that that was proven out at the beginning of the COVID pandemic when we were among the first group of synagogues to close, and I think a lot of similarly situated house synagogues did not. We closed right

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2 away and when we reopened, we reopened with
3 very strict guidelines in terms of full-time
4 mask usage and social distancing and between
5 people sitting outside and limiting the number
6 of people and that really came directly from
7 the rabbi. And I think that if there are
8 things that are going on that the neighbors
9 aren't happy with, whether it be sanitation or
10 people congregating, if he was aware of it,
11 and he asked us as the members of the
12 congregation to make sure not to do it, so I
13 think that we wouldn't.

14 I don't know of any situation, and I am
15 not here to argue. I don't know of any
16 situation of people sitting on the grass. If
17 anybody is on the grass, it's probably the
18 kids. There is a huge driveway in front that
19 could probably fit 14 or 15 cars. So if there
20 is any congregating, it's really very limited.
21 If anything, it's in the back of the house.
22 It might be a handful on a nice day if there
23 is a couple of moms who bring their kids to
24 synagogue on the way out. There is not really
25 congregating on the street. People leave this

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1 way, they leave that way. A lot of people
2 started wearing the yellow straps and
3 reflector straps, and I think we can ask
4 people to do that until other safety measures
5 are imposed.
6

7 In terms of stop sign, I think you are
8 right. If the congregation, you know, makes a
9 power play to have some things changed, it
10 could, but similarly I think -- you know, I
11 drive down Meadow Lane and the new stop sign
12 on Meadow Lane and Dogwood, if people don't
13 come fully come to a stop, I think it
14 certainly slows down the traffic. It would be
15 great to have streetlights. It's dark. Dr.
16 Steinmetz walks home in the dark. I walk home
17 in the dark. It would be great to have
18 streetlights, but I think barring changes to
19 the changes being made, there are things that
20 we could do individually, and I am sure if we
21 were asked to do them, we would do them.

22 As far as the sanitation, again, I
23 couldn't agree more in terms of, you know,
24 these are things that could have been cleaned
25 up, you know, before the day we showed up

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2 here, but you know, I don't know the rabbi and
3 his family to not attempt to be in compliance,
4 not only with what they have to do but with
5 what they should do. And I think if you
6 polled all of the members who are here and the
7 members who aren't, they would all be in
8 agreement that, you know, we simply want to be
9 good neighbors, we simply want to be
10 respectful, and we really just want to be able
11 to come and go from Friday night to Saturday
12 evening without affecting the quality of life
13 of the neighborhood and to have a positive
14 impact on the neighborhood.

15 CHAIRMAN KEILSON: Thank you very, very
16 much.

17 MR. BROWNE: One more speaker.

18 MR. SCHARFMAN: I am a congregant also.
19 I would like to say a few words. My name is
20 Keith Scharfman. I live at Sealy Drive.

21 CHAIRMAN KEILSON: How do you get to the
22 synagogue by Sealy?

23 MR. SCHARFMAN: By walking; I don't
24 drive.

25 CHAIRMAN KEILSON: The route?

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2 MR. SCHARFMAN: My route does not
3 involve -- I never met you before, but I
4 definitely don't walk on your property. I
5 have permission from Mr. Strauss to walk on
6 his property. So I don't know if it's yet an
7 easement by prescription because it's not
8 hostile and so he is permitting it and I thank
9 him for it all the time because otherwise I
10 would have to walk to the bottom of Sealy and
11 then back up Washington. So I don't have to
12 do that because Mr. Strauss has been very kind
13 to us in that respect.

14 But I must say it was very painful to
15 hear the comments about the rabbi because all
16 of us who pray with the rabbi just know he is
17 the most kind and wonderful person. And I am
18 a member of three synagogues in the area. I
19 come to Rabbi Gluck's synagogue about once a
20 month, and it's a beautiful service.

21 I want Mr. Gottlieb to know that the
22 seating now is not sufficient for the ladies,
23 and that's what one of the things that we
24 would really benefit from if there were more
25 seats because some of the ladies, my wife

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2 included, feel they can't always come because
3 there aren't enough seats necessarily for
4 ladies and so that's -- there is a need
5 already. So when you say if they build it,
6 they will come, there are people who already
7 would like to come but sometimes the seating
8 is tight, particularly for the ladies'
9 section.

10 I also want to say that the letter that
11 you received, I would respectfully ask you to
12 discount severely. I don't know if you are
13 familiar with the Third Circuit's decision --
14 put my law professor's hat on for a moment. I
15 teach at St. John's University. Not this
16 field, not zoning, but the Third Circuit
17 decision, the Tenaflly Eruv case discounted all
18 of the objections made by residents who
19 complained about the Eruv because they were
20 complaining about other things that would have
21 existed with or without the Eruv, and thus it
22 was revealing of an improper animus. So the
23 woman who wrote the letter concerning jealousy
24 about favorable tax treatment, that would
25 exist with or without this synagogue

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operating.

The safety concerns, I think it's laughable to suggest that 25 people walking through Rabbi Gluck's home are the safety issue when we have three major synagogues on Broadway. I mean, all the foot traffic on Washington is going to Beth Sholom, the Young Israel, myriad other Shuls. You think it's the 25 people going to Rabbi Gluck who is creating a safety issue on Washington? I think that's not remotely realistic. So to complain about Rabbi Gluck's Shul because you are worried about safety on Washington when there is a zillion other Shuls that's creating all the foot traffic makes no sense to me.

So I hope you are going to act favorably on the application. I am sure the rabbi wouldn't mind doing his best to reconcile any issues there are with the neighbors. They seem like very nice people, but I hope that the Board will not allow these issues that really don't relate to the rabbi's synagogue to be a basis for denying the application.

CHAIRMAN KEILSON: I thank you for your

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2 comments, and I understand fully addressing
3 some of the things in the letter which are
4 totally irrelevant to within our purview. I
5 understand that fully. At the same time, as I
6 mentioned to the members of the community
7 before, I would have a difficult problem on my
8 conscience allowing the expansion to the
9 extent that they want without at the same time
10 tying it to some action on the part of the
11 village. The fact that we have safety
12 concerns irrespective, it doesn't bear on my
13 responsibility. My responsibility is to see
14 to it that whatever we do approve should be
15 tied somehow to safety.

16 Safety is a major concern and we have
17 empiric evidence that it is a concern and
18 having visited the site with members of the
19 Board, members of the village, I think there
20 is no one that can dispute we have a
21 significant issue. And if it will serve as
22 the impetus to get this resolved by tying
23 approval, if it's going to be approved, to
24 action on the part of the village, then thank
25 God it happened that way. We have had

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other --

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MR. SCHARFMAN: But the rabbi doesn't

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control the village.

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CHAIRMAN KEILSON: Membership does. You

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have a mayoral election come July, June.

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MR. SCHARFMAN: I am still waiting for

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my swimming pool that the mayor promised. Let

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me know when it comes.

10

CHAIRMAN KEILSON: We can discuss that

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offline.

12

MR. SCHARFMAN: I don't mean in my

13

house.

14

CHAIRMAN KEILSON: I understand. Thank

15

you very much.

16

MR. SCHARFMAN: Thank you, Mr. Kielson.

17

MR. GADE: My name is Gil Gade, 27

18

Washington. I just want to say I moved to 27

19

Washington Avenue --

20

CHAIRMAN KEILSON: With the good graces

21

of this Board.

22

MR. GADE: Exactly. So thank you very

23

much and just came to thank you. So --

24

CHAIRMAN KEILSON: It's about time.

25

MR. GADE: I do pay my taxes. So I

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2 moved about a year and a half ago. I am very
3 pleased with the neighborhood. The traffic on
4 Washington Avenue is definitely an issue.
5 It's an issue for kids, for pedestrians in
6 general. Increasing the foot traffic on
7 Washington Avenue is not ideal. I hope this
8 will trigger a solution rather than prevent a
9 few congregants from getting together. I have
10 been at the services at the Shul, at the
11 synagogue for the past year and a half,
12 particularly on Friday night and occasionally
13 on Saturday morning and definitely on Saturday
14 afternoon and Saturday night. I just am
15 pained to hear what the neighbors had to
16 experience over the past few years. And I
17 will endeavor to participate in rectifying
18 this.

19 I just want to just stand up here in
20 front of you to tell you how cherished the
21 rabbi is. I think he is a tremendous addition
22 to the neighborhood. I think he definitely
23 increases the value of the property, not
24 diminishes the value of the properties. This
25 has been demonstrated by just the sheer factor

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that I paid a lot of money for where I live now.

CHAIRMAN KEILSON: That's because of Ske, not for any other reason.

MR. GADE: I would like to voice my support obviously for the variance, number 1, and number 2, I will endeavor to participate in the rectification as a congregant of the Shul of the tort that has occurred to this family here or for any other neighbors. Thank you very much for listening.

CHAIRMAN KEILSON: Thank you very much for your warranting that all these things will change. We have great confidence in Mr. Gade and his crossword of a bank to put up a bond to cover --

MR. GADE: I didn't ask for advertising.

CHAIRMAN KEILSON: Do you want to say something further?

MS. G. BIERMAN: Yes. First of all, I just want to address the congregation. Is it Glick or Gluck?

CHAIRMAN KEILSON: Gluck.

MS. G. BIERMAN: That's what I thought.

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2 Regarding the people that -- I love that he is
3 very supported. However -- and that they want
4 to support their congregation. I support my
5 congregation that I am a member of as a Jewish
6 woman. However, are their homes impacted by
7 this potential expansion? And really that's
8 -- is that all -- oh, and I'm sorry. I am so
9 sorry.

10 For me the safety issue is not laughable
11 at all. And Ginny's letter should not be
12 discounted. She is a neighbor within 300 feet
13 and it should definitely not be rejected as a
14 neighbor. Just because she is fortunate
15 enough to have a home elsewhere, she should
16 still be able to voice her opinion.

17 MEMBER GOTTLIEB: We did not reject the
18 letter in its entirety. Just there were
19 certain parts of the letter that really don't
20 apply or are not of relevance to this
21 particular case.

22 MS. G. BIERMAN: Of course. As I would
23 expect.

24 MEMBER GOTTLIEB: The letter is
25 certainly part of the exhibit. It's certainly

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taken quite seriously.

CHAIRMAN KEILSON: As are your comments.

MS. G. BIERMAN: Absolutely. Thank you.

MR. BLUMENTHAL: Room for one more?

Dean Blumenthal, 501 Broadway. And I have appeared here before, and I thank you for the granting of a variance so I can build a room on the back of my house.

CHAIRMAN KEILSON: Magnificent room.

MR. BLUMENTHAL: I remember Shep Metzler sitting in that seat and saying, Dean, just keep going. Whatever you do is beautiful. I pass your house four times a day and keep going. It was to me a tremendous compliment and I appreciate it.

And so that glass room, which is sort of a light bulb, as I listened, I have to put pillows stacked to block the lights from my next-door neighbor Robbie Scharf because he has bright lights in the back of his house. I don't know if they are by code or not code. I have never come and talked about it. But they are bright lights that come right into my room, but I have no drapes. So to me it's a

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2 glass room and it's all glass. So when I am
3 in there, I have got to do something
4 sometimes. My wife is a photographer; I take
5 a reflector and I put that in the window so it
6 gives me a 3-foot-by-3-foot block of that area
7 so I can sit on my couch in that room.

8 But things -- everything we do causes an
9 action somewhere else, whether we realize it
10 or not, and so I understand when they talk
11 about the lighting because I have an issue
12 with lighting with my neighbor. Saul
13 Bienenfeld is across Broadway. He has got
14 lights that come into my room. I got to live
15 with it. You know, I can't go complain to
16 each person and ask them to change their
17 lights. On the other hand, there was a
18 variance granted to the house behind me to the
19 Leichtungs before I bought my house, and the
20 people that lived in my house fought bitterly
21 to block them from coming -- for the variance
22 coming closer to I think it's maybe 10 feet
23 from their house to the fence. And they were
24 granted the variance. Again, I had nothing to
25 do with this. This is before I moved there.

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2 And to me now, as my trees -- it's 20
3 years later. As my trees grow, they are
4 cutting my trees on their side. I hope they
5 don't topple towards my house because they are
6 lopsided because one side has longer branches
7 than the other.

8 Whatever someone does, there is a push
9 and a pull. And it's tough sitting up there
10 because everyone has their rights. Everyone
11 has their thoughts and their feelings and it's
12 difficult. It's difficult. I do feel that we
13 should create a space whatever we do and so
14 the garbage cans are in a confined space that
15 we clean it up. That to me is something we
16 can do. Whether we can get sidewalks and
17 lighting and all that, if the village would do
18 that, I don't think we -- I mean, I would -- I
19 can't speak for everyone here, but my feeling
20 is that would be helpful for the community so
21 we should never have a tragedy like we have
22 had.

23 So -- but on the other hand, it's great
24 to see the thriving community, different
25 synagogues opening and different places and

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things. This is what a lot of the people move to this neighborhood for. So I just wanted to say thank you. We all have different issues and there is good and bad to everything we do and we just have to be sensitive to each other to try to be delicate enough and address these issues so that it becomes no issue and we do the best we can to work with each other.

CHAIRMAN KEILSON: Thank you very much. Anyone else want to speak to the matter?

MR. SPECTOR: Can I say a few words? I won't take too long. My name is Steven Spector. I live at 2 Hawthorne Lane. I lived in Lawrence for about 20 years. I appeared here once before. It was around 2006. I lived right around the corner from this young gentleman here. And a certain synagogue pulled the wool over this Board's eyes and the Board of Cedarhurst's eyes, agreed, got an agreement that they would build an expansion and also build a 200-car parking lot. They built their full expansion and built a zero-car parking lot.

So my street that I lived on, Waverly

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Place, became the parking lot of the synagogue, so I came here with the support of all my neighbors to make one side of the street have no parking on it. Which you guys all agreed, the neighbors all agreed, and within two weeks there were signs up making no parking on Mr. Scharf's side of Waverly Place.

I have only been davening at Rabbi Gluck's Shul for a couple of months. I am a dues paying member I believe at six synagogues. Since moving here in 2005, I have had a hard time finding a place to replicate where I prayed in New York City also at a small rabbi's house on Riverside Drive. The rabbi passed away, we moved out here, and I joined Beth Sholom and Young Israel and I was Rabbi Hain's neighbor for 15 years. He is an unbelievable person. Rabbi Trump, Rabbi Teitelbaum, all these people are amazing people, but they don't compare to Rabbi Gluck.

And you keep asking does it affect our homes, you know, to do this expansion. I live on Hawthorne Lane. They are talking about developing the golf course. The most obvious

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outlet for that golf course would be to open up the dead end that is Hawthorne Lane. So things like this, I think about it also.

I wish you could have seen Rabbi Gluck's face when you were speaking. The horror on his face that you had to come here and tell us to clean up our garbage like we are a bunch of pigs. Okay, I have been davening in the Shul for three months. I will spend 1,500 dollars tomorrow because that's what it will cost to buy four or five of those sheds that each one fits two or three garbage cans. And within a week there will not ever be a garbage can problem again at this house.

As far as the traffic, we live in Lawrence, and 90 percent of the activity of this Shul is on Saturday morning between 9:00 and 12:00. There isn't all that much vehicular traffic between 9:00 and 12:00 on Saturday. In the summer maybe a little bit more with the beach because Kenridge is obviously the filter out of the entire Five Towns neighborhood and obviously Saturday night is a problem.

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2 The person who was involved in that
3 incident is a client and a long-time friend of
4 mine as I know he is of Mr. Felder's. It was
5 a terrible tragedy. It was a terrible
6 accident. The man who was killed, his
7 daughter is a close friend of my daughter's.
8 So we knew every person involved in the
9 accident but that's exactly what it was: A
10 terrible tragedy and an accident.

11 And you know, just to come back again to
12 your concerns, no, it doesn't affect my house
13 on Hawthorne Lane, but it affects my life as
14 someone who lives in Lawrence, and I can
15 pretty much guarantee you if you check the
16 rolls that -- my last name is Spector -- that
17 my village taxes are paid in full first every
18 year since I moved here in 2005. Okay? At
19 least within the first ten people who pay
20 their village taxes.

21 So you talked about beer bottles. I
22 have davening there for about four or five
23 months. I have never seen beer in the
24 synagogue. It's possible maybe that it was
25 kids because that corner was the big hangout

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corner. Again, but what you are saying is not remotely acceptable, and I can tell you that going forward, I know that Rabbi Gluck is going to be a lot more cognizant of the issues with the neighbors. I can tell you that I was the person who spoke to Mr. Satran because Mr. Satran and I -- you may think I am 70 or 80. Mr. Satran and I go back 50 years. I am 52 years old. He has been my friend for 50 years. Our parents are best of friends. They live in Oceanside and Boynton Beach together. So before I spoke --

CHAIRMAN KEILSON: It's getting late.

MR. SPECTOR: A few more minutes. I am a commissions salesman. I only eat what I kill.

Before I spoke to Robbie Satran, Rabbi Gluck said we love them, we love our neighbors, we are not going to do anything they are not happy with. So even if he agrees that we can build it 3 feet up to his property, even if the Board agrees we can build up to 3 feet of his property, if the Satrans aren't happy, then we are not going to

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do it.

And when I spoke to Robbie Satran, his first comment was I love the rabbi. I love his family, he is the most amazing guy, whatever it is we are going to work it out. We may want certain things. We may want them to put up bushes on our side but whatever he wants. And then we said to him okay. Now you understand also that because this is Lawrence and I don't know -- I know where Moskowitz lives. I was in your house once. I am not sure where you guys live. Obviously there is a disparity in the fact that Copperbeech where Lawrence stops to Rockaway Turnpike, the houses are worth a certain value, and if you go from Rockaway Turnpike to Far Rockaway, the houses are double in value.

CHAIRMAN KEILSON: Depends where Mr. Ske builds a house.

MR. SPECTOR: All I could tell you is that this community needs Rabbi Gluck. I don't want you to think we are stuffing 100 people into the house on Saturday. What's happening is people aren't coming. People are

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2 coming once a month. There is never more than
3 30 or 35 people there, and we can accommodate
4 more. People sit -- when it's not absolutely
5 freezing cold, people sit outside just to be
6 able to hear the ten- or 15-minute speech that
7 the guy says.

8 So I can just tell you as someone who
9 started praying there a couple of months ago
10 that your concerns are shared and they will
11 will be addressed. I can't address the
12 lights, but I can't imagine that Rabbi Gluck
13 really cares -- a light coming into your
14 house, let's fix it tomorrow. Let's address
15 -- regardless of whether he expands or not,
16 there is still going to be a synagogue across
17 the street from your home. So we want happy
18 neighbors, we want good neighbors, we want to
19 be good neighbors, and I think that if you
20 allow us to expand the synagogue, we can show
21 you that we will be good neighbors.

22 CHAIRMAN KEILSON: Thank you very much.

23 MR. SPECTOR: And also just one last
24 thing. You asked about if it affects us. 90
25 percent of the people who daven at this

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synagogue are Lawrence residents, so they obviously feel there is an important need for this synagogue. And knowing there is 50 other synagogues in Lawrence, the fact that people flock to that synagogue on Washington Avenue should tell you something about the rabbi and his family so --

CHAIRMAN KEILSON: Thank you very much. Anyone else want to join the therapy session?

MS. G. BIERMAN: Can I just make a closing statement?

CHAIRMAN KEILSON: Please.

MS. G. BIERMAN: Do I mind if I address --

CHAIRMAN KEILSON: No; address us. I will share it with them.

MS. G. BIERMAN: I was in no way implying anybody was a pig, and I was in no way implying that Mr. Gluck and his family are bad people in any way. No. It's just, you know, my concerns as a neighbor. I understand the Satrans are directly adjacent to the property. However, just because it's a street separates it, you know, I have to say my piece

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as a neighbor within 300 feet.

CHAIRMAN KEILSON: I think that we all are very appreciative of the fact that you came here tonight. Don't walk away feeling you haven't been heard. If anything, you had tremendous impact. The Board wants to hear from neighbors who are impacted by neighbors, and we want to act on it accordingly.

And I think -- I have never met Rabbi Gluck. I can't imagine a spiritual leader walking away from tonight not being motivated to see to it that his congregants take steps immediately, irrespective of whether the Board approves the expansion or doesn't. It's just untenable and unconscionable that we should have a situation where a neighbor should have to suffer to this extent.

MS. G. BIERMAN: I appreciate taking everything I said into consideration.

CHAIRMAN KEILSON: Very much so. Mr. Browne, you want --

MR. BROWNE: I will just wrap it up. So thank you for your time. I just think the chairman, you mentioned a couple of

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1 comparators. You approved a number of house
2 synagogues in Harborview. Those synagogues
3 are similar but I think more intense than this
4 one that came before you seeking various types
5 of expansion. There is cars, there are
6 parking issues. That's really not in play
7 here.
8

9 So bearing that in mind, I know that the
10 congregation, the applicant wants to work with
11 the Board. I understand your -- the idea of
12 incorporating the village. I would just ask I
13 guess that any -- that we not be given a bar
14 that's impossible to get over or you know, ask
15 to get the broomstick or the Wicked Witch.
16 You like that one?

17 CHAIRMAN KEILSON: I remember her. She
18 was my teacher in sixth grade.

19 MR. BROWNE: We would work with the
20 Board obviously to achieve any realistic goal,
21 but I hope that it wouldn't hamper the ability
22 to get this project done or make it drag on in
23 an unreasonable amount of time.

24 The use again is as of right. What is
25 really before you are these area issues which

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2 I don't think are substantial areas of
3 variances given the context. So I ask you to
4 bear that in mind, but having said that, we
5 stand ready to work with the Board to come up
6 with reasonable conditions to respect the
7 rights of the neighbors and the welfare of the
8 community in general.

9 CHAIRMAN KEILSON: As been mentioned,
10 there are stipulations that have been applied
11 to all the synagogues in the area that have
12 come before us. Pretty universal. Many of
13 the things have been alluded to already
14 tonight. I think one of the lay leaders, Ske,
15 has brought to the rabbi's attention.
16 Hopefully there will be no issue in terms of
17 their implementation if the Board decides to
18 approve the expansion.

19 Now, we are going to be reserving
20 decision. We will not be issuing a decision
21 tonight, and certainly not after all the
22 testimony and hesitations we are not in a
23 position to render a decision.

24 MR. BROWNE: Understood.

25 CHAIRMAN KEILSON: I just want to speak

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to counsel one moment.

(Discussion off the record.)

CHAIRMAN KEILSON: We are reserving
decision, and I will take a motion to adjourn.

MEMBER FELDER: Motion.

CHAIRMAN KEILSON: Thank you everyone
for coming. You will hear from us.

(Whereupon the hearing concluded at 9:58
p.m.)

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



YAFFA KAPLAN

Court Reporter