

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 August 7, 2013
7 7:42 p.m.

8 APPLICATION: Fistel
9 100 Cumberland Place
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. JOEL GANZ
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals. I'd ask you to please turn off
4 your cell phones. And if there's any need for
5 conversation, I'd ask that you take it outside.
6 We appreciate that.

7 Okay, we're going to ask for proof of
8 posting.

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

11 CHAIRMAN KEILSON: I just want to make
12 mention that it pains me to announce that
13 Mr. Castro's last evening on behalf of the Board
14 will be this evening. He's actually had a
15 wonderful opportunity to become the administrator
16 of Hewlett Harbor. Although this will be a
17 painful loss for the Village and the Building
18 Department, we thank you for everything you have
19 done in the past, and we wish you the best in
20 terms of that.

21 MR. CASTRO: Thank you.

22 CHAIRMAN KEILSON: We also would like to
23 welcome Mr. Joel Ganz who is sitting to the left.
24 He's so new and raw they don't even have a
25 nameplate for him. He's an alternate and he's

Fistel - 8/7/13

1 sitting this evening in the absence of Mrs. Esther
2 Williams, so be kind to him. We forewarned him
3 about how grueling some of these evenings can be.

4 The first matter will be Fistel, they're from
5 100 Cumberland Place. They sent in a letter
6 requesting an extension on their variance which
7 expires the end of August. They're looking for an
8 additional year attributed to the fact that the
9 contract has been slow due to the hurricane,
10 et cetera. And I'm sure the Board -- any issue
11 from the Board?

12 MEMBER SCHRECK: No.

13 MEMBER GOTTLIEB: No.

14 CHAIRMAN KEILSON: So we're going to go with
15 an extension of Fistel for an additional year.

16 (Whereupon, the hearing concluded at
17 7:43 p.m.)

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 August 7, 2013
7 7:43 p.m.

8 APPLICATION: Central Sutton LLC
9 160 Central Avenue
Lawrence, New York

10 P R E S E N T :

11 MR. LLOYD KEILSON
12 Chairman

13 MR. EDWARD GOTTLIEB
14 Member

15 MR. JOEL GANZ
16 Member

17 MR. LESTER HENNER
18 Member

19 MR. MARK SCHRECK
20 Member

21 MR. THOMAS V. PANTELIS, ESQ.
22 Village Attorney

23 MR. GERALDO CASTRO
24 Building Department

25 MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Central Sutton LLC - 8/7/13

1 CHAIRMAN KEILSON: I just also want to
2 mention that we have a matter on the agenda,
3 Central Sutton, LLC, which is going to be
4 adjourned, Mr. Goldman.

5 MR. GOLDMAN: Good evening, Mr. Chairman.

6 CHAIRMAN KEILSON: The next date will be
7 September 11th.

8 MR. GOLDMAN: Thank you. I would just note
9 too that we join in that application based on it's
10 our understanding that it's an accommodation to
11 the Building Department and the Board. We're more
12 than happy to expedite matters.

13 CHAIRMAN KEILSON: In light of the fact that
14 we view this evening as a heavy evening and want
15 to get home before dawn, so we felt with your
16 indulgence we would carry it over to next month.

17 MR. GOLDMAN: Correct. And I take that
18 subtle comment about heavy evening that I will eat
19 appropriately from here on in.

20 (Whereupon, the hearing concluded at
21 7:44 p.m.)

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2 accurate transcript of the original stenographic
3 minutes in this case.
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MARY BENCI, RPR
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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 August 7, 2013
7 7:44 p.m.

8 APPLICATION:

9 Katz
10 14 Beechwood Lane
11 Lawrence, New York

12 P R E S E N T:

13 MR. LLOYD KEILSON
14 Chairman

15 MR. EDWARD GOTTLIEB
16 Member

17 MR. JOEL GANZ
18 Member

19 MR. LESTER HENNER
20 Member

21 MR. MARK SCHRECK
22 Member

23 MR. THOMAS V. PANTELIS, ESQ.
24 Village Attorney

25 MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Katz - 8/7/13

1 out this information. Mr. Ryder is already
2 shorthanded, and so it's extremely important that
3 it really be raised at the time that any building
4 plans are submitted if there's going to be a
5 change and, of course, the Board itself has been
6 extremely forthcoming and helpful in that regard.

7 MR. KUPFERBERG: Yes.

8 CHAIRMAN KEILSON: So again, we can't live
9 with surprises, okay.

10 MR. KUPFERBERG: Okay.

11 CHAIRMAN KEILSON: So any comments from the
12 Board? Any questions?

13 MEMBER GOTTLIEB: My only comment is that
14 there was no basement plan previously, correct?

15 MR. KUPFERBERG: Correct.

16 MEMBER GOTTLIEB: And should there have been
17 a basement plan, we may have looked upon this
18 differently and may have judged it differently.

19 MR. KUPFERBERG: I understand that.

20 MEMBER GOTTLIEB: At this point I don't wish
21 to make any other changes or reopen the case, but
22 just let it be known that we would expect a
23 basement plan if there's going to be a basement.

24 MR. KUPFERBERG: I understand, okay.

25 CHAIRMAN KEILSON: Okay, so any further

Katz - 8/7/13

1 comment from the Board?

2 MEMBER HENNER: Not from me.

3 CHAIRMAN KEILSON: So from the Board's
4 perspective, I think the changes certainly can be
5 allowed, and any further discussions between you
6 and the Building Department.

7 MR. KUPFERBERG: Okay.

8 CHAIRMAN KEILSON: Thank you.

9 (Whereupon, the hearing concluded at
10 7:47 p.m.)

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13 accurate transcript of the original stenographic
14 minutes in this case.

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Mary Benci

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Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 August 7, 2013
7 7:47 p.m.

8 APPLICATION: Marx
9 5/7 Keewaydin Road
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. JOEL GANZ
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Marx - 8/7/13

1 CHAIRMAN KEILSON: The next matter is Marx
2 of Keewaydin Road. A variance was granted at the
3 last hearing and because of the lateness of the
4 hour and the complexities of the project it was
5 felt that perhaps it would be a good idea to
6 formally put into the record what is being
7 approved. So I think before us we have those
8 numbers and --

9 MR. GOLDMAN: For the applicant, Ronald
10 Goldman, 17 Auerbach Lane, Lawrence, New York.
11 Good evening, members of the Board and welcome to
12 the newest member.

13 My understanding, Mr. Chairman, is that this
14 is just to bring into compliance that which was
15 granted should be reflected on the plans that are
16 being submitted to the Building Department. I
17 have Mr. Fischler here who is more knowledgeable
18 of the issue, but I understand that the Building
19 Department has it and they are in fact in
20 compliance with that which the Board granted. I
21 ask they be made part of the record and we proceed
22 with the granting of the variances.

23 CHAIRMAN KEILSON: Okay. From my perspective
24 I don't necessarily feel that we have to go
25 through each and every variance. I think it's

Marx - 8/7/13

1 MEMBER GANZ: I'll abstain.

2 CHAIRMAN KEILSON: You'll abstain, Mr. Ganz.
3 And I will vote for. So it's approved as
4 presented.

5 MR. GOLDMAN: And this has to go before the
6 Board of Building Design.

7 MR. RYDER: Yes. I discussed that with your
8 architect.

9 MR. FISCHLER: Thank you.

10 MR. GOLDMAN: Thank you.

11 (Whereupon, the hearing concluded at
12 7:50 p.m.)

13 *****

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

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 August 7, 2013
7 7:50 p.m.

8 APPLICATION: Temple Israel of Lawrence, Inc.
9 140 Central Avenue
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. JOEL GANZ
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 August 7, 2013
7 7:50 p.m.

8 APPLICATION: Temple Israel of Lawrence, Inc.
9 140 Central Avenue
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. JOEL GANZ
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Let's go straight to
2 Temple Israel. Will they or their
3 representative step up.

4 MR. GRAY: Garrett Gray, Weber Law Group,
5 290 BroadHollow Road, Melville, New York, for
6 Temple Israel.

7 We are now seeking to do is somewhere along
8 the line, this lot right here (indicating), became
9 merged with the entire temple campus. This was
10 always a house and has been for as far back as we
11 can remember. But because it somehow got merged
12 with the temple, we are now looking to subdivide
13 it off so it can be sold. There are side yard
14 setbacks --

15 CHAIRMAN KEILSON: For purpose of the sale.

16 MR. GRAY: The house is no longer needed. It
17 was originally built to be used for clergy. The
18 clergy have their own homes, and it's vacant and
19 no longer needs to be kept up by the temple. So
20 we're going to sell it.

21 CHAIRMAN KEILSON: Has the financial
22 situation stabilized?

23 MR. GRAY: It has gotten a lot better since
24 the major subdivision, and we appreciate that it
25 really wasn't a long wait. This will allow this

1 house to go back on the tax rolls and be used as a
2 house for regular people.

3 CHAIRMAN KEILSON: Regular people.

4 MR. GRAY: Regular people.

5 CHAIRMAN KEILSON: Civilians.

6 MR. GRAY: Exactly, right. So the variances
7 that are needed are two side-yard setback
8 variances and aggregate side-yard variance. The
9 height/setback ratio, which I'm sure this
10 homeowner wouldn't mind because the higher this
11 house is the more it blocks out the Long Island
12 Rail Road which is in the back here. And also, I
13 believe there's a one-car garage and you're
14 required to have two. But again, this is on the
15 end of the street with plenty of adequate parking.

16 MR. PANTELIS: We are dealing with an
17 existing house with no proposed changes at this
18 time, and the variances are just to maintain
19 what's there.

20 MR. GRAY: Correct, that's absolutely
21 correct.

22 MR. RYDER: Legal nonconforming.

23 CHAIRMAN KEILSON: Any questions from the
24 Board?

25 MEMBER HENNER: Is this house under contract

Temple Israel - 8/7/13

1 right now? Has it been sold?

2 MR. GRAY: Yes, it is.

3 MEMBER HENNER: Is the contract conditioned
4 on the variance?

5 MR. GRAY: I don't believe there's any
6 condition on the contract, no.

7 MEMBER GOTTLIEB: Well, it's subject to this
8 variance, obviously, but not a future variance.

9 MR. GRAY: Correct, correct.

10 MR. PANTELIS: I just want to at least have a
11 conference with the Board for a moment.

12 CHAIRMAN KEILSON: Please.

13 MR. PANTELIS: Thank you. Excuse me.

14 MR. GRAY: Sure.

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

17 MR. PANTELIS: Just a question we wanted to
18 address. As you were aware, when Temple Israel
19 came before us to subdivide the Central Avenue
20 parcel, there were numerous variances required to
21 maintain the Temple Israel property.

22 MR. GRAY: Yes.

23 MR. PANTELIS: And in fact, in some of them
24 to the point of several hundred percent, simply
25 because it was a nonconforming large building.

Temple Israel - 8/7/13

1 And I think the question we had was whether or not
2 this lot had been included in those calculations,
3 and I think we'd like to have something on the
4 record as to whether or not it further increases
5 the nonconformity of Temple Israel.

6 MR. GRAY: It actually works the other way.
7 I believe this particular lot was not included in
8 those temple calculations, so when you include it
9 the variances that the temple sought last time are
10 actually less than what was granted because you
11 were dealing with a larger property.

12 CHAIRMAN KEILSON: Okay.

13 MR. PANTELIS: So these were not included in
14 the area calculations.

15 MR. GRAY: Correct, this lot.

16 MR. PANTELIS: Because I think we're
17 concerned at least from a technical standpoint
18 that the Temple Israel variances are not further
19 impacted, and again, it might not affect anything
20 at all.

21 MR. GRAY: If anything, it makes them lesser.

22 CHAIRMAN KEILSON: Okay, satisfied. Any
23 further questions from the Board? Then we will
24 call for a vote.

25 MR. GOLDMAN: I would note on behalf of an

Temple Israel - 8/7/13

1 adjoining neighbor on Central Avenue, who I
2 represent that party, who actually is a family by
3 the name of Mr. and Mrs. Mosheweir (phonetic), and
4 I've been authorized to say they support this
5 application in the spirit of good neighbors and so
6 it's in support of the application.

7 CHAIRMAN KEILSON: Thank you very much.
8 Mr. Schreck.

9 MEMBER SCHRECK: I'm going to vote in favor.

10 CHAIRMAN KEILSON: Mr. Gottlieb.

11 MEMBER GOTTLIEB: I will vote for.

12 CHAIRMAN KEILSON: Mr. Henner.

13 MEMBER HENNER: For.

14 CHAIRMAN KEILSON: And Mr. Ganz, your maiden
15 vote.

16 MEMBER GANZ: Abstain, or for.

17 CHAIRMAN KEILSON: For.

18 MEMBER GANZ: For.

19 CHAIRMAN KEILSON: Approved.

20 MR. GRAY: Thank you. I'll be home in time
21 for Master Chef.

22 (Whereupon, the hearing concluded at
23 7:57 p.m.)

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25 Certified that the foregoing is a true and

1 accurate transcript of the original stenographic
2 minutes in this case.

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4 Mary Benci

5 MARY BENCI, RPR
6 Court Reporter
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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

August 7, 2013
7:57 p.m.

APPLICATION: 50 Doughty Boulevard, Inc.
50 Doughty Boulevard
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. JOEL GANZ
Member

MR. LESTER HENNER
Member

MR. MARK SCHRECK
Member

MR. THOMAS V. PANTELIS, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

50 Doughty Boulevard - 8/7/13

1 CHAIRMAN KEILSON: The next matter is Doughty
2 Boulevard, 50 Doughty Boulevard.

3 MR. GOLDMAN: If it please the Board, for the
4 applicant, Ronald Goldman, 17 Auerbach Lane,
5 Lawrence, New York. Good evening, Mr. Chairman.
6 Good evening, members of the Board. And now an
7 official greeting to Mr. Ganz because this is the
8 real deal.

9 I would note, Mr. Chairman, that we want to
10 thank the Board for your continued attention to
11 this matter. This has been a matter that's been
12 pending in some fashion for I believe seven or
13 eight months. It's unique, one, because it's not
14 a residential application. It involves a
15 business, which is somewhat unique for our Board.

16 I would also note that it's unique because
17 the applicant, Mr. Henek and his wife, Albert and
18 Susan Henek, have been very, very sensitive to the
19 concerns and the directions of this Board. Toward
20 that end, over the months they've substituted with
21 a new architect. They provided a new plan for the
22 overall structures that would be placed on the
23 site. They had a traffic study that was done,
24 redone, and I believe done again, and I will
25 introduce the parties involved in that as well.

1 And we've made every effort to accommodate the
2 concerns of the community, which were not only
3 expressed orally but also were reduced to sixteen
4 points, as I counted, or perhaps more, concerns in
5 a written letter.

6 I'd note before I forget that with me here
7 tonight is Shmuel D. Flaum, who is the architect
8 on behalf of the project, Matthew J. Seckler and
9 Ian Rasmussen, who are here on behalf of the
10 applicant in terms of providing you with an
11 explanation, should one be necessary of the
12 traffic studies that are before the Board.

13 I'd note what you of course know, and I'm
14 just doing this by way of just a brief
15 introduction, and I'll let the experts address the
16 specific issues, that this is an application
17 obviously for an area variance. It's an area
18 variance and we're only asking for one area
19 variance.

20 I note that because in the course of the
21 prior discussions and applications, et cetera,
22 it's almost sort of blurred in terms of whether it
23 was a use application and a use variance. But the
24 truth of the matter is this is not a use variance.
25 This is for a continuation not only of a

50 Doughty Boulevard - 8/7/13

1 commercial space, which is permitted, but a
2 continuation of the exact commercial space that's
3 currently there with an expansion towards another
4 one that is also permitted. So from that
5 perspective, it's not about the use of the land,
6 it's simply an area variance.

7 And what is that area variance? That too is
8 restricted and reduced to just one particular
9 request and that is, as you can see, for an issue
10 of parking.

11 The Village's calculations, and this will be
12 elaborated on by the architect, the Village's
13 calculations result in a need for thirty-six
14 parking spaces. Those calculations, we would
15 submit, are 100 percent legitimate. They're
16 within the context of the Village Code, but the
17 context of that code indicates purely on the basis
18 of square footage of a building. So that not
19 necessarily the use of that building. In this
20 case I'm using the word "use" to give an
21 indication of whether it's being used, for
22 example, as an auditorium where the full range of
23 space will be used by people who will occupy the
24 full space for the full time with the requirement
25 to provide some kind of parking, or whether it's

1 going to be used, if you will, as for example,
2 storage space where according to the calculations
3 if you had a building filled with bricks you would
4 still need theoretically parking for all those
5 bricks because it's for every 200 square feet that
6 you need a parking space.

7 So what we're suggesting to the Board here is
8 that we're not arguing with the calculation as
9 calculated by the Building Department, because
10 using the standard that they're using and the
11 methodology they're correct in terms of their
12 number, but in terms of the need for those
13 particular thirty-six parking spaces we would
14 suggest, and the architect will outline it better
15 than I can, that it isn't necessarily thirty-six
16 spaces that are needed. He will indicate that the
17 design of the building is such that, for example,
18 the basement area which I believe might require,
19 based on the footage, nine spots, is going to be
20 designed in such a way that it will only be used
21 for storage. That the above space that's about to
22 be presented and put in as offices may require a
23 certain number of spaces, but there's only going
24 to be two people who are truly occupying it. So
25 while the numbers are correct in terms of what the

1 statute is requiring, in terms of the need and the
2 practicality, it's substantially less. And the --

3 CHAIRMAN KEILSON: But if the use changes?

4 MR. GOLDMAN: The utilization of the
5 building?

6 CHAIRMAN KEILSON: Right.

7 MR. GOLDMAN: By the nature of the
8 utilization of the building, the area that we're
9 talking about won't be able to be used for
10 inhabitable space because of the way it's being
11 built. Nevertheless, in anticipation of that,
12 it's an alternative view of things. One, we're
13 suggesting to you that the current use, because
14 you can only talk about the current, you can't
15 talk about the future, but the current use of it
16 is such that the need for the thirty-six spaces is
17 not there.

18 But in anticipation of that, that things
19 could change, the second facet of this will be
20 that even under the circumstances as they exist or
21 could exist, ten spaces will be more than
22 adequate. And for that reason I defer to the
23 reports that you have before you, but in terms of
24 elaborating on them, and citing the specific
25 conclusions, we have experts here that can address

1 that.

2 CHAIRMAN KEILSON: You're alluding to the
3 traffic study?

4 MR. GOLDMAN: Yes, sir. If you read the
5 traffic study, the traffic study doesn't address
6 it the way I've addressed it in the first facet.
7 That's the architect's presentation, because we're
8 dealing currently with the future -- with the
9 present. But he's -- we also have the alternate
10 where the ten spots even as we're presenting them
11 are more than sufficient.

12 So what I would rather do then, rather than
13 -- I'll conclude at the end in terms of the
14 balancing test and all the requirements of law and
15 the impact on the community and the detriment, if
16 any, to the community, compared to the benefit,
17 but with the Board's permission I would call upon
18 the architect just to suggest the design of the
19 building as we've presented it or as it's being
20 presented and why that would facilitate the
21 parking situation. And then we would call upon
22 the traffic experts with the alternate theory that
23 indeed irrespective of the future, the past, the
24 present, whatever it may be, the ten spots are
25 more than sufficient. So if I may, I would call

50 Doughty Boulevard - 8/7/13

1 upon Mr. Flaum.

2 MR. FLAUM: Good evening, everyone. Good
3 evening, Board. I believe everyone has a copy of
4 the joins in front of them.

5 CHAIRMAN KEILSON: We don't know who you are.

6 MR. FLAUM: I'm Shmuel Flaum, architect,
7 registered architect, 194 Wanser Avenue,
8 W-A-N-S-E-R, Inwood, New York 11096.

9 If I may, the Board, I believe, should have a
10 copy of all the joins in front of them, and
11 basically, the code, the Village Code specifies
12 specifically that for every 200 square feet of
13 gross floor area one parking spot is required.
14 That makes sense in most cases where the building
15 is going to be inhabited on all floors by people
16 who will be using it who need to get access to the
17 building and then obviously park their cars. But
18 in this instance this building as it currently
19 stands and for future use doesn't have the same
20 requirement -- the same requirement as most other
21 commercial buildings would. The cellar floor,
22 which is primarily an open cellar for storage, is
23 not meant to be inhabited or to be occupied by
24 people. It's meant basically to store items that
25 would be delivered to the stores until they're

50 Doughty Boulevard - 8/7/13

1 needed, and the workers in the stores basically
2 would go down to the cellar and bring them up as
3 they're required to stock the shelves or get items
4 of need.

5 MR. GOLDMAN: I would just interrupt. Could
6 you just suggest to the Board how that's
7 presented. In other words, in terms of height, in
8 terms of air, available windows that would make it
9 uninhabitable, but primarily just storage.

10 MR. FLAUM: So a cellar is not really defined
11 differently from a basement in the Village Code,
12 but primarily a cellar it doesn't have light and
13 air and shouldn't be inhabited.

14 In this instance, this cellar floor is more
15 than 50 percent below grade, which is defined as a
16 cellar in most instances; it doesn't have any
17 windows, it doesn't have any natural light or
18 natural ventilation, which would be something that
19 would be required if it were to be inhabited by
20 people on a constant basis.

21 That being said, it's really not meant to be
22 inhabited. Future conversion to habitable space
23 would be impossible under code anyway. So
24 basically, that cellar, even though it requires
25 200 square feet of parking spots for every

1 200 square feet, that would essentially eliminate
2 almost ten parking spots because it is never going
3 to be inhabited by people or used by people in
4 terms of use.

5 MEMBER SCHRECK: Won't there be trucks that
6 will be delivering materials that are going to be
7 going into the cellar?

8 MR. GOLDMAN: If we may address that through
9 the traffic experts and the ability to accommodate
10 that and the provisions that are going to be made
11 to accommodate that. But this is in terms of the
12 calculation of the numbers, albeit correct based
13 on the Village's calculation from a practical
14 point of view. You can theoretically -- well,
15 practically subtract it out.

16 MEMBER GOTTLIEB: The cellar area is 2,130
17 square feet. Does that remain the same as on this
18 plan that I'm looking at?

19 MR. FLAUM: For the basement I have --

20 MEMBER GOTTLIEB: The new cellar.

21 MR. FLAUM: For the cellar I have 2,020 for
22 the gross floor area. For the net floor area I
23 have 1,800.38. You mean, basically the gross
24 floor area would be the entire footprint including
25 the exterior walls?

1 a commercial space. That's intended use is to be
2 for Mr. Henek and his office staff, who will
3 primarily be obtaining permits for parking and so
4 they don't require parking on-site as well. So if
5 that entire second floor is not going to be used
6 for commercial use and is private office space,
7 then there is no need to calculate or count the
8 square footage for that space into the requirement
9 for parking spots on the site as well. Which
10 leaves us with the first floor, or the ground
11 floor, which is the commercial use and that is the
12 subject of this discussion is that it's primarily
13 3,188.31 square feet, divided by 200, so it's a
14 rough requirement of sixteen parking spots.

15 Now, if you would take the net floor area,
16 which basically subtracts the walls and
17 partitions, which are spaces you really can't
18 inhabit, it's just part of the building, you are
19 really left with 2,852.73 square feet, divided by
20 200, that's roughly 14 parking spots that are
21 required.

22 And so basically, the argument we'd like to
23 make is that if you take away the cellar floor and
24 the second floor and you just leave yourself with
25 the first floor, fourteen parking spots is really

1 all that's required in terms of the commercial use
2 space, because the tenant space upstairs you can
3 have private permits for parking off-site. And
4 the workers who are going to be using the retail
5 space, are servicing the retail space, will also
6 be obtaining permits for that purpose, which
7 leaves us primarily with only the square footage
8 on the first floor that should require parking
9 spots.

10 MEMBER SCHRECK: Why don't you just have the
11 first floor the retail space and not have any
12 other floors, just have that one item?

13 MR. GOLDMAN: Well, because the upstairs is
14 going to be used as an office by the owner, an
15 advantage to the extent that there was some
16 concerns as to supervision, et cetera, which is
17 not really germane, but nevertheless it's of
18 concern, and therefore, you will have an owner
19 on-site who will, of course, have permits and
20 thereby not burden it and, of course, the
21 downstairs still requires storage space so you
22 need the downstairs for the storage space.

23 MEMBER SCHRECK: I understand that, but
24 unfortunately that triggers the need for other
25 parking spaces.

1 MR. PANTELIS: We can understand that
2 argument.

3 MR. GOLDMAN: Well, to that extent and that
4 accounts I believe for nine spaces. Now, the
5 upstairs, I grant you, it's like I'm sure no one
6 in this Village would think of doing anything
7 underhanded, and therefore, to do anything that
8 isn't above board and what we're committing to.
9 But nevertheless, we would commit to the fact that
10 that's being used exclusively by the owner and it
11 would be built in such a way.

12 MR. PANTELIS: My understanding of the case
13 law on this, as you know, you've worked with these
14 matters over a period of time, is that that would
15 be an unenforceable condition, even if you're
16 saying that the applicant is going to volunteer
17 that. It's something in a couple of years down
18 the road we could find ourselves in court over.

19 MR. GOLDMAN: I agree with you on that, and
20 that provides for that particular space. So if
21 that remains moot, obviously, I can only make a
22 representation. I can only make a commitment, and
23 that's why I wasn't being facetious when I said
24 people wouldn't be underhanded. One has to have
25 confidence in our residents and in our people.

1 CHAIRMAN KEILSON: Yeah, but Mr. Goldman,
2 we've never historically approached a parking
3 variance in the sense of analyzing how many people
4 are going to be really sitting there or not
5 sitting there, how many people have cars or don't
6 have cars. I understand that's creative, and I
7 applaud you for the suggestion, but I don't think
8 it is within our purview to start analyzing
9 exactly how many people are going to be sitting
10 upstairs or not.

11 MR. GOLDMAN: Actually, I think in the case
12 of certain public assemblies, whether they be
13 schools or places of worship, there was the
14 indication that at the time when you ask -- if
15 you're building a school, you would require X
16 million parking spaces, because you have the gym,
17 you have the classroom and you have the auditorium
18 and you have the lunchrooms. But when it's been
19 presented to this Board, it's been presented
20 indicating that there would be a finite number of
21 students and at any given point they could occupy
22 the auditorium, and at another point occupy the
23 gymnasium; they're not operating or occupying them
24 simultaneously. And when applications were made
25 for variances for just that reason, for parking,

1 indicating that while substantively or technically
2 X number of parking spots were required based on
3 the 200 square foot from a practical sense you
4 have a finite number of occupants.

5 Now, in this case it's even more suggestive
6 because to the extent that the store can only
7 occupy a certain number of people. We haven't
8 talked about the shelf space that's going to
9 eliminate space, et cetera. It's not going to
10 occupy thousands of people. And to the extent too
11 that the Building Department can impose, or the
12 fire department, a limit on the number of people
13 who can go into the building. So it has been done
14 and it has that -- I would like to take the credit
15 for being extraordinarily creative, but I must
16 tell you I'm not, and that I'm relying on
17 precedent in terms of applications by synagogues,
18 public -- schools and other places of public
19 assembly.

20 CHAIRMAN KEILSON: I think in most of those
21 instances there were other factors that augmented
22 the parking for a variety of reasons, municipal
23 parking and in some proximity thereto, and I think
24 to expect that we're going to start counting
25 people going into a building or start to get

1 involved in enforcement thereof, I think we have
2 to look at it on its face as to what it is and
3 what, you know, the requirement is and the
4 prospective needs in a future situation when these
5 people won't be occupying it.

6 MR. GOLDMAN: Well, certainly, to the extent
7 that the building is being built, I hear
8 Mr. Pantelis and I defer to Mr. Schreck and the
9 Chair, but I would suggest that certainly if the
10 basement is being built in such a fashion as to
11 preclude effective occupancy, then those nine
12 spots are -- now I have not indicated because it's
13 beyond my purview that there is indeed a municipal
14 lot across the street. I know that able counsel
15 is going to suggest that that particular lot,
16 which is unique, other business areas are using
17 the Village's public parking behind Amazing
18 Savings, behind Supersol and now under its new
19 name and under its new declaration. Those are all
20 public places with meters, where people are using
21 them, and they do not have, other than the Roslyn
22 Savings Bank, nobody has -- and I think Arty's
23 Collision, maybe, has an independent or on-site
24 parking. Everybody else in the commercial area is
25 for the most part using it. I know counsel is

1 going to indicate that --

2 CHAIRMAN KEILSON: Why don't you let counsel
3 indicate.

4 MR. GOLDMAN: Well, I'll suggest it on his
5 behalf.

6 CHAIRMAN KEILSON: I suggest that you wait
7 for counsel to indicate and then you can respond.

8 MR. GOLDMAN: Then I will suggest on my own
9 that the particular lot across the street here is
10 not metered as well, but it does have permit
11 parking. But that permit parking which we could
12 not avail ourselves of the way someone can use a
13 metered parking, nevertheless that permit parking
14 is only from 5 a.m. to 5 p.m. and it also does not
15 go into effect on Saturdays, Sundays and public
16 holidays. So to the extent that that is a
17 comparable to the other situation that the Chair
18 has indicated, those are obviously spaces to which
19 one could avail oneself of without compromising
20 the Village.

21 So to the extent that, one, the creativity
22 that I've been given credit for is not mine, but
23 it is in fact a realistic standard that's been
24 used, and to the extent that there are extenuating
25 circumstances, notwithstanding everything that

1 we're talking about too, I would call upon, with
2 the Board's permission, the traffic experts to
3 indicate that everything we're saying is true, but
4 the ten spots on its own would be sufficient.

5 MR. PANTELIS: Before we do that, I just want
6 to see that it's not a contradiction between what
7 your architect is suggesting and what you're
8 suggesting. I thought I heard something to the
9 effect that permit parking was going to be
10 utilized across the street in some form or
11 another, and you're basically saying, no, we can't
12 utilize it. If you would clarify that, it would
13 be helpful.

14 MR. GOLDMAN: We can't use permit parking
15 without a permit. Now, you can't get a permit --
16 you would have to get a permit for specific cars,
17 so it's not -- we're prepared to buy ten or twenty
18 or thirty permits and thereby allow people to park
19 there. The problem is the Village assigns a
20 permit to a specific license plate and thus it
21 can't be used across the board to accommodate
22 customers. Nevertheless, the owner and his wife,
23 the two folks who are going to be occupying the
24 office upstairs and the owners and the operators
25 of the stores would all be able to buy permits.

1 And therefore, they would not be using the on-site
2 parking because they, in fact, would be empowered
3 and permitted to have permits, and that's what the
4 cross-purposes were.

5 MR. PANTELIS: Now, if we get into conditions
6 of approval as opposed to the one that I indicated
7 before about continuing occupancy by a particular
8 tenant or a number of tenants, would your client
9 be willing, again, in the scope of things to
10 accept a condition that all employees have those
11 permits and that there's no on-site parking by
12 employees?

13 MR. GOLDMAN: A hundred percent. If in fact
14 the Village, which is beyond the purview of this
15 Board and the Building Department, were to suggest
16 that you have a floating permit, you know, sort of
17 like you come into the store and get a permit or
18 whatever, he would purchase --

19 MR. PANTELIS: You couldn't do that under
20 that type of --

21 MR. GOLDMAN: But nevertheless, we would
22 provide every employee and we would provide the
23 Village with the license plates, et cetera, so
24 there wouldn't be any, you know,
25 cross-fertilization of permits or cars.

1 MEMBER SCHRECK: What about the issue of
2 hardship; can you address that for us? Is there a
3 hardship that they can't build something that
4 conforms?

5 MR. GOLDMAN: Because the truth of the matter
6 is is that they can't. Even as we -- right this
7 moment, theoretically, they only have ten spots.
8 Also, in all candor, there's an economic
9 feasibility, and I didn't go into this, but the
10 current -- I know this is a hot Board, you didn't
11 mention that, but this is a hot Board that goes to
12 the site and knows what we're talking about here.
13 The current condition is something that merits
14 improvement, and in order to make it economically
15 viable he wishes to really expand it a bit so that
16 he can rebuild both the current structure as well
17 as the new one. So the hardship here is that
18 there's no way to upgrade and maintain and provide
19 the kinds of things that the community wants and
20 that we were prepared to give unless it becomes
21 economically feasible.

22 More importantly too, we recognize the fact
23 that currently it's somewhat of an eyesore and he
24 wants to do that. So that's the hardship, that
25 from a financial and economic point of view this

1 is the way to do it, but it's only keeping what's
2 there, just making it a tad bigger.

3 CHAIRMAN KEILSON: Is it economically
4 unviable presently; is that what you're
5 suggesting?

6 MR. GOLDMAN: Not a bit. What it is, as with
7 everything else, it's -- certainly, there's a rent
8 that's being paid. There's a building that's
9 there. But in terms of improving it, the thing
10 has been sitting there. It was a warehouse that
11 burned down, was rebuilt in the 1980s. It is
12 something that he wants to turn -- you've seen the
13 renderings. Instead of something -- and I'm
14 prepared or was prepared to show the community and
15 share it with everyone, the rendering here is to
16 turn it and transform it into a viable asset to
17 the community, but in order to do that --

18 CHAIRMAN KEILSON: Your words, without going
19 back to the record, that it was not economically
20 viable currently.

21 MR. GOLDMAN: No, I was suggesting it's not
22 economically viable currently to upgrade it in
23 this fashion. I didn't say it's not economically
24 viable. As a matter of fact, the record should
25 reflect that the current business that's there has

1 been there for twenty-seven years. There's a hell
2 of a lot of stores on Central Avenue that haven't
3 been there for twenty-seven weeks, much less
4 twenty-seven years. So from an economically
5 viable component, it's more than economically
6 viable, but to do the right thing or to expand on
7 the right thing would require this kind of
8 project.

9 CHAIRMAN KEILSON: Would you expect to draw
10 more traffic as a result of this?

11 MR. GOLDMAN: As a matter of fact, no,
12 because what's happening is, and I'll leave that
13 to the experts, and I would ask the Chair -- I'm
14 pretty certain that the Chair can control the
15 audience, so I respectfully ask that that be done.
16 But I would note from that point of view the
17 studies indicate that, first of all, the entity
18 that's there is going to remain there. So in
19 terms of that flow, and the one that's coming in
20 will probably feed off and be an additional
21 service to the people already using it. Are there
22 going to be more customers? With God's help,
23 hopefully, but that I'll leave to the traffic
24 people to indicate whether those traffic are going
25 to be from vehicles that are just going to decide

1 to just drive in from Freeport to use this
2 facility, or whether it's going to be a continued
3 pedestrian traffic, Long Island Rail Road traffic,
4 et cetera. So there will be customers who are
5 passing by there anyway but now don't use it
6 because the facility is limited to what it's
7 limited to and doesn't have that expanded facility
8 that's going to be there.

9 CHAIRMAN KEILSON: Okay. Let's hear from the
10 traffic people.

11 MR. GOLDMAN: So I would call upon -- you'll
12 spell it.

13 MR. RASMUSSEN: Good evening. Ian Rasmussen,
14 Urban Cartographics, 107-14 Queens Boulevard,
15 Forest Hills, New York.

16 I previously appeared before the Board on
17 this application, and you had my original traffic
18 analysis that was dated October of 2012. We
19 received a number of comments from you last time
20 with regard to the methodology I used and the
21 number of times we visited this site, the duration
22 of the visits. I believe there are issues with
23 the time of day we were there. I also added to
24 the study to reflect our conversation about the
25 intersection of Central Avenue and Doughty

1 Boulevard.

2 And last but not least, in response to your
3 concerns about whether or not you thought my
4 report was thorough and that I was qualified to
5 present it, we've also retained Stonefield
6 Engineering, who specializes in traffic analysis,
7 and they have both reviewed my revised report
8 which you received that's dated March 2013, and
9 has all the additional content I just mentioned,
10 as well as performing their own independent
11 analysis including site visits and such.

12 Just to touch on a few of the points that
13 Ronny mentioned, if you read in our report, we
14 were working under the assumption that the
15 operators of the store or the occupants of the
16 office would be occupying parking spaces in the
17 lot. To the extent he can assure you that that's
18 not true, I believe we allocated two of the
19 parking spots on the premises to consistently be
20 used by employees who were to be the same people
21 occupying the office.

22 Beyond that, I'll take any questions or you
23 can direct them to Stonefield. You have their
24 report as well.

25 MR. GOLDMAN: Well, what I would also suggest

1 with the Board's permission is that, one,
2 Stonefield provide the Board with a curriculum
3 vitae of their qualifications as an entity and as
4 individuals, because at some point I think there
5 was some concern and we want to establish that.
6 And also, if they could just state their
7 conclusions on the record since the record doesn't
8 per se contain the reports.

9 MR. SECKLER: Chairman and members of the
10 Board, my name is Matthew Seckler. I'm a senior
11 project manager at Stonefield Engineering Design,
12 521 Conklin Street, Farmingdale. I have a
13 Bachelors of Science in civil engineering from
14 Union College in Schenectady, New York, and a
15 Master's degree in regional planning from Rutgers
16 University. I am recognized as a professional
17 engineer in the State of New York. And I am
18 recognized as a professional traffic operations
19 engineer. I've given you my CV. If there's any
20 other questions regarding my qualifications, I'd
21 be happy to answer them.

22 Seeing there is none, it's very important --

23 CHAIRMAN KEILSON: Could you speak up.

24 MR. SECKLER: Sure. It's very important when
25 studying any site for traffic study to understand

1 the network, the roadway network that it sits in.
2 This site, being the northwest corner of Brunswick
3 and Doughty, is right near the LIRR train station.
4 Doughty Boulevard -- Doughty Boulevard is a Nassau
5 County road; it carries about 3,000 vehicles per
6 day. Brunswick Avenue is a local road and carries
7 about 2,000 vehicles -- 200 vehicles maximum in
8 the peak hour. Across from Brunswick is the
9 municipal parking lot as we heard before.

10 One of the key things when we did our data
11 collection, we did it both on a Wednesday during
12 the morning and evening peak hour, and also on a
13 Friday during the morning and evening peak hours
14 due to the commuter changes, the Shabbat commute
15 changes. We wanted to make sure that we were able
16 to qualify both typical weekday and a Friday and
17 make sure this study was all-inclusive.

18 As part of our analysis, we counted the
19 number of vehicles that entered and exited the
20 site. We then compared that to what the ITE,
21 which is a trip generation handbook which based on
22 different uses provides the number of expected
23 number of trips that a site will generate. This
24 site generates between 40 and 60 less -- 40 and 60
25 percent less trips than a typical convenience

1 store. There is a number of reasons why.

2 Primarily, the Long Island Rail Road being so
3 close nearby there is a lot of people walking to
4 the site. So in any of these analyses that you
5 look when you look through the ITE manuals, you
6 need to take into account that this site really
7 doesn't function like a typical suburban
8 convenience store. It functions more like an
9 urban convenience store where there's a lot of
10 walk-up traffic.

11 In evaluating the trip generation for the new
12 facility --

13 CHAIRMAN KEILSON: There's no other reason
14 that you could identify for the lack of traffic?

15 MR. SECKLER: That this site generates?

16 CHAIRMAN KEILSON: Right.

17 MR. SECKLER: I mean, it appears that there
18 are a number of people walking towards the site.
19 There is mass transit in the area. There's a
20 municipal parking lot; we counted vehicles turning
21 into the lot. There is also a neighborhood. So
22 people on the local streets, on Brunswick, can
23 walk to the site, as opposed to, you know, if
24 you're at a 7-Eleven on Jericho Turnpike you're
25 not walking to that site.

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1 This site, as we mentioned, is somewhat of an
2 eyesore. There's not as many offerings possible
3 at this site as at other sites.

4 CHAIRMAN KEILSON: Describe the eyesore that
5 you noticed.

6 MR. SECKLER: I mean, just from a circulation
7 standpoint, the parking lot is not paved. It's
8 not very welcoming to an individual. The frontage
9 of the building isn't, you know, a brand-new
10 facade. I think the architect could speak to some
11 of the improvements that this site will have.

12 MR. PANTELIS: Would you expect then that if
13 the renovation takes place that the
14 underutilization based on the age we'll call it
15 and condition is going to change and that you
16 might have more traffic generated?

17 MR. SECKLER: I don't think people are going
18 to come from other neighborhoods to use this site,
19 but it's possible that vehicles that currently
20 drive on the roadway itself that pass by it now
21 will stop and use it. I don't think that, you
22 know --

23 CHAIRMAN KEILSON: What neighborhood are you
24 referring to?

25 MR. SECKLER: Meaning?

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1 an original use. There's other comparable places
2 outside of this use. Whether it's at this LIRR --

3 CHAIRMAN KEILSON: Excuse me. Where are the
4 comparable places?

5 MR. SECKLER: I believe there's one on
6 Central Avenue. I believe there is one --

7 CHAIRMAN KEILSON: Central Avenue and where?
8 How many miles away?

9 MR. SECKLER: I personally don't know right
10 off the top of my head.

11 MR. GOLDMAN: Well, excuse me, I will
12 interrupt, if I might. Is it miles away?

13 MR. SECKLER: No, it's not a significant --

14 MR. GOLDMAN: Is it within walking distance?

15 MR. SECKLER: Probably, depending on the
16 walker.

17 CHAIRMAN KEILSON: Okay.

18 MR. SECKLER: I mean, I walk over, you know,
19 a mile to get to the train station every day to go
20 to work, but you know, some people don't do that.

21 MEMBER GOTTLIEB: Can I ask a question?
22 Isn't there a pharmacy and a deli both on Doughty
23 Boulevard just south of this location -- just
24 north of this location within two or three blocks?

25 MR. SECKLER: Yeah, I believe there is.

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1 MEMBER GOTTLIEB: Okay. So again --

2 MR. SECKLER: It's not an original use in any
3 sense. Anyway, looking at the trip generation of
4 the new uses that will be put into the site, both
5 the pharmacy and office, we used the full ITE trip
6 generation guidance and determined that there will
7 be basically one new vehicle every fifteen minutes
8 coming to this site adding to the roadway network
9 in the morning, and one new vehicle every twelve
10 minutes in the evening peak hour coming to this
11 site. This is not going to generate a significant
12 number of traffic of people detouring just to this
13 site. So we don't -- there is no detriment to the
14 traffic on the adjacent roadways because of this
15 site.

16 In speaking of the parking because I know
17 that was obviously one of the main reasons we're
18 here, the average peak parking demand as it exists
19 today, in the morning the peak -- the average peak
20 was six cars parked in the lot. In the p.m. it
21 was four cars parked in the lot.

22 In looking at the ITE trip generation
23 handbook, we were able to allocate in the future a
24 need for four more cars parking on-site in the
25 morning and five cars parking on-site in the

1 evening. That would be ten total in the morning
2 and nine total in the evening. Again, there are
3 currently cars parked in the site that are by the
4 employees. We've already heard testimony that
5 those employees will be parked elsewhere, as well
6 as I mentioned before these are the ITE total
7 parking numbers. They don't take into account
8 that there are people that are going to be using
9 this site that use the train or walk to the site.

10 MR. PANTELIS: Are you now referring to
11 parking demand or traffic generation?

12 MR. SECKLER: Yes.

13 MR. PANTELIS: I'm sorry, trip generation.

14 MR. SECKLER: Basically, we can make the
15 assumption that if every car that was going to
16 come in an hour in the morning or the evening all
17 come at the same time, there is sufficient room
18 for these people to park within those ten spaces.

19 MR. PANTELIS: So now, your ITE category that
20 you referred to, and I'm fairly familiar as you
21 may know with ITE, your code LUC 880, is that for
22 a retail use or is it for specifically for a
23 pharmacy use? And, of course, we know that
24 pharmacies today are not in the area of anywhere
25 near 1,700 feet, but more in the area of twelve to

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1 14,000 square feet.

2 MR. SECKLER: Yes. I mean, we did use
3 pharmacy code 880 for the pharmacy, and for the
4 office it was 710. As I mentioned, the 880 land
5 use code and 710 account for employees parking in
6 the area. That's a typical condition. This is
7 atypical in the sense that we are having employees
8 park off-site.

9 MR. PANTELIS: So that a -- leaving the
10 pharmacy aside for a minute, so that a 2,021
11 square-foot office would require -- according to
12 ITE what would be the recommended parking for that
13 use?

14 MR. SECKLER: Well, in looking at the number
15 of trips that it would generate, it's expected to
16 generate three -- the office is what you're
17 referring to, right?

18 MR. PANTELIS: Yes, the office now.

19 MR. SECKLER: Is expected to bring in three
20 people in the morning peak hour and bring in five
21 people -- one person in the evening peak hour.

22 MR. PANTELIS: But don't we usually
23 distinguish between trip generation and parking
24 spaces and what is recommended for on-site that
25 might be provided in connection with uses

1 regardless of how you're trying to allocate them
2 and play around with the trips. Of course, we
3 really don't know how this office is going --
4 don't know how this office is going to be used.

5 MR. SECKLER: Understandable. But
6 traditionally with an office people arrive in the
7 morning and they stay on-site the whole day. So
8 typically the number of cars that will be coming
9 in that morning peak time, as we said was three.
10 You know, that's what we were counting for. If
11 those three people all were there for the rest of
12 the day, we accounted for those three spots.

13 MR. PANTELIS: So is ITE recommending one
14 parking spot for every 650 square feet? If your
15 calculation is correct, you're saying three
16 parking spaces?

17 MR. SECKLER: I'm saying that there will be
18 three vehicles coming in the morning and that will
19 be accommodated there. I believe if you looked at
20 the parking generation manual, inclusive of
21 pharmacy and office it would require six spaces.

22 MR. PANTELIS: Again, you're talking about
23 visitors or are we talking about users? When I
24 say users, people who are going to use and occupy
25 that space. So if we have a 2,000 square-foot

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1 office space, what does ITE say about the number
2 of spaces that should be provided for the average
3 2,000 square-foot office space?

4 MR. SECKLER: I believe the average 2,000
5 square-foot office space has a parking generation
6 of three spaces, around three spaces. I think
7 it's a little more than two.

8 MR. PANTELIS: So notwithstanding the fact
9 that just about every municipal code that I'm
10 familiar with, when I say not every but the great
11 majority requires one per 200 square feet for
12 office space and typically for retail space, how
13 do you account for the difference then? Are you
14 saying that ITE is much more liberal in that?

15 MR. SECKLER: I think they both -- ITE is
16 based on specific studies. It's based on field
17 observations from numerous locations throughout
18 the United States, inclusive of New York, and
19 basically this is an actual demand as opposed to a
20 zoning code that is, you know, a guidance.

21 MR. PANTELIS: So if I have an office then
22 where I have eight employees, doesn't that just go
23 out the window automatically in that 2,000 square
24 feet?

25 MR. SECKLER: Well, the average 2,000 square-

1 foot office they're saying does not have a
2 requirement of eight parked vehicles.

3 MR. PANTELIS: Look at the rents on Long
4 Island and you'll see how many people get crammed
5 in.

6 MEMBER HENNER: I'd ask Mr. Goldman, but I'm
7 looking at your report, and I'm looking at you,
8 but the question is really for Mr. Goldman.

9 MR. GOLDMAN: He'd prefer to look at you.

10 MEMBER HENNER: It's much easier on the eyes.
11 You're telling us how few parking spaces. The
12 goal is, I guess, to show how few parking spaces
13 are needed to operate this business, and a few
14 minutes ago we were hearing that in order to make
15 the investment to upgrade the property you're
16 going to need to generate more traffic. Or it's
17 all circular, you know what I'm saying, that
18 unless you hear -- unless there are more people
19 coming, you don't want to spend the money, and you
20 don't want to spend the money unless you know
21 you're going to have more people coming, and I
22 have the traffic guy saying it generates three
23 cars parking in twenty-eight hours. I'm
24 exaggerating. You know, three. And based on the
25 numbers he's saying is that sufficient on a

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1 business level for your clients to make the
2 investment that's required based on his traffic
3 study of only basically a couple of cars?

4 MR. GOLDMAN: Well, because of the nature --

5 MEMBER HENNER: You follow the question?

6 MR. GOLDMAN: I do. I think that what's been
7 indicated, and I'll defer to the expert, is that
8 this is not being built out in the boondocks where
9 the business right now there's nothing, and all of
10 a sudden you'll build it, and if you build it they
11 will come. The truth of the matter is there is a
12 tremendous pedestrian traffic. There's the
13 railroad. There's all sorts of other sources of
14 business.

15 And also to the extent that just servicing
16 the neighborhood alone, to the extent that it
17 becomes somewhat more desirable and provides an
18 expanded service, not different but expanded
19 service, there will be a generation of business.

20 And furthermore, to the extent that it's like
21 any other piece of property, right this moment
22 since 1984 and to the extent that the Chair and
23 other people have indicated that it's something of
24 an eyesore, but now it will be rebuilt.

25 And second of all, from the owner's point of

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1 view the office is going to be used by the owner
2 of the property. He currently has to have an
3 office in another space for him and his wife. Now
4 he will be able to provide his own and save rent
5 wherever it is on Long Island. So it becomes
6 viable in that way as well.

7 And I've also indicated, that's why I'm not
8 rich, is that apparently when you have a renovated
9 space you can have increased sales per visitor.
10 So that you don't increase the number of visitors,
11 but while they're there they have that opportunity
12 to make greater purchases and, of course, like
13 anything else you just raise the price.

14 MR. SECKLER: I also want to add that as a
15 business owner the idea isn't to see how few spots
16 you could have. You want to have enough spots,
17 spaces to accommodate your customer base. You
18 know, it's a convenient use. If there's never a
19 spot, he's missing out on customers. He wants to
20 be able to provide enough parking spaces for his
21 driving customers and also the location lends
22 itself to be accessible to non-vehicular trips.

23 MEMBER HENNER: So basically, your study said
24 thus far, and I don't know how often or how long
25 you parked there and observed and all the rest,

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1 but the parking facilities are not overtaxed?

2 MR. SECKLER: Correct. The parking
3 facilities right now are not overtaxed.

4 MEMBER HENNER: Any time of day I want to
5 stop there I get a parking spot?

6 MR. SECKLER: Sure.

7 MR. PANTELIS: Well, how many parking spaces
8 on-site are there now?

9 MR. SECKLER: There are about ten formal
10 spaces. Occasionally cars don't use the formal
11 spaces alongside the property. They run in or
12 grab something to eat or they're dropping off,
13 let's say, a loved one to go to the train and they
14 make it easier for them to get coffee on the way
15 to the train. But there are ten formal spaces
16 there.

17 We did a parking study while we were out
18 there from 7 a.m. to 9 a.m., and I believe 4 to 7
19 p.m., and it was never even close to having ten
20 spaces occupied. Like I said, the average --

21 MR. PANTELIS: What was maximum observed?

22 MR. SECKLER: It was an average of six max in
23 the morning and four max in the evening.

24 MR. PANTELIS: You're saying then that all of
25 the additional building, office and a pharmacy is

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1 only going to utilize four more spaces
2 potentially?

3 MR. SECKLER: Exactly.

4 MR. PANTELIS: So you will never exceed your
5 ten spaces?

6 MR. SECKLER: Exactly.

7 MR. RYDER: I have a question. You're saying
8 you have ten formal parking spaces, but in reality
9 if you were striping them at eight feet wide and
10 twenty feet long, how many parking spaces would be
11 available on this site?

12 MR. SECKLER: Currently?

13 MR. RYDER: Currently.

14 MR. SECKLER: Well, it would affect the
15 circulation off the site. A lot of the cars that
16 pull in in the front, they would be preventing
17 vehicles from exiting or entering from Brunswick.
18 They kind of like plop themselves in front. So it
19 wouldn't be a smart engineering decision to stripe
20 those spots as formal spots, but for the temporary
21 run in/run out it seems to do the trip, or it
22 seems to be what people prefer. But I would never
23 suggest marking those as formal spaces.

24 CHAIRMAN KEILSON: I don't think that's the
25 question.

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1 MR. RYDER: When I looked at the site I see
2 more than ten parking spaces on that site, and now
3 you're adding how much more additional square
4 footage to that building?

5 MR. SECKLER: Well, we're adding 1,700,
6 around 1,700 square feet for the pharmacy, around
7 2,000 square feet for the office, give or take
8 some square feet.

9 MR. RYDER: That's additional?

10 MR. SECKLER: That's additional.

11 MR. RYDER: And you're downsizing your
12 parking spaces available?

13 MR. SECKLER: But the amount of excess
14 parking isn't beneficial to the site currently.
15 Having -- this site could have 50 parking spaces,
16 if they're only using six, I don't think it's
17 relevant to how many spots there are out there.
18 They're not using the extra pavement that you say
19 could be striped accordingly. This site currently
20 or in the future could operate with the ten
21 spaces, and they currently can clearly operate
22 with ten or less spaces.

23 MEMBER HENNER: Are you saying no matter how
24 much extra space you build or add on nobody
25 needs any extra parking spots there?

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1 MR. SECKLER: At this site there is --
2 currently, no one is passing this site by because
3 there's not enough parking.

4 MEMBER HENNER: But we're talking about
5 increasing the space though, aren't we, and we're
6 talking about expanding?

7 MR. SECKLER: We're expanding the services.
8 When we add the pharmacy and office we'll still be
9 able to accommodate it all. I'm saying in the
10 existing condition.

11 MEMBER HENNER: I understand the existing
12 condition.

13 MR. GOLDMAN: What we're essentially doing is
14 filling up space with building that isn't
15 necessarily perhaps required, but isn't necessary
16 for parking. And in expanding the space we're not
17 necessarily removing spots that are currently
18 being used for parking. So essentially, what is
19 happening here is that it's a better use of the
20 space and, of course, to the extent that there are
21 concomitant improvements that are inherent in this
22 project that only serves to make things better.

23 MEMBER SCHRECK: What about the impact on
24 Brunswick Avenue? Aren't you concerned that it's
25 going to be more heavily traveled and it's a very

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1 narrow two-way roadway.

2 MR. SECKLER: Heavily traveled as in new
3 trips or there will be an exit on Brunswick?

4 MEMBER SCHRECK: Both.

5 MR. SECKLER: The fact is there's, as I
6 mentioned before, about one vehicle every fifteen
7 minutes in the morning, and one vehicle in the
8 p.m. every twelve minutes in the general road
9 network. Some of the time that one vehicle may be
10 on Brunswick; most of the time it's probably added
11 to Doughty.

12 SPEAKER: Is the entrance on Brunswick?

13 CHAIRMAN KEILSON: Hold it. Continue.

14 MR. SECKLER: The Brunswick exit -- just
15 talking about the access management plan for a
16 second, as proposed, all access, all vehicles
17 entering the site will be entering from Doughty,
18 circulate counterclockwise around the site in a
19 one-way fashion and exit onto Brunswick. From
20 there, they will be heading back to their
21 destination they choose. So if they were
22 originally heading north on Doughty, they stop at
23 the site, they go around the site and basically
24 make a left. There's visible sight distance.
25 There's no sight distance restrictions all along

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1 that exit area. They can safely make a left out
2 and a left on Doughty. If they're going south on
3 Doughty, they would make a left on Brunswick, and
4 make a right on Doughty. I really believe that
5 this site is bringing in trips from Doughty, so
6 more than likely they're looking to go right back
7 to Doughty.

8 MR. PANTELIS: When you speak about access
9 and circulation, have you given any consideration
10 to the type of deliveries that are going to be
11 necessary and are presently necessary for a
12 convenience store and for a pharmacy, vis-a-vis
13 truck traffic, truck deliveries and time of
14 deliveries, ingress and egress and so on?

15 MR. SECKLER: In speaking with the owner, the
16 typical delivery truck that they're anticipating
17 using is a single unit truck. It's about a
18 30-foot long by eight-foot-wide vehicle. It will
19 probably be loading in the spot off of Brunswick.
20 You can see there's two spots there; one's a
21 handicapped and one's a regular spot. It has
22 enough room to pull in there outside of the
23 Brunswick right-of-way and onto --

24 MR. RYDER: I'm sorry. You're saying there
25 will be one delivery truck?

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1 MR. SECKLER: No, no, no, no, the typical
2 size of the truck.

3 MR. RYDER: But they do come at the same
4 time.

5 MR. SECKLER: Not always, not -- the trucks
6 can --

7 MR. RYDER: That's not -- I don't know if the
8 owner is coordinating it with the deliveries, but
9 many times we go to retail sites and we'll see
10 multiple delivery trucks at the site
11 double-parking.

12 MR. SECKLER: I think sometimes with retail
13 sites because it has to be done at certain times
14 depending when the store is open or closed. This
15 being a 24-hour use it doesn't have the type of
16 restrictions where they don't want to be bringing
17 in something when the store isn't open. The store
18 is always open.

19 MR. GOLDMAN: And provisions will be made.
20 Apparently, the work standard or the standard
21 operation, for example, does not include
22 tractor-trailers. So they're box -- what do you
23 call them?

24 MR. SECKLER: Box trucks, a single unit.

25 MR. GOLDMAN: Box trucks. And also,

1 provisions will be made. What is going on here is
2 that clearly there is a desire to make this work
3 and not be a burden, one, to inhibit the business;
4 and two, to inhibit the community so that it
5 becomes the kind of thing where people seek to
6 avoid it. So any accommodations that have to be
7 made or should be made will be made.

8 MR. PANTELIS: Are you saying then that --

9 CHAIRMAN KEILSON: In talking about traffic
10 spot number nine there's no use for trucks and
11 they're going to off-load and walk around the
12 building?

13 MR. SECKLER: The primary storage entrance --

14 MR. FLAUM: The main service entrance is over
15 here (indicating), the back of the building.

16 MR. SECKLER: So basically, the main service
17 entrance is closest to I guess spot ten it would
18 be. So yes, they would walk and, you know, with a
19 dolly bring whatever, you know.

20 CHAIRMAN KEILSON: Off-load a truck from spot
21 number nine and go all around the building; is
22 that what you're suggesting?

23 MR. FLAUM: They can also go through the
24 building.

25 CHAIRMAN KEILSON: How can they go through

1 the building?

2 MR. FLAUM: There is a front entrance at each
3 door. You can bring it into the building, and the
4 people inside the building can then --

5 CHAIRMAN KEILSON: So where is the front
6 entrance in proximity to position number nine?

7 MR. FLAUM: It's right there. There's a
8 front entrance that's maybe ten, fifteen feet from
9 the proposed two-story building, and the existing
10 one-story it's about twenty feet away.

11 MR. PANTELIS: So your front entrance for the
12 one-story is adjacent to that handicapped space?

13 MR. FLAUM: Basically, just the proximity.

14 MR. PANTELIS: And the front entrance to the
15 two-story is going to be on Doughty Boulevard?

16 MR. FLAUM: Correct.

17 MR. PANTELIS: Facing Doughty Boulevard.

18 MR. SECKLER: The handicapped spot is
19 typically closest as possible to the front door.
20 Here being two uses, that's relatively close to
21 both, nine is also relatively close to both front
22 doors.

23 MR. PANTELIS: Either you are going to have
24 to pull the truck in and back out later, or you're
25 going to have to turn onto Brunswick and then back

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1 into a space in order to facilitate loading and
2 unloading. And what happens if either one or both
3 of those spaces are occupied?

4 MR. SECKLER: It would be typical for a site
5 like this to deliver in non-peak periods.
6 Obviously, you don't want your employees helping
7 out a delivery truck when your store is full and
8 every spot is taken.

9 Additionally, obviously, the truck -- you
10 know, this is a convenience store. People tend to
11 have a quick visit. So if the truck has to wait a
12 minute for someone to run in and get his
13 newspaper, you know, they would have to. Number
14 nine is the spot where they're going to be pulling
15 into.

16 MEMBER GOTTLIEB: So I haven't said much yet,
17 but when it's necessary I will.

18 MR. PANTELIS: Maybe we can sort of open up
19 the wall a little bit so that the audience can
20 actually see too. It would be helpful.

21 MEMBER GOTTLIEB: The entrance to -- I'm
22 going to call this store number one or call it
23 number two, or I think you call it -- I have too
24 many plans here. The store to the left, to the
25 south, that's the pharmacy? The existing store?

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1 MR. FLAUM: The existing retail space that's
2 being converted from the deli into the pharmacy
3 space.

4 MEMBER GOTTLIEB: So to get access to that
5 from the street you've got to walk in between
6 these two cars?

7 MR. FLAUM: No, there's a --

8 MEMBER GOTTLIEB: The two cars are blocking
9 the entrance from Doughty Boulevard?

10 MR. FLAUM: They're not blocking. There is a
11 curb. There is a walkway that fronts both the
12 south of the proposed two-story building and the
13 existing one-story building. There are renderings
14 that I have that can show you.

15 MR. SECKLER: I'm on page T101.00.

16 MR. FLAUM: If I may, I have renderings.

17 MEMBER GOTTLIEB: Renderings might be good.

18 MR. FLAUM: Can the Board see?

19 MEMBER GANZ: No.

20 MEMBER HENNER: No.

21 MR. FLAUM: Do you have a stand?

22 MEMBER GOTTLIEB: We don't have easels, but
23 we have good attorneys that are well equipped.

24 MR. GOLDMAN: That's easel, not weasel.

25 MEMBER GOTTLIEB: If you would, at some point

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1 I guess we'll ask you to turn it around so that
2 folks back there can see it as well.

3 So the Doughty Deli is going to be new
4 construction with the second floor being new and
5 that has an entrance right on Doughty?

6 MR. FLAUM: Correct.

7 MEMBER GOTTLIEB: The entrance to the future
8 pharmacy is a little bit askew from the street.
9 It's -- if you're coming from the north you're not
10 going to see the building; it's going to be hidden
11 by the -- that's an unusual retail concept.

12 MR. FLAUM: It's the existing building
13 footprint. That's where the common space is
14 located.

15 MR. GOLDMAN: The area variance that we're
16 seeking are just the parking, nothing else.

17 MEMBER GOTTLIEB: I understand, but I'm
18 trying to find some way to make this work in my
19 head to say, yeah, this is a good idea, and I have
20 a feeling that you four are the only folks that
21 think this is the greatest thing. That's just a
22 personal opinion. I don't speak for the rest.

23 MR. RYDER: Looking at the site plan and your
24 renderings, I do not see a trash enclosure area.
25 Is that something --

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1 MR. FLAUM: That has to be determined by the
2 best location based upon where the truck would
3 pick up the garbage. I'm not familiar with where
4 the truck currently picks up the garbage.

5 MR. RYDER: Just looking how you have it set
6 up, would it then take away a parking space?

7 MR. FLAUM: No. There is enough room on the
8 side of Brunswick. There's plenty of site area to
9 enclose garbage as well as on the north side. He
10 has the site plan there, but I think on the north
11 side as well there's a place to put an enclosure
12 for the garbage to be picked up over here. So
13 between here and here there's plenty of space to
14 put a garbage enclosure that will not take away
15 from any of the parking spaces.

16 MR. RYDER: You have to look at the -- when
17 the trash is picked up, I don't know if you will
18 have containers or trash cans. So if you have
19 two-yard dumpsters, you're looking at a garbage
20 truck coming on the site. I don't see how he can
21 do that maneuver coming in there.

22 MR. FLAUM: Well, he doesn't necessarily have
23 to come on the site. If it's a dumpster they can
24 roll it out and hoist it in as they do. They have
25 wheels. The dumpsters have wheels that allow them

1 to be repositioned for purposes of being hoisted
2 into the machine and then taken back down. I'm
3 not sure what the garbage requirements are for a
4 pharmacy and a deli since it's not an eatery. So
5 there probably will not be large amounts of
6 garbage created, but we obviously will deal with
7 that as an item if it becomes one of concern.

8 MR. RYDER: And enclosed as well, you know,
9 to make it aesthetically pleasing.

10 MR. FLAUM: Well, there's an issue with
11 fences in the Village of Lawrence, so I think that
12 would have to be addressed.

13 MR. RYDER: It's not an issue. It's about
14 how high you build it. It should be okay for an
15 enclosure for screening purposes.

16 MR. GOLDMAN: With the Board's permission,
17 I'm just going to flip it around.

18 CHAIRMAN KEILSON: Flip it around.

19 MR. GOLDMAN: Do you want to just lift that
20 one.

21 MEMBER HENNER: Could you just tell me what
22 it says on -- I couldn't read it. What does it
23 say on top?

24 MR. GOLDMAN: Doughty Deli and then Close Out
25 Paradise. I'm not sure why.

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1 MEMBER HENNER: Where is the drugstore?

2 MR. FLAUM: It's over here. The existing
3 deli space, the proposed two-story addition on
4 this side (indicating).

5 MEMBER HENNER: I see.

6 CHAIRMAN KEILSON: Do you want to continue?
7 Is there anything else you were presenting?

8 MR. GOLDMAN: No. I will respond obviously
9 if there are comments from the audience as well.
10 Obviously, I would just summarize at the
11 appropriate time in terms of the statutory
12 requirement for this area variance.

13 CHAIRMAN KEILSON: Fine. Okay, so now, any
14 questions from the Board?

15 MEMBER SCHRECK: Let's hear from the
16 audience.

17 CHAIRMAN KEILSON: Yes. Okay, so we're going
18 to ask people from the audience who want to speak
19 to the matter. Do you want to please step
20 forward, identify yourself.

21 MR. STEINBOK: Good evening, Mr. Chairman,
22 members of the Board. My name is Daniel Steinbok.
23 I'm a Lawrence resident. I'm an attorney. I've
24 been asked to speak on behalf of the residents of
25 Doughty Boulevard, specifically but not limited to

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1 the five homes located between Central Avenue and
2 the property location in question tonight.

3 May it please the Board, we are hear tonight
4 to talk about parking spaces. But unfortunately,
5 it's more than just the parking spaces. It's
6 issues of safety, issues of quality of life for an
7 area that's already inundated with more traffic
8 than it can handle. The neighbors are very
9 concerned, many of whom are here tonight to join
10 me in strongly opposing this variance request.

11 It's an enormous variance request.
12 Thirty-six spaces are required under the
13 ordinance, and they're asking for ten. It's not
14 as if they're coming in here, all right, we have
15 thirty-three spaces, we need thirty-six, we're
16 close, give us a break. This is a substantial
17 variation from what the ordinance requires, and
18 the neighbors understandably are concerned because
19 they're the ones that are going to be bearing the
20 burden of the excess traffic and parking that's
21 going to be taking place.

22 A substantial building has been proposed in
23 the area where a much smaller structure currently
24 stands. In addition to that, there's not going to
25 be any increase in parking spaces, and as we've

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1 seen tonight, this is going to be also a
2 substantial capital investment. A lot of money is
3 going to be put into this. They've retained the
4 services of a very talented architect, a very well
5 respected attorney. This is a substantial
6 investment by them, and to think that they're not
7 going to be looking for a return on their
8 investment with increased traffic with increased
9 sales.

10 There is going to be two retail spaces on the
11 building in addition to a 2,000 square-foot
12 office. It's possible that two people as it
13 currently stands may be occupying those offices,
14 but there's enormous space up there. They're
15 going to have visitors. And again, what's to stop
16 them in a couple of months from changing it over
17 with the additional space that's going to be
18 there?

19 Before I get into more of the specifics, and
20 we've submitted a letter dated April 9th
21 expressing our specific concerns given the traffic
22 that's already in the area, the congestion, the
23 fact that the area is already a site of frequent
24 traffic accidents, its proximity to the Long
25 Island Rail Road, as well as the fact that as it

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1 currently stands people are avoiding Doughty
2 Boulevard and actually taking Virginia, which is
3 one block over as a one-way street, just to avoid
4 the enormous congestion that already takes place
5 there. This is not including the fact that once
6 the Long Island Rail Road gates are down traffic
7 backs up considerably in addition to that.

8 But again, before I get into more of the
9 specifics, I also wanted to point out that this
10 exact issue has already been adjudicated before
11 this Board, and by letter which was attached to
12 the amended petition dated January 29th this Board
13 has already issued a denial whereas the same
14 relief that's being requested tonight has already
15 been requested, and by letter of the Board --

16 CHAIRMAN KEILSON: Just to clarify, that's a
17 letter that comes from the Building Department
18 denying based on the plans, and then it's within
19 the right of an applicant to come before the Board
20 of Zoning Appeals to seek relief. That's
21 precisely what our business is about. So we have
22 not passed judgment on this.

23 MR. STEINBOK: Okay, I understand,
24 Mr. Chairman. And again, the neighbors all of
25 Doughty Boulevard, Brunswick, Virginia and the

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1 immediate area are all in strong opposition to
2 this. So putting aside the bad precedent it would
3 set to allow such a substantial variation, if this
4 is allowed every other business in town is going
5 to say, hey, you let the Doughty Deli have 25
6 percent of the spaces they needed, why can't we do
7 it?

8 You know, and again, just to address the
9 traffic report also, it's our position the traffic
10 report which was generated certainly at the
11 expense of the petitioners and also issued after
12 the petition was filed, it's our position that the
13 traffic report is nothing more than an infomercial
14 which seems to conveniently conform to the fact
15 that they only have that many spaces. If there is
16 only going to be an additional car every twelve or
17 fifteen minutes, especially during peak hours, I
18 don't see how logically they could expect a return
19 on the substantial investment it's going to cost
20 to knock the building down, rebuild it, put in all
21 of these new things that they're proposing. I
22 would assume they're doing this to make a profit,
23 and unfortunately, it looks like the burden is
24 going to fall on the residents with regard to
25 parking and the increased traffic.

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1 We've already had a number of incidents in
2 the area. Whenever somebody parks on the side of
3 Doughty Boulevard, whoever lives in that house
4 can't see outside as they're pulling out of their
5 driveway. It's impossible to see. The area has
6 already received a number of traffic accidents.
7 Unfortunately, one of our neighbors was struck by
8 a vehicle crossing the street several months ago.

9 Also, with due respect to the traffic
10 experts, they don't live in the area. They have
11 never seen a car ending up on their front lawn.
12 They checked the area on a Wednesday morning and a
13 Friday morning. They didn't see the area when
14 there's garbage pickup. Brunswick Avenue as it is
15 is an extremely narrow roadway. For a truck to go
16 on there, even for a regular vehicle to go on
17 there, it's a two-way street and it's very close
18 if two vehicles are going opposite each other, and
19 that's with a regular four-door sedan. To have
20 increased delivery trucks over there, it looks
21 like based on those plans that a truck is not
22 going to be able to get in and out of that parking
23 lot.

24 CHAIRMAN KEILSON: You indicated that cars
25 park on Doughty?

1 MR. STEINBOK: Not at the moment. But the
2 overflow from the lack of parking is going to put
3 the traffic onto Doughty, making the area even
4 more dangerous.

5 As the traffic expert indicated, it's his
6 understanding that passersby might just go in and
7 grab something, whereas they previously may not
8 have before. Where are they going to park?

9 MEMBER HENNER: Can I ask a question? Are
10 you finished? I don't know how many pages of
11 notes you have.

12 MR. STEINBOK: I'm not going to go too far
13 into it.

14 MEMBER HENNER: Would you rather I wait till
15 you're finished?

16 MR. STEINBOK: No, go ahead, please.

17 MEMBER HENNER: I'm listening to this, and
18 the truth is I don't really travel much in that
19 area. I've lived in Lawrence for thirty-five
20 years, and until this application I had never
21 passed that store. I have passed by a number of
22 times. And I'm listening to your presentation and
23 it's like a very sad tale of woe, in my opinion.

24 And so what I'm trying to figure out is if
25 things are as bad and as bleak as you say they are

1 now, assume this application was never presented
2 or this application is withdrawn, what's being --
3 where is the recourse to you and the neighbors and
4 all the people of Doughty if things are so bleak
5 and bad and all the rest of it, and then people
6 are getting hit by cars, accidents, no parking, no
7 visibility. What are people doing about it up
8 until this application is pending? Where is the
9 groundswell, you know what I'm saying? Where is
10 the anger up until this application of taking care
11 of the traffic and all of the rest of it? Is that
12 a fair question? I haven't heard a thing up until
13 this application, and so far I haven't heard you
14 in the application -- in your presentation
15 necessarily blame -- blame this convenience store
16 for these problems. It just seems like the whole
17 area between the railroad, and this and that, it's
18 a conglomerate of things that are causing this
19 situation, whatever it is, but not necessarily the
20 existence of this convenience store wouldn't
21 change things if it shut down tomorrow.

22 CHAIRMAN KEILSON: Mr. Henner, if I may,
23 maybe you'd prefer, I think a neighbor may be
24 equipped to respond.

25 MEMBER HENNER: Fine, I don't care. He's

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1 speaking for all the neighbors. That's why I
2 asked the question.

3 CHAIRMAN KEILSON: Mr. Goodman.

4 MR. GOODMAN: I've lived -- Benny Goodman,
5 sorry, Doughty Boulevard, Lawrence. I lived there
6 since 1992. Each year it seems the corner gets
7 worse and worse. I'm talking about the corner of
8 Doughty and Central. I'm one block over. I'm on
9 the next block. He said about the five people,
10 I'm the sixth guy. That corner gets worse and
11 worse. And the truth is we were back and forth
12 with the Nassau legislature, I don't know who, it
13 was some guy, and finally this guy Kopel got
14 elected so I started dealing with him, getting
15 nowhere. Marty Oliner was trying, not getting
16 anywhere.

17 Recently, because of the great election and
18 the Trustees, which actually woke people up that
19 there is a Trustee in the Village who will do
20 things, we are now working with Michael Fragin.

21 Yeah, that corner is a disaster. It didn't
22 bother me that much when it was me, but once my
23 kids became teenagers and started driving, I told
24 them they're not allowed to turn on Central and
25 they have to go to Broadway and come around

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1 because I don't want them turning onto Central
2 Avenue. So yeah, we've been dealing with this for
3 years and we're getting -- I feel like in the last
4 year since Michael Fragin started getting much
5 more involved in the neighborhood we're getting
6 somewhere.

7 So it seems that the Village says it's the
8 state, the states says it's the county, and the
9 county says it's the Village. So sooner or later
10 we'll find out who is responsible.

11 MEMBER HENNER: And I appreciate the
12 response, but I'm not sure if it's responsive to
13 my question. My question is, it seems like
14 everyone, if you're speaking for everyone, is
15 blaming this store or the desire to upgrade the
16 store or expand the store, however you want to
17 characterize it, is responsible for all the ills
18 that have befallen this area since 1992 when you
19 moved in, and before that, and since then. And
20 you know, I'm not seeing why it's this store, and
21 I'm not sure where there's any redress here.
22 You're saying everybody is pointing a finger
23 elsewhere, and meanwhile you guys are all still in
24 the same lousy situation that there's been no
25 change and people are kind of like venting, here's

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1 an opportunity for us to express ourselves because
2 this guy wants to expand.

3 MR. GOODMAN: No, it's anything that will
4 make it worse is the issue.

5 MEMBER HENNER: That's the question, whether
6 or not it would make it worse, okay. But by the
7 same token, if the application is denied, it's not
8 really making anything really better for anybody
9 on the Doughty side of the table either from my
10 perspective. But I'm new to it.

11 MR. STEINBOK: All the more so, given all the
12 problems that are there with the increased square
13 footage of the building and the increased traffic,
14 it's going to make a bad situation that much
15 worse.

16 As it stands now, I don't know if there's a
17 picture anywhere of the Doughty Deli as it
18 currently stands. There is a way if you're going
19 from Brunswick -- I don't know if you've ever seen
20 an eighteen-wheel truck try to make a left turn
21 from Brunswick onto Doughty. It's a disaster. It
22 jackknifes, you have to go in reverse sometimes,
23 it's not a pretty site as it is.

24 The way the new plans are currently situated,
25 they're not going to have the benefit of that

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1 extra roadway which is currently part of the
2 parking lot to make that turn, and which they
3 frequently do, they go up the curb, they go across
4 through the parking lot. It is also going to
5 force the delivery trucks to be on Brunswick, an
6 area which again is extremely narrow as it is.

7 MR. PANTELIS: Can I just ask you, are you
8 saying that it's been your observation that
9 eighteen-wheelers presently deliver to the site,
10 the existing store, or are they going down for
11 some other reason?

12 MR. STEINBOK: Both. It's both. There's an
13 eighteen-wheel cab that frequently parks there as
14 well, and you have industrial businesses further
15 down on Brunswick and Far Rockaway that use that
16 roadway as it is to get to Doughty in order to
17 reach 878.

18 In addition to that, now you will have other
19 delivery vehicles parked on that street with other
20 trucks coming from the commercial area trying to
21 get through there as it is.

22 Also, with regard to trying to stagger the
23 times for the deliveries, even if they're going to
24 be delivering during non-peak hours late at night,
25 all that's going to do is continue to wake the

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1 residents and result in increased noise at later
2 hours.

3 There is already an enormous amount of foot
4 traffic due to the railroad. There's other foot
5 traffic which seems to congregate in the area for
6 extended periods of time. There's vehicular
7 traffic going in and out of the parking lots of
8 the train stations, and as you just addressed,
9 it's already a very difficult situation.

10 The traffic light on Central and Doughty,
11 which is about 50 feet away from the traffic light
12 on Central Avenue and 878, those two lights are
13 not synchronized which results in major backups;
14 and when a light changes, if somebody wants to
15 make a left turn from Doughty Boulevard onto
16 Central to go towards 878, frequently you have to
17 wait two or three light cycles if you're going to
18 go, or you're going to block the middle of the
19 road so traffic on Central when the light turns
20 green they can't go.

21 MEMBER HENNER: I'm sitting here listening to
22 you. It would seem that's not a difficult thing
23 to get fixed. Somebody has got to be able to have
24 connections. I don't get that. I'm saying he's
25 speaking in reaction to the application and he's

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23 to get fixed. Somebody has got to be able to have
24 connections. I don't get that. I'm saying he's
25 speaking in reaction to the application and he's

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1 talking about traffic lights out of sequence as
2 further grounds why not to approve or for us to
3 deny an application. That's all.

4 CHAIRMAN KEILSON: He's speaking to traffic
5 congestion and safety, and the reality of the
6 situation is they've attempted. We have Village
7 officials here tonight. I'm not sure you want to
8 go that way.

9 MEMBER HENNER: What's that?

10 CHAIRMAN KEILSON: We have Village officials
11 present tonight if you want to discuss and argue
12 what's going on for the past twenty years. I
13 don't think that's the issue.

14 MR. STEINBOK: And again, Doughty Boulevard
15 is already a very well traveled area; it's a
16 two-way street, it's very narrow, and there's only
17 room for parking on one side of the street. And
18 any vehicles that park in those areas, any
19 homeowner getting out of their driveway, as I
20 mentioned before, can't see a thing, and you're
21 kind of -- it's very dangerous to go out there,
22 especially the manner in which people drive on
23 Doughty Boulevard.

24 This new proposed structure with the lack of
25 adequate parking is going to increase the burden.

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1 Over the last twenty years the building has stayed
2 in disarray. It's not in great condition.
3 There's been a shooting there. There's been a
4 number of other problems. And we have an absentee
5 landlord that hasn't been there and doesn't have
6 to bear the burden of everything the residents
7 have to do on a daily constant basis. This is
8 just going to increase the problems that are
9 already in existence, and for those reasons, given
10 the lack of the adequate parking and the neighbors
11 who are now going to have to bear the burden of
12 that, you know, on behalf of all the neighbors who
13 are here tonight we strongly oppose the variance.

14 MEMBER SCHRECK: What about the pharmacy, the
15 24-hour pharmacy, won't the neighbors benefit from
16 having a pharmacy within walking distance?

17 AUDIENCE: No, no.

18 MEMBER GOTTLIEB: That was a unanimous
19 answer.

20 Regarding the absentee ownership, it sounds
21 like the owner will be there. He won't be living
22 there, but they're going to be there full-time.

23 MR. STEINBOK: Again, the office space
24 they're proposing for the two owners is
25 substantial. How do we know two months from now

1 they're not going to change it? If I have that
2 much office space, especially if business takes
3 off, why would I not want to rent that out and
4 gain additional revenue for my property?

5 Employees are coming there. I don't know the
6 procedures with regard to getting the permits, but
7 I would assume you have to be a Lawrence resident
8 to get them. If someone is coming in from out of
9 town --

10 CHAIRMAN KEILSON: You can be non-residents.

11 MR. STEINBOK: Okay. And you know, with
12 regard to other businesses, Seasons, for example,
13 or any of the other ones that have municipal
14 parking, first of all, the municipal parking is
15 there for those businesses. In this situation the
16 parking is there for the Long Island Rail Road.
17 It's not adjacent to the properties, it's across
18 the street, and it's built and designed for a
19 completely separate purpose. So you can't really
20 compare the two of those.

21 CHAIRMAN KEILSON: Okay, anything else? Or
22 we'll ask anybody else who wants to speak to it.

23 MR. STEINBOK: Thank you very much.

24 CHAIRMAN KEILSON: Thank you.

25 Identify yourself, please.

1 MR. GORDON: Richard Gordon, 36 Doughty
2 Boulevard, between Central Avenue and the deli.

3 Chairman, Board, we have on our block between
4 the Doughty Deli and Central Avenue five homes.
5 I'm the third house from the deli; I'm the middle
6 house. The two initial homes are fairly new
7 owners. The next three are myself, Gruenbaum and
8 Marchuk. We have been there for fifteen years.

9 To just give a little introduction, because I
10 guess that you're not too familiar, I think
11 Mr. Keilson is a little bit more familiar, maybe
12 some of the other members of the Board are not
13 familiar with what's going on there. We've had
14 many, many issues with this -- with this property,
15 and we're beating around the bush a little bit
16 about the traffic.

17 We have a severe day laborer problem that is
18 affecting and has been affecting the neighbors,
19 the quality of life. And the current owner of the
20 facility is creating a bodega atmosphere that is
21 devastating to our families, to our children, and
22 to the safety of everybody around.

23 You asked a question: How come we haven't
24 addressed some issues? Quite frankly, this is the
25 first time that we've ever met Mr. Henek in the

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1 last fifteen years. He has, quite frankly, been
2 not responsive to our neighborhood. We feel, and
3 I can -- that this is sort of a disrespect to the
4 neighbors to ask for a variance when he can't even
5 fix the place up as it is and make it look nice.

6 Make it nice for us.

7 CHAIRMAN KEILSON: Please address the Board,
8 address the Board.

9 MR. PANTELIS: Yes, sir.

10 MR. GORDON: He's asking -- he's telling us
11 if he makes it nice it's going to be better. What
12 about the last fifteen years? Create parking
13 spaces. Create -- create -- put an owner there
14 that will attract the change in demographics.
15 It's a bodega. The people from the neighborhood
16 don't use it. Nobody walks in there. My kids are
17 scared to walk into that place. All of our kids
18 are scared to walk in that place. So he's coming
19 to ask the neighbors for a variance? Show us
20 something. Make it nice for us.

21 I met with Mr. -- I met with him twice. I
22 sat in Dunkin' Donuts, we sat and talked. I asked
23 him, I begged with him, please make it nice for
24 us. I met with the architect. Okay, that's the
25 emotional side of it.

1 The other side of it is that -- and I
2 understand that this is an area variance and not a
3 use variance. But there are a couple points that
4 I think would affect even the area variance. I'd
5 like to address specifically the pharmacy which
6 you raised. My dad is a pharmacist. I'm sorry
7 that I didn't make enough copies of this, so I
8 only have four but I'll pass them out (handing).

9 MR. PANTELIS: We'll just mark them in.

10 CHAIRMAN KEILSON: Do you have a copy for
11 Mr. Goldman, perhaps?

12 MR. GORDON: I'll give it to him afterwards.

13 CHAIRMAN KEILSON: Tom, why don't you give
14 one to Mr. Goldman.

15 MR. GOLDMAN: Thank you, Mr. Pantelis.

16 CHAIRMAN KEILSON: And we'll share up here.

17 MR. GORDON: Okay, I'm sorry.

18 We've had in the small pharmacies in the last
19 three, four years in Long Island, we've had a
20 number of robberies, and which these type of small
21 pharmacies are specifically -- I don't want to say
22 conducive to. Creating a small pharmacy which
23 there is a very easy access on Doughty Boulevard
24 to be able to be robbed and a very easy escape
25 route would be a very, very, very bad idea for our

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1 neighborhood. This pharmacy would not serve us.
2 This pharmacy would bring in outsiders, and it
3 would be a threat and a danger, a severe danger to
4 the neighborhood.

5 MR. PANTELIS: I think you have to realize
6 that we have a parking variance before us and that
7 actually the uses themselves, whether it's a
8 pharmacy or any other permitted use, is not the
9 nature of the inquiry. However, the traffic
10 generation, the amount of parking available and
11 other things are available. So I think that might
12 be somewhat speculative.

13 MR. GORDON: Well, although you should know.

14 MR. PANTELIS: I'm not going to stop you from
15 saying something, but I understand you understand.

16 MR. GORDON: There was a report that
17 suggested that at the time that these robberies
18 were going on that in the building, the
19 development of a pharmacy, that is something that
20 should be considered is that building it in a way
21 that is not and is less conducive and able to be
22 robbed easily. This is a very -- this situation
23 when you've got this pharmacy on a street that --

24 MR. PANTELIS: I think that's kind of
25 speculative.

1 CHAIRMAN KEILSON: What he's suggesting is
2 the weight we can give to something of that nature
3 may not go to the weight of the issue of the
4 variance.

5 MR. GORDON: I have a couple of other issues
6 just to reiterate or to stress. The garbage
7 issue, that kind of facility is going to have a
8 lot more garbage. Putting a -- a garbage truck
9 coming down a side street which is already
10 congested, Brunswick, right now the garbage is
11 picked up. The garbage trucks pull in, the big
12 containers are in the back, pulls in and pulls
13 out. Now you're going to have, besides all of the
14 other additional traffic that's going on, you're
15 going to have a garbage pickup that's going to
16 also block Brunswick because the plans have not
17 addressed that.

18 The delivery trucks, I know personally, once
19 again, I live there, the delivery trucks that come
20 are the big trucks, are the soda trucks, and
21 you've seen those big soda trucks, they're big,
22 and without a place to pull in right now they pull
23 in straight into the driveway there. Without a
24 place to pull in, there's no -- they're going to
25 be -- they're going to be on the streets. They're

1 going to be on the sidewalk. They're going to be
2 blocking.

3 Another issue, once again, is the day -- is
4 the day laborers. There are literally -- and
5 Mr. Henner, you have to go there. There are
6 literally thirty or forty day laborers that are
7 hanging out there every single day. This building
8 will -- and the reason they're there is they can
9 get something to drink, they can get something --
10 it's convenient for them. They're not going to go
11 away. They're just going to be pushed out further
12 into the street, further into the -- out to the
13 sidewalk, further into the parking lot. It's
14 going to -- it's an issue that we don't know how
15 to deal with. We don't know how to deal with it,
16 and quite frankly, we've spoken about it. There's
17 things that you could do to deal with that. Put a
18 fence up, have the owners -- and once again, the
19 neighbors are very much against this. We think it
20 will be disastrous for the neighborhood.

21 Thank you for listening.

22 CHAIRMAN KEILSON: Thank you.

23 MR. GORDON: And I hope something good can
24 come from it.

25 MR. GOLDMAN: May I?

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1 CHAIRMAN KEILSON: No. You have several rows
2 filled with people.

3 MR. MARCHUK: Scott Marchuk, 32 Doughty
4 Boulevard. I just wanted to make one quick
5 comment. I think the questions that the Board was
6 asking the whole night is really on target. The
7 bottom line is that there are thirty-six parking
8 spots that are needed for this location, and there
9 are ten set up. With all the other pomp and
10 circumstance going through tonight and all the
11 other objections of what the space is going to be
12 used for, we don't know anything. We don't know
13 what's going to end up being there.

14 The bottom line is it seems very clear to all
15 of us that thirty-six and ten is nowhere near each
16 other, and we thank you for your attention.

17 CHAIRMAN KEILSON: Anyone else? Step up.

18 MS. TRACHTENBERG: Good evening, Carol
19 Trachtenberg. I live at 1334 Virginia Street,
20 that's in Far Rockaway. The house is on the
21 corner of --

22 CHAIRMAN KEILSON: Could you speak up.

23 MS. TRACHTENBERG: Sorry, I thought I was
24 speaking loud enough.

25 MEMBER HENNER: It's going right into your

1 hat.

2 MS. TRACHTENBERG: I live on the corner of
3 Virginia Street and Brunswick Avenue. I have a
4 big problem with them increasing -- again, I agree
5 with everyone that increasing the building means
6 increasing the business which means increasing not
7 only vehicular traffic but it's going to also
8 increase foot traffic. And I know that the
9 traffic engineer mentioned that he didn't think it
10 would be a lot of vehicular traffic, and he said
11 people walk there. Well, I don't want to see a
12 lot of people walking up and down my street.

13 Also, he mentioned that there's not a lot of
14 traffic on Brunswick Avenue during the high peak
15 times. My driveway faces Brunswick Avenue, and I
16 will tell you that there are days that I cannot
17 get out of my driveway waiting for traffic to move
18 so I can get to work.

19 So I agree that I -- my position is that it's
20 going to increase vehicular traffic, it's going to
21 increase foot traffic. No place for those
22 delivery trucks. As it is, Brunswick Avenue is a
23 very, very narrow street and it's really hard to
24 get back and forth on it.

25 I'm a member of the Community Board 14, and

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1 I've been petitioning them to try to do something
2 about the traffic on Brunswick Avenue.

3 MEMBER HENNER: Where is that community
4 board?

5 MS. TRACHTENBERG: Rockaway Peninsula.

6 MEMBER HENNER: You're in Queens?

7 MS. TRACHTENBERG: I'm in Queens, yes. So I
8 am trying to do something, but you have to deal
9 with New York City, which is not Lawrence, so it's
10 a little bit more.

11 CHAIRMAN KEILSON: I don't know if they're
12 doing any better.

13 MS. TRACHTENBERG: It's a much more
14 bureaucratic organization to deal with, so things
15 take a lot longer. I've lived where I am now --
16 I've lived there since 1954.

17 MEMBER HENNER: Not possible.

18 MS. TRACHTENBERG: Absolutely possible.

19 CHAIRMAN KEILSON: She was born then.

20 MS. TRACHTENBERG: Just about. So I've seen
21 -- I've seen the changes in the community. I've
22 seen what's been going on with traffic and
23 parking, and I can't -- I can't be confident that
24 what the owner is saying is the usage of the
25 building now will always be the usage of the

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1 building. Just because he's saying that an office
2 is going to have two employees doesn't mean that
3 -- in ten years it's going to be a different --
4 it's going to be a different office. He might
5 sell the property and then we don't know what's
6 going to be there, and now you're giving people an
7 opportunity to put in a much larger business than
8 what he's even proposing for us. So we're all
9 against it.

10 CHAIRMAN KEILSON: Thank you very much.
11 Please.

12 MS. BORENSTEIN: Good evening, Mr. Chairman,
13 members of the Board. My name is Michelle
14 Borenstein. I'm the closest house to the Doughty
15 Deli. I live at 40 Doughty Boulevard, right on
16 the corner. I would like to mention that I
17 really --

18 CHAIRMAN KEILSON: Could you speak up?

19 MS. BORENSTEIN: Pardon?

20 CHAIRMAN KEILSON: Could you speak up?

21 MS. BORENSTEIN: Oh, Michelle Borenstein.
22 I'm the closest house to the Doughty Deli. I
23 would like to mention that I sincerely believe
24 that the traffic will increase. Every morning it
25 is very difficult to get in and out. I also

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1 notice from my children getting up earlier because
2 of the trucks as of now just the deliveries and
3 the people coming in and out. When I say in and
4 out, there are some parking spaces. People do not
5 utilize them, which strongly leads me to believe
6 that even though there were parking spaces people
7 continue to not utilize them. There will just be
8 more people there. They bump over the curb.
9 People come in and out haphazardly.

10 I would also like to mention that, if I
11 understand it correctly, the driveway in and out,
12 pardon for lack of better terms, the exit on
13 Brunswick leads right into my driveway. I have
14 four small children. That makes me extremely
15 nervous.

16 I also would like to point out that in my
17 experience when -- since we're focusing, the
18 pathway is rather than a large area and we're
19 focusing an entrance and exit and confining it to
20 a certain area, when people are there it will be
21 slower, even though there will be more people,
22 people will be frustrated at the time it takes to
23 get through which means they will be less
24 cautious, they will push ahead as far as they can,
25 and that makes it a safety issue. I know I'm

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1 speaking -- it sounds very selfish. That's simply
2 for myself on that corner, that's how I see it.

3 I am a new homeowner. I am there since last
4 October. But in the short amount of time this is
5 what I've noticed, and it has made the quality of
6 life very difficult in that instance, and I only
7 project that it will increase. If there is a
8 larger business, more people coming, and I don't
9 see why people would necessarily use the too few
10 parking spaces that there are now. There needs to
11 be more parking spaces, and I don't even know if
12 they will continue to use them. It just makes it
13 congested, and again, it makes the area too narrow
14 for safety and for quality of life.

15 And I would also like to mention there is an
16 eighteen-wheeler cab that sits right across from
17 my house all the time on Brunswick.

18 CHAIRMAN KEILSON: Is that related to the
19 facility?

20 MS. BORENSTEIN: I'm not a hundred percent
21 sure. I would ask, but --

22 CHAIRMAN KEILSON: Don't ask.

23 MS. BORENSTEIN: I don't know, I honestly
24 don't know. I don't know because I see it in
25 front of the deli so I can only assume. I don't

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1 know. I don't want to say that as fact.

2 MEMBER HENNER: Can I ask you a question?

3 MS. BORENSTEIN: Yes.

4 MEMBER HENNER: You just moved there within
5 the last six, eight months?

6 MS. BORENSTEIN: Correct.

7 MEMBER HENNER: So was all of this stuff --
8 was all of this stuff like coming as a surprise to
9 you that, I guess, you didn't know about this
10 before, or you got a great deal on the house?

11 MS. BORENSTEIN: No.

12 MEMBER HENNER: But if you saw all this
13 stuff, you chose to move there, obviously, nobody
14 forced you there, you knew it was across the
15 street from the deli and Doughty Boulevard, I'm
16 just curious, you know, what do you know now that
17 you didn't know then, or did you know all of it
18 but just didn't realize how bad it was?

19 MS. BORENSTEIN: To be perfectly honest, I
20 come from Far Rockaway. It's extremely hard. I
21 sacrificed; I said, you know what, I'll have to
22 try to deal with it. It has not been easy, but
23 when you look for six years and try to buy a
24 house --

25 MEMBER HENNER: I understand. So it's not

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1 like all of a sudden these guys started parking in
2 the street.

3 MS. BORENSTEIN: I was aware of the issue.

4 MEMBER HENNER: This was from day one?

5 MS. BORENSTEIN: I was aware of the issue.

6 MEMBER GOTTLIEB: Just a question. You've
7 seen the pictures of the rendering of the new
8 building?

9 MS. BORENSTEIN: I believe, yes.

10 MEMBER GOTTLIEB: It's your opinion, even
11 though it would look nicer and more cornered, you
12 don't think that could be an attribute? I heard
13 everything you said about traffic. I'm just
14 thinking, would it not be an improvement to look
15 at this versus what's there now?

16 MS. BORENSTEIN: Yes, it would be in that
17 case, but it is -- it doesn't balance out. It
18 doesn't outweigh the cons in terms of -- and not
19 to mention there are one or two pharmacies a
20 couple of blocks down. There just are for people
21 to utilize all the way down. And yes, it would be
22 less of an eyesore, that is true.

23 MEMBER GOTTLIEB: But you feel that the
24 detriment of the new construction outweighs the
25 benefit of the aesthetics?

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1 MS. BORENSTEIN: Certainly, certainly. And
2 again for the neighbors as well. I know I feel it
3 and I've only been here a short time, but just to
4 make mention in that short time what I've
5 experienced is significant.

6 CHAIRMAN KEILSON: Thank you.

7 MS. BORENSTEIN: Thank you for your time.

8 MS. GURSKY: Gentlemen, my name is Melissa
9 Gursky. I live at 1324 Virginia Street, Far
10 Rockaway. For discloser, I'm a licensed realtor
11 with Weissman Realty Group. I'm also -- I also
12 have a personal connection with Mr. Flaum's
13 family.

14 I wanted to speak, with all due respect to
15 everything here, I wanted to say I believe -- I
16 have a question with the traffic report. I live
17 on Virginia Street, a block away -- I'm in Far
18 Rockaway, it's a one-way street. The street past
19 me is Sage Street, also a one-way street. I'm
20 wondering if the traffic experts examined the
21 effects of the traffic patterns now, the change in
22 traffic patterns, how that's going to affect the
23 traffic on the one-way street in Far Rockaway.
24 The cars that are not going to be able to get
25 where they want to on Doughty and will take the

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1 side streets. Like we said, Brunswick is very,
2 very narrow; it's two ways but very, very narrow.
3 Sage Street is also narrow; it's a one-way street
4 with parking on both sides. Virginia Street, my
5 street, is also a narrow street, a one-way street,
6 parking on both sides. There's also a nursing
7 home on the corner of Virginia and Central. There
8 is a shortage of parking because the nursing home
9 employees do take up a lot of the street parking.
10 I'm concerned that the traffic experts did not
11 study what could possibly happen, the spillover
12 from extra cars going onto the side streets. I'd
13 like to see that examined and have you gentlemen
14 take that into consideration. Thank you.

15 CHAIRMAN KEILSON: Thank you. Any further
16 comments from the neighbors? Mr. Goldman.

17 MR. GOLDMAN: I will be brief, Mr. Chairman,
18 but it's necessary to make a record.

19 This matter was before this Board in April.
20 The neighbors of which there are only six that
21 reside in the Village of Lawrence, there was
22 nonetheless a letter submitted dated April 9th,
23 2013, that was signed by sixteen neighbors. That
24 was dated April the 9th. I took the liberty in my
25 own informal way citing the various points that

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1 were made and it came to nineteen separate issues.
2 Since that date in April and it is now August --

3 CHAIRMAN KEILSON: I see many more signatures
4 than you. Can you repeat again what you said.

5 MR. GOLDMAN: Oh, I counted sixteen separate
6 families, that there were six families if you look
7 at the map in terms of the notice, there are only
8 six families in Lawrence that are impacted by this
9 application.

10 CHAIRMAN KEILSON: That are impacted?

11 MEMBER GOTTLIEB: According to the radius.

12 MR. GOLDMAN: According to the radius map who
13 are obviously within 300 foot and had to be
14 notified.

15 CHAIRMAN KEILSON: As far as notification.

16 MR. GOLDMAN: That is correct.

17 CHAIRMAN KEILSON: But others may be
18 impacted.

19 MR. GOLDMAN: Well, to the extent that anyone
20 can be impacted on anything, but certainly in
21 terms of notice there are six families.

22 CHAIRMAN KEILSON: I understand, but again, I
23 want to emphasize in terms of notice.

24 MR. GOLDMAN: That is in terms of notice,
25 yes.

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1 CHAIRMAN KEILSON: Fine, please.

2 MR. GOLDMAN: Now, in terms of the letter
3 there were nineteen separate points. We took the
4 liberty on behalf of the applicant to reach out
5 several times, several ways, many times in order
6 to have a meeting to address not specifically only
7 the traffic issues that were raised. We made
8 offers to go through every single one of those
9 nineteen points, many of which impact on the right
10 of public assembly, on the crime, on a whole
11 litany, and you heard them being referred to here
12 tonight. To date, no one responded.

13 This Board is in possession, I believe --

14 CHAIRMAN KEILSON: Hold it, hold it. No one
15 responded?

16 MR. GOLDMAN: No one responded in terms of
17 setting up a meeting.

18 CHAIRMAN KEILSON: You had no meetings with
19 the neighbors?

20 MR. GOLDMAN: As a matter of fact, I did with
21 Rabbi Marchuk. We did meet in Assemblyman
22 Goldfeder -- who is not our assemblyman but
23 actually the assemblyman of Far Rockaway -- we met
24 in his office. We proposed a whole series of
25 proposals that the owner and the applicant was

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1 prepared to make concessions that had nothing to
2 do with parking, mind you, but having to do with
3 all the issues that were raised.

4 And to date this Board is in possession, I
5 believe, of a letter that I sent July the 10th
6 inviting each of them to my home, because nobody
7 else wanted to meet in any other place. We gave
8 various dates, and Rabbi Marchuk will attest and
9 he's been more than cooperative and very
10 well-spoken and very articulate on behalf of all
11 these issues, as was Assemblyman Goldfeder of Far
12 Rockaway, not the Lawrence assemblyman, and we
13 addressed all those issues and we said we would
14 try to meet. We set up -- we proposed various
15 dates; they were unacceptable and unavailable.
16 And through no fault of his by no means.

17 What we then did was to send out a letter to
18 the sixteen parties, this Board is in receipt,
19 inviting them to -- "During the pendency of their
20 application, the Heneks have been advised of a
21 series of neighborhood concerns, while not
22 directly germane to their petition are also of
23 concern to them as both property owners and
24 community members."

25 They were invited to my house two weeks

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1 before the date, and no one showed up, no one
2 responded, no one even had the courtesy to
3 respond, except Rabbi Marchuk on the date
4 indicating that -- and I have the E-mail -- saying
5 that he doesn't believe anyone is going to show
6 up.

7 Now, for these folks to come, Mr. Gordon is
8 here, and I assume that the Board wanted to have
9 impact on his comment, as well you should. Only
10 you should be advised that Mr. Gordon advised my
11 client that if we switched it and rented the
12 property to him so that we could consider a bagel
13 shop on the location, he would spearhead an effort
14 to stop any kind of complaints about this
15 application. So to the extent that there's
16 credibility --

17 CHAIRMAN KEILSON: Who had that conversation?

18 MR. GOLDMAN: That is Mr. Gordon.

19 CHAIRMAN KEILSON: With?

20 MR. GOLDMAN: Mr. Henek.

21 CHAIRMAN KEILSON: Was that the taped
22 conversation you referred to?

23 MR. GOLDMAN: As a matter of fact, yes, it
24 was, because to the extent that I'm not appearing
25 before this Board --

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1 CHAIRMAN KEILSON: You don't have to raise
2 your voice.

3 MR. GOLDMAN: I'm not raising my voice.

4 CHAIRMAN KEILSON: Yes, you are.

5 MR. GOLDMAN: Mr. Keilson, this is not a
6 personal conversation between you and me. I am
7 addressing the Board.

8 CHAIRMAN KEILSON: Good. Let's keep it in a
9 conversational tone.

10 MR. GOLDMAN: I am addressing the Board. I
11 apologize if you take offense.

12 CHAIRMAN KEILSON: I do.

13 MR. GOLDMAN: Personally.

14 CHAIRMAN KEILSON: Professionally.

15 MR. PANTELIS: Mr. Goldman, are you
16 suggesting that the willingness or the
17 unwillingness of the neighbors to meet with the
18 applicant should have an influence on the Board's
19 decision?

20 MR. GOLDMAN: What I'm suggesting is that to
21 come before this Board when we have addressed or
22 been prepared to address not only the specific
23 traffic issues, but all the broader issues that
24 are of concern, and I didn't raise them in my
25 initial comments to this Board, nor did I do so in

1 my presentation, nor did the architect or the
2 traffic experts, but this Board obviously heard
3 and can be influenced they should be aware of the
4 fact that all the issues that were being raised,
5 including a substantial number of the traffic
6 matters, this thing has been there for
7 twenty-seven years.

8 Now, to the extent that Mr. Henek now is
9 prepared to move onto the premises, we offered to
10 have -- form an association that we would take the
11 responsibility for to lobby Village officials, to
12 lobby public officials to address all the broader
13 issues.

14 Now, what you've heard here tonight is
15 anecdotal comments from civilians who had an
16 opportunity to address the traffic study, the
17 specific traffic studies, even to retain or ask us
18 to retain or the Village to retain experts to
19 contradict it. Now, to cast aspersions on the
20 credibility of traffic experts because we're
21 paying for them, that's why we gave you a
22 curriculum vitae. Neither one of these is my
23 brother-in-law. They're all credible,
24 responsible, conceded experts in the field, and
25 they're giving you an established, concerned

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1 opinion and a professional opinion and an expert
2 opinion on the viability of this project.

3 Now, I will conclude, believe it or not,
4 because I must tell you it's an affront to come
5 here and you try to use this Board to substitute
6 for the Board of Trustees, the traffic department,
7 the police department, all of whom we offered to
8 make available to them as part of our project
9 here, because the reality is the man is investing
10 a lot of money and he does want to make it viable.
11 To say that he didn't until now, well, neither did
12 they.

13 And to the extent that there's mention of day
14 laborers, Mr. Gordon is a witness that when I
15 served as village attorney we addressed -- tried
16 to address those issues as well and even the
17 design of this particular project.

18 CHAIRMAN KEILSON: Were you successful?

19 MR. GOLDMAN: As a matter of fact, we were
20 successful. To the extent that the Village could,
21 a fence was put up and where those individuals
22 were congregating within the confines of
23 constitutional law and permitted practice they
24 were redirected. Unfortunately, they were
25 redirected from the Village's property onto the

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1 very property that we're talking about tonight,
2 and now we're being accused that we're the
3 attraction to it. I must tell you something.

4 CHAIRMAN KEILSON: Do they occupy both
5 properties?

6 MR. GOLDMAN: You know what, Mr. Keilson,
7 it's America. They can occupy any properties they
8 want.

9 CHAIRMAN KEILSON: Please don't raise your
10 voice for emphasis.

11 MR. GOLDMAN: For emphasis, because you
12 inspire that kind of enthusiasm.

13 MEMBER HENNER: I could hear, thank God.

14 MR. PANTELIS: We've already --

15 MR. GOLDMAN: Nonetheless, I'm off the topic.

16 MR. PANTELIS: We've already made it clear
17 that it's a parking variance that's before us, and
18 who may frequent the establishment now or in the
19 future is not the issue. The issue is you have a
20 significant deficiency in parking, and that's the
21 case that has to be made before this Board.

22 MR. GOLDMAN: That is correct. And
23 therefore, the reality is that the case has been
24 made. To the extent that you have experts that
25 have not been contradicted in terms of their area

1 of expertise, to the extent that you have
2 anecdotal comments that had an opportunity to be
3 substantiated but never were and have only been
4 brought before this Board in an anecdotal sense,
5 and you have professionals, and it's on the
6 record.

7 Now, you have to balance the benefit to this
8 man versus the detriment of the community. I must
9 submit to you that, one, he is a member of the
10 community.

11 Second of all, the benefit that he would be
12 accruing to this community by rehabilitating a
13 space, every single I believe one of the Board
14 members indicated, every single one of the
15 problems have been raised we're prepared to
16 address. We're not here to satisfy every issue in
17 the whole wide world.

18 Nevertheless, you have experts who have come
19 before you and told you that this application is
20 viable, and there's nothing to contradict it
21 except anecdotal evidence. And to the extent that
22 I repeat what I've just said at the very
23 beginning, even one of the neighbors indicated,
24 no, not that the spots are needed, the spots are
25 required, the same way any other variance is a

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1 requirement, and we're asking for relief from that
2 requirement so we can do what's needed, needed for
3 this applicant, and beyond that, needed for the
4 benefit of the entire community, because, God
5 knows, it isn't going to get worse, it can only
6 get better. So I respectfully submit that as a
7 point to the Board.

8 CHAIRMAN KEILSON: Okay. Mr. Marchuk, just
9 respond to the one thing that he raised. Keep it
10 to that.

11 MR. MARCHUK: Scott Marchuk. Yes, I did meet
12 with Mr. Goldman. We did meet in Mr. Gold --
13 Assemblyman Goldfeder's office. We did discuss
14 things. But actually, the tone of voice that was
15 just displayed here was the kind of tone of voice
16 that I received when I got there. I'm a
17 layperson. I came in under the pretense that I
18 was meeting with the property owner. That's what
19 I was told.

20 When I got there, I met a man who was an
21 attorney; he was threatening. He was telling me
22 that he has a taped conversation, that he baited
23 one of my neighbors into making certain comments
24 because that tape recorder was going before he
25 made those comments. So that's the first thing to

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1 understand.

2 But this is not really about this whole
3 topic. Again, like I came up a few minutes ago.
4 This is ten parking spots or thirty-six. However,
5 the neighbors did want to sit and meet. We went
6 ahead and spoke about it. That was the
7 representation. I met back with the neighbors as
8 a representative. We went ahead, we came down
9 with a list which actually Mr. Goldman in his own
10 handwriting put together in our conversation, and
11 he handed it to me: Security fence, security
12 guard, landscaping, video cameras and whatnot,
13 also keeping the pharmacy, the quality of the
14 deli, hours of operation to discuss, so maybe it
15 won't be 24 hours, to get permits for the
16 employees and whatnot.

17 So I went back to the neighbors to explain
18 to them what had gone on in the conversation.
19 They said what piece of -- what good faith have we
20 seen to go ahead and believe that if we go ahead
21 and sign off on the variance, you know, what,
22 twenty years, twenty-seven years, you haven't done
23 anything. This is the first time any of us,
24 excuse me, except for Mr. Gordon, has ever even
25 seen Mr. Henek. That all of a sudden now who I

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1 was supposed to come meet for the meeting, he's
2 going to go ahead and say everything is going to
3 go away, and we're all going to live happily every
4 after. That doesn't happen.

5 So we went back and we said we want to see
6 six months of good faith. I don't know if you
7 want to see this. Do you want to see this? So we
8 said, you know what, there was a lot of motions
9 that were going back and forth. We said we wanted
10 to see some good faith; six months, go ahead and
11 show us something.

12 Again, that tone of voice came out. The
13 threats were coming out. The screaming was coming
14 out, and he turned around and he said to us, no, a
15 hundred percent not. And I explained to him, you
16 know what, that's not the way it's going to fly.
17 We're sitting here, we went to meet with you,
18 Mr. Henek didn't show up. We went ahead -- I went
19 ahead, we wanted to set up certain stipulations in
20 your own handwriting, and you're shooting them
21 down. We are not here to talk about it any
22 further unless you come back. He comes back to me
23 four, five days later on Shabbas, on Friday
24 afternoon, and he says to me the following. He
25 says, oh, we're going to work on it. He comes

1 back to me the following week. I completely
2 agree. I wasn't going to have this whole
3 conversation. I came up before, I said thirty-six
4 spots or ten, that's what we are here to discuss.
5 But I'm not -- I'm being discredited here for
6 something that I didn't do.

7 MR. PANTELIS: I think at this point both of
8 you have made some points and perhaps it's enough.
9 Thank you.

10 MR. MARCHUK: Very good, thank you.

11 CHAIRMAN KEILSON: We'll take a break now for
12 about ten minutes.

13 (Whereupon, a recess was taken.)

14 CHAIRMAN KEILSON: I apologize to the
15 applicants who are coming in the hereafter. We're
16 back on the record. I think we've had adequate
17 presentations on the matter both from the
18 applicant and from the neighbors. And it's a
19 matter that we want to give due thought to. And
20 so with the assent of the Board we are going to
21 reserve decision, okay.

22 MR. PANTELIS: I think what we'd like to do
23 here is to vote to close the hearing and to
24 reserve decision.

25 CHAIRMAN KEILSON: Fine.

1 MR. GOLDMAN: May I just inquire, because I'm
2 not sure, it's very rare that we reserve decision.
3 What is the projected date of a decision? Is
4 there any?

5 MR. PANTELIS: I think the Board may want --
6 Boards very frequently do this.

7 MR. GOLDMAN: I know. We just haven't.

8 MR. PANTELIS: This Board has been great in
9 trying to render decisions on the average case
10 that comes before it, but we may want to see the
11 transcript, to review the reports that were
12 submitted, and it could potentially be the next
13 hearing or the hearing, you know, after that. So
14 I would say between 30 and 60 days is fair.

15 MR. GOLDMAN: And the notice would be given,
16 so do we then have to give notice?

17 MR. PANTELIS: No.

18 MR. GOLDMAN: Because it's only a decision.

19 MR. PANTELIS: No, it's only a decision. We
20 would not be taking additional testimony. It
21 would only be for the purpose of rendering
22 decision.

23 MR. GOLDMAN: Thank you. We appreciate the
24 courtesy of the Board.

25 CHAIRMAN KEILSON: Mr. Schreck.

1 MR. PANTELIS: Vote on that motion.

2 CHAIRMAN KEILSON: Motion to reserve decision
3 at this time.

4 MEMBER SCHRECK: Yes.

5 CHAIRMAN KEILSON: Close the discussion and
6 just reserve decision.

7 MEMBER SCHRECK: Correct.

8 CHAIRMAN KEILSON: Mr. Gottlieb.

9 MEMBER GOTTLIEB: I approve the reserved
10 decision.

11 CHAIRMAN KEILSON: Mr. Henner.

12 MEMBER HENNER: Yes.

13 CHAIRMAN KEILSON: Mr. Ganz.

14 MEMBER GANZ: Approved.

15 CHAIRMAN KEILSON: And I vote yes as well.

16 MR. PANTELIS: Thank you all for
17 participation.

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(Whereupon, the hearing concluded at
10:06 p.m.)

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

Mary Benci

MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 August 7, 2013
7 10:06 p.m.8 APPLICATION: Jacobowitz
9 175 Central Avenue
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman14 MR. EDWARD GOTTLIEB
15 Member16 MR. JOEL GANZ
17 Member18 MR. LESTER HENNER
19 Member20 MR. MARK SCHRECK
21 Member22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney24 MR. GERALDO CASTRO
25 Building DepartmentMR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is
2 Jacobowitz. Mr. Goldman, we're ready for you.

3 MR. GOLDMAN: Good evening, Mr. Chairman, and
4 members of the Board. Ronald Goldman, 17 Auerbach
5 Lane, Lawrence, New York.

6 Mr. Chairman, if it please the Board, I'm
7 here to represent Mark and Hadassa Jacobowitz. I
8 have with me John Macleod, an architect that
9 you're familiar with, having appeared before you.

10 This is an interesting application. The
11 focus of this project which involves new
12 construction is not only so much of what's being
13 sought as also what is being replaced.
14 Ordinarily, when it's new construction we tend to
15 ignore that which is being dumped or demolished or
16 replaced.

17 CHAIRMAN KEILSON: It is according to your
18 interest to do so.

19 MR. GOLDMAN: And that's why God made
20 lawyers.

21 CHAIRMAN KEILSON: We were wondering about
22 that.

23 MR. GOLDMAN: And some will argue whether God
24 made the lawyers. Nevertheless, there are two
25 components here, that which is being sought and

1 that which is being replaced. I would
2 respectfully ask, Mr. Macleod has a rendering that
3 will illustrate and juxtapose that which is being
4 requested with that which is being replaced. And
5 it's the usual convenient form.

6 MR. MACLEOD: Good evening. John Macleod,
7 595 Park Avenue, Huntington.

8 MR. GOLDMAN: I'm sorry, it's 175 Central
9 Avenue. I thought it was called in.

10 MR. MACLEOD: I would like to submit this to
11 the Board. There is enough copies here for
12 several people to look at. I'll pass it further
13 in to you, unless you can see it from where you
14 sit.

15 CHAIRMAN KEILSON: We have miniature.

16 MR. MACLEOD: It gets better when it is
17 larger.

18 MEMBER GOTTLIEB: I have glasses so I can see
19 the miniature.

20 MR. MACLEOD: I'll use this as a
21 demonstration. Do you want to continue?

22 MR. GOLDMAN: If I may, that which is being
23 sought are six specific variances, and I know that
24 the custom of the Board is to try to -- six. But
25 compared to what we could have asked for, six is

1 de minimis. But nevertheless, each one is
2 justified and we'll certainly submit to the Board
3 why it's deserved to be granted.

4 Why don't I do this. I would just note as an
5 introductory comment that none of the percentages,
6 none of the overages that we're suggesting here
7 tonight are excessive. That there's certainly a
8 need for these variances that are being sought
9 given, thank God, the fact that there are five
10 children and one on the way, and perhaps an even
11 more growing family. That's what's motivating
12 this as a necessity to accommodate this family,
13 thank God, currently and in the future.

14 And then also there are certain safety
15 considerations in terms of the design and the
16 requirement of the premises to facilitate the
17 pedestrian traffic as it exists on the site, as
18 well as vehicular traffic as it comes on and off
19 the site. So that's precisely what Mr. Macleod is
20 going to present to you, and if you want I'll shut
21 up and let him go through, as you wished him to
22 do, the code relief starting with one and going
23 through the six. Is that how you would like to
24 proceed?

25 CHAIRMAN KEILSON: I think in this case since

1 we're a hot Board, we're very hot at this point.

2 MR. GOLDMAN: At this point probably
3 overheated.

4 MEMBER HENNER: He didn't say hot air Board,
5 just hot Board.

6 CHAIRMAN KEILSON: I think it would be very
7 helpful to depart from our norm and not to discuss
8 those variances that are being requested because
9 in this case some of the variances that are not
10 being requested are more enlightening on this
11 particular subject matter than say in other cases
12 that we've experienced.

13 MR. GOLDMAN: I appreciate that guidance from
14 the Board, and that's exactly how we would have
15 wanted to. Now, to juxtapose it with what is
16 being sought with what is being replaced, noting,
17 and then Mr. Macleod will elaborate on that as
18 well, that we're replacing an obsolete, dated,
19 inadequate structure, and most significantly, and
20 I know that there are certain members of the Board
21 who are always concerned about the bulk of a
22 project and how it's going to look, we note that
23 the structure, the dramatic point is that the
24 structure that's being replaced is 62 feet wide,
25 whereas the current one, for example, would be

1 you're holding in your hand.

2 CHAIRMAN KEILSON: Fantastic.

3 MR. MACLEOD: A table which shows the
4 existing conditions of the existing one-story
5 structure and the proposed structure in the last
6 column.

7 CHAIRMAN KEILSON: I guess begin with height.

8 MR. MACLEOD: So height, obviously, it's a
9 one-story structure; it's eleven foot nine inches
10 high. We are looking for a full-sized family
11 home, and we are asking for 30 feet, which does
12 require three-foot variances. It is a composite
13 roof with the flat section in the middle and a
14 mansard around the perimeter with dormers.
15 Dormers are at the bottom of that list.

16 MR. GOLDMAN: And those are decorative.

17 CHAIRMAN KEILSON: And historically, the
18 Board has been inclined to permit that. I can't
19 remember a single instance where we declined that.

20 MR. MACLEOD: And our attic space has six
21 foot four ceiling heights, so it is not a
22 habitable space.

23 CHAIRMAN KEILSON: Okay, continue.

24 MR. MACLEOD: So the proposed height is
25 30 feet; however, we're requesting a four-foot --

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1 a three-foot variance for that as the permitted is
2 27. The current building is very close to the
3 street. The front-yard setback is 24 foot 9, and
4 we are setting the house substantially further
5 back than that, actually 40 feet 6 inches to the
6 house. The other number, 34 foot 6, is to the
7 face of the overhanging porch. So we will be at
8 least that.

9 CHAIRMAN KEILSON: It will be far less
10 impacting on the street.

11 MR. MACLEOD: Correct, correct.

12 MEMBER SCHRECK: Won't it impact the
13 neighbors in the sense in their back yard they
14 will be looking at a brick wall?

15 MR. MACLEOD: We have letters of support from
16 the neighbors.

17 MR. GOLDMAN: So this might be a good time to
18 interrupt before I forget, and with the Board's
19 permission I would submit as Applicant's, I guess,
20 collective A.

21 CHAIRMAN KEILSON: Don't mix it up with the
22 letters of support from the prior one.

23 MR. GOLDMAN: I happen to have those in a
24 truck.

25 CHAIRMAN KEILSON: Eighteen foot.

1 MR. GOLDMAN: Eighteen-foot trailer which I
2 parked on Doughty Boulevard.

3 One, two, three, four, five, six, seven,
4 seven letters of support, each one different,
5 that's why I'm not reading them. Each one has
6 reviewed the plans.

7 CHAIRMAN KEILSON: Newly crafted by the
8 individual.

9 MR. GOLDMAN: Correct, thank you.

10 MR. PANTELIS: Where are these residents
11 located?

12 MR. GOLDMAN: I believe the addresses are
13 noted there.

14 MR. PANTELIS: I mean in terms of the radius.

15 MR. GOLDMAN: Oh, they're all within the
16 radius for certain.

17 CHAIRMAN KEILSON: None of them in
18 Far Rockaway?

19 MR. GOLDMAN: No, but the assemblyman may
20 come.

21 CHAIRMAN KEILSON: Without having to look at
22 them, the two neighbors most directly affected on
23 the left and on the right, are there letters of
24 support from them?

25 MR. GOLDMAN: There is a letter of support

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1 from one. The other is a physician who indicated
2 that while he was not inclined to submit a letter,
3 he was in support of the application, and we could
4 cite --

5 CHAIRMAN KEILSON: He's a citizen.

6 MR. GOLDMAN: He's a citizen,
7 Dr. Solaimanzadeh.

8 CHAIRMAN KEILSON: Obstetrician.

9 MR. GOLDMAN: He indicated that he could be
10 called upon -- right, and he could be called upon
11 for support. And we make that representation that
12 he was consulted, reviewed it, and he's in support
13 of it. Thank you.

14 CHAIRMAN KEILSON: All right.

15 MEMBER GOTTLIEB: Is there any relationship
16 between the residents at One Sunset Road?

17 MR. GOLDMAN: I don't know the name.

18 CHAIRMAN KEILSON: It bears the same name.

19 MEMBER GOTTLIEB: Is it a similar spelling?

20 MR. GOLDMAN: Cousins. It's the rare
21 instance where family actually supports one
22 another.

23 MEMBER GOTTLIEB: Not my cousins. So should
24 I interrupt you item by item, or should I wait
25 till you make your presentation?

1 CHAIRMAN KEILSON: Item by item. He just did
2 the front yard.

3 MEMBER GOTTLIEB: You mentioned before that
4 you're pulling the house in, however, and you're
5 pushing the house further deeper so the house is
6 narrower but you're going from an 11-foot
7 structure to a 30-foot structure. 30-foot
8 structure in height is going to be visually more
9 imposing from the street. That's just comment.
10 You don't have to, but if you choose to you can.

11 MR. MACLEOD: Okay. So if you look at -- I
12 would like to reply to that. If you look at the
13 two drawings on the street that I submitted, where
14 you will see the elevations at the bottom, and our
15 house, proposed house is the center structure on
16 the top line of elevations, and the neighbor to
17 the left as you're looking at the house from the
18 front, which is number One Sunset does have a
19 similar bulk that you can see. So I don't think
20 it's unusual, and actually this is --

21 CHAIRMAN KEILSON: What's unusual is we still
22 regret it.

23 MEMBER GOTTLIEB: I didn't know if I had the
24 nerve to say that.

25 MR. MACLEOD: Well --

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1 MEMBER GOTTLIEB: That was a variance that we
2 granted.

3 MR. MACLEOD: You will notice that this is a
4 22-foot setback to number One Sunset. And we are
5 going to 40 feet. So there is a substantial
6 progressive pushback which will have less impact.
7 In fact, as you're driving down Central from the
8 east I do not believe you will actually see the
9 proposed house until you're almost right in
10 front of number One Sunset. From the other
11 direction, you will see it, but there is actually
12 this canopy which was built, I'm not sure if it
13 was built as a doctor's office or something at one
14 time, the house to the right of it, but there was
15 a flat roof addition in the front which also gives
16 some screening. So by the time you actually see
17 this house you will also be right in front of this
18 one.

19 The additional setback in the front does give
20 us the availability to provide some of the safety
21 features that we are looking for here also with
22 approach to the house.

23 You will notice that the driveway enters --
24 you enter centrally on the property. You face
25 directly the front door, and then we have the

1 driveway is opening to the left and then to the
2 right for turning around space as well as drop-off
3 parking. And the reason that we have this larger
4 space here, one of the concepts, apart from it
5 looking very attractive, is for safety reasons so
6 we can do a full turnaround and never have to back
7 out on Central. And that's another reason that we
8 put the garage in the back of the property. The
9 main use of the garage in this case I've been told
10 by the client is that they will not really be
11 putting a car in it. It's going to be used for
12 storage and kids' toys and bicycles, as many
13 garages are and --

14 CHAIRMAN KEILSON: We have a two-car garage,
15 we use one for storage and one for a car. Now
16 we're just down to one.

17 MR. GOLDMAN: But there is sufficient space
18 so that there won't be any on-street parking.

19 CHAIRMAN KEILSON: Fine.

20 MR. MACLEOD: The concern about putting a
21 garage in the front of the house also is being
22 such a near main street if the children are
23 attracted to that for the use of toys and bicycles
24 that it is very close to the street. So it was a
25 family decision to rather locate it in the back,

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1 and we do have the driveway that runs down the
2 side of the house reaching that area.

3 MEMBER GOTTLIEB: The design that you have in
4 the front yard, is that a structure or just a
5 design of --

6 MR. MACLEOD: That would be an inlay in the
7 actual parking area.

8 MEMBER GOTTLIEB: I thought there was a
9 fountain in the middle. I couldn't understand how
10 you could drive on the fountain.

11 MR. MACLEOD: It will be inlay pavers. No
12 fountains.

13 MR. GOLDMAN: We've done height and front
14 yard.

15 MR. MACLEOD: Okay. So the side yards, the
16 existing structure is very close to each side
17 yard. And you will see that we have ten foot nine
18 on one side and seven foot five on the right-hand
19 side. And we will be replacing those setbacks
20 with fifteen foot six on either side which does
21 comply with the zoning setbacks. And despite the
22 height of 30 feet, we do also comply with the
23 height/setback ratios as per the bottom four lines
24 all meeting code, and so we do not have a
25 requirement for a variance for those items.

1 MEMBER GOTTLIEB: Variance two is your
2 aggregate.

3 MR. MACLEOD: Our aggregate is the item that
4 we're asking for, and again, relating it to what
5 is there now the current aggregate is eighteen
6 feet two inches in a 35-foot required zone, and we
7 are requesting 31 feet, a variance of four feet.

8 MEMBER GOTTLIEB: Okay.

9 MR. MACLEOD: The next one is --

10 CHAIRMAN KEILSON: Rear yard.

11 MR. MACLEOD: Rear yard we don't need a
12 variance for.

13 CHAIRMAN KEILSON: Right.

14 MR. MACLEOD: The next item then is the
15 building coverage. This lot permits a building
16 coverage of 2,800 square feet. The current house
17 has almost that. It has 2,740 on a single
18 footprint. But it does comply and we are asking
19 to exceed that by 302 square feet and a variance
20 requirement request of 10.8 percent.

21 MEMBER SCHRECK: How many bedrooms are we
22 having in this house?

23 MR. MACLEOD: How many bedrooms? We have the
24 master plus five on the second floor, and two
25 guest rooms in the basement.

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1 MEMBER GOTTLIEB: Nine.

2 CHAIRMAN KEILSON: That's eight.

3 MR. GOLDMAN: Five and two.

4 MR. MACLEOD: Master plus five on the second
5 floor, that's six on the second floor. None on
6 the ground floor. Two guest rooms in the basement
7 and one possible housekeeper's room.

8 MEMBER GOTTLIEB: So three in the basement.

9 MR. MACLEOD: It would be small.

10 MEMBER GOTTLIEB: I'm using your plans. I
11 don't create the space.

12 MR. MACLEOD: I admit it, there's a maid's
13 room in the basement.

14 MR. GOLDMAN: But as we've indicated and I'm
15 not going to repeat what's in the petition in
16 terms of, thank God, the size of the family.

17 CHAIRMAN KEILSON: You're repeating.

18 MR. GOLDMAN: I only said I wouldn't. I
19 didn't say I wouldn't.

20 MEMBER SCHRECK: Is that a 20-seat dining
21 room?

22 MEMBER GOTTLIEB: I think it's 20.

23 CHAIRMAN KEILSON: I think it's 20.

24 MR. GOLDMAN: But again, it's the size of the
25 family, and the fact as we indicated in the

1 petition, this would be the hub of, thank God, a
2 rather large family, and also I believe you have
3 family from Canada, et cetera, and so this would
4 be the center, so with God's help each of those
5 children will get married.

6 MEMBER HENNER: Can't somebody eat at the
7 cousin's down the block?

8 MEMBER GOTTLIEB: So you've just got a few
9 variances left.

10 MR. MACLEOD: Okay, so let us continue on
11 that.

12 MEMBER GOTTLIEB: We're up to surface
13 coverage.

14 MR. MACLEOD: Surface coverage -- surface
15 coverage we are over by 7.65 percent, which
16 relates to 389 square feet. And part of the
17 reason for that is we -- as I was describing this
18 front turning around area for safety purposes,
19 400 square feet, which is what we're asking for,
20 is about the amount of space you would see on one
21 side here, roughly the size of a two-car garage
22 for comparing it to a space you might recognize.
23 And we do need that space for doing a safe
24 turnaround and avoiding the need to reverse out
25 onto the street.

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1 MEMBER GOTTLIEB: So if I'm not mistaken,
2 I've been here a few weeks now --

3 MR. GOLDMAN: Tonight alone you've been here
4 a few weeks.

5 MEMBER GOTTLIEB: Because you've got a
6 detached garage you're not counting any of the 80
7 or 90 feet of surface coverage leading to the
8 garage? You've got clearly a thousand feet plus
9 of surface coverage there.

10 MR. MACLEOD: That is correct. We are not
11 required to account for on the front corner of the
12 house to the face of the garage in a 10-foot
13 straight line.

14 MEMBER GOTTLIEB: It's got to be, I don't,
15 know, 70, 80, 90 feet deep? Because the property
16 is 170 deep.

17 MR. MACLEOD: I would say you're probably
18 about right. That's 90 by 10 feet wide. We do
19 account for if you look by the garage there's a
20 number there that says 138.

21 MEMBER GOTTLIEB: Yes, 138 square feet.

22 MR. MACLEOD: We did count that because we
23 are required to only use a 10-foot strip.

24 MEMBER GOTTLIEB: What's the driveway going
25 to be paved in?

1 MR. MACLEOD: Well, we haven't actually
2 chosen the surface for it yet, but I think that
3 we'll be looking for a hard surface, whether it
4 will be an asphalt surface with paver inlay, or if
5 the budget allows it may be a paved driveway.

6 MR. RYDER: So John, excuse me, Mr. Macleod,
7 almost the whole front yard will be paved? Would
8 you say most?

9 MR. MACLEOD: I would say if we calculated
10 that I would say it's probably -- it would
11 probably be about 45, 50 percent. I wouldn't say
12 mostly.

13 MR. GOLDMAN: If I might have a moment.

14 (Brief pause in the proceedings.)

15 MR. MACLEOD: To answer somebody's
16 question --

17 MR. GOLDMAN: What is the --

18 CHAIRMAN KEILSON: We were evaluating the
19 excess surface area coverage, but not taking into
20 consideration the additional paved over area of
21 how many square feet?

22 MEMBER GOTTLIEB: Nine hundred to a thousand.

23 CHAIRMAN KEILSON: Nine hundred to a thousand
24 square feet of paved over area because a detached
25 garage is exempted. If it were not for that, your

1 excess coverage would be -- want to give me a
2 calculation?

3 MR. RYDER: A thousand on top.

4 MEMBER GOTTLIEB: More.

5 CHAIRMAN KEILSON: Well, it's a percentage.

6 MR. MACLEOD: But --

7 MR. RYDER: 1,400 square feet.

8 CHAIRMAN KEILSON: 1,400 square feet.

9 MR. RYDER: Five thousand -- 5,086 permitted.

10 CHAIRMAN KEILSON: Permitted 5,086.

11 MEMBER GOTTLIEB: Twenty-seven and a half
12 over.

13 CHAIRMAN KEILSON: How much?

14 MEMBER GOTTLIEB: Twenty-seven and a half.

15 Did I do it correct, Mike?

16 MR. RYDER: Yes.

17 MR. MACLEOD: With respect to the Board, I
18 don't think we can use that number.

19 MEMBER GOTTLIEB: Understandably, you're
20 exempt from that.

21 CHAIRMAN KEILSON: You're looking for a
22 variance.

23 MR. GOLDMAN: The problem then is, if I
24 understand it correctly, and Mr. Macleod will
25 explain it better, if we were to do that by making

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1 it -- adjusting the garage, then we would have a
2 problem, of course, with building coverage. So
3 it's sort of a -- if I understand you correctly,
4 it's a trade-off.

5 Now, to the extent that there's that much
6 pavement, if you will, and I understand that, from
7 what I understand recognizing that from a drainage
8 point of view it seems that it's okay because the
9 drainage plan that's been submitted is adequate
10 with that so it then becomes a question not of
11 drainage.

12 MR. RYDER: Drainage is not the issue.

13 MEMBER GOTTLIEB: The lot coverage you're at
14 about 48 percent of the entire lot is covered.

15 MR. RYDER: Almost 50 percent of the lot with
16 the house.

17 MEMBER GOTTLIEB: Covering about 6,500 feet
18 out of 13,600. That's 47 percent.

19 CHAIRMAN KEILSON: That's huge.

20 MR. GOLDMAN: Now, in terms of the necessity
21 of that lengthy driveway, it's not simply a
22 question of beating the system. Apparently, that
23 would be a play area for the children, and it's
24 sufficiently removed and that's why we considered
25 the concept of gravel or whatever it may be. But

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1 the whole idea is to have that as a play area and
2 that's why that's being proposed.

3 MEMBER SCHRECK: If the garage was pushed up,
4 then they would have more play area in the back,
5 and if the garage is just going to be a storage
6 area then the kids shouldn't be anywhere near it
7 anyway.

8 MR. GOLDMAN: Well, it's storage of the play
9 equipment.

10 MR. MACLEOD: It would be a hard surface for
11 the kids to perhaps use bicycles or roller blades,
12 play hockey, as opposed to which are difficult to
13 do on grass, on gravel.

14 MR. GOLDMAN: While you folks are pondering,
15 let me make a proposal.

16 CHAIRMAN KEILSON: Mr. Goldman, the number of
17 what's going to be covered is 48 percent of the
18 lot. Even if we went in that direction, which
19 some municipalities, you know --

20 MR. GOLDMAN: We're looking to make an
21 adjustment.

22 (Brief pause in the proceedings.)

23 MR. GOLDMAN: Mr. Chairman.

24 MR. MACLEOD: What we're really discussing
25 here is this 389 square feet of surface coverage,

1 I believe is the point of issue here, and what I
2 was suggesting is that we could trim down some of
3 this driveway area in the back and a little bit in
4 the front and perhaps reduce that number down by
5 150 square feet, which would represent about three
6 percent, three and a half percent less than what
7 we're asking for.

8 CHAIRMAN KEILSON: I think we're looking at
9 the overall picture of how much coverage we have,
10 even though technically it's not being counted,
11 but we have to look at the impact on the lot.

12 MR. MACLEOD: Technically, we're allowed to
13 have -- technically, we're allowed to have 5,086
14 square feet of coverage. So if you want to call
15 -- what percentage is that of the lot? Do you
16 have a calculator?

17 CHAIRMAN KEILSON: Mr. Castro, one of his
18 last contributions; we are counting down.

19 MR. CASTRO: Thirty-eight.

20 MR. MACLEOD: 5,086, and we're requesting
21 5,475.

22 MR. GOLDMAN: So now what would be reducing
23 it from the 5,475, what would that --

24 MR. MACLEOD: I could bring that down to --
25 if by taking off 150 of areas here and there, this

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1 would come down to 5,325, and we would be over by
2 about two hundred -- two hundred and -- 240 square
3 feet.

4 MR. GOLDMAN: In other words, well, I think
5 what he's doing is he's going with the permitted
6 requirement, and what that is we're asking for the
7 variance, so at the moment right this second it's
8 a 7.65 percent overage at least on the numbers. I
9 hear what the Chair and what the Board is saying,
10 that irrespective of the numbers it's the
11 perception, and yet I don't know, you know, if
12 we're in compliance.

13 MEMBER GOTTLIEB: So let me go into a more
14 macro instead of the micro problems, rather not
15 problems, variances. The other two that you
16 haven't touched on yet, which are kind of smaller
17 is the dormers. Was it dormers? The attic
18 dormers, and then also the two-car garage which is
19 required here as opposed to the one-car garage.

20 So this is how I kind of looked at it, and I
21 obviously don't speak for the entire Board and
22 I'll speak for myself. I believe that when you
23 have new construction and you're buying a house
24 and you intend to demolish it, you work with
25 what's in the code and you figure that out before

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1 you buy a house or before you demolish your
2 current house.

3 What you have here is a lot of 13,600
4 something feet. This is an average size lot,
5 certainly not small. You're looking for six and a
6 half bathrooms, nine bedrooms, three dens, and a
7 20-seat dining room. I think you have too much
8 here, and I think you can build a very nice house
9 a little bit smaller within code or very close to
10 code. I don't think you need to come to us for
11 six variances. But that's just my own opinion.

12 MR. GOLDMAN: Well, why don't we do this.
13 Why don't you consider the next application,
14 please. We'll step out and I'll take it into
15 consideration.

16 MEMBER GOTTLIEB: Are you representing the
17 next one too?

18 MR. GOLDMAN: No, no. They're going to have
19 a better time.

20 (Whereupon, a recess was taken; the
21 application was recalled.)

22 CHAIRMAN KEILSON: Mr. Goldman.

23 MR. GOLDMAN: I'm just getting our architect.

24 If it please the Board, the Jacobowitzes are
25 cognizant of the concerns of the Board. And what

1 we've tried to do with the time that you gave us
2 is make accommodations that both reduce one of the
3 variances, the ones that remain are less onerous,
4 and also address the issue of the aesthetics and
5 the idea of too much.

6 CHAIRMAN KEILSON: With that preamble, can
7 you tell us what you're suggesting.

8 MR. GOLDMAN: I leave it to Mr. Macleod.

9 MR. MACLEOD: So we looked at the total
10 expanse of the driveway and the configuration and
11 the proportions of it, and we'd like to suggest
12 that we can eliminate the line that says surface
13 coverage variance by reducing the driveway to a
14 zero overage, and we're able to do that by
15 reducing the surface area of the driveway by 389
16 square feet by trimming it at different locations.

17 MR. GOLDMAN: And thereby also increasing the
18 green grass, et cetera.

19 MEMBER GOTTLIEB: So we're looking at surface
20 coverage.

21 CHAIRMAN KEILSON: He's saying that we want
22 to turn back the clock and not discuss a variance
23 for surface coverage.

24 MEMBER GOTTLIEB: Okay. And you're removing
25 surface coverage by reducing the driveway.

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1 MR. MACLEOD: By reducing the surface area of
2 the driveway by 389 square feet that we are over
3 the surface area.

4 MEMBER GOTTLIEB: If I understand, this is a
5 1,736 square foot front driveway and you're
6 reducing it by 389 square feet; is that it?

7 CHAIRMAN KEILSON: I have a suggestion. We
8 took an oath this evening earlier that we would
9 not close a decision where there's going to be
10 handwritten notes, all right, because we end up
11 with variances from variances. The same way we
12 did with Marx where we came to some sort of
13 conclusion, and then for the record you submitted
14 a drawing which was clear and accommodating. So
15 as far as that I don't think we should go into the
16 details.

17 MR. GOLDMAN: I don't want to pressure the
18 Board, but I just need a resolution this evening
19 for several reasons. One, because of the physical
20 status of Mrs. Jacobowitz, we have to know where
21 we're going. And also, to be candid, the current
22 location is somehow being used by squatters. I
23 know it's late, but the police are being called
24 periodically.

25 CHAIRMAN KEILSON: Which is the current

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1 location?

2 MR. GOLDMAN: The one we're talking about.
3 So what we'd like to do is reach a resolution, and
4 then my intention was to ask you for permission to
5 move forward with at least the demolition of the
6 structure that's there.

7 CHAIRMAN KEILSON: Let's talk about that
8 separately.

9 MR. PANTELIS: I was going to say is that the
10 only concern?

11 MEMBER GOTTLIEB: Just so I understand it, so
12 you're reducing the overage, you are making the
13 driveway 1,347 feet smaller.

14 CHAIRMAN KEILSON: Surface coverage is not an
15 issue. The issue of building coverage.

16 MEMBER GOTTLIEB: Building coverage is still
17 over by 302 feet. I want to point out something
18 else which is part of your building coverage, and
19 unfortunately, it also works that it's not a
20 variance. I'm looking at your neighbor's rear
21 yards and side yards. It looks to me like the
22 structure that you've designed completely runs the
23 complete length of the neighbor's houses left and
24 right because their yards are substantially
25 smaller, perhaps 70 feet smaller than your yard

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1 is. I understand one side is a cousin who might
2 not wish to complain, the other side they didn't
3 appear but you said they're not objecting to this.
4 I would think that one property is going to have
5 their sunlight completely diminished before noon,
6 the other side will have their property sunlight
7 diminished after noon. And again, this is just
8 not a variance issue, but --

9 MR. MACLEOD: Can I respond? These houses
10 are roughly facing north/south.

11 MEMBER GOTTLIEB: Central Avenue runs
12 east/west, right?

13 MR. MACLEOD: Right, east/west,
14 approximately. So the neighbor to the east, which
15 is the number One Sunset, has, like we said,
16 supported this and has no objection. The neighbor
17 to the west also has stated that they have no
18 objection, and I don't believe that they will be
19 getting too much shadow. In the morning, the sun
20 comes up over here, and maybe this back corner
21 might put a little bit of shadow over here, but
22 you can see on the angle that pretty much by say
23 9:00 it's got the same amount of sun that it's got
24 all day. So I don't believe that this shadow has
25 any impact on the neighbor to the west, and the

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1 neighbor to the right has no objection.

2 MR. GOLDMAN: And of course, as you quite
3 correctly point out, it's beyond the scope of the
4 application. Not that it's not a concern.

5 MR. PANTELIS: But what was within the scope
6 of the application is that you're building a new
7 house and the coverage is eleven -- almost eleven
8 percent over what is permitted. So to that extent
9 the overall length of the house does go to that.

10 MR. MACLEOD: So the building coverage by a
11 small adjustment of the front porch I can reduce
12 it down by one percent and get it down to 9.9
13 percent which doesn't have any impact on loss of
14 function within the house, and we'd be more than
15 pleased to do that just to get it under that ten
16 percent mark.

17 MR. GOLDMAN: I mean, you know, the
18 accommodations are being made to utilize the
19 property most effectively. As I say, the
20 neighbors haven't raised those issues.

21 MEMBER GOTTLIEB: But you've been coming here
22 and you know the neighbors often don't raise
23 issues in public and private and at the end of the
24 day they say how can you let something like that
25 go on, and because we're the conscience of the

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1 neighbors who don't speak and may not understand
2 what's being affected.

3 MR. GOLDMAN: But as indicated it's been --

4 CHAIRMAN KEILSON: And unconscious neighbors.

5 MEMBER GOTTLIEB: Or the future unconscious
6 neighbors.

7 MR. MACLEOD: The improvement of the property
8 itself --

9 MEMBER GOTTLIEB: There's no question about
10 the improvement.

11 MR. MACLEOD: -- it helps the neighbors'
12 values of the home and the neighborhood.

13 MEMBER GOTTLIEB: That was the same argument
14 that number One Sunset made. Please don't tell
15 your cousin. We're down to five variances.

16 CHAIRMAN KEILSON: He'll just run through
17 them.

18 MEMBER GOTTLIEB: The height of the garage,
19 the side yard, the building coverage -- come on,
20 help me out, anyone else here? And the dormers.
21 The only one of these that really still bothers me
22 is the idea of surface coverage of 302 feet and
23 that's because there is --

24 CHAIRMAN KEILSON: No, building coverage.

25 MEMBER GOTTLIEB: Building coverage. It's

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1 11:20. You think it's hard enough to pay
2 attention.

3 MR. GOLDMAN: Well, it's been reduced a bit.

4 MR. MACLEOD: We're down to about 278.

5 MEMBER HENNER: Reduced it by 24 feet.

6 MEMBER GOTTLIEB: The Chairman promises me
7 that we don't negotiate. He promises me that
8 we're going to be out by ten and we're not
9 negotiating.

10 MR. GOLDMAN: We're not negotiating.

11 MEMBER GOTTLIEB: It's new construction. I
12 personally can live with the one-car garage, with
13 the dormers. I can live with the side-yard
14 aggregate, which is minimal. You've covered the
15 surface because we've brought up an extra thousand
16 feet of coverage which we can't address. If you
17 can shave off close to 300 feet --

18 MR. GOLDMAN: It's not -- that's not a shave.
19 That's an execution.

20 MEMBER GOTTLIEB: You're permitted 2,800.
21 You've got 3,100. Is it really an execution?

22 MR. GOLDMAN: Well, to the extent that it
23 impacts on the totality. So what we would -- it's
24 late and you don't want us to --

25 CHAIRMAN KEILSON: We're getting giddy.

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1 MR. GOLDMAN: Giddy was an hour ago. We
2 could probably because of the talent of
3 Mr. Macleod working in conjunction with the
4 Building Department, just take off another one
5 percent from the building coverage.

6 MEMBER GOTTLIEB: Three feet?

7 MR. GOLDMAN: Mr. Gottlieb --

8 MEMBER HENNER: What does that mean in square
9 feet?

10 MR. MACLEOD: Twenty-four square feet.

11 MEMBER GOTTLIEB: Twenty-four. Honestly,
12 it's an insult to the Board to come up with
13 24 feet.

14 MR. MACLEOD: We just gave you 24 a minute
15 ago, so that's 48.

16 MEMBER HENNER: Another ten minutes we'll be
17 here.

18 MR. GOLDMAN: What is happening here is that
19 we're building a building and we're building a
20 home. Compared to what's there it is
21 substantially, by everyone's acknowledgement, an
22 improvement. At this point, yes, you're right,
23 you know what, we're asking for a variance and
24 we're asking for the variance recognizing the fact
25 that perhaps the building coverage is somewhat

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1 more than you would like and more than we would
2 wish we could accommodate in some way. There's
3 nothing here that's an indulgence. And to the
4 extent of now you might say that the interior of
5 the house has more bedrooms than you would desire
6 and that would require a redoing of the whole
7 thing. At this point it's certainly aesthetically
8 pleasing. The purpose of the statute anyway -- -
9 again, you know what, I've forgotten why I'm here.
10 It's a balancing. It's the detriment to the
11 community versus the benefit to the applicant.
12 There is clearly no detriment to the community.
13 Everyone acknowledges that the house as proposed
14 and as now adjusted so intently and aggressively
15 is improving the community. There's a benefit to
16 the applicant and we're asking therefore for the
17 variance, making clear that it's a heck of an
18 improvement and all these other adjustments have
19 been made. So I guess it is a variance, and we're
20 asking you to grant the relief that the Board is
21 there to grant as long as it's the balancing.
22 Where is the detriment to the community that is in
23 support of it?

24 MEMBER GOTTLIEB: To me the detriment of the
25 community is that we have our law, our zoning

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1 laws. Yes, we're here to grant relief, so we can
2 grant relief. The next-door neighbor has a
3 one-car garage, so it's fair to give this house a
4 one-car garage even though we say each house does
5 not set a precedent for the next. My problem is
6 what happens if Mr. Goldman who lives on Auerbach
7 Lane wants a nine-bedroom, six-bathroom house, and
8 then the next-door neighbor wants one, where do
9 you stop?

10 MR. GOLDMAN: Well, the reality is this is a
11 philosophical discussion that I'd love to have at
12 8 p.m. rather than after eleven. But the reality
13 is I hear what you're saying, but we've indicated
14 the need for the peculiarities. This is based on
15 the safety of the children and the way in which
16 it's been designed it's complying with just about
17 pretty much everything else. The surface we gave
18 up. I'm not saying that this is a bargaining, and
19 because I did one I should get the other, but
20 that's why we're here.

21 CHAIRMAN KEILSON: You know we're bidden to
22 do the minimum variance necessary to accomplish.

23 MR. GOLDMAN: That is correct. But to
24 accomplish the goal here it is to provide this
25 family, thank God an expanding family, with the

1 home that they want and deserve and with no
2 detriment, and philosophically, certainly there
3 isn't a neighbor that's here to oppose it, and
4 there is nothing overtly -- I've also neglected to
5 indicate that even from an aesthetic point of view
6 what is it, a little bigger than it should be, so
7 there's going to be landscaping in the front.
8 There's not going to be an appearance of
9 bulkiness. Certainly, if you want us to leave it
10 169 foot wide, certainly not.

11 CHAIRMAN KEILSON: Mr. Macleod, where are you
12 up to? What are you down to?

13 MR. MACLEOD: I'm down to zero overage on the
14 driveway.

15 CHAIRMAN KEILSON: I understand. Building
16 coverage is what we're talking about.

17 MR. MACLEOD: Building coverage I'm down to
18 eight and a half percent.

19 MEMBER GOTTLIEB: I don't know what eight and
20 a half percent means.

21 CHAIRMAN KEILSON: How many square feet
22 overage?

23 MR. MACLEOD: Eight and a half percent
24 equals --

25 CHAIRMAN KEILSON: Mr. Castro, by now you

1 used to have those numbers.

2 MR. GOLDMAN: Apparently that other village
3 doesn't care.

4 MR. MACLEOD: By my quick hand, 238 square
5 feet over.

6 CHAIRMAN KEILSON: Okay, can we live with it,
7 gentlemen?

8 MR. MACLEOD: 238.

9 MR. GOLDMAN: 238. It's been confirmed by
10 our Building Department.

11 CHAIRMAN KEILSON: Okay, we are going to go
12 to a vote. I'm not going to discuss all the five
13 criteria. As far as I'm concerned, I'm
14 comfortable that the benefit to the applicant will
15 outweigh the detriment. Needless to say, each of
16 the members will vote their conscience, as we've
17 allowed them to do. We don't vote according to
18 party lines.

19 MEMBER GOTTLIEB: Are we having a party?

20 MR. RYDER: Mr. Chairman, we do know that
21 plans will have to be submitted to the Building
22 Department revised.

23 CHAIRMAN KEILSON: Why don't we first see how
24 the vote goes.

25 MR. RYDER: Very important.

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1 CHAIRMAN KEILSON: We're voting on the
2 variances stated, no surface coverage variance,
3 and 238 feet of building coverage excess.

4 MEMBER GOTTLIEB: So there are five
5 variances. So the only one removed -- one is
6 reduced, one is removed.

7 CHAIRMAN KEILSON: Correct. The height
8 remains, the garage remains, the dormers remain.

9 MEMBER GOTTLIEB: Aggregate side yard.

10 CHAIRMAN KEILSON: Aggregate side yard and
11 building coverage of 238 is what we're voting on.

12 MEMBER GOTTLIEB: So it's five variances on
13 new construction.

14 CHAIRMAN KEILSON: Right.

15 MEMBER GOTTLIEB: Okay.

16 MEMBER SCHRECK: I'm going to have to vote
17 no. It's new construction, we have a code. I
18 don't really feel that the need has been
19 demonstrated. I don't understand why the two or
20 three hundred feet, whatever, can't be shaved off,
21 and I think it sets a dangerous precedent. I'm
22 going to have to vote no.

23 CHAIRMAN KEILSON: Mr. Gottlieb.

24 MEMBER GOTTLIEB: I agree with Mark and I say
25 no.

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22 going to have to vote no.

23 CHAIRMAN KEILSON: Mr. Gottlieb.

24 MEMBER GOTTLIEB: I agree with Mark and I say
25 no.

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1 CHAIRMAN KEILSON: Mr. Henner.

2 MEMBER HENNER: I'm going to vote in favor of
3 it.

4 CHAIRMAN KEILSON: Mr. Ganz.

5 MEMBER GANZ: In favor.

6 CHAIRMAN KEILSON: And I will vote in favor
7 as well. You will have to submit complete plans
8 so that we can go on the record at the next
9 meeting.

10 MR. GOLDMAN: September 11th.

11 CHAIRMAN KEILSON: We will -- the Building
12 Department I believe will allow demolition in the
13 interim; is that correct?

14 MR. RYDER: That is correct, Mr. Chairman.

15 MEMBER GOTTLIEB: Make sure those people are
16 out of the house.

17 CHAIRMAN KEILSON: Make sure the squatters
18 are out of the house.

19 MR. RYDER: Papers are required.

20 MR. GOLDMAN: We're working on that. Can we
21 move forward with the Board of Building Design
22 assuming they're meeting, is that okay or no?

23 MR. RYDER: I don't see why not. I would
24 need the final plans. I would need the revised
25 plans to get them to the BBD.

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1 CHAIRMAN KEILSON: We thank you for your
2 indulgence.

3 MR. GOLDMAN: No, we thank you. We thank the
4 Board and we welcome Mr. Ganz. This was an easy
5 night.

6 MEMBER HENNER: Thank God I took him under my
7 wing.

8 (Whereupon, the hearing concluded at
9 11:32 p.m.)

10 *****

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

14

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 August 7, 2013
7 10:36 p.m.

8 APPLICATION:

9 Gelbtuch
10 60 Muriel Avenue
11 Lawrence, New York

12 P R E S E N T :

13 MR. LLOYD KEILSON
14 Chairman

15 MR. EDWARD GOTTLIEB
16 Member

17 MR. JOEL GANZ
18 Member

19 MR. LESTER HENNER
20 Member

21 MR. MARK SCHRECK
22 Member

23 MR. THOMAS V. PANTELIS, ESQ.
24 Village Attorney

25 MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is
2 Gelbtuch, without further ado.

3 MR. GELBTUCH: Mark Gelbtuch, 60 Muriel
4 Avenue, Lawrence.

5 CHAIRMAN KEILSON: Is that your better half?

6 MS. GELBTUCH: Laya Gelbtuch, 60 Muriel
7 Avenue.

8 CHAIRMAN KEILSON: Don't feel any compulsion
9 to speak. Generally speaking, it is much better
10 with us after 10:30.

11 MR. GELBTUCH: So we're here for a variance.
12 We're looking for a variance of a coverage issue,
13 probably quite similar to the one that was before,
14 and there are four points I'd like to go through
15 as to our reason for asking for this variance.

16 The first point --

17 CHAIRMAN KEILSON: If you want, we can help
18 you.

19 MR. GELBTUCH: Okay, sure, help.

20 CHAIRMAN KEILSON: There was a variance
21 request in 2008.

22 MR. GELBTUCH: Yes.

23 CHAIRMAN KEILSON: A whole series of
24 variances, nothing to do with surface coverage.

25 MR. GELBTUCH: Right.

1 CHAIRMAN KEILSON: Okay. And over time, you
2 finally built the structure, completed when?

3 MR. GELBTUCH: December.

4 CHAIRMAN KEILSON: December 2012?

5 MR. GELBTUCH: 2012, yes.

6 CHAIRMAN KEILSON: Okay. When you came in in
7 2008, there was a representation through your
8 building plans that there was not going to be any
9 circular driveway. That's what the plans
10 represented, correct?

11 MS. GELBTUCH: Yes.

12 CHAIRMAN KEILSON: Okay. Then there came a
13 time after you did your driveway and you had your
14 turnaround pursuant to the variance, and some work
15 was begun on a circular driveway. Work was
16 actually done without a building permit for the
17 circular driveway.

18 MR. GELBTUCH: Right.

19 CHAIRMAN KEILSON: Without plans being
20 submitted for the circular driveway. And when the
21 Village spoke to your GC, his response was,
22 Mr. Ryder?

23 MR. RYDER: Since we had the circular
24 driveway before, we didn't think that it would be
25 an issue.

1 MR. GELBTUCH: Right. There was a
2 miscommunication with our GC, and we humbly
3 apologize for that issue. But we definitely
4 aren't looking to pull the wool over the eyes of
5 the Board of Lawrence or the Building Department
6 or anything else.

7 CHAIRMAN KEILSON: No, but we're curious
8 because that's the conversation that we had
9 earlier amongst ourselves, since there was no plan
10 for it, the plans do not reflect that, right?

11 MR. RYDER: No, they do not.

12 CHAIRMAN KEILSON: How did you begin to
13 proceed to do a circular driveway without
14 permission?

15 MR. GELBTUCH: All right, that's what I was
16 saying. There was a miscommunication as to we
17 were telling him what we wanted and what we would
18 like to do and what we were permitted to do. So
19 there was, you know, that we were going to come
20 back --

21 CHAIRMAN KEILSON: So Mr. Genack who does
22 work in the Village regularly, ignored the fact
23 that there were no plans?

24 MR. GELBTUCH: I can't tell you exactly what
25 I -- I wasn't there, but I can't tell you that's

1 what exactly happened, but I don't know. I mean,
2 Mr. Genack is not here to answer that.

3 CHAIRMAN KEILSON: I understand.

4 MEMBER HENNER: I'm just curious, the
5 driveway wasn't built overnight though, the
6 circular driveway. So at some point somebody had
7 to see that a driveway is there when we have no
8 plan for it and we weren't supposed to have one.

9 MR. GELBTUCH: There's no --

10 MR. RYDER: There's no driveway there now.

11 MR. GELBTUCH: There's no driveway that's
12 there. There's a --

13 MR. RYDER: It's excavated. I'm sorry,
14 Mr. Gelbtuch, I don't mean to answer for you. And
15 there's Belgium blocks on the perimeter.

16 MS. GELBTUCH: Well, I saw it being built. I
17 just didn't think there was anything wrong with it
18 at the time.

19 MEMBER HENNER: All right.

20 MEMBER GOTTLIEB: So you wanted to know how
21 the driveway got there.

22 MEMBER HENNER: Something. I mean, it is
23 just strange because in 2008 there was a variance
24 not to have a circular driveway, and now there are
25 Belgium blocks and it looks like a circular

1 driveway.

2 MS. GELBTUCH: Well, the previous plan it was
3 never focused on, so.

4 MR. GELBTUCH: I'll tell you, according to my
5 understanding, which obviously wasn't what was on
6 the plans, was that -- and I could be wrong here,
7 and I wasn't as involved in the entire
8 construction of this project. In fact, my GC said
9 that I was one of the least involved husbands he's
10 ever had to deal with.

11 CHAIRMAN KEILSON: With a sense of relief he
12 said that.

13 MEMBER HENNER: I saw him last night. I said
14 do you have anything on tomorrow? He said no.

15 MEMBER GOTTLIEB: Is there a cut for the
16 other side of the driveway already?

17 MR. GELBTUCH: There was a circular drive
18 before.

19 MEMBER GOTTLIEB: That's what I'm trying
20 to --

21 MS. GELBTUCH: There was one there.

22 MR. GELBTUCH: There was a circular drive.
23 This gets into, you know, the reasons as to and
24 probably why there was a miscommunication and
25 just, you know, people really not understanding

1 there was a circular driveway before. In fact, it
2 was even larger than a circular driveway. It was
3 basically the entire front was cemented with a
4 small little area that was grassed out.

5 And what we're looking for here in terms of
6 actual driveway space is actually less than the
7 circular drive we had before. And so while it is
8 an increase in surface coverage due to the
9 increase in house, it is less driveway than what
10 we had before. I don't know if that matters at
11 all, but you know, that is a fact.

12 One of the other points that I wanted to
13 bring up, which you didn't really seem to like the
14 last -- with the last person, was the fact that
15 the driveway is in the back of the house and it's
16 -- and, you know, if it was a detached driveway,
17 you know, a good portion of the driveway that we
18 currently have is due to the fact that we have to
19 get to the driveway that's in the back of the
20 house, and having to get there, you know, and if
21 the garage was detached we would not be required
22 to actually come to you for a variance, we would
23 be under the limit. But since you're actually
24 looking at the overall thing that's covered, I
25 understand that, you know, that argument. But the

1 fact is that it is in the back of the house and so
2 we needed the extra driveway in order to get
3 there.

4 MEMBER SCHRECK: Didn't we give you a
5 variance on that turn with the driveway getting
6 into the garage that you have enough room to
7 maneuver over there?

8 MS. GELBTUCH: That wasn't surface coverage.
9 We never had a variance for surface coverage.

10 MR. RYDER: It was a turnaround variance.

11 MS. GELBTUCH: I think normally you need more
12 to turn around, but we improved that. We actually
13 can turn around.

14 MR. RYDER: 30 feet is required.

15 MEMBER GOTTLIEB: Can you turn around in that
16 area?

17 MS. GELBTUCH: Yes.

18 MR. GELBTUCH: Yes. Additionally, what we
19 put into the plans, we had a boring test to see
20 what, if any, water issues would be, and the plan
21 contemplates us to the best of our abilities
22 fixing any possible water issues that could arise
23 from building an extra driveway.

24 And then the last point which is really a two
25 point and I think is really the greatest point

1 here is a safety issue. And it really comes down
2 to two different issues. Number one, and this,
3 actually I have a letter from one of my neighbors
4 which supports my variance, but also, you know, he
5 does mention the safety issue. I can pass this
6 out to you if you like. But the driveway that we
7 have where it comes out there are actually four
8 driveways. It's the neighbor immediately to the
9 right of me and two neighbors across the street
10 all have driveways coming out in the same exact
11 spot.

12 MS. GELBTUCH: You have a picture, a picture
13 of the four driveways. They're literally all --
14 they all exit right next to each other.

15 MR. GELBTUCH: They all exit, that's number
16 one. Number two, is that at the very edge of our
17 driveway, currently at the very edge of the
18 current driveway there is an electric and
19 telephone pole that's there. Now, we've been
20 living in this house since 2004 and there has
21 never been an accident to our knowledge, you know,
22 coming out of our driveway. And since we moved
23 into this house in December, there have been three
24 accidents already, people pulling out of the
25 driveway and ramming into the telephone pole that

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1 currently literally sits at the very edge of the
2 driveway. So backing out of that driveway is
3 very, very difficult.

4 CHAIRMAN KEILSON: So the accidents --

5 MS. GELBTUCH: Crashing into the pole.

6 CHAIRMAN KEILSON: From your house?

7 MR. GELBTUCH: From my house, backing out of
8 the house.

9 MS. GELBTUCH: Let's say dropping someone off
10 at the house and pulling back out.

11 MEMBER HENNER: They back into the pole?

12 MS. GELBTUCH: Yes, because you're turning
13 like this.

14 MR. GELBTUCH: You take off your side mirror.

15 MEMBER GOTTLIEB: You turn the wheel before
16 you fully exit.

17 MR. GELBTUCH: Yeah, and the door.

18 MEMBER GOTTLIEB: Okay, so we're looking at
19 50 percent lot coverage. Just so that it's out
20 and you know it.

21 MS. GELBTUCH: I mean, we're at this point
22 now, you know.

23 MR. GELBTUCH: Besides that, we tried to
24 think of other ways of dealing with this as well.
25 And we looked at perhaps, you know, making a

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1 little bit of a return up in the front so we'd be
2 able to turn around and come out. And when we
3 spoke to John about that, it basically would come
4 out to the same surface coverage. It wouldn't
5 save anything and it would definitely not be as
6 elegant, and so that was definitely contemplated.

7 CHAIRMAN KEILSON: The major issue is the
8 pole?

9 MR. GELBTUCH: The major issue is the pole.
10 That's where I'm saying there's been three
11 accidents.

12 CHAIRMAN KEILSON: They do move poles. I
13 don't know what the cost is today. But
14 Mr. Castro, any experience?

15 MR. GELBTUCH: I was told --

16 MR. CASTRO: It can get very high.

17 CHAIRMAN KEILSON: What happens if you knock
18 it down?

19 MS. GELBTUCH: We told Evan to back up into
20 it a couple of times.

21 MR. GELBTUCH: Right. During Sandy, I told
22 him to back up into it.

23 MS. GELBTUCH: If it happens by accident it's
24 not so expensive, but to move it it is.

25 MR. GELBTUCH: He said it would be in the

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1 area of over \$20,000 to move such a pole. That's
2 what I was told.

3 MS. GELBTUCH: I mean, I understand that you
4 want a green look, you know, to the neighborhood.

5 CHAIRMAN KEILSON: We want, we want. You,
6 we, we all want.

7 MS. GELBTUCH: No, we all want.

8 CHAIRMAN KEILSON: If everybody started
9 paving over their lawns and made circular
10 driveways --

11 MS. GELBTUCH: I know that 50 percent sounds
12 a lot.

13 CHAIRMAN KEILSON: It is a lot. Forget about
14 sounds. It's unacceptable in any municipality.

15 MS. GELBTUCH: But if you face the house all
16 you see is green.

17 CHAIRMAN KEILSON: Mr. Pantelis.

18 MR. PANTELIS: It's a high number.

19 SPEAKER: For the drainage as well.

20 MS. GELBTUCH: Well, the drainage we have
21 taken care.

22 CHAIRMAN KEILSON: Direct it here.

23 MS. GELBTUCH: Sorry.

24 CHAIRMAN KEILSON: If he speaks out of turn
25 we censure him.

1 MS. GELBTUCH: Sorry. So back to the green,
2 back to the green, if you're facing the house you
3 see green. I mean --

4 MR. GELBTUCH: You see more green than you
5 saw before.

6 MEMBER HENNER: I wasn't here in 2008 or '09,
7 whenever it was you were here the last time. I
8 mean, so I can't -- you were, I guess --

9 CHAIRMAN KEILSON: Whatever.

10 MEMBER HENNER: I'm just assuming that when
11 you applied for a variance at that point if you
12 would have said you wanted to keep your circular
13 driveway at that point, I don't know that you
14 would have gotten the variance that you asked for
15 at that time. And so you know, you would be kind
16 of establishing a precedent of coming in saying we
17 won't have it, getting your variance, then coming
18 back five years later saying, you know, that which
19 we said we didn't want or need five years ago, we
20 now want, and by the way we already started
21 putting it down.

22 MS. GELBTUCH: It wasn't something we thought
23 we needed.

24 MR. GELBTUCH: It wasn't something we
25 addressed.

1 MEMBER HENNER: Because you had bigger issues
2 at the time, I'm assuming. I don't know why -- I
3 don't know why you gave it up because you gave it
4 up because you wanted whatever it was you got.
5 No?

6 MS. GELBTUCH: But we're living here now and
7 we see we need it.

8 CHAIRMAN KEILSON: Mr. Macleod wasn't
9 involved in preparing a drawing for the circular
10 driveway?

11 MR. GELBTUCH: No. This one --

12 MS. GELBTUCH: When he applied for this.

13 MR. GELBTUCH: This one that you have. But
14 there was no other -- there was no other plan.

15 CHAIRMAN KEILSON: I'm not following. So the
16 circular -- that which is called a circular
17 driveway right now in front of your house, had
18 that been there since eternity, or is that
19 something new that's been created, the excavation?

20 MR. GELBTUCH: It's technically new because,
21 you know, everything was all dug up, but that's
22 what was there before.

23 CHAIRMAN KEILSON: So who drew up that which
24 -- somebody did excavation without a drawing,
25 without anything? There was no architect?

1 MR. GELBTUCH: We could ask John Macleod.

2 MS. GELBTUCH: I guess it was a random, I
3 don't know.

4 MEMBER HENNER: I mean, when I pass by, I
5 look at this picture, it looks like there's a
6 circular driveway there now.

7 MS. GELBTUCH: Yeah, they started.

8 MEMBER GOTTLIEB: There was one before you
9 said?

10 CHAIRMAN KEILSON: Right, a different one.
11 But it all disappeared when they did the
12 construction.

13 MS. GELBTUCH: This is what we're asking for.

14 MR. GELBTUCH: Right.

15 MEMBER HENNER: I got that this is what
16 you're asking for, but you're also asking for it
17 after you started it. You know what I'm saying?
18 There's a --

19 MR. GELBTUCH: I'm not really, I guess,
20 understanding what relevance of having started it
21 is.

22 MEMBER HENNER: Because if you're asking for
23 a variance and you do already that which you're
24 asking for a variance for, it's -- you're supposed
25 to ask for the variance before you start the work.

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1 MR. GELBTUCH: I agree with you.

2 MEMBER HENNER: Okay, as long as we agree on
3 that, that's okay. That's okay. I mean, I had
4 the sense that --

5 MR. GELBTUCH: I thought I addressed that
6 earlier. I thought maybe you were trying to bring
7 up that there's another point that comes along
8 with that. So with that, as I said before, I
9 absolutely apologize to the Board for that, and I
10 didn't think I was going to just get away with
11 doing something like that.

12 MEMBER GOTTLIEB: I'm sure some people do.
13 Unfortunately for you, you're here.

14 MR. GELBTUCH: Right.

15 MEMBER GOTTLIEB: Some people do. I'm not
16 saying you would, but some people don't know or
17 choose not to know.

18 MS. GELBTUCH: Well, I mean, at this point,
19 you know, we're at the -- we're here.

20 MEMBER GOTTLIEB: We're not penalizing you
21 because you started something. You're not being
22 penalized because you did something.

23 MR. GELBTUCH: If that's the case, then
24 what's even the relevance of going down that point
25 and talking to Mr. Macleod about that?

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1 CHAIRMAN KEILSON: Mr. Macleod appears before
2 us as a professional.

3 MR. GELBTUCH: Right, okay.

4 CHAIRMAN KEILSON: And if indeed he embarked
5 on something of this nature --

6 MR. GELBTUCH: I -- I -- I spoke to him
7 before and hopefully he will come in and say,
8 but -- he did not have any plans --

9 CHAIRMAN KEILSON: Fine.

10 MR. GELBTUCH: -- for that.

11 MR. PANTELIS: At this point should we get
12 Mr. Macleod in?

13 CHAIRMAN KEILSON: If he's available it would
14 be helpful.

15 MR. MACLEOD: John Macleod. How is it going
16 in here?

17 CHAIRMAN KEILSON: We're just discussing --
18 could you shed any light on how this came
19 about?

20 MR. MACLEOD: I believe the two drawings that
21 I submitted were like after the fact, and one of
22 them --

23 CHAIRMAN KEILSON: After the fact of?

24 MR. MACLEOD: Of the --

25 CHAIRMAN KEILSON: The excavation?

1 MR. MACLEOD: Of the new driveway being laid
2 out in the front yard.

3 CHAIRMAN KEILSON: Do you know who laid out
4 the driveway?

5 MR. MACLEOD: I don't know who laid out the
6 driveway. I was called to say we're having a
7 problem, how do we get through this.

8 CHAIRMAN KEILSON: Were you called after the
9 inspection was made by the Village?

10 MR. MACLEOD: I believe you called me, right?
11 You called me and said --

12 MR. GELBTUCH: Right, yes, yes.

13 CHAIRMAN KEILSON: Okay.

14 MR. MACLEOD: So I prepared two drawings, one
15 which was the house which we already had it, it
16 was the original house with the original driveway,
17 concrete driveway in the front, and the statistics
18 for that are on that particular document and then
19 brought forward to the second document and they
20 illustrate -- do you have it?

21 MR. GELBTUCH: I don't have the document,
22 so --

23 MR. MACLEOD: So the original house and the
24 original driveway had a surface coverage, total
25 surface coverage of 4,819 which was actually over

1 there is a similar one which is a similar size
2 drawing, and if you look at the front yard you
3 will see the original shape of the driveway which
4 is the little part that's squared and rounded at
5 the same time and quite wide. So it's definitely
6 much more like a parking lot that they had in
7 front of their house. It was all concrete so it
8 wasn't very attractive. I don't think it had any
9 edging on it.

10 CHAIRMAN KEILSON: Let's go over this again.
11 So prior to the construction of 2008, okay, into
12 2012, the surface coverage at that time was 4,819?

13 MR. MACLEOD: Yes.

14 MS. GELBTUCH: There's an actual picture of
15 the old property, whatever.

16 CHAIRMAN KEILSON: Please, please. Let me
17 walk through it. And now under the proposed the
18 total will be?

19 MR. MACLEOD: 5,755. And that's including
20 the house and the driveway. But I know you look
21 at everything, but we're really here to discuss
22 the driveways and so comparing the driveways, old
23 to new, we actually have less surface coverage in
24 the driveway. When the house was built as a
25 renovation --

1 CHAIRMAN KEILSON: Hold it.

2 MEMBER GOTTLIEB: The existing is from what
3 date? That's from 2008 existing?

4 MR. MACLEOD: Just prior to the house
5 construction, correct.

6 MEMBER GOTTLIEB: So existing is really not
7 existing, that was former.

8 MR. MACLEOD: Right, former.

9 MEMBER GOTTLIEB: And the proposed includes
10 the work that was done including the deck and the
11 back and the other hashmark areas.

12 MR. MACLEOD: Correct, the additions,
13 correct. Those are identified by square footages
14 on the right-hand side of the proposed drawing.
15 But if you look at those numbers, then you look at
16 the driveway area, you will see the 2,641 number
17 in the proposed, and I'm comparing the former
18 driveway with the proposed driveway.

19 CHAIRMAN KEILSON: That's 2,733.

20 MR. MACLEOD: Correct.

21 CHAIRMAN KEILSON: So you're trying to
22 suggest that we should ignore the additional
23 surface coverage that is --

24 MR. MACLEOD: I'm relating -- looking at
25 this from a practical fashion that from the street

1 the proposed is nicer than what was the former.

2 CHAIRMAN KEILSON: What is the total surface
3 coverage going to be?

4 MR. MACLEOD: It's tough to argue the square
5 footages, except to say that it is less than the
6 driveway was before.

7 CHAIRMAN KEILSON: Okay. You are putting it
8 in the most favorable light.

9 MR. MACLEOD: Correct. And also, I'm sure I
10 missed the first part of this conversation, but
11 I'm sure you discussed the safety aspect of this
12 driveway.

13 CHAIRMAN KEILSON: Yes.

14 MR. MACLEOD: And I don't need to go through
15 that.

16 MEMBER GOTTLIEB: Let me just ask you a
17 question. I'm looking at the eight and a half by
18 eleven plot plan that said existing which is
19 former, is 4,819 square feet.

20 MR. MACLEOD: Yes.

21 MEMBER GOTTLIEB: And then I'm looking at
22 your zoning chart.

23 MR. MACLEOD: Okay.

24 MEMBER GOTTLIEB: And it also says 4,819. Is
25 this 4,819 that I'm looking at coincidentally the

1 same number that it was in 2007 or 2006, or is
2 that number pulled off the wrong plot plan?

3 MR. MACLEOD: I found the document. So what
4 this document is showing it's talking about
5 driveways.

6 MEMBER GOTTLIEB: I'm sorry, which document
7 are we looking at?

8 MR. MACLEOD: The one you were showing me.

9 CHAIRMAN KEILSON: The template.

10 MR. MACLEOD: So this is only about the
11 driveway, only about the surface coverage related
12 to the driveway. So I'm talking about the 4,819
13 is the number that I brought forward to this
14 chart, and I'm comparing it to the 5,755. Perhaps
15 the existing should say former.

16 MEMBER GOTTLIEB: Okay, so the 4,819
17 really --

18 MR. MACLEOD: It's the same number.

19 MEMBER GOTTLIEB: It doesn't matter. We're
20 really looking at 5,755. Or I guess what I'm
21 trying to find out is the proposed driveway, how
22 many square feet is that?

23 MR. MACLEOD: The proposed driveway is 2,641.

24 MEMBER GOTTLIEB: The driveway is 2,600 feet?

25 MR. MACLEOD: Yes.

1 MEMBER GOTTLIEB: The new driveway, not
2 what's going to be pulled?

3 MR. MACLEOD: The proposed driveway on the
4 proposed drawing with the U-shaped driveway is
5 2,641.

6 MEMBER HENNER: That does not include any
7 part of the driveway heading towards the back?

8 MR. MACLEOD: Yeah, that's including that.

9 MEMBER HENNER: That's already built.

10 MEMBER GOTTLIEB: What I want to know is
11 exactly how many square feet are you asking for
12 for the horseshoe.

13 MS. GELBTUCH: Three-quarters of an arc.

14 MR. RYDER: 1,267 square feet.

15 MEMBER GOTTLIEB: Is that the number?

16 MR. RYDER: That's the number. Gerry and I
17 worked that out.

18 MEMBER GOTTLIEB: Say it again.

19 MR. RYDER: 1,267 square feet.

20 MEMBER GOTTLIEB: Which has nothing to do
21 with the 1,216. So we're really asking for 1,267
22 square feet.

23 MR. GELBTUCH: We're asking for 1,216 square
24 feet.

25 MEMBER GOTTLIEB: Well, that's over the --

1 okay. It's a 50-foot difference. I'm not even
2 going to --

3 MR. RYDER: It's the U-shape. That's what we
4 are trying to figure out.

5 MR. MACLEOD: So the number you just gave me,
6 the 1,267, which is the overage -- which is the
7 front driveway that you calculated, is very
8 similar actually to the overage number, the
9 surface coverage overage which is 1,216. It's
10 slightly more than.

11 MR. CASTRO: Because you were slightly less.

12 MR. GELBTUCH: Right, right, right.

13 MEMBER GOTTLIEB: How wide is a car?

14 MR. RYDER: Six to eight feet.

15 MEMBER GOTTLIEB: So I'm looking for a
16 hundred ways to make this thing work and I think
17 we all are. Is ten feet too narrow?

18 MR. GELBTUCH: For what, the horseshoe?

19 MEMBER GOTTLIEB: Yeah.

20 MR. GELBTUCH: He wants to know what's the
21 wedge here?

22 MR. MACLEOD: So I measure it here to be
23 about 13 feet here, 14 feet. It varied as it went
24 around.

25 MR. GELBTUCH: I will just tell you from a

1 practical thing of driving up there that I'm
2 guessing you could shave a foot off at most. So
3 if it's thirteen feet, that's what we could do.

4 MEMBER GOTTLIEB: When you have a curve, it
5 is not like pulling in a parking lot straight.
6 You need move room to move around.

7 MR. GELBTUCH: Right. It's basically from a
8 practical purpose is as small as you really can
9 get.

10 MEMBER GOTTLIEB: Again, I'm, looking for
11 ways to make it work unsuccessfully.

12 MR. MACLEOD: If we reduced it by one foot,
13 we'd probably only be saving about 60 square feet.

14 MR. GELBTUCH: It would probably be like a
15 hundred because, you know, a curve and this is
16 like 90.

17 CHAIRMAN KEILSON: Please explain the issue.
18 Explain it in the same light. We can't give 50
19 percent or 48, whatever the numbers on the
20 coverage of the lot. We just can't do it. And
21 you were given a variance for a turnaround so you
22 could turn around.

23 MR. GELBTUCH: But it's not --

24 CHAIRMAN KEILSON: Let me finish.

25 MR. GELBTUCH: I'm sorry.

1 CHAIRMAN KEILSON: Okay. And what
2 Mr. Gottlieb says is correct. We're striving to
3 try to help you, but we can't approve this as it's
4 been presented. I mean, I can only speak for
5 myself but you hear the sentiment.

6 MS. GELBTUCH: That's fine. But can I just
7 answer to this point with the turn -- I understand
8 with the whole turnaround thing that, yes, we're
9 able to turn around, so why do we need the
10 circular. The point is, yes, for us living in the
11 home we'll probably pull all the way in and use
12 that turnaround. But I see living there now,
13 carpooling, whatever, people are dropping off my
14 kids, they're not then going all the way down to
15 turn around. It just doesn't happen. You know,
16 at the time that's what we thought we would do and
17 maybe we would do that, but the average person
18 dropping off a kid, picking up, dropping off,
19 isn't continuing down the driveway turning around
20 that tight thing and then coming back, they're
21 not.

22 MEMBER HENNER: Can I ask you a question?

23 MR. GELBTUCH: Yes.

24 MEMBER HENNER: I live around the corner. On
25 my block there's one circular driveway. Just out

1 the driveway as opposed to a blacktop nonporous?

2 CHAIRMAN KEILSON: If the material doesn't
3 get counted towards surface coverage then we don't
4 have an issue, obviously.

5 MR. RYDER: Anything manmade gets counted to
6 the surface coverage.

7 MR. MACLEOD: How about a gravel driveway?

8 MR. RYDER: That gets counted.

9 MR. MACLEOD: Gravel is a natural material.

10 MR. CASTRO: Not in that location.

11 CHAIRMAN KEILSON: Mr. Castro, what was that?

12 MR. CASTRO: Not in that location.

13 MR. RYDER: Is the turnaround an issue? The
14 turnaround is not acceptable; is that what I heard
15 earlier, the turnaround?

16 MR. GELBTUCH: A turnaround would be okay,
17 but it doesn't really solve the problem because
18 any way we would put a turnaround there we might
19 be able to shave off, you know, a few hundred feet
20 from that, but I mean, if you made a return over
21 there.

22 MS. GELBTUCH: The difference would be
23 minimal in the amount of surface coverage.

24 MR. MACLEOD: So if we did create --

25 MR. RYDER: I don't know what the numbers

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1 advise them as to whether they should adjourn.

2 MR. MACLEOD: Right, so we're just going
3 through that now.

4 MR. GELBTUCH: Then I think we'd like to
5 adjourn.

6 CHAIRMAN KEILSON: Fine, no problem.

7 MEMBER GOTTLIEB: Which gives you the
8 opportunity to come back with a different plan.

9 CHAIRMAN KEILSON: Correct. Give some
10 thought to it, see what else. There will be
11 conversations.

12 MR. RYDER: Any revised plan, Mr. Macleod,
13 note the change and the date as well.

14 MR. MACLEOD: Okay.

15 (Whereupon, the hearing concluded at
16 11:14 p.m.)

17 *****

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

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MARY BENCI, RPR
Court Reporter

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