

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Lawrence Village Park House
4 101 Causeway
Lawrence, New York

5 May 13, 2010
6 7:40 p.m.

7 APPLICATIONS FOR ADJOURNMENT:

8 Gelbtuch
9 60 Muriel Avenue
Lawrence, New York

10 Eisenberg
11 3 Copperbeech Lane
Lawrence, New York

12 Ostreicher
13 198 Harborview South
Lawrence, New York

14 P R E S E N T:

15 MR. LLOYD KEILSON
Chairman

16 MR. ELLIOT FEIT
17 Member

18 MR. MARK SCHRECK
Member

19 MR. EDWARD GOTTLIEB
20 Member

21 MR. RONALD GOLDMAN, ESQ.
Village Attorney

22 MR. GERALDO CASTRO
23 Building Department

24 MR. MICHAEL RYDER
Building Department

25 Mary Benci, RPR
Court Reporter

Proceedings - 5/13/10

1 CHAIRMAN KEILSON: Lawrence Board of Zoning
2 appeals hereby convenes. And proof of posting,
3 Mr. Castro?

4 MR. CASTRO: Good evening. I offer proof of
5 posting and publication (handing).

6 CHAIRMAN KEILSON: Okay, thank you very much.

7 I think, let's take note of the fact that we
8 have Mr. Mark Schreck, an alternate joining us
9 this evening sitting in for Mrs. Esther Williams.

10 We'll also note that Mr. Rosen is thus far
11 absent. Maybe he will join us later.

12 We have a request for an extension in the
13 matter of Gelbtuch. We have a letter asking for
14 an extension of two years to June 2012. They were
15 unable to build during the last two years due to
16 financial instability. We believe -- the letter
17 reads that we will be able to begin construction
18 on our home in 2011. It relates to 60 Muriel
19 Avenue. Any discussion, any questions from the
20 audience?

21 MEMBER GOTTLIEB: Has any work been done on
22 this to date?

23 MR. RYDER: No, they have not picked up their
24 permits either.

25 MR. GOLDMAN: So there's no disruption to the

Proceedings - 5/13/10

1 neighbors.

2 CHAIRMAN KEILSON: So let's vote.

3 Mr. Gottlieb.

4 MEMBER GOTTLIEB: For.

5 CHAIRMAN KEILSON: For.

6 MEMBER FEIT: Abstain. I want to put it off
7 six months to see -- to see if they're really
8 ready to build or not.

9 CHAIRMAN KEILSON: Okay. Mr. Schreck.

10 MEMBER SCHRECK: For.

11 CHAIRMAN KEILSON: Okay, so the extension is
12 granted.

13 MR. GOLDMAN: So three in the affirmative and
14 one abstention.

15 CHAIRMAN KEILSON: That's correct.

16 There's a request for adjournment in the
17 matter of Eisenberg on Copperbeech. They asked
18 for an extension to the next date, which is on
19 June 16th. Any discussion?

20 Mr. Gottlieb.

21 MEMBER GOTTLIEB: No discussion.

22 CHAIRMAN KEILSON: Okay.

23 MEMBER GOTTLIEB: I'm sorry. For, yes.

24 CHAIRMAN KEILSON: For.

25 MEMBER FEIT: For.

Proceedings - 5/13/10

1 MEMBER SCHRECK: For.

2 CHAIRMAN KEILSON: Okay. So we'll put them
3 on for the June 16th calendar.

4 The matter of Ostreicher, Harborview South,
5 has also been asked to be put on the June
6 calendar.

7 Mr. Gottlieb.

8 MEMBER GOTTLIEB: For.

9 CHAIRMAN KEILSON: For.

10 MEMBER FEIT: For.

11 MEMBER SCHRECK: For.

12 (Whereupon, the hearing concluded at
13 7:45 p.m.)

14 *****

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

18

19

Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

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3 Lawrence Village Park House
4 101 Causeway
5 Lawrence, New York

6 May 13, 2010
7 7:45 p.m.

8 APPLICATION: Katsman
9 160 Harborview South
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. ELLIOT FEIT
15 Member

16 MR. MARK SCHRECK
17 Member

18 MR. EDWARD GOTTLIEB
19 Member

20 MR. RONALD GOLDMAN, ESQ.
21 Village Attorney

22 MR. GERALDO CASTRO
23 Building Department

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: So let's proceed with the
2 calendar. We have one matter this evening, that's
3 Katsman. Will they or their representative please
4 step forward and identify yourself.

5 MR. MUHS: Good evening. My name is Paul
6 Muhs, from Express Permits. I'm representing
7 Mr. Katsman at 160 Harborview South in Lawrence.
8 We are here to propose a revised rear extension to
9 the home for a bathroom and a swimming pool
10 project, including patios, a pool, pool equipment
11 and a fence.

12 MR. GOLDMAN: If I could just interrupt just
13 so the record is clear. You're from what firm,
14 please?

15 MR. MUHS: Express Permits.

16 MR. GOLDMAN: What is the nature of that
17 firm? Is it an architectural firm, a design firm,
18 an attorney's office?

19 MR. MUHS: We do have an architect. We are
20 located in Farmingdale at 201 Northwest Drive, and
21 we have permit expediting services. We have an
22 architect on staff, a drafting department. I am
23 also a licensed plumber, and we are here
24 representing the application for Sun Design Pool
25 Company who's putting in the pool, hopefully, in

1 Mr. Katsman's house.

2 So we were here previously to request a more
3 ambitious project which has now been scaled back.
4 Previously, it was including approximately a 55
5 square -- 55 percent of lot coverage which
6 included a much more ambitious project.

7 I'd like to display the current version of
8 the project, okay. This is the residence, the
9 front of the home. And unlike before, the only
10 addition now that we're adding structurally is a
11 small addition to the left rear corner of the home
12 which will be a bathroom. That facility will be
13 used, obviously, for the pool area. It is just a
14 shower, a stand-up shower, a toilet and a sink.

15 The rest is a patio. There was an enclosed
16 cabana before; that's been completely removed.
17 The walkways, the patio have all been scaled back
18 considerably.

19 So at this point in time we have a total lot
20 coverage of 3,887 square feet. That represents
21 770 square feet over the allowable lot coverage,
22 or 20 percent. And let's see, the rear setback of
23 the pool is 20 feet from the property line
24 (indicating). The side --

25 CHAIRMAN KEILSON: The requirement is 20

1 feet.

2 MR. MUHS: I'm sorry, right, the required.

3 CHAIRMAN KEILSON: The proposed is 16.64?

4 MR. MUHS: Correct.

5 CHAIRMAN KEILSON: Okay.

6 MR. MUHS: And let's see, the side yard --

7 CHAIRMAN KEILSON: You have a 15-foot
8 requirement.

9 MR. MUHS: Okay, and the side -- the rear
10 yard is 14 feet. The side-yard setback, the
11 minimum of the swimming pool is 15 square feet
12 required, and we have eleven.

13 CHAIRMAN KEILSON: That's on the west side?

14 MR. MUHS: Correct.

15 CHAIRMAN KEILSON: The east side you have
16 nine.

17 MR. MUHS: 9.5 percent.

18 CHAIRMAN KEILSON: 9.5 inches.

19 MR. MUHS: 9.5 feet, correct.

20 CHAIRMAN KEILSON: So you're encroaching on
21 all the neighbors? You're being more neighborly.

22 MR. MUHS: Yes, they're all welcome to come
23 for pool parties. And we do have two additional
24 letters of consent. Previously, we had submitted
25 three. We have two additional, if I could submit

1 those.

2 CHAIRMAN KEILSON: Do we have the contiguous
3 neighbors?

4 MR. MUHS: Aaron, could you explain the
5 neighbors.

6 CHAIRMAN KEILSON: Aaron, could you identify
7 yourself.

8 MR. KATSMAN: Aaron Katsman, the homeowner.
9 I have one letter from across the street. One,
10 let's see -- a letter from the neighbor that's
11 located here (indicating).

12 CHAIRMAN KEILSON: Identify the neighbors.
13 Is that Hoch or Gross?

14 MR. GOLDMAN: If I could just interrupt.
15 There are letters from Gross at 125 Lawrence
16 Avenue, and Fennik, Marsha Fennik at 179
17 Harborview North. And I'm submitting, deeming
18 those marked Applicant's 1, and I'm providing them
19 to the Board for your review, Mr. Chairman
20 (handing).

21 CHAIRMAN KEILSON: Do we have anything from
22 Hoch or Rosenfeld or Klein?

23 MR. KATSMAN: We have -- from Hoch we have --
24 Hoch submitted a letter the previous time with the
25 more ambitious plan. I didn't think it was

1 necessary.

2 CHAIRMAN KEILSON: We assume that he would
3 not object tonight.

4 MR. MUHS: To the smaller plan.

5 MR. KATSMAN: And the neighbor immediately
6 behind my property also submitted a letter last
7 time.

8 CHAIRMAN KEILSON: Okay.

9 MR. KATSMAN: So the only one -- there's a --
10 there's a property right -- located right at this
11 corner and they're not exactly adjacent. I was
12 unable to reach them. I stopped by many times.

13 CHAIRMAN KEILSON: I'm sorry, Rosenfeld you
14 have? On the left side.

15 MR. KATSMAN: No.

16 CHAIRMAN KEILSON: Okay, okay.

17 MR. KATSMAN: There's a property on the
18 corner that I wasn't able to reach them. I don't
19 know.

20 CHAIRMAN KEILSON: You're not impacting as
21 much on the corner as you are on the contiguous
22 properties.

23 MR. KATSMAN: I also did meet with the former
24 mayor.

25 MEMBER FEIT: Dr. Levenbrow.

1 MR. KATSMAN: I met with Dr. Levenbrown late
2 last week or earlier this week. I don't remember
3 the exact date. I sat down with him for a while,
4 went over his concerns with the driveway. He
5 understood what we're trying to do, and he told me
6 that he was satisfied with what we were -- how we
7 were going to make the changes and what we were
8 proposing to do in order to adequately address his
9 concerns. He told me he'd rather not sign a
10 letter, I understand, but he's --

11 CHAIRMAN KEILSON: You mean sign a letter of
12 objection, but not of support.

13 MR. KATSMAN: Well, I guess.

14 MR. MUHS: He didn't express any objections.

15 CHAIRMAN KEILSON: I understand.

16 MR. MUHS: The one other thing that we'd like
17 to point out, drainage, we know, is a big concern
18 everywhere. And now Al from Sun Design is here.
19 Can I invite him up --

20 CHAIRMAN KEILSON: Absolutely.

21 MR. MUHS: -- to address the drainage.

22 Al, just introduce yourself.

23 MR. HILDEBRANDT: Al Hildebrandt, general
24 manager, Sun Design Pools.

25 MR. MUHS: Okay. We've explained the

1 project, we've explained the bathroom, and the
2 pool itself has been scaled down considerably, but
3 maybe you could talk specifically to drainage and
4 then also to how this project will be screened
5 from the neighbors.

6 CHAIRMAN KEILSON: I think you should take
7 into the presentation that which hadn't been
8 mentioned in your presentation about the change in
9 grade.

10 MR. MUHS: Okay.

11 CHAIRMAN KEILSON: The change in grade is
12 probably the key element here tonight in terms of
13 impacting other properties.

14 MR. HILDEBRANDT: Okay. I understand what
15 you're saying. Well, the change in grade that
16 we're talking about, if you start from the house,
17 there is a grade that comes down considerably,
18 rather quickly all the way to the back area here
19 (indicating).

20 CHAIRMAN KEILSON: Right.

21 MR. HILDEBRANDT: So we are actually going to
22 be lowering the grade between the pool and the
23 house, and the transition is going to be taken
24 care of by the staircase going down.

25 The back part here in this -- in this area,

1 the change in grade from here to here is going to
2 be about approximately twelve inches. And to
3 accommodate the concerns regarding drainage, we
4 are doubling the amount of dry wells that would
5 normally be required. Now, and the type of dry
6 well that we're using is actually a corrugated
7 plastic half-moon type; I believe it's spec'ed out
8 in the plans. The reason why we're using that
9 type is because we only have to go down three to
10 four feet in order to accommodate -- you know, if
11 you go down too deep you're going to be hitting
12 the water. So this is a shallow type dry well
13 system, and it will be approximately 32 feet long
14 going across this whole back area in front of the
15 tree line and in between the pool, and there will
16 be, you know, drains, catch basins that will be
17 able to catch any additional water that comes down
18 this way. So, in essence, like I said, we're
19 doubling the amount of drainage that's normally
20 required for a dry well.

21 CHAIRMAN KEILSON: Mr. Katsman, what do you
22 presently experience when you have storms?
23 Because on the Klein property the previous owner
24 of the property always had pools in his backyard
25 without having a swimming pool; is that your

1 experience in the rear of your yard?

2 MR. KATSMAN: No. We get a little, a slight
3 buildup of water right over here on the grass
4 area. And when our neighbor uses their sprinkler
5 in the summertime we get a little buildup of water
6 right along the edge over here, right back, back
7 there, so we do not turn on the sprinkler for much
8 time over there because it's just not needed. But
9 there's a little bit over here and a little bit
10 right there from when he turns on the sprinkler
11 (indicating).

12 CHAIRMAN KEILSON: So the suggestion is the
13 change of grade will not affect whatsoever,
14 particularly with the use of the new wells that
15 you're putting in.

16 MR. HILDEBRANDT: I believe it's actually
17 going to help the situation for a couple of
18 reasons. The grade change that we're proposing is
19 -- basically, if I was to -- it's equal to a point
20 approximately here on the property (indicating).
21 So over here it's not going to cause anything big.
22 This property over here has approximately a
23 two-foot-high retaining wall with a six-foot fence
24 on top of it.

25 CHAIRMAN KEILSON: Right. We saw the

1 pictures.

2 MR. HILDEBRANDT: Right. So even though
3 there is a grade change elevation, it's not -- a
4 grade change in the elevation, I think it would --
5 I would consider it to be more favorable to the
6 situation that exists right now. And I know
7 everyone doesn't agree with this, but with a 500
8 square foot container of water, it's going to take
9 a lot longer for the additional water to build
10 up; the pool is actually going to take some of
11 that, a significant amount of that, 3,000 gallons
12 of that.

13 CHAIRMAN KEILSON: Mr. Ryder, do you agree
14 with that?

15 MR. RYDER: I do agree with that design.

16 CHAIRMAN KEILSON: Okay.

17 MEMBER FEIT: The short dry wells -- first of
18 all, where is the water going to run off from
19 them?

20 MR. HILDEBRANDT: How will the water get to
21 them?

22 MEMBER FEIT: Not how the water will get to
23 them. How will it disburse into the ground?

24 MR. HILDEBRANDT: It disburses into the
25 ground.

1 MEMBER FEIT: But you have the water
2 underneath it fairly high.

3 MR. HILDEBRANDT: Right, which is true in all
4 of Lawrence.

5 MEMBER FEIT: By taking out -- by taking out
6 ground surface with the pool, aren't you
7 eliminating places where the water would be able
8 to run off and be absorbed?

9 MR. HILDEBRANDT: Actually not, because the
10 current grade of the property here is very high;
11 it's approximately even with the back. It's very
12 high. And then approximately this point right now
13 the ground actually comes down and goes like this
14 (indicating). So the elevation of this area is
15 actually in an area where water would run down
16 anyway. So by putting this in here, and again
17 with the pool in the middle, it's -- I would --
18 it's either going to be the same or better because
19 this area here was not absorbing any water anyway;
20 it's running down to the lowest point.

21 MEMBER FEIT: Is that all going to be
22 cemented over?

23 MR. HILDEBRANDT: This is paving over here.

24 MEMBER FEIT: All paving.

25 MR. HILDEBRANDT: Well, the paving -- the

1 paving -- the portions of the paving can have a
2 permeable base underneath it.

3 MEMBER FEIT: Well, is it planned that water
4 landing on the paving is going to be able to sink
5 into the ground, or is it just going to sit there
6 and run off the sides?

7 MR. HILDEBRANDT: Oh, no, no, it's going to
8 grade off, it's going to run off. It's going to
9 -- yeah, everything will be pitched away here, but
10 we basically eliminated -- we eliminated all of
11 the paving in the back of the pool, except for a
12 twelve-inch coping finishing edge to create
13 more --

14 MR. MUHS: Of natural ground.

15 MR. HILDEBRANDT: -- natural ground.

16 MEMBER FEIT: For the dry well, okay, when
17 you talk about a three-foot dry well --

18 MR. HILDEBRANDT: Well, it would be the
19 equivalent of --

20 MEMBER FEIT: No, height-wise, about three
21 feet, give or take?

22 MR. HILDEBRANDT: Yes. It's about two feet
23 high. But you're going to have to put it into the
24 ground three feet.

25 MEMBER FEIT: How far below the surface is it

1 going to be?

2 MR. HILDEBRANDT: Approximately three feet.

3 MEMBER FEIT: No. In other words, the top of
4 it.

5 MR. HILDEBRANDT: The bottom -- the top, you
6 want the top to be at least a foot below the
7 surface.

8 MEMBER FEIT: What I'm concerned about, is
9 there going to be enough soil there to be able to
10 retain planting, grass, et cetera?

11 MR. HILDEBRANDT: Grass, absolutely, yup.

12 MEMBER FEIT: And absorb water?

13 MR. HILDEBRANDT: Well, absolutely, because
14 grass -- first of all, grass is going to be in
15 this area, and grass can grow -- you know, six
16 inches of soil is plenty for grass.

17 Also, the way we install these particular
18 type of dry wells, when we excavate the hole we
19 line it with gravel, put the dry well in, use a
20 landscape fabric and backfill with gravel so we're
21 actually creating even more of a permeable area.

22 MR. MUHS: It's a very permeable surface;
23 it's like a golf course.

24 MR. HILDEBRANDT: Kind of like --

25 MEMBER FEIT: A French drain type?

1 MR. HILDEBRANDT: Similar, similar. Like in
2 Yankee Stadium, it falls and it goes right out and
3 it's gone.

4 MR. GOLDMAN: May I just make one inquiry,
5 please.

6 CHAIRMAN KEILSON: Certainly.

7 MR. GOLDMAN: PE Pro Engineering Solutions
8 prepared a correspondence that was sent to the
9 Building Department on October the 22nd, 2009.

10 Now, that's a professional engineer; am I
11 correct?

12 MR. HILDEBRANDT: Correct.

13 MR. GOLDMAN: Now, is that a component or was
14 that part of your application? Was that part of
15 Express Permits?

16 MR. MUHS: Do you know how they were
17 involved?

18 MR. HILDEBRANDT: Who was that?

19 MR. GOLDMAN: Well, there's a correspondence
20 here about the drainage facilities to be used
21 exclusively for the construction of a swimming
22 pool on the above-referenced property.

23 MR. HILDEBRANDT: Right. That changed. That
24 was for the original dry well for the pool.
25 Everything is changed since then.

1 MR. GOLDMAN: Now, has -- fine, I appreciate
2 that. Has there been a professional engineer that
3 supports this particular proposal in terms of the
4 pumps, et cetera, that you're now providing the
5 Board? In other words, somebody who is standing
6 behind it, and when and if there's a drainage
7 problem the Village and/or neighbors can look to
8 them or a licensed professional engineer, someone
9 that we can look to to say that representations
10 were made as to the drainage and somebody who's
11 going to be in the sling if everyone else is --

12 MR. KATSMAN: They're the ones that produced
13 the new drainage plan, PE Pro.

14 MEMBER FEIT: Who is they?

15 MR. KATSMAN: The same company.

16 MR. MUHS: Right, this is October 22nd, 2009.
17 This -- this is a specification on the drain
18 itself. It shows what its capacity is in terms of
19 -- it doesn't -- it doesn't substantiate the
20 design though. This explains the functionality.

21 MR. GOLDMAN: Well, I'm not familiar with the
22 terminology, but is there a way that they would
23 provide a certified letter to the Village
24 basically saying that as you're relying on them
25 the Village and/or this Board would be relying

1 upon them as well.

2 MR. MUHS: That that drainage design won't
3 cause a problem?

4 MR. HILDEBRANDT: If it's not in there, I
5 have to -- I'm not sure where it's written but,
6 yes, they would be able to do drainage
7 calculations based on the patio area and the
8 amount that it would be --

9 MR. GOLDMAN: And also the change of grade,
10 obviously.

11 MR. HILDEBRANDT: Yeah, the change of grade
12 is going to be next to nothing as far as -- as far
13 as changing anything like that because we're
14 eliminating a high part of the ground, you know.

15 MR. RYDER: In looking for the engineer
16 design of this new dry well system, our concern is
17 the storm water drainage going into the
18 neighboring properties. So we're looking for a
19 design that's bullet-proof and we need someone to
20 stamp it and sign it.

21 MR. HILDEBRANDT: Bulletproof is relative.
22 If we have 19 inches of rain in an hour, no
23 drainage system is going to be -- like we had a
24 couple of weeks ago.

25 MR. RYDER: Let me rephrase that. We need a

1 security.

2 MR. HILDEBRANDT: Reasonable.

3 MR. RYDER: Yes, reasonable.

4 CHAIRMAN KEILSON: Yes, sir, Mr. Katsman.

5 MR. KATSMAN: The fact that we're lowering
6 almost half of the yard certainly would have the
7 effect of causing my property to retain more water
8 than it currently retains.

9 MR. RYDER: True.

10 MR. KATSMAN: So the only question then as I
11 understand is because of the paving that the
12 paving will not absorb like grass; is that the
13 question of the drainage?

14 CHAIRMAN KEILSON: I think we're looking to
15 the overall impact of everything that's being done
16 and how it's impacting on or potentially impacting
17 on the neighbors. And the suggestion is made that
18 the dry wells that are being placed at the rear of
19 the yard are going to easily absorb anything in
20 the normal course of events, and I think that's
21 the type of a letter we would like or some
22 document.

23 MR. KATSMAN: Can I speak to him privately
24 for a minute?

25 CHAIRMAN KEILSON: Sure.

1 (Whereupon, a discussion was held off the
2 record.)

3 MR. MUHS: Okay. So do I understand that the
4 request then would be to have an engineer
5 substantiate the adequacy of this design for this
6 installation, and if that was provided would that
7 be acceptable?

8 CHAIRMAN KEILSON: I think that's what we
9 discussed.

10 MEMBER GOTTLIEB: That would be a start.

11 CHAIRMAN KEILSON: As far as the concern
12 about the change in grade and any impact on the
13 neighboring properties, I think because of
14 everything that's going on in this small area
15 we're particularly concerned. So that's why it's
16 generating this type of, you know, inspection. So
17 an engineering firm to verify that that which is
18 being done will ensure against any concerns
19 against spillover is what we're looking for.

20 MR. MUHS: Okay.

21 MR. HILDEBRANDT: The other note that I would
22 just like to bring out too, this property over
23 here is higher than Mr. Katsman's property all the
24 way down.

25 CHAIRMAN KEILSON: Mr. Rosenfeld's property.

1 MR. HILDEBRANDT: Okay.

2 MR. MUHS: But so is this, right?

3 MR. HILDEBRANDT: This? Well, this is two
4 feet higher over here. So you have to raise the
5 pool three feet to --

6 MR. MUHS: To even get it to be level with
7 the --

8 MR. HILDEBRANDT: The only property that's in
9 question really is the rear property. Because
10 this property is not going to be affected, this
11 property is not going to be affected, this
12 property is not going to be affected (indicating).

13 MEMBER FEIT: Let the record reflect you're
14 talking about the side properties, and the one
15 that could be affected is the one in the rear.

16 MR. HILDEBRANDT: Potentially, the rear
17 property.

18 CHAIRMAN KEILSON: To the north.

19 MR. HILDEBRANDT: Exactly.

20 MEMBER FEIT: Otherwise, this, this, this
21 comes on the record.

22 MR. HILDEBRANDT: So with the current design
23 of the pool, also, because there's no patio back
24 here, this elevation change can be minimized even
25 further because when we had walkways and patios

1 you had to come out eight feet level before you
2 start coming out. So now that you're only there a
3 foot --

4 MR. MUHS: The natural grade is preserved.

5 CHAIRMAN KEILSON: Mr. Ryder, on behalf of
6 the Building Department, would you be comfortable
7 if they have an engineering report regarding that
8 aspect?

9 MR. RYDER: I would be comfortable, yes.

10 CHAIRMAN KEILSON: We want you to be
11 comfortable.

12 MR. RYDER: Thank you.

13 CHAIRMAN KEILSON: Mr. Gottlieb.

14 MEMBER GOTTLIEB: You claim that it will have
15 no effect on the neighbor to the left.

16 MR. HILDEBRANDT: This one (indicating)?

17 MEMBER GOTTLIEB: No, Mr. Rosenfeld's side,
18 for lack of a better name. You will be changing
19 the grade. His property slopes on the same way
20 that the proposed property does?

21 MR. HILDEBRANDT: Not exactly the same, but
22 his property is higher here and it comes down this
23 way. It looks like his property at one time might
24 have been built up, but this property here has,
25 you know, a higher elevation. It's probably equal

1 here. At some point about here, which is like the
2 height of the pool, from here to here, there's
3 going to be no significant difference between
4 these two properties.

5 MEMBER GOTTLIEB: But you're removing the
6 swell.

7 MR. HILDEBRANDT: Yeah, which is up here
8 (indicating). So if anything, it's putting us a
9 little bit lower.

10 MEMBER GOTTLIEB: The swell doesn't exist
11 along the fence line.

12 MR. HILDEBRANDT: There is --

13 MEMBER GOTTLIEB: This is all that I've got
14 to go by, so excuse me for not -- I haven't been
15 in the backyard.

16 MR. HILDEBRANDT: I forgot to bring my
17 glasses.

18 MR. GOLDMAN: The record should reflect that
19 there's a series of photographs. Is that what
20 you're referring to?

21 MR. HILDEBRANDT: Yes.

22 MR. GOLDMAN: And they're attached and
23 Mr. Gottlieb is maybe referring to these photos.

24 MR. MUHS: I'd like to submit additional
25 photographs. Can I submit additional photographs?

1 MR. GOLDMAN: Oh, additional? These are
2 additional?

3 MR. MUHS: Yes.

4 MR. GOLDMAN: These are deemed Applicant's 2,
5 and they're being shared with the members of the
6 Board; two sheets of four photos, please.

7 MEMBER GOTTLIEB: I need to address surface
8 coverage with or without the engineering report.
9 You have a property that's already pretty much
10 built out in terms of surface coverage with no
11 ability to add on. So you're adding on 777 square
12 feet in overage, which is 20 percent. I don't
13 want to say the word excessive, but I guess I will
14 use excessive. Is there a proposal to reduce the
15 surface coverage?

16 MR. HILDEBRANDT: Well, we started out at 55
17 percent the last time we were here. We reduced it
18 down to 45 percent, which the Board was not happy
19 with. We've now reduced it down to 20 percent. A
20 lot of the coverage has to do with the driveway
21 that's in the front of the house that Mr. Katsman
22 inherited when he bought the house, and that
23 driveway I believe is built to the specs required
24 by the Village of Lawrence. A lot of the square
25 footage is taken up by that driveway. So

1 theoretically, if we were to eliminate half of
2 that driveway --

3 MEMBER GOTTLIEB: Be careful of what you say.
4 Are you proposing eliminating part of the
5 driveway?

6 MR. HILDEBRANDT: No. Well, that's up to
7 Mr. Katsman.

8 MEMBER GOTTLIEB: I'm just asking if that's
9 what you're proposing.

10 MEMBER FEIT: You're talking about a vinyl
11 pool.

12 MR. HILDEBRANDT: Correct.

13 MEMBER FEIT: My experience in Lawrence with
14 a number of neighbors and friends is that every
15 couple of years the vinyl pools buckle somewhat
16 underneath and the pool companies have to come in
17 in order to pound it out or to bring it back to
18 its configuration that had originally been there.

19 MR. HILDEBRANDT: You need to give your
20 friends my name because that will not happen with
21 any pool that we put in because of the
22 construction that we do. We do a special sand and
23 cement bottom and it's not sand, it stays firm,
24 and this liner can last in this pool twenty years
25 if it's properly maintained, which it will be. It

1 is not going to be an issue if the pool is built
2 correctly.

3 MEMBER FEIT: So what soil or whatever will
4 not cause it to buckle?

5 MR. HILDEBRANDT: No, what causes it to
6 buckle is when people just use sand on the bottom
7 and they don't properly shore up the bottom of the
8 pool, and perhaps whatever water condition they
9 were dealing is not dealt with properly, but
10 that's not going to be an issue here. There's a
11 number of pools in Lawrence I built; for instance,
12 the Hillers, for instance, their pool has been in
13 for fifteen years, and there are others, and they
14 never experienced that kind of thing. But I
15 understand what you're saying; it's true with
16 other pool companies.

17 MEMBER GOTTLIEB: So going back to my
18 question about the 20 percent overage.
19 Approximately 500 feet of that is pool?

20 MR. HILDEBRANDT: Yes.

21 MEMBER GOTTLIEB: And then I believe there's
22 a possibility of reducing the lot coverage with
23 the proposed adjustment?

24 MR. HILDEBRANDT: Excuse me. Say that again.

25 MEMBER GOTTLIEB: I presume I'm reading the

Katsman - 5/13/10

1 letter that was written: At the night of the
2 hearing we will be glad to discuss the potential
3 of reducing this lot coverage with a proposed
4 adjustment.

5 MR. HILDEBRANDT: Right. We reduced it 35
6 percent lower than what we --

7 MEMBER GOTTLIEB: Oh, this is the adjustment?

8 MR. HILDEBRANDT: The original application
9 was --

10 MEMBER GOTTLIEB: This is April 14th.

11 MR. HILDEBRANDT: -- was 55 and then 45, and
12 we dropped that down to 20. We basically cut off
13 hundreds of feet of patio.

14 MEMBER GOTTLIEB: In all fairness, we don't
15 care what the first application was. It's nice
16 that you reduced it, but you're still at 20
17 percent. I thought all my files were current.

18 CHAIRMAN KEILSON: This is current.

19 MEMBER FEIT: When was our last meeting?

20 MR. HILDEBRANDT: The 20 percent refers to --

21 MEMBER FEIT: When was the April meeting?

22 MR. CASTRO: The 22nd.

23 CHAIRMAN KEILSON: This is the current
24 letter, is it not?

25 MEMBER FEIT: That was put down as Exhibit D,

1 which is current.

2 MR. KATSMAN: I didn't sign it.

3 CHAIRMAN KEILSON: It's on your stationery
4 and signed by you.

5 MR. GOLDMAN: What's the date of it, please?

6 CHAIRMAN KEILSON: April 14th, which was the
7 date that they had tried to be on the calendar.
8 It's on the last calendar call in April.

9 MEMBER FEIT: Our last Zoning Board meeting
10 was April 22nd.

11 CHAIRMAN KEILSON: Well, let's go back to the
12 letter.

13 MR. HILDEBRANDT: Should I read the letter?

14 CHAIRMAN KEILSON: Well, why don't you read
15 them the letter.

16 MEMBER GOTTLIEB: The entire letter?

17 MR. GOLDMAN: No, the salient points.

18 CHAIRMAN KEILSON: Just the sentence that
19 relates to what we were saying.

20 MEMBER GOTTLIEB: The accumulated lot
21 coverage of 4,664 square feet is a result of the
22 swimming pool, the needed paving around the pool,
23 and the construction of the one-story frame
24 addition. This addition is to be used as a
25 bathroom. The bathroom is only accessible from

Katsman - 5/13/10

1 the outside for the convenience of those using the
2 rear yard. At the night of the hearing we will be
3 glad to discuss the potential of reducing this lot
4 coverage with a proposed adjustment. We look
5 forward to the opportunity of being considered for
6 this project, as a pool will considerably add to
7 the quality of our home.

8 MR. HILDEBRANDT: I believe that was in
9 reference to the previous plan before this.

10 MR. KATSMAN: It must have been. I would
11 like to be able to keep it the way it is. I have
12 taken to heart, honestly, what was discussed at
13 the previous hearing. I understand that what we
14 originally asked for was substantially more than
15 you ever really would allow for. And I recognize
16 that, and all I'm asking for is to be treated in a
17 similar manner to the way that the Board has
18 decided in the past of what they would allow over
19 the existing rules for the Village. I know that
20 20 percent is significant. But I also know that
21 in the past the Board has approved that type of a
22 request. And in taking into consideration -- let
23 me just take out my notes here -- in taking into
24 consideration the laws of the Village, I think
25 it's Section 7 -- can I read a little something

Katsman - 5/13/10

1 I wrote?

2 MEMBER GOTTLIEB: Sure.

3 MR. KATSMAN: As I understand the standards
4 for granting a variance of this nature, require
5 that the Board consider the benefit to the
6 applicant, meaning me, and weighing against the
7 detriment to the health, safety and welfare of the
8 community by giving such a grant. In making a
9 decision of this sort, I submit that the granting
10 of this variance will produce no undesirable
11 changes to the character of the neighborhood, nor
12 be a detriment to nearby properties, a point
13 attested to by all the letters that I have
14 submitted in support of my application. In fact,
15 the property that stands to have the most
16 potential effect to this project was happy and had
17 absolutely no issue with the original plan that
18 had far greater land coverage. The character of
19 the neighborhood is such that this fits exactly in
20 with what does exist in the Village of Lawrence.
21 I'm not asking for more than -- more than that. I
22 don't want to make my house stand out as something
23 unusual in the neighborhood, and my neighbor that
24 would be logically most affected by what I'm
25 proposing is for it. And I just ask that you take

1 that into consideration.

2 CHAIRMAN KEILSON: Can we hear from the
3 neighbor, Mr. Rosenfeld, who is present tonight.

4 MR. ROSENFELD: Good evening, panel members.
5 My name is Avi Rosenfeld. I live at 156
6 Harborview South, and I am the property adjacent
7 to Mr. Katsman's property.

8 I want to preface my remarks by saying that I
9 have absolutely no objection whatsoever to the
10 needs of Mr. Katsman and his family. I do want to
11 make some general comments that I've observed
12 during the two years that I've lived on the
13 property. The first comment is that there is
14 severe flooding on my property. There is severe
15 flooding on the property directly behind my
16 property.

17 Now, I come here as a lawyer, not an
18 engineer. So I can't testify about the dry wells
19 that they're proposing to put in, and I presume
20 that the representations here made tonight are
21 accurate. However, the representations that are
22 being made are from an installer and someone who
23 has a license as a plumber. I concur with the
24 panel's comments that we need an independent,
25 objective evaluation of the pool that's going to

Katsman - 5/13/10

1 be put in to evaluate this and make the
2 determination that there won't be any additional
3 adverse effect to the properties.

4 Secondly, I think that the analysis has to
5 take into consideration not just general rain, but
6 the amounts of rain and what impact that would
7 have to the variety of different properties that
8 surround Mr. Katsman's property.

9 Something else that I observed and, again,
10 I'm here as a lawyer, not as an engineer, I heard
11 Mr. Katsman say that they were going to put in dry
12 wells over here because the property behind was
13 the one that was most potential for adverse
14 effect. I didn't hear, and it could be I was
15 wrong because I was sitting on the other side,
16 that there was any discussion about putting dry
17 wells on the side lines of the property.

18 MR. HILDEBRANDT: Well, see, the location of
19 the dry well in and of itself is not the critical
20 issue.

21 CHAIRMAN KEILSON: Why don't you let
22 Mr. Rosenfeld finish, and we'll see what we can do
23 to resolve his concerns.

24 MR. HILDEBRANDT: I thought he was asking me
25 a question.

Katsman - 5/13/10

1 MR. ROSENFELD: So I didn't hear them discuss
2 anything about putting dry wells on the side line
3 of the property. Frankly, I'm not exactly sure
4 the impact of what dry wells will have when
5 there's rain. I mean, it could be that it will
6 absorb the rain, but when there's a surface area
7 that's very, very limited, how much of that rain
8 can actually be absorbed by the dry well without
9 running off first, and that's where my concern is.
10 And if you come to the backyard during the winter
11 -- and again, I don't have any issues with
12 Mr. Katsman or Mr. Katsman's project, I really
13 want him and his family to be happy, but during
14 the winter there was an ice skating rink literally
15 in the neighbor's yard, and there was a tremendous
16 amount of runoff.

17 CHAIRMAN KEILSON: The neighbor you're
18 referring to is the Cohens in the rear of your
19 yard?

20 MR. ROSENFELD: Well, I'm actually referring
21 to the neighbor who signed.

22 CHAIRMAN KEILSON: Klein.

23 MR. ROSENFELD: Klein and Fennik. Fennik had
24 a --

25 MR. KATSMAN: Fennik signed the letter

Katsman - 5/13/10

1 supporting this, and so did Klein.

2 MR. ROSENFELD: I understand.

3 MR. KATSMAN: They apparently had no issue
4 with it.

5 CHAIRMAN KEILSON: Mr. Katsman, let him
6 finish.

7 MR. ROSENFELD: It's fine. There was an ice
8 skating rink in the Fennik's backyard. It ran
9 about 20 feet deep and 30 feet across.

10 MEMBER FEIT: Twenty feet deep?

11 MR. ROSENFELD: Twenty feet to the depth.

12 MEMBER FEIT: Wide, not down.

13 MR. ROSENFELD: I'm sorry, I'm sorry. Twenty
14 feet wide. It went 20 feet wide and 30 feet long.
15 Part of that also came to my backyard. And then
16 there was over here on the neighbor over here, the
17 Kleins, they also had a significant amount of
18 water. So the fact that they signed this is
19 great, and I'm very happy for them, but just as a
20 property owner next-door I want to make sure that
21 the proper procedure and measures are in place to
22 make sure that this result doesn't happen.

23 Now, assuming that's all done and everything
24 is fine, I'd like to have some assurances from the
25 Board that if this design which is going to be

1 signed off by an architect, which is going to be
2 paid for an engineer by the party that's
3 requesting this here tonight, if for some reason
4 or another there is flooding after all this, where
5 is the recourse here?

6 CHAIRMAN KEILSON: Well, in such cases we
7 often ask the homeowner to engage an independent
8 firm that the Village has used, that would be
9 Cameron?

10 MR. GOLDMAN: Cameron.

11 MR. RYDER: Cameron.

12 CHAIRMAN KEILSON: And they would sign off,
13 Cameron, if they -- if they believed that it will
14 solve the problem by whatever the drainage is
15 proposed, they will sign off as professionals in a
16 sense guaranteeing it's going to be the case.

17 MR. RYDER: Yes.

18 CHAIRMAN KEILSON: Now, it could very well be
19 that some sort of a drainage system might be
20 required along that line of a French drain or the
21 like.

22 Mr. Ryder, do you have any opinion on that?

23 MR. RYDER: That's a good point,
24 Mr. Chairman. There is a French drain perforated
25 pipe on the westerly side of Mr. Katsman's

Katsman - 5/13/10

1 property. That we could run and maybe filter
2 vertically and horizontally to the dry well that
3 will be in the rear portion of the yard.

4 MR. HILDEBRANDT: That potential exists. The
5 one thing that I want to address also is, as you
6 were saying, I don't know about you, when I was a
7 kid though I would have had ice skates on, I would
8 have been playing hockey.

9 But anyway, the situation that we're talking
10 about is not going to eliminate there will never
11 be another flood. Our contention is it's not
12 going to be any worse than it is now and it would
13 be potentially better.

14 CHAIRMAN KEILSON: I think that's legitimate.
15 We're not asking you to remediate his issues.

16 MEMBER GOTTLIEB: They've been there since
17 the house was built.

18 MR. HILDEBRANDT: I know that. I wanted to
19 clarify that.

20 Now, also, as far as the catch basins --
21 whether or not there's dry wells here, here or
22 here doesn't really matter. It matters, you know,
23 how water enters and gets into them. So there are
24 ways of doing what was suggested where you could
25 use a French drain system that would carry water

1 down. But again, don't forget here we're lowering
2 this pool down, and if my recollection is correct
3 we're almost a little bit lower than your property
4 over here, and then it comes out that way
5 (indicating).

6 CHAIRMAN KEILSON: Would the applicant be
7 comfortable to engage an independent engineering
8 firm which is approved by the Village to certify
9 whatever has to be done to ensure that it's no
10 worse than what exists, that the impact, you know,
11 will be no worse than what previously exists?

12 MR. ROSENFELD: And I propose it's a small
13 measure of caution that should be taken in advance
14 of something that can have a lifetime impact that
15 would adversely affect the neighbors.

16 There's one other point that I just wanted to
17 make, and I apologize, I didn't mean to interrupt
18 you. You know, part of the concern for the
19 drainage is that there's a -- I believe, I might
20 be wrong -- a 15-foot requirement, and in this
21 instance I think as a matter of right Mr. Katsman
22 is actually using eleven foot, or I don't know the
23 exact -- eleven foot.

24 MR. HILDEBRANDT: It might be eleven or 10.5.

25 MR. ROSENFELD: So that in and of itself is

Katsman - 5/13/10

1 an encroachment. And then you have a particular
2 -- what could be explosive situation where you're
3 having a 15-foot requirement and here you're
4 having encroachment and then you have an issue
5 here where you have a history of flooding between
6 the neighbors. So I think the panel has to err on
7 the side of caution to make sure that before this
8 installation is put in that all the possible
9 outlooks or considerations are given before the
10 variances are issued.

11 CHAIRMAN KEILSON: Well, Mr. Ryder, if
12 Cameron Engineering would review this and evaluate
13 the impact, we can feel comfortable in terms of
14 ensuring the neighbor that the impact would be
15 abated.

16 MR. RYDER: You would get a professional
17 opinion from Cameron and that's all we can ask
18 for.

19 CHAIRMAN KEILSON: And they can make a
20 representation as to what has to be done to ensure
21 that there is no impact?

22 MR. RYDER: Yes.

23 MEMBER FEIT: Now, what is the size of a
24 standard pool?

25 MR. HILDEBRANDT: I don't know if there is

Katsman - 5/13/10

1 such a thing.

2 MR. HILDEBRANDT: The standard pool --

3 MEMBER FEIT: 16 by 32?

4 MR. HILDEBRANDT: A standard pool? If you go
5 into the Hillers backyard, it would be a 20 by 40;
6 16/32 would be, 16/32, 18/36, 20 by 40.

7 MEMBER FEIT: For 16 by 32, for that size,
8 why is this 16 by 33?

9 MEMBER GOTTLIEB: It's bigger.

10 MR. HILDEBRANDT: Well, the way it was
11 designed, there's a little bit of a spa over here.
12 So in order to fit the step, the step was eight
13 foot wide, in order to fit it properly it had to
14 be a little bit longer.

15 MEMBER FEIT: What I'm thinking is on the
16 width from east to west, if you took off that inch
17 or so, or two inches, don't you sort of alleviate
18 some of the side-yard variance problems? By
19 taking it down to standard or an inch below
20 standard.

21 MR. HILDEBRANDT: Oh, you mean making the
22 pool like a foot shorter?

23 MEMBER FEIT: Yeah.

24 MEMBER GOTTLIEB: What Mr. Feit is alluding
25 to is that as far as we remember we would never go

Katsman - 5/13/10

1 below ten feet on a side yard for a pool. Without
2 him saying it, I think that's what he was --

3 MEMBER FEIT: Yeah, I was getting there.

4 MEMBER GOTTLIEB: Even though we have a
5 15-foot requirement, when we have given a variance
6 that would never go below ten feet.

7 MR. HILDEBRANDT: I don't believe we are
8 below ten feet. Are you talking about to the
9 water's edge or are you talking about to the
10 pavers?

11 MEMBER GOTTLIEB: To the coping of the pool,
12 no? Isn't that nine and a half feet?

13 MR. HILDEBRANDT: Well, just refresh my
14 memory.

15 MEMBER GOTTLIEB: To the pool.

16 MR. HILDEBRANDT: Is it to the water's edge
17 or to the pavement?

18 MEMBER GOTTLIEB: The water edge.

19 MR. HILDEBRANDT: To the water's edge? No, I
20 believe we -- I thought we were eleven feet.

21 MEMBER FEIT: I think we're talking about
22 from all respects you have 9.5, so we're sort of
23 loathe to give that extra half foot.

24 CHAIRMAN KEILSON: Nine foot five on the west
25 side.

1 MR. MUHS: 4.5 in patio and that's on the
2 short side.

3 CHAIRMAN KEILSON: Nine foot five is from
4 where to where?

5 MR. RYDER: I think I could help,
6 Mr. Chairman. We have 20 feet from the wall of
7 the pool to the easterly property line.

8 MEMBER FEIT: What about the westerly
9 property line? We're looking at the westerly,
10 Mike.

11 MR. RYDER: It's the pool equipment. That's
12 why. The pool equipment is accessory to the pool
13 and that has to meet the minimum requirements as
14 well.

15 MEMBER GOTTLIEB: We're talking about the
16 third on the code release box?

17 MR. RYDER: Yes.

18 CHAIRMAN KEILSON: So when we speak of the
19 encroachment of no less than ten foot, that's what
20 we're speaking of. In this case it's the pool.

21 MEMBER GOTTLIEB: That's what I thought this
22 was.

23 CHAIRMAN KEILSON: Either way, when we speak
24 of encroachment we're speaking of 10 foot. So
25 however it's achieved.

Katsman - 5/13/10

1 MR. RYDER: Right.

2 MEMBER FEIT: Did I understand you to say
3 that the pool equipment is on the west side of the
4 pool?

5 MR. RYDER: The pool equipment is on the east
6 side of the house.

7 MEMBER FEIT: The east side of the house.

8 MR. MUHS: It's right here. The pool
9 equipment is right on this side (indicating).

10 MEMBER FEIT: Oh, okay, all right. I see it.
11 Will the noise from the pool equipment impact
12 on the house on the east or not?

13 MR. KATSMAN: We already have the
14 air-conditioning units for the house are presently
15 located there.

16 CHAIRMAN KEILSON: Yeah, they're noisy.

17 MR. KATSMAN: That's already noisy.

18 MEMBER FEIT: Basically, again, I don't know,
19 I don't have a pool, never wanted one. I don't
20 know how noisy pool equipment is as compared to
21 air conditioning. Is it the same, less, more?

22 MR. HILDEBRANDT: If your air conditioner is
23 on, it will drown out the pool equipment.

24 MEMBER FEIT: Okay.

25 CHAIRMAN KEILSON: It's far worse.

Katsman - 5/13/10

1 Just summarize, the pool as far as where the
2 pool is located, the distance on the west side is
3 -- what is it to the neighbor?

4 MR. HILDEBRANDT: It's eleven feet to the
5 water's edge. On the west side eleven feet to the
6 water's edge. It's approximately --

7 MR. MUHS: It's in line with the house
8 almost.

9 MR. HILDEBRANDT: No, it's one foot in,
10 further in than the house is. It's one foot
11 further in than the house.

12 MR. MUHS: This way. So it lines up with the
13 house, but it's even more inward than the house.

14 MR. RYDER: Yes, it is. It's more inside.

15 MEMBER SCHRECK: Is there a reason that the
16 pool wasn't centered more on this property?

17 MR. HILDEBRANDT: Well, we have -- you have a
18 huge retaining wall over here and --

19 MR. MUHS: It's imposing to be close to that.

20 MR. HILDEBRANDT: To favor one side, you
21 know, enables us to grade properly over here
22 and --

23 MR. MUHS: It lines up nicely with this side
24 of the house, and there's a view from the back.
25 That's where the door is.

1 MEMBER FEIT: Are you talking about the left
2 side, the west side?

3 MR. MUHS: The west side, that's correct.

4 MEMBER FEIT: Okay. The trouble that we have
5 is when you say here, there, whatever, we're
6 seeing it, but on the record they see this, that,
7 where, how, when, and nobody knows what they're
8 talking about.

9 MR. HILDEBRANDT: We'll be more specific.

10 MR. MUHS: Could I take the conversation just
11 a little bit further and point out just a few
12 other things. You know, this pool because of the
13 retaining wall and the fence and all of the
14 screening over here is very well shielded. So you
15 know, like Mr. Katsman had pointed out character
16 of the neighborhood affecting neighbors, this is
17 -- it's a flat patio. It's -- there's no cabana
18 or permanent cover. There's going to be a table
19 and chairs, and it's a flat pool. So it really is
20 well within the confines and, you know, even
21 though it exceeds, and that's the reason there's a
22 process, the lot coverage, but you know, we would
23 like that to be considered and we're hoping that
24 that's not an encroachment that's going to affect
25 anyone and hopefully will be favorable on a

Katsman - 5/13/10

1 decision with regards to that.

2 But now that we know that there is a concern
3 as far as drainage and engineering, if the Board
4 is considering granting this application with a
5 favorable outcome of that engineering application,
6 I would like to propose or request if it would be
7 at all possible, because the season is
8 progressing, if this doesn't happen soon, he's
9 going to miss the entire season for his family, if
10 there could be perhaps a decision that would
11 say is --

12 CHAIRMAN KEILSON: Subject to.

13 MR. MUHS: -- subject to.

14 CHAIRMAN KEILSON: I'm comfortable with that.

15 MR. GOLDMAN: I've taken the liberty of
16 asking Mr. Ryder how long, and perhaps we can all
17 chime in here, how long such a report will take so
18 that the Board would be advised.

19 CHAIRMAN KEILSON: And what did Mr. Ryder
20 say?

21 MR. GOLDMAN: Well, certainly within the
22 month, before the next June meeting, because you
23 would have to render a decision.

24 CHAIRMAN KEILSON: Well, I have no discomfort
25 in rendering a decision subject to their hearing

Katsman - 5/13/10

1 and abiding by, whether it's Cameron Engineering
2 that we are choosing as far as whatever their
3 recommendations are, and if he performs pursuant
4 to those recommendations, as far as I'm concerned
5 we can go ahead with the variance this evening.
6 Why bring him back in?

7 MR. GOLDMAN: Perfect.

8 MEMBER FEIT: May I ask one other question.
9 The paving around the pool, can it be made of
10 permeable cement blocks, whatever, to assist in
11 some of the runoff so it just doesn't gather or
12 move off to the side. But you actually have some
13 of it being absorbed under the blocks.

14 MEMBER GOTTLIEB: That would eliminate some
15 of the surface coverage also being semi-
16 impervious.

17 MR. HILDEBRANDT: Well, I don't know how you
18 define that. But, I mean, pavers are individual
19 -- these pavers are individual, you know, bricks.
20 The base under it, in other words, around the
21 immediate pool it would be concrete to support the
22 patio, but there could be a permeable base
23 underneath that will allow water to go. You're
24 still going to have pitch going away.

25 MEMBER FEIT: No. You have and we've seen

Katsman - 5/13/10

1 them, and as Mr. Gottlieb pointed out, there are
2 permeable pavers which also eliminates surface
3 coverage, and actually it makes your request much
4 smaller if you use these permeable pavers; and as
5 a second purpose that it will help the runoff and
6 lower surface coverage.

7 MR. HILDEBRANDT: Yes. But the permeable
8 pavers that you're referring to are something that
9 are normally used in driveways and basically they
10 have grass growing through them. So it's not
11 conducive to putting a lawn chair down and you
12 sink into a hole or somebody is walking around the
13 pool and stubbing their toe.

14 MEMBER FEIT: I sort of remember that we had
15 it around a pool. We had it around a pool that
16 there are pavers. Mr. Ryder, Mr. Castro, am I
17 right or wrong about using permeable pavers around
18 a pool?

19 MR. RYDER: The comment I'm going to make is
20 if it's pavers, I still think it would calculate
21 into the surface coverage. Unless there's
22 something out there that I've never come across.

23 MEMBER FEIT: Well, we've been told that the
24 pavers again with the driveways when they put them
25 in it's not included in surface coverage. Which

Katsman - 5/13/10

1 we've done over the years, we've had that. Now,
2 what they're actually made of or consisted of, I
3 don't know.

4 MR. RYDER: And they have the look of a
5 paver?

6 MR. HILDEBRANDT: No, Mr. Ryder, I know what
7 he's talking about. They're actually like
8 honeycomb-shaped --

9 MR. GOLDMAN: Right, we saw pictures of it.

10 MR. HILDEBRANDT: They're honey-comb, you
11 know, blocks that they put down and you let the
12 grass grow in between them.

13 MR. GOLDMAN: It comes up through it.

14 MR. MUHS: It becomes quite a maintenance
15 issue. But the thing is that, you know, I'm going
16 to lean on a little plumbing knowledge, you know,
17 if there is a drainage system and there is
18 adequate drain entry points along this way, a
19 trough drain or, you know, drains, this design,
20 trust me, is going to be well in excess of what is
21 normally required. That's what we're, you know,
22 recommending here. So the catch basins would be
23 back here which have tremendous capacity, but the
24 drains themselves would be on a piping system
25 along the perimeter of the pool. So by doing

Katsman - 5/13/10

1 that, you know, I mean, you pour water on those
2 stones, and I think that was a good suggestion,
3 but if you pour water, you know, out of a bucket
4 it's going quick and it's -- but if there's a
5 drain there it's going for the drain because
6 things are graded to that, and so that would be
7 the most effective way under an intense rain and
8 that's where I think the problem is. So we would
9 certainly be looking to provide a very adequate
10 drain system here, and if we could, you know, have
11 -- now, is the process that we would have our
12 professionals submit a plan and then Cameron
13 review that plan, or Cameron would be it?

14 CHAIRMAN KEILSON: I would suggest that and,
15 again, subject to Mr. Ryder's recommendation, but
16 I think that the suggestion is the applicant
17 engage Cameron Engineering to review the situation
18 and make their recommendation as to what has to be
19 done in order to ensure that there is no further
20 impact on the neighbors in terms of whatever can
21 be built in this backyard.

22 MR. MUHS: Okay. Well, that makes sense, if
23 they're recognized as a professional by the
24 Village.

25 CHAIRMAN KEILSON: And the Building

Katsman - 5/13/10

1 Department would oversee to ensure that that
2 recommendation is followed. If the applicant
3 finds that it's too onerous or the like, he can
4 always come back in some other fashion to try and
5 modify it. I think if we're going to consider the
6 application I think that's what we should consider
7 when Mr. Gottlieb returns.

8 MR. GOLDMAN: I shall get Mr. Gottlieb.

9 CHAIRMAN KEILSON: Evidently, it was
10 something very important.

11 MEMBER SCHRECK: How long will it take for
12 this project to be completed?

13 CHAIRMAN KEILSON: Well, they hope to be
14 there for the summer.

15 MR. MUHS: We're hoping to get to talk to
16 Cameron and hopefully that will only be a few day
17 process, and if we are successful there, then how
18 long does it take once the permit is issued to
19 construct the project?

20 MR. HILDEBRANDT: Well, we usually give a
21 six- to eight-week time frame including weather,
22 inspections.

23 MR. MUHS: From beginning to end.

24 CHAIRMAN KEILSON: You don't control the
25 weather?

1 MR. HILDEBRANDT: No, we can't even control
2 the inspections.

3 CHAIRMAN KEILSON: It's my recommendation
4 that we should approve the application as
5 presented with the proviso that the applicant will
6 engage Cameron Engineering and seek their advice
7 on what has to be done to ensure that the
8 neighbor's properties are not impacted by the
9 construction that's contemplated and that the
10 Village Building Department will oversee to ensure
11 that it's followed to the T.

12 MEMBER GOTTLIEB: Comments?

13 CHAIRMAN KEILSON: Please.

14 MEMBER GOTTLIEB: In the event that Cameron
15 makes a recommendation that you don't agree with
16 or you're not willing to do, does that null and
17 void this application?

18 CHAIRMAN KEILSON: Subject to, they can't
19 proceed, I assume, Mr. Goldman.

20 MR. GOLDMAN: That's correct.

21 MEMBER GOTTLIEB: Do they come back and
22 reapply or do they amend and adjust?

23 MR. GOLDMAN: I think in fairness to all
24 parties what they would do is they would come back
25 to you and indicate what the issue was with

1 Cameron and why they don't believe that they
2 comply, or they may want to have an alternate
3 opinion or whatever.

4 MEMBER GOTTLIEB: So in the event that
5 Cameron says you can't exactly do this plan as
6 such, but however we're suggesting something else,
7 does it then come back to us?

8 MEMBER FEIT: Unless they follow Cameron's
9 suggestion. I have no problem with them
10 following.

11 MEMBER GOTTLIEB: No, no, no, if they are
12 following Cameron's suggestion, then we're off.

13 MR. GOLDMAN: That's correct.

14 MEMBER FEIT: It's just that if plan B was
15 too expensive or whatever, then they would have to
16 come back.

17 MEMBER GOTTLIEB: If it becomes financially
18 impractical for you to do what they are saying.

19 MR. KATSMAN: And I also want to be able to
20 come back to you to see if there is anything else
21 and if we can make any other changes.

22 MEMBER GOTTLIEB: That's right. I just want
23 to know if you don't do it.

24 MR. GOLDMAN: Rather than force them to.

25 MR. KATSMAN: But not reapply to begin with.

1 MEMBER GOTTLIEB: No, you would do an
2 amendment.

3 MR. GOLDMAN: You would ask to be placed on
4 the calendar, with the Chair's permission to be
5 placed on the calendar for continued -- we would
6 reopen it.

7 MEMBER GOTTLIEB: I don't want to penalize
8 Mr. Katsman for agreeing to do something that
9 we're suggesting and then it comes back
10 impractical and then he's now forced to make a
11 reapplication for 2011.

12 MR. GOLDMAN: That would be my suggestion to
13 the Board that he would just simply ask to be, you
14 know, put back on the calendar for a continuation.

15 CHAIRMAN KEILSON: So I'm not going to repeat
16 everything I said.

17 MEMBER GOTTLIEB: I just want to see
18 Mr. Rosenfeld who was kind of blocked.

19 CHAIRMAN KEILSON: The only addendum that I
20 would add is that I think the Village should
21 invite Mr. Rosenfeld to review the program that
22 Cameron is instituting. Again, I don't think he
23 should have veto power, but he should certainly
24 review it and be aware of what's being
25 contemplated.

1 MR. GOLDMAN: If I might, Mr. Ryder, what I
2 thought was obvious but should be put on the
3 record, that Cameron will be submitting a written
4 report that will be reviewed by the Building
5 Department, obviously, and that's precisely what
6 we can share with Mr. Rosenfeld, if that's what
7 the Board contemplated as well.

8 CHAIRMAN KEILSON: And I would vote for my
9 own recommendation.

10 MEMBER GOTTLIEB: That's very good of you to
11 do that.

12 CHAIRMAN KEILSON: Mr. Gottlieb.

13 MEMBER GOTTLIEB: I will second that vote.

14 CHAIRMAN KEILSON: Mr. Feit.

15 MEMBER FEIT: Far be it from me to disagree
16 with the Chair tonight.

17 CHAIRMAN KEILSON: Okay. Mr. Schreck.

18 MEMBER SCHRECK: I agree as well.

19 CHAIRMAN KEILSON: Okay. How long will you
20 require? Give them a year?

21 MR. KATSMAN: Could we get two years in case
22 it takes a little too long.

23 CHAIRMAN KEILSON: Certainly.

24 MEMBER FEIT: Did I hear two years? Did I
25 hear two years?

1 MR. KATSMAN: Two years.

2 CHAIRMAN KEILSON: Two years is fine.

3 MEMBER GOTTLIEB: I just want to mention
4 something. Mr. Rosenfeld, you're an attorney?

5 MR. ROSENFELD: Yes.

6 MEMBER GOTTLIEB: So you probably know this.
7 Probably the -- after divorce court or matrimonial
8 law this is probably the most difficult situation
9 to speak an objection to, and, you know, to defend
10 your rights and yet try to keep a neighbor, so I
11 applaud you for coming down. And I hope you guys
12 will end up being neighbors, and you'll be in his
13 pool, alive, not at the bottom of the pool.

14 MEMBER FEIT: And off the record.

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

17 (Whereupon, the hearing concluded at
18 8:45 p.m.)

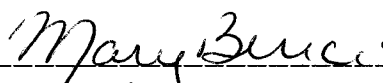
19 *****

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

23

24

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MARY BENCI, RPR
Court Reporter