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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

May 4, 2011
7:35 p.m.

APPLICATION: Lahasky
34 Lord Avenue
Lawrence, New York

P R E S E N T:

- MR. LLOYD KEILSON
Chairman
- MR. ELLIOT FEIT
Member
- MS. ESTHER WILLIAMS
Member
- MR. MARK SCHRECK
Member
- MR. EDWARD GOTTLIEB
Member
- MR. THOMAS V. PANTELIS, ESQ.
Counsel to BZA
- MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Lahasky - 5/4/11

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals. This evening we want to welcome
4 Mr. Mark Schreck, who is sitting as an alternate
5 and will be voting tonight in the absence of our
6 member Phil Rosen.

7 We also would like to welcome Mr. Tom
8 Pantelis, who is serving as counsel to the Board
9 of Zoning Appeals this evening, and hopefully will
10 be formalized in a Board of Trustees meeting that
11 will be forthcoming in the future. So welcome,
12 Mr. Pantelis.

13 MR. PANTELIS: Thank you.

14 CHAIRMAN KEILSON: We've had the pleasure of
15 Mr. Pantelis appearing before us in the past, and
16 it's nice to see him on our team this time.

17 MR. PANTELIS: On your team, thank you.

18 CHAIRMAN KEILSON: Do we have proof of
19 posting, Mr. Ryder?

20 MR. RYDER: Yes, Mr. Chairman, we have proof
21 of posting.

22 CHAIRMAN KEILSON: Okay, great.

23 Okay, the matter of Lahasky. Will they or
24 their representative please step forward.

25 MR. CHARLES: Can I approach?

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1 CHAIRMAN KEILSON: Please.

2 MEMBER FEIT: No, over there.

3 MEMBER WILLIAMS: Your name and address.

4 MR. CHARLES: Adam Charles, 159 Doughty

5 Boulevard, the office of John Capobianco,

6 architect.

7 CHAIRMAN KEILSON: John is otherwise --

8 MR. CHARLES: John's actually being honored

9 by the JCC of the Five Towns tonight, so I'm here

10 on his behalf.

11 CHAIRMAN KEILSON: That will carry no weight

12 here. Please proceed.

13 MR. CHARLES: We are proposing a second-floor

14 addition over an existing first floor. We're

15 proposing an additional bedroom over an existing

16 kitchen. We're asking for a variance of a rear

17 yard and a side yard.

18 MEMBER FEIT: Before you go, this is the

19 first time you're here, I think, isn't it, or were

20 you here once before?

21 MR. CHARLES: Yes. No, first time.

22 MEMBER FEIT: Okay. The Board --

23 CHAIRMAN KEILSON: Don't be intimidated by

24 Mr. Feit.

25 MEMBER FEIT: Yeah. The Board, just so

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1 you're aware of it, when we hear these things, we
2 also like to see pictures of the neighbor's houses
3 on either side, and the back to see how the
4 variance approves, and this is just pictures of
5 the subject house. So can you remind your office
6 that we should get it with the neighbors' houses
7 also.

8 MR. CHARLES: I believe on the bottom there's
9 pictures of the addition, the area of the
10 addition.

11 MEMBER FEIT: Yeah.

12 MR. CHARLES: And what we'd be looking at --

13 MEMBER FEIT: Well, no. We see the picture
14 of the addition and we see pictures of grass, but
15 it doesn't show in relationship to the next-door
16 neighbors.

17 MR. CHARLES: Okay.

18 MEMBER FEIT: Okay. So just remind John.

19 MR. PANTELIS: Mr. Chairman, would you like
20 it on the record as to the exact variances that
21 are being requested?

22 CHAIRMAN KEILSON: Yes, I'm sure he's going
23 to indicate that. Aren't you?

24 MR. CHARLES: Yes. Like I said before, we're
25 asking for a variance of a rear-yard setback and a

Lahasky - 5/4/11

1 side-yard setback, also a side-yard setback ratio
2 and a rear-yard setback ratio.

3 CHAIRMAN KEILSON: There are four variances.
4 I believe the prior owner had appeared before us
5 with similar requests.

6 MR. CHARLES: Yes, and the --

7 CHAIRMAN KEILSON: John handled that at the
8 time?

9 MR. CHARLES: That's correct. And the
10 variances were granted, and we have a new owner
11 now on the property and asking for the same
12 variances.

13 CHAIRMAN KEILSON: And those were the
14 identical variances?

15 MR. CHARLES: That's correct. The work
16 wasn't completed by the time the sale of the house
17 was complete.

18 MEMBER GOTTLIEB: Is there a need? Was there
19 a need specifically for these variances?

20 MR. CHARLES: For an additional bedroom, yes.

21 MEMBER FEIT: How many children are there
22 now?

23 MR. CHARLES: She has one. But again,
24 they're a young couple.

25 MS. LAHASKY: I have three.

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1 MR. CHARLES: Oh, three, excuse me.

2 CHAIRMAN KEILSON: Please identify yourself.

3 MS. LAHASKY: Kiko, Mordy Lahasky's wife.

4 Between me and Mordy we have one, but Mordy from
5 previous marriage he has two children.

6 CHAIRMAN KEILSON: Okay.

7 MEMBER FEIT: So three children.

8 MR. CHARLES: Three total. So the additional
9 bedroom would help the family out as well.

10 CHAIRMAN KEILSON: Basically, all we're doing
11 here is putting a second story over the
12 pre-existing.

13 MR. CHARLES: Existing one, that's correct.

14 CHAIRMAN KEILSON: So the side yards
15 essentially are the same as they currently are?

16 MR. CHARLES: That's right.

17 MEMBER GOTTLIEB: What is the distance -- I
18 understand the distance, the side-yard distance is
19 going to be 23 feet. No, sorry, 13 feet. And how
20 far is it from the side yard of the house
21 next-door to their property line? What I'm trying
22 to ascertain is the distance between the two
23 houses on the second floor.

24 MR. CHARLES: Well, the Village of Lawrence
25 requires, I believe, it's 20 feet side yard

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1 minimum.

2 MEMBER GOTTLIEB: But I don't know what the
3 distance is between the houses.

4 MR. CHARLES: That information I don't have
5 at this time.

6 MEMBER FEIT: It looks like it seems to be
7 grandfathered in, for the most part, looking at
8 the proposed and the existing, except for rear and
9 side for like a little more than a foot.
10 Everything seems to be the same. If you look down
11 that column there, the proposed.

12 MEMBER GOTTLIEB: Yeah, but we're talking
13 about a second-floor structure which is more.

14 MEMBER FEIT: Yeah, as part of the distance.

15 MEMBER WILLIAMS: When was the variance
16 originally approved the last time?

17 MR. CHARLES: I believe it was in the last
18 eight months.

19 MEMBER WILLIAMS: It was approved eight
20 months ago?

21 MR. CHARLES: Yes, under the Kagan residence.
22 Within the last year, approximately, give or take.
23 Do you remember the Kagan residence?

24 MR. RYDER: Yes.

25 MEMBER FEIT: We remember it.

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1 CHAIRMAN KEILSON: Yes.

2 MR. RYDER: I believe the variance expired
3 and that would be more than two plus years.

4 MR. CHARLES: That's why I'm here today.

5 MEMBER SCHRECK: When did the variance
6 expire?

7 MR. RYDER: It probably expired within the
8 last year.

9 MEMBER WILLIAMS: It may have been eight
10 months ago when the two years were up.

11 CHAIRMAN KEILSON: That's possible.

12 MEMBER WILLIAMS: Because it definitely
13 expired. It wasn't eight months ago. That's
14 irrelevant, I was just curious.

15 MR. CHARLES: I believe it was in the last
16 year or so.

17 MEMBER WILLIAMS: That's not possible, but
18 okay, it doesn't make a difference.

19 (Whereupon, a discussion was held off the
20 record.)

21 CHAIRMAN KEILSON: Any other questions? Is
22 there anyone in the audience who has any questions
23 that would like to speak to the issue?

24 Okay, Mr. Gottlieb, let's go to a vote.
25 We've conferred.

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1 MEMBER GOTTLIEB: No comments.

2 MEMBER FEIT: I'm ready to vote.

3 CHAIRMAN KEILSON: Ok, Mr. Gottlieb.

4 MEMBER GOTTLIEB: I'm going to abstain on
5 this issue, on this vote.

6 MEMBER FEIT: For.

7 CHAIRMAN KEILSON: Okay, Miss Williams.

8 MEMBER WILLIAMS: For.

9 MEMBER SCHRECK: For.

10 CHAIRMAN KEILSON: And I'm for as well, so it
11 passes. And they can take two years. They are in
12 the middle of construction right now, are they
13 not?

14 MR. CHARLES: That's correct, yes.

15 CHAIRMAN KEILSON: So we'll still give them
16 two years.

17 MR. RYDER: I think that would be helpful to
18 them.

19 MEMBER FEIT: And Building Design.

20 MR. RYDER: Two years. The next step is
21 Board of Building Design for approval.

22 CHAIRMAN KEILSON: And wish John well.

23 (Whereupon, the hearing concluded at
24 7:42 p.m.)

25 *****

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

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MARY BENCI, RPR
Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

May 4, 2011
7:42 p.m.

APPLICATION: Amar
357 Central Avenue
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. ELLIOT FEIT
Member

MS. ESTHER WILLIAMS
Member

MR. MARK SCHRECK
Member

MR. EDWARD GOTTLIEB
Member

MR. THOMAS V. PANTELIS, ESQ.
Counsel to BZA

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Amar - 5/4/11

1 CHAIRMAN KEILSON: The next matter is Amar.

2 MR. WAX: Norman Wax, W-A-X. I'm the
3 architect for the Sunflower Cafe.

4 Well, we fall afoul of two zoning problems,
5 one of which is that we're not permitted in the
6 Village of Lawrence to have outdoor sale or
7 display of food or merchandise. Mr. Amar wants to
8 put tables and chairs on the patio behind his
9 present restaurant, Sunflower Cafe, and in the
10 nice weather, you know, once in a while when we
11 get that, that he would like to serve food out
12 there. As I said, the zoning does not permit that
13 to happen.

14 And the second problem that we have is that
15 you are required to have one car for every five
16 people in a restaurant. So we would be in need of
17 six cars. And as you know, the space borders on
18 the municipal parking which we know is also
19 underused.

20 This is not, you know, like a continuous
21 thing. As a matter of fact, I think he takes all
22 the furniture in every night; you know, puts it
23 out, takes it in. So it's really a very benign --
24 benign -- I believe benign issue in regard to the
25 parking. And again, if he's taking the tables and

Amar - 5/4/11

1 chairs in, he's also cleaning up, so it's not
2 like, you know, there's a vendor dropping stuff
3 all over the place.

4 CHAIRMAN KEILSON: Has he done this without
5 seeking permission previously?

6 MR. WAX: Yes. Like a lot of people,
7 Mr. Amar didn't think that anything was required,
8 so he went ahead and he put some tables and chairs
9 and umbrellas out there, and of course, the
10 Building Department showed up and told him that he
11 wasn't permitted to do that.

12 MEMBER WILLIAMS: So this picture was when he
13 did that or this was set up for us?

14 MR. WAX: Yeah, staged. It was a display.
15 He would never have done that.

16 MEMBER WILLIAMS: I think it looks very
17 pretty.

18 MEMBER FEIT: Where does the help, for lack
19 of a better word, and the ownership park when they
20 are working when the restaurant's open? Do they
21 utilize that spot at the current time to put their
22 cars there?

23 MR. WAX: They probably set it in the
24 long-term parking, I would imagine.

25 CHAIRMAN KEILSON: I would imagine.

Amar - 5/4/11

1 MR. WAX: Their service is very fast so the
2 patrons can go into the short-term parking.

3 MR. PANETLIS: How many seats are you
4 proposing out there, Norman?

5 MR. WAX: Thirty seats.

6 MEMBER SCHRECK: If, God forbid, there would
7 be an accident from the parking lot, somebody
8 careening into this area, who would be responsible
9 insurance-wise?

10 MR. WAX: The guy that careened into it, I
11 would imagine.

12 CHAIRMAN KEILSON: Unless it's the aroma of
13 the food that drew him in.

14 MR. WAX: But as a matter of fact, there are,
15 if you look at the pictures, I believe there are
16 like stanchions, and the guy would have to get --
17 he would have to get a pretty good start to make
18 it through and go over the curb and make it
19 through those barriers. In addition to which
20 there would probably be cars parked there.

21 MR. RYDER: Those canvas stanchions, Norman?

22 MEMBER GOTTLIEB: That's going to hold back
23 what?

24 MR. WAX: Well, it might be a small car.

25 MEMBER FEIT: Mike, would metal poles, you

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1 know, let's say, three-foot-high poles around the
2 perimeter by the parking lot be feasible or
3 allowable to just prevent a car from going in?

4 MEMBER WILLIAMS: You mean like they have in
5 Amazing Savings, that kind of thing that they have
6 further down?

7 MEMBER FEIT: Yeah, they put poles a little
8 less than the width of a car.

9 MR. WAX: That's not a bad idea.

10 MR. PANTELIS: A ballard.

11 MEMBER WILLIAMS: The only thing is once you
12 put those in, then it won't be able to be used for
13 the parking of the tenants the rest of the time
14 either. You're just totally eliminating that for
15 the rest of the year.

16 MEMBER GOTTLIEB: Are you talking about the
17 driveway adjoining this?

18 MEMBER FEIT: In other words, if the parking
19 lot is over here where they have this stuff over
20 here, you know, where they have this, maybe put
21 little metal stanchions three feet high just to
22 stop a car from going in, should there be some
23 problem.

24 CHAIRMAN KEILSON: I think we're talking
25 about three months a year.

Amar - 5/4/11

1 MR. WAX: If you can get three months out of
2 it.

3 MEMBER WILLIAMS: The only question to
4 address is Elliot's safety issue. Obviously, I
5 don't think we have a problem with the elimination
6 of the parking, like I said, of the parking lot.
7 And I think it's really pretty much in terms of
8 the outdoor seating. If you want to deal with the
9 safety issue you might suggest it to the owner.

10 CHAIRMAN KEILSON: Perhaps the Building
11 Department might want to intercede in that area.

12 MR. RYDER: We could do that. I'm thinking
13 more along the lines of some sort of decorative
14 planter that's heavy in weight and could stop a
15 vehicle.

16 MEMBER WILLIAMS: When someone is walking
17 they have a chance to jump away. When you are
18 sitting in a chair there is not much opportunity
19 to.

20 MEMBER FEIT: Are you talking like something
21 like a concrete flower pot?

22 MR. RYDER: Similar to what they did at
23 Rambam.

24 MR. WAX: What might answer all of the
25 problems is to drill a hole and drop a pipe into

Amar - 5/4/11

1 it, and then the pipes could be removed, you know,
2 when they're -- when the season is over, and that
3 would be the end of it.

4 CHAIRMAN KEILSON: When they made use of this
5 area, did we have any issues in terms of refuse
6 and the like?

7 MR. RYDER: No, we have no issues. We do
8 with the auto body shop, but that's separate from
9 Sunflower.

10 MEMBER GOTTLIEB: Are there any neighbors
11 that would be disturbed by the noise of the
12 restaurant?

13 MR. WAX: Well, there is nobody living there.
14 There are actually some above I think the body
15 shop.

16 MR. RYDER: Correct.

17 MEMBER WILLIAMS: Realistically, it's a
18 parking lot, so it's not like it's a quiet,
19 residential street.

20 CHAIRMAN KEILSON: Any further questions?

21 MEMBER SCHRECK: So what time of the evening
22 is the restaurant open?

23 MR. WAX: I guess as long as there's
24 business.

25 MEMBER WILLIAMS: When they first opened up,

Amar - 5/4/11

1 they said they would be open till two; that lasted
2 for about, as I recall, two months, and that was
3 it, and now they close at a normal hour.

4 MR. PANETLIS: May I suggest to the Board one
5 of the things you may want to consider is a
6 condition that there not be outside loudspeakers,
7 music or entertainment unless subject to approval
8 of the Board.

9 CHAIRMAN KEILSON: Absolutely.

10 MEMBER FEIT: It gets a little loud in the
11 restaurant sometimes if they turn that volume up a
12 little bit.

13 CHAIRMAN KEILSON: Is there anyone in the
14 audience who wants to address the Board on this
15 matter? So I think what we want to do is make it
16 subject to some safety conditions that the
17 Building Department will take under its
18 advisement, all right. You will work with the
19 restaurant --

20 MR. RYDER: I will.

21 CHAIRMAN KEILSON: -- and their architect to
22 devise something satisfactory to the Building
23 Department. And as Mr. Pantelis suggested,
24 subject to no outdoor amplification and music and
25 the like.

Amar - 5/4/11

1 MEMBER FEIT: Tom, can I ask you one last
2 question. Can we make it a time-limited variance,
3 that should the restaurant go out of business for
4 whatever reason that the variance is no longer in
5 effect?

6 CHAIRMAN KEILSON: This is a use variance.

7 MEMBER FEIT: Yeah, that's why.

8 MR. PANETLIS: You certainly can limit it to
9 the present operation.

10 CHAIRMAN KEILSON: I think that should
11 certainly be added to the conditions.

12 MEMBER GOTTLIEB: The operation is the
13 individual owner or the corporation that runs the
14 business? If the corporation is sold to a new
15 owner, does that pass with the corporation?

16 MR. WAX: That's a good point.

17 MR. PANETLIS: It would normally pass. It
18 would not be a matter of who owned it, but
19 actually the use itself.

20 MEMBER GOTTLIEB: So as long as it was the
21 same company running this.

22 MR. PANETLIS: Not the company, but the same
23 use. So if another restaurant were to come in of
24 a similar nature, then you would normally continue
25 the permit itself.

Amar - 5/4/11

1 MR. RYDER: Mr. Chairman, may I ask one
2 question. The season, Norman, is what, May 31st
3 through?

4 MR. WAX: I mean, this season is kind of --
5 it's still miserable out, so I mean we had a few
6 good days, but I don't see where you could really
7 set it.

8 MR. RYDER: The warmer months.

9 CHAIRMAN KEILSON: Well, if they want to have
10 it in the winter, I don't mind.

11 MR. RYDER: I just don't want to see the
12 tables out there October, November, and be sloppy.

13 MR. WAX: When he closes down at night he
14 puts the tables away. He's afraid that they will
15 disappear. So it's not -- I understand, you know,
16 where your question is coming from, but I don't
17 think it's really an issue because they go in and
18 out every day. It's not like, you know, there's
19 going to be a bunch of empty tables, you know,
20 blowing around.

21 MR. RYDER: Okay, true. Good point.

22 MEMBER WILLIAMS: But that's based on this
23 owner who's been very clean and efficient.

24 CHAIRMAN KEILSON: Okay, let's call for a
25 vote. Mr. Gottlieb.

Amar - 5/4/11

1 MEMBER GOTTLIEB: For.
 2 CHAIRMAN KEILSON: Mr. Feit.
 3 MEMBER FEIT: For.
 4 CHAIRMAN KEILSON: Mrs. Williams.
 5 MEMBER WILLIAMS: For.
 6 CHAIRMAN KEILSON: Mr. Schreck.
 7 MEMBER SCHRECK: For.
 8 CHAIRMAN KEILSON: And I vote for as well.
 9 MR. WAX: Thank you very much.

10 (Whereupon, the hearing concluded at
 11 7:52 p.m.)

12 *****

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

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 17 _____
 18 MARY BENCI, RPR
 19 Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

May 4, 2011
7:52 p.m.

APPLICATION: Jungreis
515 Ocean Avenue
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. ELLIOT FEIT
Member

MS. ESTHER WILLIAMS
Member

MR. MARK SCHRECK
Member

MR. EDWARD GOTTLIEB
Member

MR. THOMAS V. PANETLIS, ESQ.
Counsel to BZA

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Jungreis - 5/4/11

1 CHAIRMAN KEILSON: The final matter for this
2 evening, the highlight, Mr. Rosenfeld, is the
3 Jungreis matter.

4 MR. ROSENFELD: Meir Rosenfeld, 466 Central
5 Avenue, second floor, Cedarhurst, on behalf of the
6 petitioner.

7 MEMBER FEIT: Now, Mr. Rosenfeld, you heard
8 me addressing the young gentleman from
9 Mr. Capobianco's office. You've been before us
10 many times.

11 MR. ROSENFELD: I have.

12 MEMBER FEIT: And you know we want pictures
13 of the next-door neighbors and so we can get some
14 idea how it's affected. You don't have it. You
15 have staples --

16 MR. ROSENFELD: You do.

17 MEMBER FEIT: -- on your petition. Whoever
18 proofed them seemed to have made a mistake also.

19 MR. ROSENFELD: Correct. I was made aware of
20 that. I always leave something for you to pick
21 up, Mr. Feit. There are pictures of the
22 neighbors. There is an aerial Google photograph
23 showing the neighboring properties. It is
24 impossible to get a picture of this house with
25 neighboring -- with neighboring houses; they're

Jungreis - 5/4/11

1 just too far apart.

2 MEMBER FEIT: Wide-angle lens?

3 MR. ROSENFELD: It's not possible. That is
4 why I included the aerial photograph to give the
5 Board perspective as to just how far this house is
6 situated from the neighboring structures.

7 MEMBER FEIT: Between you and me, I went
8 there, I inspected it. I think that you probably
9 could have picked it up between that house and the
10 neighboring house and the houses across the
11 street, which also get added because they're
12 affected.

13 MR. ROSENFELD: Mr. Feit, in fact, there are
14 photographs of the house on the other side of the
15 property on the other side of Briarwood Crossing.
16 That's the street -- and I can point out to you
17 which one it is. But that house is set back some
18 300 feet from the property line. So to get the
19 house and this house is a span of about 800 feet.

20 MEMBER FEIT: But what about Hiller and
21 Cohen?

22 MR. ROSENFELD: Listen to what I'm saying.
23 The houses themselves are set back from the
24 property. I have pictures of the property lines,
25 the two property lines because those straddle

Jungreis - 5/4/11

1 Briarwood, but to get a picture of the house,
2 Hiller's house is set back over 200 feet from his
3 property line. This house is set back over 200
4 feet from the property line. Briarwood Crossing
5 itself is however many feet that it is. You
6 wouldn't be able to -- you'd have to -- you could
7 only get -- you can see on the aerial, it's almost
8 impossible to get a picture showing the
9 structures. And that's part of what my argument
10 is.

11 This is a very large piece of property. This
12 is a piece of property over 100,000 square feet.
13 It's one of the larger properties in back
14 Lawrence, and we -- I should just point out that
15 even after we are -- if this were to be granted on
16 the lot area coverage, there would still be 74,000
17 square feet of green and tree. There would be
18 1.9 acres of undisturbed flora and fauna, if you
19 will, on the property.

20 This is a house that was built many, many,
21 many years ago. It is one of the grander homes in
22 back Lawrence and included in it is a very large
23 motor court, which I have been given to understand
24 a lot of the older mansions in the area had, and
25 the new owners who have been there for

Jungreis - 5/4/11

1 approximately five years sought to renovate it in
2 the style, in the grand style that it was
3 originally conceived to be.

4 CHAIRMAN KEILSON: The grand juror and the
5 grand scale and the grand juror.

6 MR. ROSENFELD: Mr. Keilson, I would just
7 point out that you are adding words to something
8 that I am going to have to pay for. It's not
9 helping. Words add up, absolutely.

10 It is a very pretty house. The interesting
11 thing about this is that one of the reasons, aside
12 from the lot coverage issue which I think here is
13 really one of -- it's a question of relative
14 coverage because, as I pointed out --

15 CHAIRMAN KEILSON: It's not de minimis but it
16 is relative.

17 MR. ROSENFELD: It's not de minimis. There
18 is nothing here that's de minimis, and you didn't
19 see it once in the papers. But it is, relatively
20 speaking, we're looking at 21 percent lot
21 coverage. And I would also hasten to point out
22 this is not for an accessory structure; it's not
23 for a deck. It is nothing that will protrude
24 except for the net above the surface area. In
25 addition --

Jungreis - 5/4/11

1 MEMBER GOTTLIEB: Just to correct you, you
2 said 21 percent coverage. It would be 20 percent
3 coverage.

4 MR. ROSENFELD: Did I say coverage?

5 MEMBER GOTTLIEB: I thought you said
6 coverage, but I just wanted to be clear.

7 CHAIRMAN KEILSON: You did say coverage.

8 MR. ROSENFELD: I meant overage. I did say
9 coverage, but I'm surprised Mr. Feit didn't pick
10 that up.

11 MEMBER FEIT: Somebody else has to get a
12 chance.

13 MR. ROSENFELD: I understand that we had
14 previously submitted to the Board plans showing
15 the landscaping in the rear, and we -- and I think
16 that you have that in the Building Department.
17 These are the plans for the front, proposed plans
18 for the front of the house on the corner of Ocean
19 and Briarwood. I would submit this into evidence,
20 if it please the Board. I can get you a more
21 manageable copy, but the Jungreises plan, as they
22 do in the rear, to virtually enclose the property
23 with mature plantings and trees. The proposed
24 tennis court itself will be -- do you want to take
25 a moment to look at it? That's the front.

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1 MEMBER FEIT: Mike, do you have a landscaping
2 plan?

3 MR. ROSENFELD: We submitted that, yeah.

4 MR. RYDER: You submitted a landscaping plan?

5 MR. ROSENFELD: Yeah.

6 The tennis court is behind it. That's the
7 front. It's going to completely envelope it. I
8 know that we dropped off a copy of the
9 landscaping. If not, I will certainly make it
10 available.

11 CHAIRMAN KEILSON: You have to help us.
12 Wherein does this tell us how the tennis court
13 will be screened?

14 MR. RYDER: Why don't you come up and show
15 them.

16 MR. ROSENFELD: That it doesn't. On that
17 landscaping plan, it doesn't.

18 CHAIRMAN KEILSON: What's the relevancy of
19 this plan?

20 MR. ROSENFELD: You will see it.

21 (Whereupon, a discussion was held off the
22 record.)

23 MEMBER FEIT: How high is the fencing going
24 to be around the tennis court?

25 MR. ROSENFELD: As high as the regulations

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1 will permit. I believe it's six foot high.

2 MR. RYDER: It's ten here.

3 MR. ROSENFELD: Well, whatever is permitted,
4 I believe. If ten is permitted it will be ten.
5 And this will also be screened in along here
6 totally by mature plantings on both -- on either
7 property side.

8 MEMBER FEIT: The plantings will be higher
9 than the net?

10 MR. ROSENFELD: Correct. Than the net or the
11 fence?

12 MEMBER FEIT: The fencing, I mean. You
13 corrected me.

14 MR. ROSENFELD: Yes, yes, yes, absolutely,
15 and I'll stipulate to that. The existing trees
16 there --

17 MEMBER FEIT: Yeah.

18 CHAIRMAN KEILSON: I'm sorry, were you about
19 to explain how this is relevant?

20 MR. ROSENFELD: Right. Well, I'm jumping
21 ahead of myself, but I had anticipated --

22 CHAIRMAN KEILSON: That's very unusual.

23 MR. ROSENFELD: It's very unusual. I am
24 anticipating -- this is stated -- how can I put
25 this? It is stated to address any possible issue

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1 that any neighbor might have. In that regard, I
2 think it will become evident, but in that regard I
3 just wanted to submit --

4 CHAIRMAN KEILSON: I'm not clear. Can you
5 respond to the question? How does this bear on
6 the tennis court?

7 MR. ROSENFELD: Yes, okay. To be perfectly
8 blunt, here tonight opposing the plan is a
9 neighbor who lives on an angle that is
10 catty-cornered to that plan.

11 MEMBER WILLIAMS: On Briarwood?

12 MR. ROSENFELD: On the -- it's not even on
13 Briar -- yeah, the address is Briarwood; it's
14 catty-cornered. This is something --

15 CHAIRMAN KEILSON: Let's wait to hear from
16 the neighbor.

17 MR. ROSENFELD: Well, but it's important to
18 note that the tennis court as planned will be set
19 back over 300 feet from the property line on
20 Ocean Avenue and will be set back from 300 feet,
21 right, and will be set back from the neighbor to
22 the rear at least 40 feet.

23 MEMBER FEIT: And what is required?

24 MR. ROSENFELD: From the rear.

25 MEMBER FEIT: The rear is Bryck's house.

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1 MR. ROSENFELD: Yes.

2 MEMBER FEIT: I see Mrs. Bryck. What is the
3 requirement for the --

4 MR. ROSENFELD: It's a side yard, it's a side
5 yard. The requirement there is 20 feet.

6 MEMBER FEIT: Even though it's --

7 MR. ROSENFELD: No, because the other side
8 yard becomes the question here. If I may
9 approach. I see Mr. Gottlieb is perplexed.

10 MEMBER GOTTLIEB: Very. So which is the
11 other side yard?

12 (Whereupon, a discussion was held off the
13 record.)

14 MEMBER FEIT: Now, your petition also showed
15 that there will be no request for night lighting.

16 MR. ROSENFELD: That is correct. It was
17 within their -- it was within their right to
18 request so because the regulations read that if
19 you're 200 feet from a -- from a neighboring
20 structure you can -- you can put up the lights.
21 They don't want to do that. They want to keep it
22 very much within the residential feel of it. And
23 it's important to note -- I don't recall if the
24 Rockaway Hunt Club, which is located just up the
25 road, but I believe they do.

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1 MEMBER GOTTLIEB: They do not.

2 MR. ROSENFELD: They do not.

3 MR. RYDER: They have lights.

4 MEMBER GOTTLIEB: On the grass courts?

5 MEMBER FEIT: Not the grass. The tennis

6 courts they don't.

7 MR. RYDER: On the squash courts.

8 MEMBER GOTTLIEB: Behind the building?

9 CHAIRMAN KEILSON: I don't know if that's
10 relevant anyway.

11 MR. ROSENFELD: Well, The only relevance
12 would be if they're looking for lights, I would
13 say that there are neighboring tennis courts that
14 have lights. But they're not looking for lights.

15 MEMBER GOTTLIEB: What is the material of the
16 tennis court; is it Har-Tru?

17 MR. ROSENFELD: Har-Tru, yes.

18 MEMBER FEIT: So Har-Tru is considered
19 surface coverage?

20 MR. ROSENFELD: Yes. Grass wouldn't be.
21 Clay would and Har-Tru is.

22 CHAIRMAN KEILSON: All right, continue.

23 MR. ROSENFELD: I would just like to submit
24 three letters of support, two from properties
25 directly adjacent -- directly across from the

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1 Briarwood Crossing.

2 MEMBER WILLIAMS: Names?

3 MR. PANETLIS: Letters from Philip and Amy
4 Fruchter, 235 Briarwood Crossing, indicating
5 support for the variance. A letter from Murray
6 and Deborah Cohen, 221 Briarwood Crossing, also
7 indicating support for the variance.

8 MR. ROSENFELD: And one more (handing).

9 MR. PANETLIS: And a third one submitted by
10 Avi and Rebecca Naumberg, 196 Briarwood Crossing.

11 MEMBER FEIT: What's the name?

12 MR. PANETLIS: Naumberg, 196 Briarwood
13 Crossing.

14 MR. ROSENFELD: One of the -- may I continue,
15 Mr. Chairman?

16 CHAIRMAN KEILSON: Please continue.

17 MR. ROSENFELD: One of the peculiarities,
18 because it's a corner lot, requires -- the Village
19 requires that an accessory -- or accessory
20 structure on a corner lot cannot be closer to the
21 side lot line than if it would be a front yard on
22 that -- on that street. It took me a while to
23 understand exactly that regulation, but what it
24 basically states is that in that area if the front
25 -- if there was a house there it would have to be

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1 set back 50 feet. We have a 25-foot setback.
2 Keeping in mind this is not a structure at all,
3 this is just surface coverage of which we're
4 leaving nearly two acres of grass at any rate, and
5 it's going to be screened in.

6 However, if we were to move this structure
7 closer to the swimming pool it would result in a
8 drainage problem. If you notice on the plans
9 there is significant dry wells that are going to
10 be placed there. If we moved the court closer to
11 the structure it wouldn't allow for those dry
12 wells.

13 And I would also hasten to just add again
14 that on the Briarwood Crossing side there will be
15 a fence on the tennis court and it will be -- it
16 will be stockade fence and it will be totally
17 screened in with mature plantings as there are
18 now.

19 MEMBER WILLIAMS: You're saying that there is
20 no wiggle room -- I understand the dry wells, but
21 there's no room between the pool and the tennis
22 court?

23 MR. ROSENFELD: I'm not saying there's no
24 wiggle room. The fact of the matter is that if it
25 made more sense to make it 30 feet over, you know,

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1 once we were going for the variance we went for
2 the variance where it would be most, most
3 comfortable for the homeowners. If we have to
4 move it over --

5 MEMBER WILLIAMS: If we were to tell you to
6 -- I'm not saying that either way, but if we were
7 to tell you we'd like to, you know, with the dry
8 wells taken into account and I told you you have
9 absolutely zero wiggle room --

10 MR. ROSENFELD: No, no, no, but we do.

11 MEMBER WILLIAMS: Okay, let's say I said
12 that, how much more could you add to the Briarwood
13 Crossing frontage?

14 MR. ROSENFELD: Approximately ten feet.

15 MEMBER WILLIAMS: If I forced you to, you
16 could come ten feet?

17 MR. ROSENFELD: Without even forcing me that
18 hard. I think that we could probably --

19 MEMBER WILLIAMS: What you're saying, ideally
20 the homeowner would love that space, but if I told
21 you no, you could give me ten more feet?

22 MR. ROSENFELD: I believe that we could.

23 MEMBER WILLIAMS: And that would make it how
24 much from Briarwood Crossing?

25 MR. ROSENFELD: That would make it 35.

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1 MEMBER WILLIAMS: Instead of 50, which is
2 what you would technically have.

3 MR. ROSENFELD: Right.

4 MEMBER GOTTLIEB: So you essentially answered
5 my question about how the limits of disturbance
6 were drawn, but they were also cut within these
7 property lines and they don't have a natural
8 perhaps flow onto the street because you can't on
9 your drawing limit the disturbance with a dashed
10 line and perhaps you made a circle, but the circle
11 had to be cut short where the property lines are.

12 MR. ROSENFELD: Correct.

13 MEMBER GOTTLIEB: Mrs. Williams kind of
14 addressed that by saying there was some what you
15 call wiggle room.

16 MR. ROSENFELD: Well, she called it. I mean,
17 there is some play there, but once again, it's not
18 necessarily, you know, the best-case scenario for
19 the petitioner, but it -- and once again, it's
20 important to know the etymology, it's because we
21 came for the variance that would have been the
22 right place. If we needed to move it over, we
23 would find a way to move it over and retain the
24 dry wells.

25 MEMBER GOTTLIEB: The dry wells are basically

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1 you have French drains under Har-Tru.

2 MR. ROSENFELD: It's more than that. It's
3 more than that. From what I understand, there are
4 actual dry wells there, yeah.

5 MEMBER GOTTLIEB: But they're drained from
6 the perforated pipe running from the Har-Tru into
7 the --

8 MR. ROSENFELD: Correct.

9 MEMBER GOTTLIEB: Are they pumped out of here
10 from the dry wells? Because they're going to fill
11 up pretty quickly.

12 MR. ROSENFELD: That's the advantage of
13 Har-Tru, because it's a porous surface it doesn't
14 fill up as much.

15 MEMBER GOTTLIEB: It will fill up.

16 MR. ROSENFELD: They're using Tennis Time who
17 have built, I think, almost every tennis court in
18 the Village of Lawrence. They're well versed and
19 they have dealt with the Building Department.
20 Whatever is necessary, and we will stipulate that
21 we will coordinate the construction with the
22 Building Department to make sure that there is
23 adequate and sufficient drainage.

24 MEMBER FEIT: Two questions, Mr. Rosenfeld.

25 MR. ROSENFELD: Yes, sir.

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1 MEMBER FEIT: Do you have any "wobble room"
2 to move the tennis court north to put more
3 distance between the tennis court and the Bryck
4 house?

5 CHAIRMAN KEILSON: I suggest we wait to hear
6 from the neighbor.

7 MR. ROSENFELD: Right.

8 MEMBER WILLIAMS: Let me just -- on that
9 note, how much technically is there supposed to be
10 between there and Bryck?

11 MR. ROSENFELD: It's twenty.

12 MEMBER WILLIAMS: And how much is there?

13 MR. ROSENFELD: It's twenty to the fence.
14 It's an additional twenty to the court. If we
15 didn't put up fence there, it would be 40 feet.

16 MEMBER WILLIAMS: How much do you have?

17 MR. ROSENFELD: Twenty.

18 MEMBER WILLIAMS: And you have it.

19 MR. ROSENFELD: Yes.

20 MEMBER FEIT: The other questions are -- I'll
21 hold off on the first question. What is the
22 purpose of this existing one-story building that's
23 on Ocean Avenue?

24 MR. ROSENFELD: It was the carriage house, or
25 I think it was a carriage -- it was the original

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1 carriage house.

2 MEMBER FEIT: Is it used now?

3 MS. JUNGREIS: No, it's not really used.

4 MEMBER FEIT: So if you took that down
5 because there is no use for it, that would
6 decrease your need for as much surface coverage as
7 you had. We had this last month with Alpert; we
8 had another one.

9 MEMBER GOTTLIEB: There was a different
10 reason for that. The Alpert's house was -- this
11 is a very attractive house.

12 MR. ROSENFELD: Right. I want to answer
13 that, but I think Ruthie Jungreis, the petitioner,
14 just wants to I think answer that. Go ahead.

15 MS. JUNGREIS: Hi, how are you. Ruthie
16 Jungreis. As far as the carriage house that's
17 presently there, I don't have one yet, but this is
18 a massive property that requires a lot of
19 care-taking. Sometime in the future we hope to
20 have some sort of caretaker or help staying in the
21 carriage house, which was its original purpose I
22 think. So I really would not take it down, I
23 mean.

24 MR. ROSENFELD: In addition, it's original.

25 MS. JUNGREIS: It's original. The house was

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1 built in 1906, and that was part of the original
2 structure.

3 MEMBER GOTTLIEB: I can speak to the house.
4 I was in the carriage house and it's in extremely
5 good condition, it's not offensive, and it's not
6 ugly, as in another application we had which is a
7 an eyesore.

8 MS. JUNGREIS: We redid the entire thing, so
9 that's why it's in such good condition.

10 MEMBER FEIT: Can I ask a legal question, and
11 Mike, you may have a better grip on this than Tom
12 does. Under current building or Village
13 regulations, are they allowed to have anybody live
14 in this house? In other words, is it
15 grandfathered in? Because I understand we do have
16 a statute that says you can't rent out carriage
17 houses anymore. So in other words, what purpose
18 can this be used for at the current time?

19 MR. PANETLIS: Well, just as a general rule,
20 if you pass your period of nonconformity, which in
21 this Village is six months or a year, then you
22 would not be able to reinstitute that use. You
23 would have to be subject to current regulations or
24 come to the Board for a variance for that use.

25 MEMBER FEIT: So in other words, they could

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1 not at this current time put a caretaker in that
2 house which has been vacant for over a year?

3 MR. ROSENFELD: Mr. Feit --

4 CHAIRMAN KEILSON: I think we're going far
5 afield.

6 MR. ROSENFELD: We've never taken the use
7 out. The fact that there hasn't been a caretaker
8 in residence hasn't changed it from a caretaker's
9 house.

10 MEMBER FEIT: Mr. Pantelis.

11 MR. PANETLIS I would think that's
12 questionable because the use -- it's not the
13 structure, it's the use, and if it hasn't been
14 used for that particular purpose, then it's been
15 discontinued.

16 MS. JUNGREIS: One second. I'm sorry, I'm
17 not sure I understand. If I haven't used the
18 house for three years --

19 MR. PANETLIS: No, if you haven't used it as
20 a residential structure in this particular case,
21 and actually who occupied it would really not be
22 the relevant question, whether it was help or a
23 relative or anything, but if it hadn't been used
24 as a structure for residential purposes and
25 actually inhabited, then you would lose the right

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1 to use that based on wording of the code.

2 MR. ROSENFELD: But once again, that's not
3 the subject.

4 MR. PANETLIS: It's not the subject here.

5 MEMBER FEIT: I asked the question because
6 you're coming in for over 21 percent of coverage.
7 So if you remove that house you are under 21 feet.
8 Twenty-one feet, as you know, is pretty
9 substantial.

10 MR. ROSENFELD: Twenty-one percent.

11 MEMBER FEIT: Percent I mean.

12 MS. JUNGREIS: If you don't mind, could I
13 also address that. When this house was built in
14 1906, and originally they had horses. I have
15 original pictures of 1906 with the horses coming
16 in. And there was -- there is a huge driveway
17 both going around the property and up to the front
18 door and that was all gravel when I moved in. It
19 caused a mess; it was very hard to maintain. The
20 snow removal turned to ice; it was just really
21 difficult and a bit of an eyesore.

22 So a few years ago we paved the entire thing.
23 It happens to look beautiful. We put nice paving
24 and blacktop so that's -- there is so much
25 coverage I don't even know what the percentage is

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1 there. But that's a lot of pavement.

2 MR. ROSENFELD: If that were to be eliminated
3 there would be no coverage issue.

4 MS. JUNGREIS: I mean, there must --

5 MR. ROSENFELD: But it is very much a
6 characteristic of the house, and in fact, you can
7 see I have photographs which I annexed that show
8 the view from the front door out and it does make
9 a very striking appearance.

10 CHAIRMAN KEILSON: I think you mentioned
11 there's 70,000 square feet of grass.

12 MR. ROSENFELD: It's 74,000 square feet.

13 CHAIRMAN KEILSON: I don't know why we're
14 getting hung up on this.

15 MR. ROSENFELD: 1.9 acres.

16 MEMBER WILLIAMS: You're saying there was
17 pavement that was gravel before?

18 MS. JUNGREIS: It was all gravel. There must
19 be a few thousand --

20 MR. ROSENFELD: We covered it with pavement.

21 MEMBER WILLIAMS: It is covered where there
22 was gravel.

23 MS. JUNGREIS: I didn't expand it. I just
24 needed to have a clean, nice look. Truthfully,
25 whatever I've done on my property has been more of

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1 a restoration; I haven't changed anything.

2 CHAIRMAN KEILSON: Thank you. Anything else,
3 Mr. Rosenfeld?

4 MR. ROSENFELD: No.

5 CHAIRMAN KEILSON: Fine, good. Thank you.
6 Is there anyone in the audience would like to
7 speak to the matter?

8 MS. BRYCK: Yes.

9 CHAIRMAN KEILSON: Please step up.

10 MS. BRYCK: My name is Laurie Bryck and I am
11 the abutting house to this house, and I'd like to
12 just comment on some things that were said.

13 First, I am vehemently and strongly opposed
14 to the approval of this variance. I think that
15 the -- and I've been before the Village of
16 Lawrence on zoning issues, various zoning issues
17 that have taken place in the Village both, you
18 know, general issues, and I have learned over the
19 years that these zoning ordinances were created
20 for a reason, and that reason was to maintain the
21 beauty of our neighborhood. I have not heard in
22 the discussion here that there has been any need
23 proposed with regard to this tennis court, so that
24 argument is not relevant.

25 In terms of beautification of the

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1 neighborhood, I don't think it does anything. I
2 think that compliance with the zoning would be
3 most important.

4 I live next-door. And no pictures have been
5 shown of what it will look like from my house, but
6 I could take pictures because I know that Meir
7 showed, I think, me an aerial photo. I don't know
8 when that photo was taken from Google Earth. I
9 don't know if that's current or what. The foliage
10 is not completely out, so I really doubt that
11 that's a current picture of what's taking place.

12 But if you look at that picture, if I lived
13 in a helicopter that might be okay, but I actually
14 live on the ground and those are trees that could
15 be 50 feet high and only the tops of those trees
16 have any foliage, the rest of the trees are bark.
17 So it is completely transparent what is visible
18 from my house to my neighbor's house.

19 We have tried over the years to put in all
20 sorts of different greenery to block the house,
21 you know, to create the enclosed beautiful area,
22 you know, that each of these homes should have.
23 But you know, it's very hard with those high trees
24 to grow anything that's really substantially
25 covering. And I can show you gardeners' bills

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1 I've put in. And I didn't see in the plans that
2 were submitted the gardening plans, the landscape
3 plans, the name of one of those -- I mean, it's a
4 very pretty picture, but I did not see the names
5 of any of the greenery that's proposed, or the
6 heights. But I can tell you that I've put in
7 hollies, skip laurels, arborvitaes, and it's very
8 hard to maintain them because of the high trees,
9 which I don't know if those are intended to be
10 taken down. Some of them are on her property,
11 some of them are on mine. But recently a pool
12 house has gone up which is totally within I think
13 the zoning ordinances --

14 MR. RYDER: Yes.

15 MS. BRYCK: -- and so therefore I can't
16 object to that. But the development that's taking
17 place in the area closest to my house is
18 significant and is really counterproductive to
19 what the neighborhood should look like. So I
20 mean, I don't -- I totally disagree with this, and
21 I really hope that this Board will agree with me.

22 CHAIRMAN KEILSON: And you understand that as
23 far as the encroachment towards your property
24 they're within their right as far as the
25 encroachment.

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1 MS. BRYCK: I totally understand that. I
2 totally understand that. So therefore, they can
3 build it 20 feet off my property, I understand
4 that, but they're not entitled to build it where
5 they are building it. Listen, I could put a
6 tennis court in the front of my house, I mean I
7 have enough space, it wouldn't be very pretty and
8 I wouldn't consider doing it, so therefore I don't
9 have a tennis court. Not everybody needs to have
10 a tennis court, and if it doesn't fit within their
11 property limits and they need to get a variance I
12 don't see why they should be entitled to that. We
13 don't live in tennis court, we don't eat tennis
14 courts, they are not something that is a right of
15 what our country gives us, and it's a luxury, that
16 they have to comply with rules.

17 CHAIRMAN KEILSON: Any questions?

18 MEMBER GOTTLIEB: Mrs. Bryck, this must be
19 very difficult for what you're saying. It's got
20 to be very hard for you to appear before us in
21 opposition.

22 MS. BRYCK: I like all of you so it's not so
23 bad. It's not bad seeing you every so often.

24 MEMBER GOTTLIEB: We know how difficult it is
25 for neighbors.

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1 MS. BRYCK: I actually should have preceded
2 this by saying I really do not like doing this; it
3 is uncomfortable for me. She seems like a lovely
4 person, but this is beyond that.

5 MEMBER GOTTLIEB: So is it -- there are
6 several oppositions that you have. If I was to
7 ask you is it your concern about the noise of the
8 tennis balls bouncing? Is it the sight line, that
9 you think they're going to be removing a
10 substantial amount of vegetation and now you're
11 going to be looking at a tennis court versus some
12 kind of sparse trees? What is the biggest
13 objection that you have?

14 MS. BRYCK: There are many objections, many
15 objections. I mean, the noise factor was
16 something that I hadn't addressed because I
17 hadn't, but we could throw that onto the pile.

18 MEMBER GOTTLIEB: I mean, don't on my
19 account, please don't.

20 MS. BRYCK: But I think that the most is that
21 it's in a very open area, even if you were to
22 shrub it in. I mean, people who drive down to my
23 house are going to see an overdeveloped commercial
24 area. It's going to be right on Briarwood
25 Crossing. It's very close to my house. That

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1 whole area, the whole back of their house -- well,
2 the front of their house is very, you know, sparse
3 and nice, but the back of the house now has, you
4 know, a big pool house, you know, which is --
5 which is large. It's going to have a tennis
6 court. And the back of their house is not as
7 generous in terms of the property as the front.
8 And so I think that it's getting very congested
9 back there right on my property line. I think
10 that they don't comply with zoning so, therefore,
11 they shouldn't be allowed. What is the need?

12 MEMBER GOTTLIEB: The purpose of our Board is
13 to of course grant.

14 MEMBER FEIT: Or deny.

15 MEMBER GOTTLIEB: Thank you.

16 CHAIRMAN KEILSON: To do a balancing test.

17 MEMBER WILLIAMS: Just out of curiosity, the
18 back of your house, this is the back of your
19 house, correct?

20 MS. BRYCK: No, it's not, it's the side of my
21 house.

22 MEMBER WILLIAMS: The side of your house.
23 And just the side is to the property line and on
24 your side how much is that?

25 MS. BRYCK: It's twenty feet.

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1 MEMBER WILLIAMS: You're twenty feet from
2 your property line?

3 MS. BRYCK: Oh, no, no, my house? My
4 driveway starts -- we have a circular drive.

5 MEMBER WILLIAMS: The back of their house.

6 MS. BRYCK: The back of their house is on the
7 side of my house.

8 MEMBER WILLIAMS: Right. So if I walked from
9 this cabana to your house, I would be hitting the
10 side of your house?

11 MS. BRYCK: Yes.

12 MEMBER WILLIAMS: How far is your side of
13 your house from your property line?

14 MS. BRYCK: Well, I don't know that exact
15 measurement.

16 MEMBER WILLIAMS: Do you know approximately?

17 MR. RYDER: Twenty plus I would say.

18 MEMBER WILLIAMS: What did you say?

19 MR. RYDER: I would say twenty plus just
20 because of the zoning regs.

21 MEMBER WILLIAMS: Just curious.

22 MEMBER SCHRECK: Mrs. Bryck, if the tennis
23 court was placed further toward the front of their
24 house, would you have the same objection?

25 MS. BRYCK: If the tennis court complied with

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1 zoning I would have no objection because I
2 couldn't. I think the tennis court should be put
3 within -- I mean, Meir said they have a huge
4 property; they should be able to find a space
5 within that property that could house a tennis
6 court.

7 CHAIRMAN KEILSON: Okay.

8 MEMBER FEIT: Mr. Rosenfeld, I find it
9 strange that Google Earth, which is certainly far
10 enough away from the property, omits Mrs. Bryck's
11 house from the overall picture.

12 MR. ROSENFELD: It doesn't. It's there.

13 MS. BRYCK: I would just like to point out --

14 MEMBER FEIT: Maybe you can show it to me.
15 Maybe I'm missing something.

16 MS. BRYCK: I would invite you, all of you to
17 come to my property and take a look at the changes
18 of what it looks like now. You know, there's no
19 foliage at all between our properties because, as
20 I said --

21 MEMBER FEIT: It's not on our picture.

22 CHAIRMAN KEILSON: We have multiple
23 conversations going on.

24 MS. JUNGREIS: Could I just respond a little
25 bit?

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1 CHAIRMAN KEILSON: No, no, no.

2 MS. BRYCK: I'd like to invite all of you to
3 come and take a look at the space because, as you
4 say, one picture is worth a thousand words. We
5 could stand here and I could try and describe it
6 to you, but I think unless you see it you really
7 don't understand the difference and the change in
8 the neighborhood of overdeveloping properties.
9 But if you look and you saw what once was like a
10 really more open space, beautiful area is now
11 getting very congested with the pool house, now a
12 tennis court, fence and tennis court, it just
13 changes the whole nature. And so please come take
14 a look. The barriers between our property are
15 nothing like they are portrayed in that picture
16 because, as I said, you'll see lots of barks but
17 you could see right through it and you really have
18 to come and take a look.

19 CHAIRMAN KEILSON: Okay. Is there anyone
20 else in the audience who wants to speak to the
21 issue?

22 MS. KAPLAN: Hi. My name is Shirley Kaplan.
23 I live at 191 Briarwood Crossing. My husband is
24 Hillel Marans, H-I-L-L-E-L, last name M-A-R-A-N-S.
25 We are diagonally across from the Jungreises. It

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1 is Briarwood and Ocean, so there are four corners;
2 we're one of the corners.

3 Our property is approximately 1.2 acres. Our
4 house is also set back. I think it's very
5 important what Mr. Rosenfeld had just started
6 talking about grandeur and that what Laurie, or
7 Mrs. Bryck had mentioned. I think when you move
8 back there you really had bought into a certain
9 aesthetic and ambiance, and it's being largely
10 impacted on by all the changes that people are
11 making in our area in general. And I realize that
12 doesn't directly affect you. You are not
13 responsible for all of that.

14 The aesthetics of it is really a huge part of
15 the deal here. And Mrs. Jungreis's property is
16 lovely, and I would hate to see it change actually
17 because it does contribute to the value of where
18 we live. And I think you probably would agree
19 with me on that, that it is quite pretty.

20 That said, as all people who have properties,
21 we're concerned about the value, the actual
22 economic value of our property. Now, the
23 aesthetics, that was the issue, the grandeur and
24 the values, and then there is a third issue and
25 that goes to the traffic, the noise and the

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1 overall character of what's going on physically on
2 Briarwood Crossing.

3 In the past, the Jungreises have held many
4 major charitable events at their house, of
5 charities that I do support also, and I'm on the
6 same page. However, it really does take away from
7 our atmosphere particularly in the nice weather
8 months. I am very, very concerned, and you may be
9 asking yourself why does this bear on my ambiance,
10 and it does because when you put in a tennis
11 court, as all of us know, tournaments and
12 fundraisers and all-day barbecues are a common
13 occurrence in homes that are able to offer that to
14 very worthy organizations. I'm not opposed to any
15 of the organizations and we are very involved with
16 one of the organizations that in fact that they
17 did hold a fundraiser in their home.

18 So I would request that I am opposed to the
19 tennis court. I may not be within the same
20 objections that Mrs. Bryck was because I don't
21 adjoin her property, but the traffic, the noise,
22 the curiosity seekers, the sightseers who walk
23 across my property, the cars that park on my
24 property, all these things really influence the
25 quality of our life in Lawrence, and I really ask

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1 that you consider it very, very seriously.

2 It's somewhat uncomfortable for me to come
3 and have to say this, but it's very easy for me to
4 envision an all-day picnic/barbecue there several
5 times a year. They certainly have set it up now.
6 I wasn't tuned in to what other things were going
7 on on the property, but it sounds like a little
8 heaven in order to do this, or a haven, and please
9 deny it.

10 I realize the law may provide within certain
11 changes, but if you come and you stand there on a
12 bright sunny day you will totally understand what
13 I'm talking about, so I suggest you do that.
14 Traffic, noise, ambiance, our property values, all
15 these things really mean something to us and
16 that's why we moved there. And we own our
17 property fifteen years and we take pride in our
18 property also and we don't have such a big
19 backyard and that's why we don't have a pool and
20 we don't have a tennis court. So if I was to come
21 here and ask you for our front yard which is a
22 big, big piece there, I want a tennis court, you
23 would then say to me, but you know, traffic, noise
24 ambiance, all those things. And our house is all
25 the way set back and we chose not to pull our

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1 house forward when we did our major renovation.
2 When our architect told us when the house was
3 empty we could pull it forward, we said no, we
4 love it like this, it's grand, and we have a very
5 small backyard as a consequence of that. So
6 respectfully, I ask that you deny the petition.

7 CHAIRMAN KEILSON: Thank you very much.

8 MR. ROSENFELD: Mr. Chairman, if I may,
9 there's no evidence that I know of that would say
10 installing a tennis court would diminish the
11 property value of a house, and I'm not sure that
12 that's at all correct. I would also say that
13 there are many tennis courts in the neighborhood,
14 including the Rockaway Hunt Club, which is
15 probably -- which is closer to the Kaplan/Marans'
16 home than this property.

17 And lastly, I just want to point out that
18 from the door of the -- from the door of the
19 Kaplan/Marans' home to where the tennis court is
20 is well over 400 feet and will be totally obscured
21 by the foliage. I don't know about the parking.
22 I don't know that the house is so grand that
23 people stop and park across the street to gawk at
24 it. I think that if there is a parking issue --

25 CHAIRMAN KEILSON: No tourists?

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1 MS. JUNGREIS: Can I just say, you could
2 really -- you could park 20 to 30 cars on my
3 driveway alone. So the parking is not an issue.
4 And I have no intention of having all-day
5 tournaments and barbecues. I have four children;
6 they're in school all day. I mean, yes, I have
7 had charity functions in my house, in my backyard
8 outdoors, maybe three in the five years that I've
9 been living there. I mean, if that's a problem
10 and I --

11 MR. ROSENFELD: Do not give up that right.

12 MS. JUNGREIS: You know, I do not know what
13 to say about that. I try to do charity work. I
14 bought my house and such a big property, number
15 one, because we wanted the pool and tennis court.
16 And we did have that in mind when I bought the
17 property. No, everyone does not need a tennis
18 court. Again, everyone does not need to live in
19 back Lawrence. Thank God, I can, and we can all
20 afford to live back there, and it's beautiful and
21 I would never dream of making my property into
22 anything commercial.

23 In terms of the trees being planted, all the
24 trees that you mentioned, the hollies, the skip
25 laurels, to create really something beautiful --

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1 right now, it's a mess right there. From what
2 would be the area where my tennis court is, there
3 is a lot of ivy, there's broken, dead trees, it's
4 a mess. You could see straight through to the
5 pool, and I haven't addressed that area of my
6 property yet.

7 Everything that I've done it's completely
8 manicured and beautiful, much more than five years
9 ago when I first moved, and I've spent
10 considerable sums, not asking any of the neighbors
11 on any side to contribute to fencing or anything
12 like that. I've taken down trees at my own
13 expense not asking the neighbors. That is one --
14 I understand what Mrs. Bryck has been saying.
15 It's a mess right there now. I plan on cleaning
16 up the entire thing, grading it and having
17 beautiful landscaping that completely encloses it
18 so that you can't even see there.

19 The Hunt Club is two doors down. I don't
20 even notice it. I know Lasky's house is two doors
21 the other way; it's a humongous structure, I don't
22 even notice it. The fact that Miss Kaplan said
23 that she didn't know that there was a pool house
24 going on. I've had construction going on there
25 and trucks since September, actually. So the fact

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1 that she didn't even notice that that was going
2 on, that really must tell you how you don't really
3 see into your neighbor's backyard and what's going
4 on.

5 For Mrs. Bryck, I really feel bad that she
6 opposes it and that my pool cabana she feels that
7 it obstructs it. I'm willing to work with her in
8 terms of landscaping and even moving the tennis
9 court over. You know, I don't know, have I -- is
10 there anything that I missed, any other?

11 CHAIRMAN KEILSON: No, I think you addressed
12 all the points.

13 MS. JUNGREIS: I would love to make my
14 neighbors happy. I mean, that's the truth. And
15 right now that area where it is, it's a mess with
16 the broken trees, and yeah, I plan on making it
17 beautiful and manicured as other homes in the
18 neighborhood have put up, you know, screening.

19 CHAIRMAN KEILSON: Thank you very much.

20 MEMBER FEIT: Mr. Rosenfeld, again, to go to
21 my question. How much, using the term used
22 before, wiggle room is there going north? We
23 discussed the wiggle room; you said you had ten
24 feet going east, but how much do you have going
25 north to try and get more distance to the Bryck

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1 house?

2 MR. ROSENFELD: Five to seven feet should not
3 be an issue. The only issue if you go much more
4 than that if you notice on the -- there's an
5 existing brick wall there so you couldn't butt up
6 to that.

7 MEMBER FEIT: What's the purpose of that
8 brick wall?

9 MR. ROSENFELD: It's an architectural
10 feature. It's the original thing and the truth is
11 I think that it also -- it's a tier, because I
12 believe that the level of the grass in front of
13 that is slightly lower than the area behind it.
14 So it might be a little bit of a retaining wall.
15 It is not something that they could easily
16 undertake to take out. They would have to regrade
17 the whole thing. But five to seven feet is not an
18 issue.

19 MEMBER FEIT: One last comment. This picture
20 that you showed us, this Google picture is not the
21 picture that was submitted. What we got submitted
22 is that it was truncated before the Bryck house is
23 in it.

24 MR. ROSENFELD: If you like I can mark that
25 in as evidence.

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1 MEMBER FEIT: Yes, why don't you do that.

2 MR. ROSENFELD: Mr. Pantelis, you get a
3 workout your first day. Just mark it into
4 evidence.

5 MS. BRYCK: I just wanted to say a few last
6 things. From the picture, the -- this picture
7 that was submitted with the layout of the
8 property, I just want to point out I don't know if
9 any of you have driven by the area to have taken a
10 look.

11 CHAIRMAN KEILSON: I'm sure we all have.

12 MEMBER WILLIAMS: That's part of our job.

13 MS. BRYCK: Okay, good. I'm glad that all of
14 those Lawrence taxes and everything are going to
15 good use.

16 MEMBER WILLIAMS: And we're getting paid so
17 well.

18 MS. BRYCK: Well, anyways, everybody in
19 Lawrence knows we all like to walk a lot, and
20 though we're referring to this as the side of my
21 house it really affects the front of my house
22 because I have a circular driveway. We come up
23 the circular driveway and we walk. It's a very
24 countrified, beautiful area, you know, very
25 countrified and really beautiful. And with a

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1 tennis court sitting right on top of it, the pool
2 house, you know, the pool, everything, that whole
3 area, I mean, the Jungreis's front yard is very
4 beautiful and they were able to maintain it that
5 way, but if they were abutting something that was
6 now overly developed they might not feel the same
7 way.

8 So whereas I hate to do this to my neighbors,
9 I just -- it would make it a big difference to us
10 if the tennis court, if that stone fence could be
11 taken down, they can move it as far away from our
12 property, I would have no objection. I'm more
13 objecting to it being close to my property than
14 being close to the Briarwood line. Though both of
15 them are irritating, but if given a choice, if we
16 have to make concessions, I would like it much
17 more than the zoning would require from my house
18 because I think that -- you know, I don't know
19 what we're referring to in terms of development
20 because I was not given that portion of the
21 variance. But I don't know if the property is
22 overdeveloped in terms of percentages. But it
23 certainly seems that way next to my house.

24 CHAIRMAN KEILSON: Surface area coverage is
25 the issue that we have, and it is over, but when

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1 we put it into context they have 70,000 square
2 feet of grass, so it's really not --
3 percentage-wise, it's not offensive.

4 MR. BRYCK: But it's where those percentages
5 are.

6 CHAIRMAN KEILSON: I grant you that.

7 MS. BRYCK: So the percentage of grass is in
8 the front of her yard and not in the back which is
9 right next to my house which is being very
10 overdeveloped.

11 And also, I also wanted to point out that
12 Mrs. Jungreis said that she's gone to great
13 expense to take down fences and put up trees and
14 take down trees. Nothing has taken place on our
15 property line.

16 MEMBER WILLIAMS: She said that, she
17 explained that.

18 MS. JUNGREIS: I'm saying from my other
19 neighbors. We haven't had a tree fall or
20 anything.

21 MS. BRYCK: No, no, no, what I'm saying is
22 that nothing has been done to beautify that area.

23 MEMBER WILLIAMS: Let me just say two things.
24 I just want to make sure that do you understand
25 that aside from the building coverage --

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1 CHAIRMAN KEILSON: Area coverage.

2 MEMBER WILLIAMS: -- the area coverage, which
3 is a separate issue, in terms of if we would move
4 it north that would be pleasing you but not
5 necessarily a requirement.

6 MS. BRYCK: I totally understand that. But
7 the setback has to be from the street, from
8 Briarwood.

9 MEMBER WILLIAMS: Now, there's two questions.
10 Do you feel -- do you really feel, and I
11 understand what Mrs. Jungreis said but I'm not
12 sure you actually heard, that she hasn't addressed
13 foliage in that area and that's why it hasn't been
14 touched, and that her intention is to do it. That
15 being said, do you think it would be very helpful
16 if we were to come to your backyard?

17 MS. BRYCK: I think it would be helpful for
18 you to see it. Also, I think her reference that
19 the side of her house, the Briarwood side is
20 unsightly because it's got, you know, ivy and some
21 trees were down. I don't consider that unsightly.
22 I mean, maybe it could be more beautiful, but it's
23 natural. I mean, I consider that much more
24 beautiful than a tennis court. You know,
25 everybody's perception of what is beautiful is

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1 different. And yes, it could be more beautiful,
2 but I don't think a tennis court would make it
3 more beautiful. So I think that in the five years
4 that she's lived in the house even before the pool
5 house went up she has done nothing -- I mean, they
6 have done nothing to beautify the space.

7 MEMBER WILLIAMS: Obviously, because her
8 intention was to do this.

9 MS. JUNGREIS: I knew what was coming.

10 MS. BRYCK: Yeah, I understand that. But
11 it's been a long five years and we've done a lot
12 in terms of putting up shrubs and stuff that
13 haven't survived.

14 CHAIRMAN KEILSON: Thank you, Mrs. Bryck.

15 MR. ROSENFELD: Mr. Chairman, I would just
16 say that whatever we undertake in terms of
17 landscaping we will do in coordination with the
18 Building Department, and to the extent possible to
19 the neighbors who are involved to make sure that
20 everybody is happy as they can be made to be.

21 CHAIRMAN KEILSON: Well, are you in a
22 position to significantly move it north beyond the
23 five to seven feet? That's what it really comes
24 down to.

25 MR. ROSENFELD: We're talking about the court

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1 itself or the fencing around it?

2 MEMBER FEIT: The fencing, because that's --

3 MEMBER WILLIAMS: Both.

4 MS. BRYCK: Both, and the court as well.

5 MEMBER FEIT: The court moves with the

6 fences.

7 MS. BRYCK: But he is asking just the

8 fencing.

9 (Whereupon, a discussion was held off the
10 record.)

11 MR. ROSENFELD: Some of the trees that
12 Mrs. Bryck has said that she enjoys in their
13 natural state Mrs. Jungreis has received numerous
14 demands from LIPA that they be cut because they
15 are -- they impinge upon --

16 MS. JUNGREIS: Yes, they're wrapped up in the
17 coils, to start cutting them.

18 MR. ROSENFELD: Would we be able to -- if we
19 could maintain the line of the court even with the
20 line of the pool, that's like moving it up ten
21 feet or so.

22 MEMBER WILLIAMS: Moving it toward the pool,
23 east or north?

24 MR. ROSENFELD: No, no, no. Moving it up, so
25 that there's a --

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1 MS. JUNGREIS: I don't want to move it past
2 the pool.

3 MR. ROSENFELD: Right. To keep the same
4 line.

5 MS. JUNGREIS: I would like to keep it more
6 linear.

7 MR. RYDER: Symmetrical.

8 MR. ROSENFELD: May I approach so we
9 understand.

10 (Whereupon, a discussion was held off the
11 record.)

12 CHAIRMAN KEILSON: We're going to adjourn it,
13 or what would you like to do? We have to do a
14 site visit.

15 MR. ROSENFELD: And a site visit was not yet
16 done.

17 MEMBER WILLIAMS: We all went to see it but
18 not from the perspective of the neighbors.

19 MEMBER GOTTLIEB: We didn't go as a group.
20 Are we allowed to go as a group?

21 MR. PANETLIS: Absolutely, absolutely.

22 MR. ROSENFELD: They can do that. I don't
23 have to be there. Do I have to be there?

24 MR. PANETLIS: If the Board is going to
25 schedule a site visit, then I think it would be

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1 appropriate to. First of all, the applicant has
2 to indicate to the Board and the Building
3 Department when the property has been at least --
4 when I say the property, the location has been
5 staked out, and you may well want to be there
6 certainly to discuss the issue with the Board.
7 And I think the two neighbors who are here also
8 should at least have the opportunity to see it.

9 MR. ROSENFELD: Would it be okay if we -- if
10 I made a request, and I know that the Board has
11 done this in the past, if we're not submitting any
12 more evidence and we're not -- nobody else needs
13 to be heard and it's just subject to the site
14 visit, would it be possible for us to obtain a
15 decision prior to the next hearing if in fact you
16 can get down there in time?

17 MEMBER FEIT: It has to be an open hearing,
18 you know that.

19 MR. PANETLIS: The vote would still have to
20 be taken at a meeting of the Board.

21 MEMBER WILLIAMS: It probably wouldn't help
22 you unless we're saying yes to it exactly the way
23 it is. If we change it --

24 CHAIRMAN KEILSON: We have to have a hearing.
25 The next hearing --

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1 MEMBER FEIT: Is going to be in June.

2 Mr. Rosenfeld, my inclination right now is on the
3 negative side. It's not chiseled in stone.

4 That's why I said the inclination is that way.

5 What I would like to see is how the tennis
6 court could be shifted north and east, and I want
7 to see a landscaping plan from a landscaping
8 architect. We've asked for that before for other
9 sites.

10 I am just uncomfortable. My visit really was
11 very negative as far as that property line between
12 Bryck and Jungreis. That's what I would like.
13 You could put it in or not.

14 MR. ROSENFELD: No, no, no. My understanding
15 was that we had already submitted it.

16 CHAIRMAN KEILSON: If you submitted it then
17 we'll review it.

18 MS. JUNGREIS: I've seen it myself. I think
19 they showed it to me before this was on its way
20 over.

21 MR. PANETLIS: Make sure it is submitted
22 again to the Building Department, and have one
23 on-site.

24 MEMBER FEIT: Give one to us, if possible.

25 MR. ROSENFELD: As I was saying, you should

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1 have had one.

2 CHAIRMAN KEILSON: In essence, we're
3 adjourning it to the next possible date, that's
4 all.

5 MS. JUNGREIS: I mean, I just know a lot of
6 other homes where I see the tennis court past the
7 house.

8 CHAIRMAN KEILSON: Okay, we're turning off
9 the conversation at this point. We'll adjourn it.
10 We'll adjourn it to the next date. We'll give you
11 notification of the date. We'll give you
12 notification of when we intend to make a site
13 visit before that date.

14 MEMBER WILLIAMS: You let us know when you're
15 ready for us.

16 CHAIRMAN KEILSON: And hopefully, if the
17 landscaping plan is in the Village, then certainly
18 they will circulate it.

19 MR. ROSENFELD: Streamline, okay.

20 MS. BRYCK: Are there more extensive plans
21 than the ones that you submitted in the picture?
22 Is that the plan?

23 MS. JUNGREIS: That's the front.

24 MR. ROSENFELD: It does show the height of
25 the trees on that, I think.

1 MR. PANETLIS: Actually, it's the front plan
2 that was submitted. It stops short of the tennis
3 court, and I think what you're really saying is
4 you had one for the rear, which apparently is not
5 here.

6 MS. JUNGREIS: Exactly. I mean, that's
7 something I could adjust whether we are planting
8 six- to eight-foot trees that grow however many
9 feet per year.

10 CHAIRMAN KEILSON: So this session, this
11 matter is adjourned and we close.

12 (Whereupon, the hearing concluded at
13 8:50 p.m.)

14 *****

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

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MARY BENCI, RPR
Court Reporter

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