

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3
4 Village Hall
5 196 Central Avenue
6 Lawrence, New York7
8 November 18, 2015
9 7:33 p.m.

10 APPLICATION:

11 Lowy
12 9 Lakeside Drive West
13 Lawrence, New York

14 P R E S E N T :

15 MR. EDWARD GOTTLIEB
16 Acting Chairman17 MS. ESTHER WILLIAMS
18 Member19 MR. DANIEL HILLER
20 Member21 MR. KENNETH A. GRAY, ESQ.
22 Village Attorney23 MR. GERALDO CASTRO
24 Building Department25
Mary Benci, RPR
Court Reporter

1 CHAIRMAN GOTTLIEB: Good evening, ladies and
2 gentlemen, welcome to the Zoning Board of Appeals
3 of the Village of Lawrence. The meeting is called
4 to order. Welcome.

5 Mr. Castro, do you have proof of posting?

6 MR. CASTRO: Absolutely, Chairman. I offer
7 proof of posting and publication.

8 CHAIRMAN GOTTLIEB: Terrific.

9 Chairman Keilson is not here tonight, nor is
10 Mr. Schreck, but we do have myself, Mr. Hiller and
11 Mrs. Williams. We're here to serve you.

12 I believe we have an adjournment request for
13 this evening for the matter of Lowy. Is anyone
14 here for that application?

15 (No response.)

16 CHAIRMAN GOTTLIEB: So we shall adjourn this
17 to the next meeting. Is that what was requested?

18 MR. CASTRO: It's just adjourned.

19 CHAIRMAN GOTTLIEB: Adjourned until further
20 notice?

21 MR. CASTRO: Yeah.

22 CHAIRMAN GOTTLIEB: Okay.

23 (Whereupon, the hearing concluded at
24 7:36 p.m.)

25 *****

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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5 Mary Benci
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7 MARY BENCI, RPR
8 Court Reporter
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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

November 18, 2015
7:36 p.m.

APPLICATION:

Marx
5 & 7 Keewaydin Road
Lawrence, New York

P R E S E N T:

MR. EDWARD GOTTLIEB
Acting Chairman

MS. ESTHER WILLIAMS
Member

MR. DANIEL HILLER
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

Mary Benci, RPR
Court Reporter

1 Certified that the foregoing is a true and
2 accurate transcript of the original stenographic
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5 Mary Benci

6 MARY BENCI, RPR
7 Court Reporter
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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 November 18, 2015
7 7:37 p.m.

8 APPLICATION:

9 Wolfson
10 1019 New McNeal Avenue
11 Lawrence, New York

12 P R E S E N T :

13 MR. EDWARD GOTTLIEB
14 Acting Chairman

15 MS. ESTHER WILLIAMS
16 Member

17 MR. DANIEL HILLER
18 Member

19 MR. KENNETH A. GRAY, ESQ.
20 Village Attorney

21 MR. GERALDO CASTRO
22 Building Department

23
24 Mary Benci, RPR
25 Court Reporter

1 CHAIRMAN GOTTLIEB: The matter of the Wolfson
2 residence. Is anyone here for the Wolfson
3 residence?

4 (No response.)

5 CHAIRMAN GOTTLIEB: There's a request for a
6 six-month extension. The letter indicates the
7 reasons why, and exactly they're asking for six
8 months. I suggest we give them the six months
9 requested.

10 MEMBER HILLER: I agree.

11 CHAIRMAN GOTTLIEB: Mrs. Williams.

12 MEMBER WILLIAMS: I agree.

13 MR. GRAY: Just to clarify, that's an
14 extension to March 17th, 2016?

15 CHAIRMAN GOTTLIEB: September to March would
16 be, yes, that would be correct.

17 MR. GRAY: Okay, thank you.

18 CHAIRMAN GOTTLIEB: It's good to have
19 clarity.

20 MEMBER WILLIAMS: They were asking for six
21 months from September, not from today's date,
22 right.

23 MR. GRAY: Yes. That's the way I read the
24 letter.

25 CHAIRMAN GOTTLIEB: Right.

Wolfson - 11/18/15

(Whereupon, the hearing concluded at
7:39 p.m.)

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

Mary Benci

MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 November 18, 2015
7 7:39 p.m.

8 APPLICATION:

9 Chavetz
201 Juniper Circle South
Lawrence, New York

10 P R E S E N T :

11 MR. EDWARD GOTTLIEB
12 Acting Chairman

13 MS. ESTHER WILLIAMS
14 Member

15 MR. DANIEL HILLER
16 Member

17 MR. KENNETH A. GRAY, ESQ.
18 Village Attorney

19 MR. GERALDO CASTRO
20 Building Department

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24 Mary Benci, RPR
25 Court Reporter

1 CHAIRMAN GOTTLIEB: The next item is the
2 Chafetz application. Is there anyone here?

3 MS. ADLER: Hi.

4 CHAIRMAN GOTTLIEB: Good evening, welcome.

5 MS. ADLER: I'm Esther Adler. I'm here from
6 John Capobianco's office. I'm representing
7 Sheldon and Rachel Chafetz. Sheldon and Rachel
8 Chafetz are requesting relief from the code, from
9 three sections of the code in order to construct a
10 pool, a swimming pool.

11 Mrs. Chafetz suffers from osteoporosis, and
12 the doctor has recommended that she exercise
13 daily, and her preferred method of exercise is
14 swimming. We have a doctor's note.

15 They're requesting relief from the code for
16 surface area coverage. There's a maximum of 3,863
17 square feet allowed. There's actually a typo in
18 the letter that was given to us. We requested
19 4,146 feet, which is an overage of seven percent,
20 and the denial letter must have misread the four
21 as a nine, so it's actually only seven percent
22 instead of eight percent over.

23 They're also requesting a rear-yard variance.

24 MEMBER WILLIAMS: One second. You said
25 instead of eight percent it is --

1 CHAIRMAN GOTTLIEB: So go back and tell us,
2 which letter has the wrong amount? It's the
3 denial letter from the Village?

4 MS. ADLER: The denial letter, yes. It
5 should be 4,146.

6 CHAIRMAN GOTTLIEB: I see.

7 MS. ADLER: So it's really an overage of 267,
8 I think, which is 7.3 percent.

9 MEMBER WILLIAMS: Okay. I'm sorry, go ahead.

10 MS. ADLER: They're requesting a rear-yard
11 setback variance for the pool, which we are hoping
12 shouldn't be too much of a problem because there
13 are no rear neighbors. There's only Rock Hall
14 Road back there. So they're requesting 11 feet on
15 one side, 12 feet on the other side.

16 And they're also requesting relief from the
17 side-yard setback, which should be 15 feet, just
18 for their filter and hot water heater. They
19 wanted it screened. Where the house steps back a
20 little bit on the edge, they're requesting six and
21 a half foot side yard for that.

22 CHAIRMAN GOTTLIEB: I'm sorry, can you just
23 point it out again. I was looking in the other
24 direction.

25 MS. ADLER: Sure. Here the house steps back

1 a little bit, a few feet, and so they're
2 requesting to put it here so it's shielded from
3 the front, and of course, they'll screen it in
4 with some planting.

5 CHAIRMAN GOTTLIEB: Where are the current
6 mechanicals for the HVAC?

7 MS. ADLER: That is also along that edge,
8 existing.

9 CHAIRMAN GOTTLIEB: Okay. Is pool equipment
10 typically quieter than HVAC, or about the same?

11 MS. ADLER: It's slightly quieter, yes.

12 CHAIRMAN GOTTLIEB: Okay. My concern is the
13 proximity of the equipment to neighbors. You
14 know, why is the HVAC against the neighbor's house
15 instead of against the street where the sound
16 wouldn't echo between the two houses?

17 MS. ADLER: That's a valid concern.

18 CHAIRMAN GOTTLIEB: But that's already there.

19 MS. ADLER: My clients, I think, are willing
20 to negotiate on that because we have found out
21 afterwards that the neighbors are not thrilled
22 about this.

23 CHAIRMAN GOTTLIEB: Are the neighbors here?

24 MS. ADLER: Yes. Should I wait for them to
25 talk first? I'm sorry.

1 CHAIRMAN GOTTLIEB: We will ask them to
2 speak. We certainly will.

3 MS. ADLER: So that can be moved, if
4 necessary.

5 CHAIRMAN GOTTLIEB: Okay. So I have some
6 fundamental questions about -- I don't know
7 whether you are done or not.

8 MS. ADLER: I'm done.

9 CHAIRMAN GOTTLIEB: I have some fundamental
10 questions about the application. We received
11 these applications about ten days before. We look
12 at it, and I see a proposed extension. And I
13 don't see any interior plans, but I see there's
14 something proposed here, and then I went to the
15 house to look at it and the house is not as
16 portrayed in the pictures. The pictures show a
17 house that may have been there some time ago, but
18 now when I look at the pictures it doesn't portray
19 the house. The house was extended I don't know
20 how many feet further back, because it wasn't
21 clear, and I also didn't quite follow it on the
22 zoning calculations on page N1 of 2. There's a
23 principal building of 596 feet.

24 Now, what I'm confused about is that are we
25 considering -- we're not talking about a principal

1 addition, but yet it's on the calculations, that
2 there's a principal building, proposed patio, rear
3 patio upper deck, driveways, walkways, brick
4 planter, chimney and then a proposed pool at the
5 very end of 490 feet.

6 So I was looking at this and I was rather
7 confused. You're talking about a pool, and then
8 on the application I'm seeing all these additional
9 things, and by the way they don't add up because I
10 think not all of it is added together.

11 MS. ADLER: Okay. So that must be -- those
12 plans were submitted to the Village and they were
13 as of right and they were already approved and so
14 the work's already been done. That should have
15 been taken off of this plan since this was a new
16 application just for the swimming pool. It should
17 not say proposed. It should say existing
18 addition. That's that. And --

19 MEMBER WILLIAMS: Can I ask you, when was
20 this work done?

21 MS. ADLER: When was the work done?

22 MS. CHAVETZ: Pretty recently.

23 MR. CHAVETZ: Finished May, June, May and
24 June, completed this past June.

25 CHAIRMAN GOTTLIEB: You had four months to

1 amend this application.

2 MR. CHAVETZ: The pool was supposed to be
3 applied for then, but there was no one here.

4 CHAIRMAN GOTTLIEB: You know what, can I ask
5 you to step up. Come on up. We like to meet our
6 neighbors.

7 MR. GRAY: Can we just have your name and
8 address.

9 MR. CHAVETZ: Sure, Sheldon Chafetz.

10 The pool individual wanted to install the
11 pool and wanted to get it done during the summer,
12 but because of the surface -- I'm not even sure of
13 the details, but we needed a variance to go
14 through, and the application was put in but
15 apparently there was no one here to review it for
16 a few months. That's what I was told. And at
17 that point now it was reviewable, and that's why
18 we're here tonight.

19 CHAIRMAN GOTTLIEB: Okay, thank you.

20 My concern, Mrs. Adler, was that I didn't
21 quite understand the application, and maybe it
22 should have been bifurcated into one part was
23 for -- you know, I know Mr. Capobianco is
24 certainly capable, and so are you, of preparing a
25 different document so that we would better

1 understand it.

2 MS. ADLER: Well, I did update it on this
3 version tonight because I did see that that was an
4 older version. I probably should have brought
5 copies for everyone, but this one doesn't show --
6 it just shows that house as existing and it has
7 all the updated surface coverage breakdown.

8 MEMBER WILLIAMS: It's a little
9 disconcerting, and what makes it more confusing is
10 that usually when someone wants to work on a house
11 they come with a total plan, and this Board makes
12 their decisions based on the entire plan. So
13 you're asking for X amount of overage. Had you
14 come to us with the entire plan of the
15 construction and the pool, together, that would
16 have been a whole different picture than what
17 you're giving us now in terms of our judgment. Do
18 you realize that?

19 MS. ADLER: Okay.

20 MEMBER WILLIAMS: Basically, you did
21 everything you possibly could do, and now you want
22 a variance on a pool.

23 MS. ADLER: Honestly, I'm not sure -- I don't
24 think that's how it went down.

25 MEMBER WILLIAMS: I know, but that's the

Chavetz - 11/18/15

1 position we're being put into.

2 MS. ADLER: Okay.

3 CHAIRMAN GOTTLIEB: We could have had you
4 talk about your willingness to negotiate
5 something. At that point we may have said to you
6 we can't possibly allow this, but if you bring the
7 house in three feet, the pool might work. Now
8 that's not an option to discuss. It's either the
9 pool is yes or no. There's no --

10 MEMBER WILLIAMS: You put us in a very
11 uncomfortable position.

12 MS. ADLER: I understand.

13 When you originally did the drawings for the
14 house, was the pool like a decision that you did
15 after?

16 MR. CHAVETZ: It was always thought of at the
17 time, but we certainly didn't know and I didn't
18 even think about the cost involved at the time.

19 MS. CHAVETZ: It was a cost issue. We wanted
20 to see how much we would have left after
21 construction. Then once we saw that there was
22 something that we would be able to afford, that's
23 when we decided and we went back to John and he
24 helped us with that.

25 MS. ADLER: Because I know, personally, from

1 my standpoint, I wasn't even working at the office
2 at the time when their construction was done. And
3 I've been working --

4 MEMBER WILLIAMS: I'm not saying anything was
5 done deviously. Don't misunderstand. I'm just
6 explaining why this is a really uncomfortable way
7 to bring it to us, because basically you're saying
8 is this pool okay, and pretty much it's not. Had
9 you done this a different way, it might have been.

10 MS. ADLER: So as far as I know, they wanted
11 to do the construction, and the pool was an
12 afterthought.

13 MEMBER WILLIAMS: They got their cake and
14 eating it too, but it's not necessarily the way to
15 go. I just wanted to explain it, and I'm not
16 saying it was done in any devious manner. I'm
17 saying it puts us in a position where we have to
18 make a judgment on something that's much more
19 difficult to judge than had it been done
20 differently.

21 CHAIRMAN GOTTLIEB: Not to mention, it's hard
22 to read the plan.

23 MEMBER WILLIAMS: And John should know
24 better.

25 CHAIRMAN GOTTLIEB: John knows better. He's

1 been here very often.

2 MR. GRAY: Do you have smaller versions of
3 that updated board?

4 MS. ADLER: No, I don't, I'm sorry.

5 CHAIRMAN GOTTLIEB: Would any one of the
6 neighbors like to speak about the application?

7 MS. FISHMAN: Yes.

8 CHAIRMAN GOTTLIEB: Come on up.

9 MS. FISHMAN: My name is Rochelle Fishman. I
10 live at 205 Juniper Circle South, which is east of
11 the Chafetz house.

12 MEMBER WILLIAMS: This is your house, correct
13 (indicating)?

14 MS. FISHMAN: Right next-door.

15 CHAIRMAN GOTTLIEB: She's the house
16 next-door.

17 MS. FISHMAN: From my understanding, they are
18 putting the motor of the pool right adjacent to
19 our house. They're building all the way out as
20 far out, close to the end of the property, and the
21 motor will be there, and it will create a lot of
22 noise and a lot of disturbance to us. So we're
23 suggesting if they could put the motor someplace
24 else, near Rock Hall Road or on the other side
25 near Lawrence Avenue, it would be much more

1 comfortable for us.

2 The second thing is that I -- from the plans
3 that I saw, they're supposed to be putting a fence
4 in between the two properties, and from what I
5 understand now they're not putting a fence,
6 they're putting in trees.

7 MS. ADLER: No, I believe they are putting in
8 a fence.

9 MR. CHAVETZ: We are putting in a fence,
10 yeah.

11 MEMBER WILLIAMS: Mrs. Fishman, you're saying
12 that you would prefer a fence?

13 MS. FISHMAN: Yes.

14 CHAIRMAN GOTTLIEB: She probably would prefer
15 both.

16 MEMBER HILLER: You're required to have a
17 fence.

18 MS. FISHMAN: No, this is between the
19 properties.

20 MEMBER WILLIAMS: So the plan is to have a
21 fence?

22 MS. ADLER: Yes, all the way down.

23 MEMBER WILLIAMS: Did you two have a
24 discussion about this?

25 MR. CHAVETZ: Yes, a couple of hours ago.

1 MS. ADLER: It's in our plans also. It was
2 in our plans.

3 MEMBER WILLIAMS: So if they would move the
4 apparatus and the fence would be put up?

5 MS. FISHMAN: I have no problem.

6 MEMBER WILLIAMS: Okay, thank you.

7 CHAIRMAN GOTTLIEB: Thank you.

8 MS. ADLER: Thank you.

9 CHAIRMAN GOTTLIEB: So let me go over the
10 three variances again. When we're talking about
11 the side-yard setback, and you mentioned that was
12 for the apparatus?

13 MS. ADLER: Yes.

14 CHAIRMAN GOTTLIEB: Are we in conformance
15 with the side-yard setback for the pool?

16 MS. ADLER: Yes.

17 CHAIRMAN GOTTLIEB: So then the side-yard
18 setback for the pool is 15 feet on each side?

19 MS. ADLER: We have 16 on one side and 19 on
20 the other.

21 CHAIRMAN GOTTLIEB: And is the 19 because
22 it's a corner lot, or that wasn't what triggered
23 the 19? And again, I don't --

24 MS. ADLER: Well, because it's a 34-foot
25 pool.

1 CHAIRMAN GOTTLIEB: I mean, it's existing 19?

2 MS. ADLER: No, no, for the pool. We're
3 proposing 16 foot from one side and 19 feet from
4 the other side.

5 MR. GRAY: From here to the pool is 19 feet.

6 CHAIRMAN GOTTLIEB: What is required?

7 MS. ADLER: 15.

8 MR. GRAY: 15.

9 CHAIRMAN GOTTLIEB: Okay. And 15 over here
10 is required?

11 MR. GRAY: And they have 16.

12 CHAIRMAN GOTTLIEB: And there's no
13 requirement for surface coverage on the pavers?

14 MR. GRAY: No.

15 CHAIRMAN GOTTLIEB: These are Danforth
16 pavers?

17 MR. GRAY: Around the pool?

18 MS. ADLER: Pavers.

19 CHAIRMAN GOTTLIEB: So if we move the -- if
20 we ask you to move the equipment --

21 MS. ADLER: Yes.

22 CHAIRMAN GOTTLIEB: -- to the other side or
23 to a place that would be -- it's funny, that was
24 the first thing I asked you.

25 MS. ADLER: Yes, you were 100 percent right

1 about that.

2 CHAIRMAN GOTTLIEB: That would eliminate one
3 of the three variances, right?

4 MS. ADLER: Right.

5 CHAIRMAN GOTTLIEB: Let's assume you're going
6 to do that.

7 Now, the next one is 20 feet rear yard versus
8 11 feet rear yard. I'm going in the order of how
9 it's easiest. And the third request is 7.3
10 percent overage in surface coverage.

11 Can I see the doctor's letter that you
12 mentioned you had?

13 MS. ADLER: Sure.

14 MEMBER HILLER: It's in the folder.

15 CHAIRMAN GOTTLIEB: I didn't see it.

16 MEMBER HILLER: It's there.

17 MS. ADLER: It should be there.

18 MEMBER HILLER: Here it is (handing).

19 CHAIRMAN GOTTLIEB: Oh, I didn't know that
20 was a doctor's letter. Just give me a moment
21 while I think individually we consider this
22 application.

23 MEMBER WILLIAMS: Can I ask you a question?

24 MS. ADLER: Yes.

25 MEMBER WILLIAMS: What is the distance,

1 because it's really hard to see this, and tell
2 John this is really upsetting.

3 MS. ADLER: I will tell him.

4 MEMBER WILLIAMS: The back of the house to
5 the pool, what's the distance?

6 CHAIRMAN GOTTLIEB: Do we have it there?

7 MR. GRAY: No, it's not, but you might be
8 able to calculate it.

9 MEMBER WILLIAMS: I want to know from the
10 back of the house, what happens when the house
11 ends. It's hard to see. It's hard to see what
12 this is. There's a deck.

13 MS. ADLER: Right.

14 MEMBER HILLER: There's a deck. The deck is
15 high.

16 MS. ADLER: There's an upper-level deck and
17 then there's pavers underneath.

18 MEMBER WILLIAMS: And how many feet is that
19 going out?

20 MS. ADLER: It's something like 13 feet,
21 something like that.

22 MEMBER WILLIAMS: That exists now already?

23 MS. ADLER: Pardon me?

24 MEMBER WILLIAMS: Does that exist now
25 already?

1 MS. ADLER: No, that's proposed.

2 MEMBER WILLIAMS: 13 feet proposed.

3 Then comes the next.

4 MS. ADLER: There's like a five-foot gap and
5 the swimming pool.

6 MEMBER HILLER: So 18 feet.

7 MEMBER WILLIAMS: So you have 18 feet, and
8 then the swimming pool; is that right?

9 MEMBER HILLER: You could remove all of your
10 problems by just shortening the pavers and moving
11 the pool back to 20 feet from the back, and you
12 have eliminated all of your problems.

13 MS. ADLER: I think the clients wanted a
14 little bit of backyard space.

15 MEMBER HILLER: I understand. But they also
16 -- and everybody is happy that they're able to
17 maximize their home and build it to its limits,
18 but now you're asking for something additional
19 which by as of right you don't have, and also the
20 tendency would be to deny this application because
21 it violates things in the building code. So you
22 eliminate that problem if the pool is moved 9 feet
23 closer to the house, you have the 20 feet, you
24 have no problem and you'll work around that.

25 MEMBER WILLIAMS: And you'll eliminate the

1 variance.

2 MEMBER HILLER: You'll have the coverage, the
3 surface coverage.

4 MEMBER WILLIAMS: You'll just have the
5 surface coverage, but you're coming with one
6 variance instead of three.

7 MS. ADLER: I don't know if there really is
8 enough room though to the upper-level deck which
9 is constructed already.

10 MEMBER WILLIAMS: Okay. That's what I was
11 trying to explain to you before. You really put
12 me between a rock and a hard place. You put it
13 up, and now I can't come up with any options. It
14 says can the benefit sought by the applicant be
15 achieved by some other method. Yes, it could have
16 been achieved by some other method.

17 MEMBER HILLER: We're trying to help you.

18 MS. ADLER: No, I understand.

19 MEMBER HILLER: So I understand that the
20 upper deck is there. But by moving the pool, you
21 are down to only one violation of the code, which
22 would make it a lot easier.

23 CHAIRMAN GOTTLIEB: Or, the pool is 14 feet
24 wide?

25 MS. ADLER: Yes.

1 CHAIRMAN GOTTLIEB: Is this to be a lap pool?
2 Because maybe, and I'm not here to negotiate the
3 size of your pool, but I'm here to try to get the
4 variances minimized in the least possible way,
5 maybe instead of 14 feet you could have a 9-foot
6 pool.

7 MS. ADLER: Okay.

8 CHAIRMAN GOTTLIEB: That would take off 105
9 square feet from your surface, and it would bring
10 you in, so you're that much closer. These are
11 options of which I'm sure you must have looked at
12 or discussed with your clients.

13 MS. ADLER: Okay.

14 CHAIRMAN GOTTLIEB: Because our calendar is
15 light tonight, we'll give you time to discuss it.

16 MEMBER WILLIAMS: Do you want to talk to each
17 other?

18 MS. ADLER: Okay.

19 MR. GRAY: We're going to go off the record
20 at this point.

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

23 CHAIRMAN GOTTLIEB: Mrs. Adler, while you're
24 talking with your clients, we realized that we're
25 in November and you're probably not going to be

1 even starting this until the spring.

2 As a group, as a Board, we're very unhappy
3 with these plans. We don't like the fact that we
4 really can't see this, even with my glasses. I
5 can't follow the plans. The pictures are not
6 up-to-date. The application is really not
7 acceptable.

8 So we're going to suggest that we adjourn
9 this until a further date when proper plans can be
10 submitted with proper pictures and a revised
11 application. This will give you plenty of time to
12 speak with your clients and perhaps come back with
13 something that's more suitable.

14 MEMBER WILLIAMS: And please put in the new
15 plans exactly where you plan to put the apparatus
16 that Mrs. Fishman was speaking about.

17 MS. ADLER: Okay.

18 MR. CHAVETZ: Can I just interject a second?

19 The pool, they were planning on putting the
20 pool in before the winter and they were
21 anticipating the October meeting and the end of
22 September, and they couldn't get on because no one
23 was here to review it. I'm just relaying what the
24 pool people wanted to do. They wanted to put it
25 in before the winter. They said they have a

1 two-week window until about December 15th to do
2 it.

3 MEMBER WILLIAMS: Any which way, you would
4 have to amend the plans because they're not
5 acceptable the way they are. I don't know how you
6 would do that.

7 MR. CHAVETZ: That's beyond me, obviously.

8 MEMBER WILLIAMS: Yeah, because we would have
9 to make the changes that we talked about anyway,
10 some of them.

11 MR. CHAVETZ: You mean the apparatus moving?

12 MEMBER WILLIAMS: A, the apparatus; B, the
13 positioning of the pool. We have to discuss it.

14 MR. CASTRO: And the other thing is that even
15 if it was to be approved, the variances, you then
16 have to submit structurals for the pool. They
17 have to be reviewed before a permit is issued. So
18 that also takes time.

19 MR. GRAY: Okay. So is there a motion to
20 adjourn for a further --

21 CHAIRMAN GOTTLIEB: Are you okay with that?

22 MEMBER WILLIAMS: Unless you want us to vote
23 on it.

24 MS. ADLER: No. Motion to adjourn.

25 CHAIRMAN GOTTLIEB: So a motion to adjourn,

1 construction plan or the pool plan?

2 MEMBER HILLER: Both.

3 MR. CHAVETZ: If it wasn't possible and the
4 construction plans were submitted to the
5 Village --

6 MEMBER WILLIAMS: The construction plans are
7 fine. There's nothing wrong with what you did.
8 Except, technically, having done it, we should say
9 no to the pool.

10 MR. CHAVETZ: I understand the scenario,
11 you're right.

12 MEMBER WILLIAMS: We could have, had you made
13 it -- the variance would not have been as
14 complicated because you wouldn't have it.

15 MR. CHAVETZ: Okay. I understand what you're
16 saying.

17 MEMBER WILLIAMS: If that deck wasn't there,
18 you would say, okay, I'll move back the pool, no
19 problem. Now it's there and you've got a major
20 variance that you're asking for, as opposed to
21 what might have been not such a major variance.

22 MR. CHAVETZ: The fact that there aren't any
23 neighbors behind there, I'm not sure why --

24 MEMBER WILLIAMS: That's a very fair question
25 and I'll explain to you what happens. You're

1 going to get it, and there's no neighbors behind
2 you. And the guy next to you is going to get it,
3 and there's no neighbors behind him. And then the
4 guy next to him says my two neighbors have pools,
5 but there is somebody behind him. And then
6 there's a snowball effect and everybody has pools
7 and everybody has neighbors who have issues.

8 So according to the law, you really shouldn't
9 be able to have one. We're making an exception.
10 We have to think through it very carefully of what
11 the effect is.

12 MR. CHAVETZ: Okay, granted.

13 MEMBER WILLIAMS: We want to help you work
14 this out.

15 MR. GRAY: So is there a motion to adjourn
16 this matter?

17 CHAIRMAN GOTTLIEB: There was a motion to
18 adjourn and it had passed.

19 MR. GRAY: Oh, it did?

20 MEMBER WILLIAMS: Yes.

21 MEMBER HILLER: Yes.

22 CHAIRMAN GOTTLIEB: And we'll get you on the
23 calendar as soon as the application is submitted
24 to the Building Department.

25 MEMBER WILLIAMS: And give our message to

1 John.

2 MR. GRAY: Motion to adjourn the meeting?

3 CHAIRMAN GOTTLIEB: Motion to adjourn, yes,
4 8:00.

5 MEMBER HILLER: Yes.

6 MR. GRAY: A new record.

7 (Whereupon, the hearing concluded at
8 8:00 p.m.)

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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