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PUBLIC HEARING

BOARD OF ZONING APPEALS

VILLAGE OF LAKE SUCCESS

Monday, January 9, 2012

8:00 P.M.

Village Hall Ballroom

Lake Success, New York

Thomas Basile,

Court Reporter

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AGENDA

Case No.	Applicant
1999-01	Jain Center of America, North Service Road
2011-13	We're Associates Co., 1, 3, 5 Dakota Drive
2011-14	Mr. and Mrs. Jason Wachtel, 2 Bridle Path Road

ZONING BOARD MEMBERS:

- CAROL BERNSTEIN, Acting Chairperson
- DAVID GRABER
- LAWRENCE MERSON
- ALAN STERNLIEB

ALSO PRESENT:

- PETER R. MINEO, ESQ., Attorney to the Board
- ROBERT BONNIE, Superintendent of Buildings

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3 CHAIRPERSON BERNSTEIN: Good evening. I'm  
4 calling to order the public hearing of the Board  
5 of Appeals for this evening.

6 There are two matters on our agenda and we  
7 are calling first the application or the request  
8 by the Jain Center of America who have made  
9 application on our case number 1999-01 for  
10 construction of a temple and meeting hall with  
11 insufficient parking and parking within the  
12 required front and rear yards, not permitted,  
13 pursuant to Sections, forgive me, 105-211A, 211B  
14 and 210D, Article XXI, Chapter 105 of the Code of  
15 the Village of Lake Success, and this is for  
16 consideration of the Final Environmental Impact  
17 Statement, for a determination of the status of  
18 the application.

19 Who would like to be heard on this?

20 MR. LIMMER: Good evening, Deputy  
21 Chairperson, members of the Board, Mr. Bonnie,  
22 Mr. Mineo. My name is Stephen Limmer, 1010  
23 Northern Boulevard, Great Neck, New York,  
24 Ackerman, Levine, Cullen, Brickman and Limmer.

25 We have received the letters from VHB dated

1  
2 December 20 and Arbus (phonetic spelling)  
3 Engineering dated January 3 and January 5, and  
4 after speaking with the professionals  
5 representing the Jain Center, they believe that  
6 they can have the information in response to all  
7 those questions by February 15. They gave me an  
8 earlier date but I would rather say February 15.

9 So if that's all right with the Board, then  
10 we would commit to responding to all of the  
11 comments in those three letters by February 15,  
12 2012.

13 CHAIRPERSON BERNSTEIN: Mr. Mineo.

14 MR. MINEO: The Board may not have a  
15 meeting, I don't believe, in February. So if  
16 that's the case, you may actually have a little  
17 bit longer than February 15.

18 MR. LIMMER: We would like to get in by  
19 February 15 in case -- we thought we had it  
20 complete last time. And that then gives us the  
21 ability, if we get it to the Village's  
22 professionals, to find that if, hopefully not,  
23 but if there is something still missing we'll  
24 have time to close that gap and get that in as  
25 well because we really would like to get this

1  
2 finished, as I know the Village would as well.  
3 It's been going on a little bit of a period of  
4 time.

5 MR. MINEO: What the Village typically does  
6 in situations like this, it has no objection to  
7 its consultants and we had this evening Kim  
8 Gennaro from are VHB, the environmental and  
9 planning consultant for the Village, and Wayne  
10 Muller, from RMS transportation and site  
11 engineering firm, representing the Village in  
12 this matter. The Village has no objection to its  
13 consultants speaking directly to the consultants  
14 for the applicant if you have any clarification  
15 or comments on the request for information that  
16 they have made, rather than drafting it and  
17 submitting it and having it returned. The  
18 consultants can certainly speak in advance of  
19 preparing their responses.

20 MR. LIMMER: We understand that. The  
21 Village has been very helpful with that. The  
22 Village has been a pleasure, it really has, and  
23 we understand that and, you know, our  
24 professionals know they can make those contacts.  
25 So we do really hope to have this finished by

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February 15.

CHAIRPERSON BERNSTEIN: In which case?

MR. MINEO: What would happen is this Board would make a motion to actually reject the FEIS and you will have an opportunity to respond and resubmit.

MR. LIMMER: Thank you very much and we appreciate your time.

MR. MINEO: That would be the motion.

CHAIRPERSON BERNSTEIN: Make it now.

MR. MINEO: I would do it now unless anybody wants to be heard.

CHAIRPERSON BERNSTEIN: Would anybody else like to be heard?

MR. MINEO: Mayor?

Nothing. Okay.

CHAIRPERSON BERNSTEIN: Okay. Then I hereby make the motion that the FEIS submitted by the Jain Society of America be rejected and that -- excuse me for one minute -- and that we reconvene at the next scheduled meeting where any changes you have to submit can be addressed.

MR. LIMMER: Thank you. If when that date is set, Mr. Mineo could let me know what that

1  
2 date is we will attend it.

3 CHAIRPERSON BERNSTEIN: Absolutely.

4 Any second for the motion?

5 MR. STERNLIEB: Seconded.

6 CHAIRPERSON BERNSTEIN: All in favor?

7 MR. STERNLIEB: Aye.

8 MR. MERSON: Aye.

9 MR. GRABER: Aye.

10 CHAIRPERSON BERNSTEIN: Aye.

11 Unanimously approved.

12 MR. LIMMER: Thank you very much. Good  
13 night.

14 CHAIRPERSON BERNSTEIN: Good night and thank  
15 you.

16 MR. MULLER: Good night.

17 CHAIRPERSON BERNSTEIN: The next application  
18 is case number 2011-14 which is a request  
19 submitted by the owners, Mr. and Mrs. Jason  
20 Wachtel, at 2 Bridle Path Road, Lake Success,  
21 also designated as Section 2, Block 282-02, Lot  
22 153, for the construction of a replacement  
23 garage, first and second floor additions with  
24 established insufficient front and rear yard  
25 setbacks, not permitted, pursuant to Section

1  
2 105-194 (2) (d) (1) (a) and (1) (c), Article XIX,  
3 Chapter 105 of the Code of the Village of Lake  
4 Success.

5 And who would like to be heard on this  
6 application?

7 MR. COOPER: Alan Cooper, architect, 1047  
8 Old Northern Boulevard, Roslyn, New York 11576.

9 I would like to hand out some exhibits.

10 CHAIRPERSON BERNSTEIN: Thank you.

11 MR. COOPER: We're here before you this  
12 evening for the application of Emily and Jason  
13 Wachtel, located at 2 Bridle Path Road, Section  
14 2, block 282-08, Lot 153. We are requesting a  
15 variance for Section 104-94, front yard setback  
16 and Section 105-94, rear yard setback.

17 The property is a preexisting corner parcel  
18 of 10,145 square feet and located in residential  
19 zone B (2) district. The house presently has a  
20 detached garage in the rear yard which has a 26  
21 foot front yard setback, whereas a 35 foot  
22 setback is required, and a 12.8 foot rear yard  
23 setback, whereas a 30 foot is required. The  
24 proposed addition will not encroach further into  
25 the front yard and only 2.8 feet more into the

1  
2 rear yard.

3 The present house does not function  
4 adequately to meet the family's needs. The home  
5 is small compared to other homes in the area, one  
6 of the few not expanded upon. Whereas a 3,550  
7 square foot home is permitted on the lot, the  
8 existing home is only 1,970 square feet, and we  
9 are proposing a total of 2,742 square feet, over  
10 800 square feet smaller than is permitted. Due  
11 to the limitations inherent with corner  
12 properties, especially this parcel, alterations  
13 are more difficult and restrictive. It is  
14 practically impossible to make any enlargements  
15 without seeking a variance.

16 The proposed work will not have adverse  
17 effects on any neighbors. The neighbor that  
18 would be most affected would be the neighbor  
19 directly to the west who has also given us -- I  
20 handed in three consent forms from the three most  
21 affected neighbors, the two across the street on  
22 Bridle Path and the neighbor directly on their  
23 side, on the west side. Both the proposed one  
24 story garage and the neighbor's one story garage  
25 adjacent to them allow for open -- for an open

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2 and airy feeling. The existing shrubbery on the  
3 northerly property line allows for ample  
4 screening and affords privacy for the Wachtels  
5 and their northerly neighbor.

6 If the variances are granted, it will  
7 benefit the applicants without adversely  
8 affecting the health, safety and welfare of the  
9 community. As indicated in the plans, we are  
10 requesting permission to make these improvements  
11 while maintaining the character and integrity of  
12 the home, as well as keeping within the style,  
13 feeling and size of the homes in the surrounding  
14 neighborhood.

15 Your consideration would be greatly  
16 appreciated.

17 CHAIRPERSON BERNSTEIN: Thank you.

18 MR. COOPER: I would like to further explain  
19 it, how we came up with this particular scenario  
20 of design and why we feel there are not really  
21 any other, you know, alternate options for  
22 expanding this home.

23 CHAIRPERSON BERNSTEIN: If you would like  
24 to, please address those issues.

25 MR. COOPER: Presently, if you look at the

1  
2 handout I gave you, their site plan was a little  
3 difficult to read so I tried to clarify it for  
4 you by introducing those exhibits.

5 Exhibit number one shows the existing home  
6 and where the detached garage presently sits.  
7 And I also show you the setback requirements and  
8 where we'd be allowed to add onto the house, and  
9 pretty much only in this triangle in the back  
10 here is the permitted area and in the front here  
11 where we're actually putting in a portico. The  
12 shaded area shows an overlay of where we propose  
13 to do our additions. On the front side of the  
14 home, we kept the addition to one story so it  
15 won't have an adverse effect on the community.  
16 And we put the -- we needed -- the program called  
17 for additional bedrooms, so we put that  
18 additional bedroom on the back which really  
19 won't affect anybody. It's not going to be  
20 really seen from the street and probably barely  
21 from any neighbor's yard.

22 The neighbor next door, as mentioned, has a  
23 one story garage. We have a one story garage so  
24 it's not creating some kind of canyon effect  
25 void of any light or air. So it will feel pretty

1  
2 open. I don't think it will have much of an  
3 impact on the streetscape.

4 Also, I want to mention most of the time  
5 front yard setbacks are eight to ten feet away  
6 from the curb line. This particular lot,  
7 inherent in Lake Success, being that it's not a  
8 grid, a lot of the -- our front yard setback is  
9 14 to 16 feet in from our curb line. So we  
10 actually have more front yard, we feel, than many  
11 other homes in this community as well as most  
12 other communities.

13 If you have any other questions, I would be  
14 happy to answer them.

15 CHAIRPERSON BERNSTEIN: Does anybody have  
16 any questions?

17 MR. BONNIE: Madam Chairperson, do you want  
18 to read into the record the consents?

19 CHAIRPERSON BERNSTEIN: Yes.

20 The applicant has presented letters of  
21 consent from Yaniv Shachi, Alan and Marilyn  
22 Sturim -- I'm sorry. The Shachi house is at 4  
23 Bridle Path Lane, Alan and Marilyn Sturim, who  
24 are at 3 Bridle Path Lane, and Susie and Jeffrey  
25 Maisel (phonetic spelling) at 18 Old Field Lane.

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2 And they have all expressed their endorsement of  
3 the planned improvements.

4 MR. BONNIE: Madam Chairperson, it should  
5 also be noted that Mr. Sturim is a long-time  
6 former Chairperson of the Village of Lake Success  
7 Planning Board.

8 CHAIRPERSON BERNSTEIN: I so note, and he  
9 was also a trustee of the Village of Lake  
10 Success. And I also note that Susan Maisel grew  
11 up in this village. I can't speak for the  
12 Shachis. And my husband was Mayor of Lake  
13 Success with Mr. Kreitzman. So hello and  
14 welcome.

15 MR. KREITZMAN: Thank you. An excellent  
16 mayor, I might add.

17 CHAIRPERSON BERNSTEIN: Thank you. He feels  
18 the same way about you.

19 MR. GRABER: Is that big tree coming down?

20 MR. COOPER: Right now we are, I mentioned,  
21 12.8 feet from the side yard. I'm proposing ten  
22 feet. We're trying to get a little wider garage  
23 because we could barely fit a car into the  
24 existing garage. It's only like ten foot wide.  
25 You can't open the doors. That tree will come

1  
2 down. Even if I wasn't building to the side I  
3 would probably take it down anyway because it's  
4 probably breaking the foundation and it's on top  
5 of the house. That tree will come down.

6 CHAIRPERSON BERNSTEIN: Wasn't the house to  
7 the left newly renovated? I assume they have a  
8 relationship to the applicant, no?

9 MR. KREITZMAN: No, it's just their  
10 neighbor.

11 MRS. WACHTEL: They're new to the area,  
12 actually.

13 CHAIRPERSON BERNSTEIN: I have no questions  
14 myself.

15 MR. MINEO: I have nothing.

16 CHAIRPERSON BERNSTEIN: I would like to make  
17 a motion.

18 MR. STERNLIEB: Can I ask a question?

19 Does the consent cover the houses that are  
20 behind here?

21 CHAIRPERSON BERNSTEIN: Everyone was  
22 notified, isn't that true?

23 MR. BONNIE: All notified and the houses  
24 behind are not affected in any way.

25 MR. COOPER: Addition is over here. We got

1  
2 consent from this person, this person and this  
3 person.

4 MR. STERNLIEB: How about over here?

5 CHAIRPERSON BERNSTEIN: They didn't respond.  
6 The opportunity was available. They back onto  
7 this.

8 MR. BONNIE: They were notified and actually  
9 signed for it.

10 MR. STERNLIEB: This one is consented but  
11 these two we have not heard from.

12 CHAIRPERSON BERNSTEIN: They were advised of  
13 the meeting and what was being done and they  
14 chose not to come and comment. There is an  
15 obligation that all of these neighbors who abut  
16 be notified.

17 MR. BONNIE: Within a hundred feet. But  
18 again, really, the only person that's affected is  
19 Shachi to the west which has sent in a consent.

20 CHAIRPERSON BERNSTEIN: There's been a whole  
21 new siding and fix-up of this house.

22 MR. COOPER: One of my photos showed it on  
23 the next page.

24 CHAIRPERSON BERNSTEIN: But you care about  
25 the Village.

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MR. COOPER: I care a lot about the Village.  
I do care.

This is them and this would be us. We're  
only coming like two feet closer. We have the  
same form. There's a lot of --

CHAIRPERSON BERNSTEIN: Besides, when you  
come upon the applicants' house, you see it at an  
angle anyway so it doesn't really feel like it's  
on top of the next.

MR. COOPER: The garage is --

MR. BONNIE: One of three detached garages  
in the Village.

CHAIRPERSON BERNSTEIN: Does anyone have any  
further questions?

Does the applicant wish to speak on his or  
her own behalf?

MR. WACHTEL: Jason Wachtel. We moved here  
almost a year ago. We have a four week old boy  
who is not sleeping and a daughter. We moved  
here. My wife is from Great Neck and we think  
this is the greatest place in the world to live  
and we want to stay here for a long period of  
time and hopefully, the renovations will allow us  
to and not have to look for another home because

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we think it's the greatest place to live.

CHAIRPERSON BERNSTEIN: Congratulations on the baby and, secondarily, the house.

MR. WACHTEL: Anyone wants to babysit, you're welcome to.

CHAIRPERSON BERNSTEIN: Where is grandma tonight?

MRS. WACHTEL: She's babysitting.

CHAIRPERSON BERNSTEIN: If there are no further questions, I would like to move that the application of Mr. and Mrs. Jason Wachtel at 2 Bridle Path Road, Lake Success, case number 2011-14, for a variance to permit construction of a replacement garage and first and second floor additions with established insufficient front and rear yard setbacks, be granted.

Any second?

MR. GRABER: I'll second.

CHAIRPERSON BERNSTEIN: All in favor?

MR. STERNLIEB: Aye.

MR. MERSON: Aye.

MR. GRABER: Aye.

CHAIRPERSON BERNSTEIN: Aye.

Unanimously passed.

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MRS. WACHTEL: Thank you very much.

MR. WACHTEL: Thank you very much.

MR. COOPER: Is it possible to get onto the Architectural Review Board?

CHAIRPERSON BERNSTEIN: There is no such thing.

MR. COOPER: Planning Board?

MR. BONNIE: You can try.

MR. KREITZMAN: You don't have monthly scheduled meetings?

MR. BONNIE: The deadline for the meeting was December something.

MR. KREITZMAN: We were told you don't have a meeting in February.

MR. BONNIE: We don't. That's why I tell Alan we will attempt to see, do what we can do.

MR. COOPER: It's this Thursday night.

CHAIRPERSON BERNSTEIN: It's nice having you as neighbors, and Ralph, congratulations on a new grandchild.

Thank you all.

I hereby move to close the meeting.

MR. STERNLIEB: Seconded.

CHAIRPERSON BERNSTEIN: All in favor?

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MR. GRABER: Aye.  
MR. MERSON: Aye.  
MR. STERNLIEB: Aye.  
CHAIRPERSON BERNSTEIN: Aye.

(Whereupon, at 8:40 p.m., the hearing was concluded.)

\* \* \*

C E R T I F I C A T I O N :

I, Thomas Basile, do hereby certify the foregoing is a true and correct transcript of the within proceeding.

  
\_\_\_\_\_  
Thomas Basile  
Court Reporter