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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

June 20, 2022
7:32 p.m.

APPLICATION: Sod
                    7 Manor Lane
                    Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. PHILIP KERSTEIN
Member

MR. DANIEL HILLER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

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2   CHAIRMAN KEILSON: Good evening, ladies

3   and gentlemen, and welcome to the Lawrence

4   Board of Zoning Appeals. Please turn off your

5   phones. And if you have to converse, please

6   step out into the lobby.

7   Okay, Mr. Vacchio, proof of posting?

8   MR. VACCHIO: Mr. Chairman, I offer

9   proof of posting and publication.

10   CHAIRMAN KEILSON: Thank you very much.

11   Okay. One of the matters on the calendar this

12 evening has requested an adjournment. That's

13 Sod at 7 Manor Lane. Okay. Any objection

14 from the Board?

15   MEMBER HILLER: No.

16   MEMBER KERSTEIN: No.

17   CHAIRMAN KEILSON: So let's carry it

18 over to whenever they choose to put it on the

19 calendar yet again.

20   (Whereupon the hearing concluded at 7:33

21   p.m.)

22 ***

23 Certified that the foregoing is a true and accurate

24 transcript of the original stenographic minutes in

25 this case.

————————————————
YAFFA KAPLAN
Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

June 20, 2022
7:33 p.m.

APPLICATION:

Lowinger
25 Weston Place
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. PHILIP KERSTEIN
Member

MR. DANIEL HILLER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

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2

3   CHAIRMAN KEILSON: First matter this

4   evening will be Lowinger, 25 Weston Place.

5   They or their representative, please step

6   forward.

7   MS. ELIAS: Good evening.

8   CHAIRMAN KEILSON: Good evening, Mrs.

9   Elias. Good to see you.

10   MS. ELIAS: Good to see you, Chairman.

11   CHAIRMAN KEILSON: Okay for the record.

12   MS. ELIAS: Representing the Lowingers

13   at 25 Weston Place.

14   CHAIRMAN KEILSON: You are on.

15   MS. ELIAS: Okay. So there are two

16   requests that we have made, and one of them is

17   the setback for the patio, that we would like

18   to have the patio the full width of the house.

19   The patio itself is 5 foot deep. It will make

20   it -- it will enable the patio to be user

21   friendly for waiting for the bus, for sitting

22   out. There exists now an overhang the same

23   depth but it's narrower but it's covered.

24   What we are proposing is a very simple

25   unadorned patio to use.

     And the second matter that we are

1 requesting is a dormer that exceeds the height

2 setback ratio, that encroaches on the height

3 setback ratio, and it will enable us to get

4 bedrooms on the third floor whereas making it

5 smaller will make it not useable. I have

6 photographs of other houses on the street that

7 have done similar -- similar I imagine

8 encroachments, and it doesn't appear to be in

9 any way detrimental to the way the block

10 looks. It's a dead end street. This house is

11 one house from the -- from the end of the

12 block.

13   I am happy to answer any questions.

14 These are the two requests that we have made,

15 and we hope that you will consider.

16   CHAIRMAN KEILSON: Okay. So just for

17 the record, let's just clarify. The owner of

18 the house is --

19   MS. ELIAS: Ben Lowinger.

20   CHAIRMAN KEILSON: Will he be occupying

21 the house?

22   MS. ELIAS: He will not.

23   CHAIRMAN KEILSON: Who will be occupying

24 the house?

1   MR. PRESTON: Aharon Lowinger, his son,

2   and his wife Nati and their family.

3   CHAIRMAN KEILSON: I assume everybody

4   has been in discussion. They understand we

5   prefer not to give variances to people who are

6   not occupying, but under the circumstances

7   where it's a son that's going to be occupying,

8   I think the Board will consider that

9   acceptable. Anybody from the Board?

10   MEMBER HILLER: Fine.

11   MEMBER KERSTEIN: Fine.

12   MEMBER GOTTLIEB: It's totally fine

13   because it's family. It's not an investment.

14   MEMBER KERSTEIN: No.

15   CHAIRMAN KEILSON: Right. Well stated.

16   MEMBER GOTTLIEB: How long has the

17   family owned this house?

18   MR. B. LOWINGER: About ten years.

19   CHAIRMAN KEILSON: You will have to

20   introduce yourself for the record.

21   MR. B. LOWINGER: Ben Lowinger, current

22   owner of 25 Weston. We own the property

23   around ten years.

24   MEMBER GOTTLIEB: I imagine no one has

25

1   lived in it for the past ten years?

2   MR. B. LOWINGER: No.

3   MEMBER GOTTLIEB: Looks it. So I have a

4   couple of questions about your -- in the

5   denial letter it references a 20-foot front

6   yard, and then in your code relief it mentions

7   24.11 rather, 24 feet 11 inches, and then when

8   I look at G 002 it references 19.10.

9   MS. ELIAS: I think that has -- I'm

10   sorry. I think -- I apologize. I think that

11   has to do with the way the CAD picks up the

12   dimensions, and it ought to have been

13   consistent.

14   MEMBER GOTTLIEB: Is 20 feet the right

15   number?

16   MS. ELIAS: Yes. Twenty feet is the

17   right number, and we are not touching the

18   shell of the house. The shell of the house

19   remains the same. We are replacing the

20   cladding materials, but we are not in any way

21   making the house larger. The footprint is as

22   it stands now.

23   MEMBER HILLER: There is also

24   discrepancies in several of the documents on

1   the sides of the house. Are you extending at

2   all the sides of the house?

3   MS. ELIAS: We are not extending the

4   sides of the house. There are existing bays

5   at the side and they will be redone, but we

6   are not extending the sides of the house at

7   all.

8   MS. ELIAS: We are not extending the

9   MEMBER GOTTLIEB: I think the reference

10   is also made to that same page, G 002, where

11   it mentions that existing and proposed are

12   slightly different. Half a foot in one, and a

13   foot in another.

14   MS. ELIAS: I think there were

15   discrepancies -- there were no documents in

16   the village on this house and we had a

17   surveyor survey the house and I think until we

18   -- there were some minor discrepancies in the

19   way the house was surveyed. So --

20   MEMBER GOTTLIEB: So it's clear to

21   understand that the house that -- you are

22   calling it the shell of the house will stay

23   the same. The same bays, the front, back, the

24   envelope will stay the same?

25   MS. ELIAS: The envelope stays the same.

1 The bays are being changed.

2 MEMBER GOTTLIEB: But they will still be

3 the same size or not?

4 MS. ELIAS: I think that there are minor

5 modifications to one of the bays. The

6 projections I think stay the same.

7 MEMBER KERSTEIN: What does that mean?

8 Excuse me. What do you mean by "projections"?

9 MS. ELIAS: In other words, how far out

10 it comes remains the same.

11 MEMBER KERSTEIN: So then what would

12 change?

13 MS. ELIAS: I'm sorry?

14 MEMBER KERSTEIN: What will change?

15 MS. ELIAS: The shape of it. The way it

16 looks, the height of it.

17 MEMBER KERSTEIN: It won't be any wider?

18 MS. ELIAS: I don't believe so. Larry?

19 Okay. No.

20 MEMBER HILLER: How far does the dormer

21 extend in width across the house?

22 MS. ELIAS: You mean from --

23 MEMBER HILLER: The dormer which is over

24 the porch line which it's not on the porch.

25

1   The dormer in front.

2   MR. VACCHIO: The front on the front

3   roof.

4   MEMBER HILLER: The dormer in the front

5   of the house.

6   MS. ELIAS: I think we are talking about

7   two different things.

8   MEMBER KERSTEIN: No. That was my

9   question.

10   MEMBER HILLER: He is done with his

11   questions. My question is how long is the

12   width?

13   MS. ELIAS: It's narrower than the

14   house.

15   MEMBER HILLER: Can you give me both

16   figures?

17   MR. VACCHIO: If you look on the front

18   page too, it doesn't go all the way.

19   MS. ELIAS: So these facade photographs,

20   it shows the roof dimension, and you can see

21   that the dormer is much narrower than the

22   roof.

23   MEMBER GOTTLIEB: The dormer has nothing

24   to do with the porch that you are proposing?

1

2   MS. ELIAS: No.

3   MEMBER GOTTLIEB: Totally separate?

4   MS. ELIAS: No. The porch is almost on

5   grade. I think it's -- how high from the

6   grade is it? It's 18 inches off grade and

7   it's at the front of the house, meant to be

8   able to sit there to wait for buses.

9   MEMBER GOTTLIEB: I know you are one of

10   the most accomplished architects who come here

11   so I need to ask you a question.

12   CHAIRMAN KEILSON: Beware.

13   MEMBER GOTTLIEB: I always start with a

14   compliment and then you don't know where it

15   goes. When you are in the front of the house,

16   and you know, these are all 6,000-foot lots so

17   they are rather small so they are very heavily

18   saturated with property. When you look at the

19   front of the house, the entire street line,

20   they are all at the same setback except for

21   this house has that little bump out in the

22   front.

23   CHAIRMAN KEILSON: Wait for the

24   question.

25   MS. ELIAS: Okay.

1

2

3   MEMBER GOTTLIEB: It's a two-part

4   question. Is that bump out staying, or is it

5   being removed?

6   MS. ELIAS: It's as if that would be

7   widened, and instead of having a cover over

8   it, a roof over it, it just has a canopy over

9   it.

10   MEMBER GOTTLIEB: So in terms of a

11   streetscape, it's not going to appear to be

12   closer out because you just have a canopy.

13   MS. ELIAS: I think it will be more open

14   than it looks now because right now it has

15   almost a little hut in the front.

16   MEMBER GOTTLIEB: I think they did that

17   to have a mudroom in the front.

18   MS. ELIAS: Right.   So that's going to

19   disappear, and it will just have an open

20   canopy with the wider patio.

21   MEMBER GOTTLIEB: So there will be no

22   side walls?   No front or side?

23   MS. ELIAS: No.   No.

24   MEMBER GOTTLIEB: Some open air with

25   some rain protection.   What will the top be

     made of, the roof of the canopy?

1   MS. ELIAS: The canopy itself is metal

2   and it's very thin so the sight line of it

3   will be --

4   MEMBER GOTTLIEB: That's what I am

5   concerned with, the sight line. So when you

6   look out the street, it's not going to stick

7   out?

8   MS. ELIAS: It's not. It's going to be

9   like an airplane visor. It's thin. We are

10   making it as thin as we can out of metal, so

11   it's not going to be cumbersome at all.

12   Although there are other -- I do have some

13   photographs of other houses on the block that

14   have full patios that are much heavier but --

15   MEMBER GOTTLIEB: We spent quite a bit

16   of time walking on the street to -- Mr.

17   Chairman knows we try to be as accommodating

18   for myself as we possibly can while not

19   changing the character.

20   MS. ELIAS: I know. Of course.

21   MEMBER GOTTLIEB: That's why I keep

22   asking you these questions because I want to

23   be comfortable, and of course, I think Mr.

24   Lowinger has some of the nicest houses in

1   Lawrence. I can't understand how you also own

2   this one.

3

4   MR. B. LOWINGER: It's been waiting for

5   an occupant.

6   CHAIRMAN KEILSON: I think a couple of

7   things. The zoning statistics chart is very

8   misleading, and that was what confused us

9   because it's not consistent with the letter of

10   denial. Every time that we have to start

11   thinking about something that's not

12   consistent, we begin to ask questions, and it

13   causes us to spend a lot more time than

14   necessary.

15   MS. ELIAS: Apologies for that.

16   CHAIRMAN KEILSON: Just on a

17   going-forward basis, I think it would be very

18   important to make sure everything lines up as

19   most of the documents in the past have. So we

20   don't have to expend time.

21   MS. ELIAS: I find it very -- I find

22   this particular zoning regulation very

23   confusing because there are two of them, one

24   for 9,000-square-foot property and one for

25   6,000-square-foot property, and they say

1 different things.

2   CHAIRMAN KEILSON: Mr. Vacchio, are you

3 taking notes?

4   MR. VACCHIO: I got it.

5   MEMBER GOTTLIEB: We just used the

6 stricter one. It makes it easy on us.

7   CHAIRMAN KEILSON: Absolutely. I think

8 it's also very important to note considering

9 the condition of the house, it is going to be

10 a tremendous add to the community, for the

11 block.

12   MS. ELIAS: No question about that, Mr.

13 Chairman.

14   CHAIRMAN KEILSON: In every which way so

15 part of our role is to make sure if we can

16 upgrade, by all means we want to do so and be

17 supportive of our constituents who are going

18 about it, so I think you have seen in the past

19 we tried to be as flexible as possible.

20   MS. ELIAS: I have. Thank you.

21   CHAIRMAN KEILSON: As long as we are not

22 in the New York Times unnecessarily. Okay.

23 Anyone want to speak to the matter from the

24 audience or any other questions from the

1   Board? Okay. So taking into consideration

2   the benefit to the applicant as opposed to any

3   detriment to the community, there are only two

4   variances that we need a decision on tonight.

5   Mr. Gottlieb?

6   MEMBER GOTTLIEB: For.

7   CHAIRMAN KEILSON: Mr. Hiller?

8   MEMBER HILLER: For.

9   CHAIRMAN KEILSON: Mr. Kerstein?

10   MEMBER KERSTEIN: For.

11   CHAIRMAN KEILSON: And I will vote for

12   as well. And two years? Two and a half

13   years?

14   MR. VACCHIO: Two years? Board of

15   Building Design?

16   CHAIRMAN KEILSON: Rather than having to

17   come back and ask for an extension.

18   MR. VACCHIO: Two and a half.

19   CHAIRMAN KEILSON: Two and a half.

20   MR. B. LOWINGER: Thank you very much.

21   I really appreciate it.

22   (Whereupon the hearing concluded at 7:45

23   p.m.)

24   ***

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2 Certified that the foregoing is a true and accurate

3 transcript of the original stenographic minutes in

4 this case.

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YAFFA KAPLAN

Court Reporter

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

APPLICATION: Karfunkel
235 Broadway
Lawrence, New York

Village Hall
196 Central Avenue
Lawrence, New York

June 20, 2022
7:46 p.m.

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. PHILIP KERSTEIN
Member

MR. DANIEL HILLER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

1   CHAIRMAN KEILSON: Next matter is

2   Karfunkel at 235 Broadway.

3   MR. MAYERFELD: Good evening. So we are

4   here to discuss an addition to the property.

5   We wanted to install and construct an enclosed

6   pool. It's a very -- as you know, the lot is

7   a bunch of front yards. It's not much of a

8   rear yard. I know there was a discussion a

9   couple of years ago about a variance required

10   for a rear yard, but again, I think just due

11   to the configuration of the lot. So the

12   Karfunkels want to build an enclosed pool --

13   CHAIRMAN KEILSON: Maybe before you

14   launch into it, since our time is very

15   valuable as is yours, we made a site visit

16   this evening because one of the members of the

17   Board brought to our attention that there

18   seems to be a structure on the property that's

19   not noted on any of the papers which might

20   have some impact.

21   MR. MAYERFELD: Sure. Yes.

22   CHAIRMAN KEILSON: So the village, in

23   concert with myself and with counsel, visited

24   the site under an hour ago, and to our shock

25

1 and dismay, we found that there is a structure

2 that's not noted that we believe has impact on

3 the zoning and therefore would have an impact

4 on tonight's discussion.

5   MR. MAYERFELD: I believe the Karfunkels

6 can talk to that.

7   CHAIRMAN KEILSON: Please.

8   MR. MAYERFELD: Our architect -- from

9 our side, when we came to this project, we

10 pulled the drawings that was on file, and we

11 were working with what was existed at the

12 time. But obviously --

13   CHAIRMAN KEILSON: Did you or your

14 partner make a site visit?

15   MR. ROTHSCHILD: Joe Rothschild. I

16 actually was there once. The time we were

17 there was actually being -- it was mostly

18 being constructed. It was like six posts and

19 an open trellis, so from our perspective it

20 would be included in the surface coverage

21 below it. Danny and I had conversations about

22 whether we consider trellis as surface rather

23 than building. My understanding is the

24 louvers flipped 90 degrees, so I don't know

1   how that's looked at. I know there are glass

2   doors that open and close.

3

4   CHAIRMAN KEILSON: Was there a drawing

5   that you looked at?

6   MR. ROTHSCHILD: We simply looked at a

7   floating trellis. I think it's six columns.

8   Two and two in the middle.

9   MR. VACCHIO: At the time.

10   MR. ROTHSCHILD: Yes. We only looked at

11   it once. We were taking a survey. We were

12   looking at it from a surface coverage, all

13   walkways, driveways, the one time we were on

14   site to just kind of get the vision and

15   understand the trees and so on, in

16   relationship to the neighbor. We were looking

17   at it, it's a trellis. I don't think -- the

18   glass doors weren't even there.

19   CHAIRMAN KEILSON: Mr. Rothschild, could

20   you please address us?

21   MR. ROTHSCHILD: I apologize. That's

22   really where we came in. We came in after the

23   fact or kind of in the middle. Haven't been

24   there since in terms -- we have actually been

25   around the property to show how tall the trees

1

2

3 but we haven't --

4

5   MEMBER HILLER: The way you are making

6 your presentation that you were careful to say

7 there it was just trellis at the time, just

8 the floor shows that you were aware --

9   MR. ROTHSCHILD: Well, I know that it

10 moved --

11   MEMBER HILLER: I am not finished.

12   -- shows that you were aware at some

13 point that it was covered and was a full

14 structure.

15   MR. ROTHSCHILD: So --

16   MEMBER HILLER: Yes or no?

17   MR. ROTHSCHILD: Well, not a full

18 structure. I know that it opens and closes to

19 a certain degree. That I know.

20   MEMBER HILLER: And it has a roof.

21   MR. ROTHSCHILD: The louvers are open to

22 the sky and they just -- they rotate. So they

23 can either close for more shade, close for --

24 that could become a roof. I agree with you,

25 of course, but it's no different than like a

retractable --

are just to kind of understand it's 13 feet

1

2   MR. VACCHIO: Can I say something?

3   CHAIRMAN KEILSON: Please.

4   MR. VACCHIO: So we have an open

5   trellis. If we have an open trellis, we count

6   it as surface coverage. Now, keep one thing

7   in mind. We count it as surface coverage. We

8   are not going to count it twice because it's

9   on a patio with surface coverage. However,

10   you still have to maintain a setback for an

11   accessory structure. In this case it's

12   attached to the house, so to me it seems like

13   it's encroaching into the rear yard. That's

14   one thing.

15   As far as a trellis now, you have closed

16   walls, now what do we do with the glass? We

17   can't call it a pergola, or we can't call it a

18   trellis because the walls are enclosed. So

19   like at one point what do you do? Take the

20   glass off? So in this case what I have seen,

21   this is considered building coverage and

22   encroachment.

23   MR. KARFUNKEL: If I may address the

24   committee. Thank you very much. So Barry

25   Karfunkel. In working with the prior general

1   contractors as well as architects, which Joe

2   and Stanley were not my prior architects, we

3   previously had an existing pergola where there

4   were beams across the top and me not being an

5   expert and working with my prior consultants,

6   I didn't believe that there was a difference

7   between what was preexisting to what there is

8   now. There was an existing pergola made of

9   rotting wood with beams going across and right

10   now the rotting wood was replaced with

11   aluminum and there were sliding doors that

12   could open so that it is most -- it is mostly

13   open and the roof has these different panels

14   that can sit up to be 90 degrees. It's not a

15   roof that you could -- you can't be there

16   during the wintertime. When it rains, it

17   rains in, so it's merely something that

18   provides shade. There was no disrespect meant

19   to the committee whatsoever, and should it

20   please the committee that we modify it by

21   removing the glass doors, that's something

22   that's easily achievable but didn't believe

23   that it was materially different than what was

24   there preexisting other than it being made of

1   nicer material.

2   CHAIRMAN KEILSON: Okay.   I think

3   considering your reputation and I understand

4   the circumstances, but the result is the same

5   that we have a structure there that affects

6   building coverage and has encroachments in

7   terms of the property of the neighbor.

8   Therefore, tonight's notice is really faulty

9   because it doesn't reflect what the realities

10   are right now on the property.   So I don't

11   think we are in a position to proceed on

12   tonight's application.

13   MR. VACCHIO: May I say something?

14   CHAIRMAN KEILSON: Please.

15   MR. VACCHIO: You mentioned there was an

16   existing pergola in that area.   I just didn't

17   see it on the plans that we had that was

18   granted back in 2020, so if it was there, we

19   didn't see it.   We didn't see it on the

20   drawings because this would be a preexisting

21   structure, but I don't see anything on the

22   drawings showing there was an existing

23   pergola.

24   MR. KARFUNKEL: I can't say that I have

1 any photos of it with me but --

2   MR. VACCHIO: I am just letting you know

3 if it was there because the whole house wasn't

4 built new. There were some parts that were

5 added. Whatever is preexisting is

6 preexisting, but in this case there is no

7 indication of any preexisting pergola.

8   MR. KARFUNKEL: I am not sure if it

9 would help for me to get testimony of previous

10 owners.

11   CHAIRMAN KEILSON: I don't think that

12 would be necessary.

13   MEMBER HILLER: Mr. Karfunkel, I too

14 accept you at your word, and I believe what

15 you are saying is true. There is also another

16 additional problem that as part of your

17 previous variance that you received, we were

18 told that the old garage would be removed.

19 The old garage is still there. And that is

20 also -- even though it may be to be re -- it

21 may be scheduled to be removed at any time or

22 soon or tomorrow, it's also existing coverage

23 that's not supposed to be there. So please,

24 while you are cleaning up the former pergola

25

1   area, the garage has to be removed as well.

2   Then we can address coverage because we will

3   have a real figure to work with.

4   MR. KARFUNKEL: Understood.   With

5   respect to the garage, if you did a site

6   visit, you saw that it was really being used

7   as storage area with stuff there.

8   MEMBER HILLER: That doesn't matter.

9   MR. KARFUNKEL: Understood.   It totally

10   doesn't matter, but the current basement is

11   currently under construction so we just kept

12   it on, not to pull a fast one over anyone but

13   just so the items that were going to be stored

14   in the basement which is currently under

15   construction.   That was going to be the last

16   item to go, but I appreciate your remark.

17   MEMBER HILLER: Again, I accept exactly

18   what you are saying and I understand it.   But

19   we have to deal with realities on the ground.

20   Realities on the ground now are the garage

21   still exists, the former pergola structure is

22   still there, and it's hard for us to get a

23   proper figure on the coverage.

24   MR. KARFUNKEL: So my understanding is

1   that before we come back, you would like to

2   see the garage gone. And what would the Board

3   recommend that we do with respect to the

4   pergola?

5   CHAIRMAN KEILSON: I think you should

6   work in concert with the village and see how

7   you can accommodate whatever you would like

8   within the bounds of that will help you

9   achieve whatever your goal is. So --

10   MR. KARFUNKEL: Understood.

11   CHAIRMAN KEILSON: So if there is some

12   way.

13   MR. VACCHIO: Possibly old records.

14   CHAIRMAN KEILSON: That's not our role

15   tonight.

16   MEMBER GOTTLIEB: I would like to ask a

17   question, and I guess the question is going to

18   go to Danny. You are the winner of this

19   question.

20   MR. VACCHIO: Thank you.

21   MEMBER GOTTLIEB: The louvered ceiling,

22   does that fall under pergola so that can they

23   keep the louvered ceiling and it's not

24   considered a structure?

25

1   MR. VACCHIO: That's a good question,

2   but I know in the past -- I am being

3   consistent. When there is a roof covered

4   structure like that, it's not open all the

5   time. When it closes, we do consider it

6   building coverage so I would answer your

7   question to say yes, it's building coverage.

8   You know, a pergola is open, you know,

9   every --

10   MEMBER GOTTLIEB: I have a pergola. It

11   rains right through. So does yours.

12   MEMBER HILLER: And the fact that it has

13   walls --

14   MEMBER GOTTLIEB: I was trying to

15   somehow accommodate not removing that room

16   completely but somehow letting the porch, if

17   you will, stay.

18   CHAIRMAN KEILSON: I would suggest that

19   that's not tonight's review. I think there

20   are ways of trying to accommodate it. It may

21   be you still need a variance for building

22   coverage and you have the encroachment issue.

23   Again, you didn't have to -- you do have a

24   building coverage issue tonight.

1

2   MR. VACCHIO: No encroachment issue.

3   CHAIRMAN KEILSON: But no encroachment

4 issue. So again --

5   MR. VACCHIO: No encroachment issue.

6   MEMBER GOTTLIEB: But Mr. Chairman, if

7 it's okay with you, before we get that done,

8 let's say this is all resolved, we are still

9 looking at a building coverage of --

10   CHAIRMAN KEILSON: -- excess of 25

11 percent.

12   MEMBER GOTTLIEB: I don't want to

13 mislead Mr. Karfunkel into thinking you remove

14 the garage and then you remove the pergola,

15 you are going to get 25 percent approved. I

16 think that's separate and apart from -- just

17 don't assume.

18   CHAIRMAN KEILSON: Well, once he

19 resolves those two matters, then he can

20 reappear here, and the discussion would ensue

21 about whether 25 percent is egregious because

22 of what constitutes the 25 percent, and we are

23 prepared to discuss the overhang which is

24 about 1,400 square feet, so that may impact

25 dramatically in terms of overage.

        MR. ROTHSCHILD: If I may add just one

1   more thing. Just let the record state the

2   most recent submission does show the garage to

3   be removed. It's going to be removed. It's

4   not like --

5   MR. MAYERFELD: No one thinks -- it was

6   never Mr. Karfunkel's intention to keep the

7   garage.

8   MEMBER HILLER: No one is intimating

9   that.

10   MR. MAYERFELD: We just want to clarify

11   that.

12   MEMBER HILLER: I think we were very

13   specific in believing Mr. Karfunkel 100

14   percent. You guys not so much, but Mr.

15   Karfunkel we believe 100 percent.

16   MR. MAYERFELD: We do have -- I don't

17   know if it's helpful for the Board, I believe

18   it's a more a Building Department matter, but

19   we can pull the -- you can see the

20   preexisting, the older pergola.

21   MEMBER HILLER: We believe that.

22   MR. VACCHIO: That would help.

23   MEMBER KERSTEIN: It's good to see.

24   CHAIRMAN KEILSON: Let me also add. You

1

2 gentlemen are professionals. It's incumbent

3 upon you to check out what you are presenting

4 in terms of does it compare to the drawings.

5 You can't just come in after the fact and say

6 I had nothing to do with that. The fact is

7 that it existed. So it requires you as a

8 professional, I would think, to examine does

9 the reality -- is it reflected in the drawings

10 that are part of the record. That's all. I

11 mean, we were sitting at the pre-meeting and

12 they returned and advised us there is a

13 structure and we were in disbelief. That's

14 why I asked them to come with me because I

15 couldn't believe it existed.

16   MR. ROTHSCHILD: I agree with what the

17 chairperson is saying. It's more about the

18 survey that was given to us showing a patio

19 and therefore immediately it's surface

20 coverage. We look at it as a trellis. I

21 mean, if there was ivy growing up, it may feel

22 a little bit more like a trellis versus a

23 closed room.

24   MEMBER GOTTLIEB: At this point I still

25 don't know if that structure is building or

1 surface.

2 MR. ROTHSCHILD: We agree.

3 MRS. KARFUNKEL: Can I say something,

4 please?

5 CHAIRMAN KEILSON: Please. For the

6 record.

7 MRS. KARFUNKEL: Esther Karfunkel. The

8 company recommends that we keep everything

9 opened most of the time because if there is

10 too much rain or too much snow on the cover,

11 it will destroy it. So the recommendation is

12 to keep it open 90 percent of the time.

13 MEMBER KERSTEIN: But that means it can

14 close, so there would be snow on top of it and

15 would hold the snow which would become the

16 issue.

17 MRS. KARFUNKEL: No, it doesn't.

18 MEMBER KERSTEIN: They recommend you

19 keep it closed.

20 MRS. KARFUNKEL: Recommend very highly.

21 MEMBER KERSTEIN: It's not a debate that

22 we should have. I think it's something you

23 should discuss with the Building Department.

24 MRS. KARFUNKEL: Okay. I am just saying

25

1   what they recommend.

2   CHAIRMAN KEILSON: We have, for example,

3   people who are putting up or attempting to put

4   up covers on their pool because the company

5   said it's not an issue. Well, it is an issue

6   and they only found out after they had already

7   had paid 60,000 dollars for a cover that they

8   had a stop work order on.

9   MR. ROTHSCHILD: The telescope one you

10   mean? But those are for purpose of the room,

11   indoor swimming.

12   CHAIRMAN KEILSON: I am speaking about

13   advice from companies whose self interest is

14   to build structures, and then other

15   municipalities, maybe they would be looked at

16   in a different manner.   We are not trying to

17   make it difficult.

18   MR. ROTHSCHILD: A hundred percent.

19   Danny, if I may just ask you, a retractable --

20   I am just saying it now because I never came

21   across this. One of the old school

22   retractable awnings that are up against the

23   wall 90 percent of the time and then when it

24   rains --

1   MR. VACCHIO: With no walls, I mean, it

2 comes in, it comes out but you got to

3 understand something. The structure is still

4 there. It doesn't come back in. It just

5 louvers, so what we have here -- I mean, I

6 haven't seen something like that in this town.

7 It doesn't pull back the whole way, correct?

8   MR. ROTHSCHILD: Right. It just flips

9 90 degrees.

10   MR. VACCHIO: To me it's a permanent

11 structure and it's building coverage.

12   MEMBER HILLER: And encroachment.

13   MR. ROTHSCHILD: If it's building

14 structure, then it's encroachment.

15   MR. VACCHIO: And also it's enclosed as

16 well. It's definitely not a pergola if it was

17 an existent pergola. Doesn't look like a

18 pergola.

19   MR. ROTHSCHILD: When I looked at it in

20 my mind --

21   CHAIRMAN KEILSON: This is a discussion

22 between you two during the week.

23   MEMBER KERSTEIN: That's why I backed

24 up.

1

2   MR. KARFUNKEL: I appreciate the Board's

3   time. Thank you very much.

4   MEMBER HILLER: Thank you very much.

5   CHAIRMAN KEILSON: We will adjourn.

6   (Whereupon the hearing concluded at 8:03

7   p.m.)

8   ***

9   Certified that the foregoing is a true and accurate

10   transcript of the original stenographic minutes in

11   this case.

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14   Court Reporter

15   YAFFA KAPLAN

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