

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 July 27, 2016
7 7:33 p.m.

8 APPLICATIONS FOR ADJOURNMENT:

9 Zimmer
10 190 Lakeside Drive South
11 Lawrence, New York12 Haas
13 27 Merrall Drive
14 Lawrence, New York

15 P R E S E N T:

16 MR. LLOYD KEILSON
17 Chairman18 MR. EDWARD GOTTLIEB
19 Member20 MR. DANIEL HILLER
21 Member22 MR. AARON FELDER
23 Member24 MR. KENNETH A. GRAY, ESQ.
25 Village AttorneyMR. GERALDO CASTRO
Building DepartmentMary Benci, RPR
Court Reporter

Proceedings - 7/27/16

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals. Please, no cross-conversations,
4 and turn off your phones. If you need to
5 converse, please step out into the hallway.

6 First, was notice posted?

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

9 CHAIRMAN KEILSON: Very good, thank you very
10 much.

11 First, I want to welcome a new member to the
12 Board of Zoning Appeals, Mr. Aaron Felder. This
13 is his initial visit with us, and we look forward
14 to many years of constructive and successful
15 participation.

16 MEMBER FELDER: Thank you very much.

17 CHAIRMAN KEILSON: Okay. A dynastic family
18 involved in Village work for generations.

19 MEMBER FELDER: Carry the torch.

20 CHAIRMAN KEILSON: Mr. Ken Gray.

21 MR. GRAY: Good afternoon. My name is
22 Kenneth Gray. I'm with the law firm of Bee,
23 Ready, Fishbein, Hatter & Donovan. We provide
24 legal counsel to the Village as Village Attorney,
25 and I specifically to the Zoning Board.

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1 You should know that this Board has read all
2 your applications. They are very familiar with
3 the applications and the properties themselves.
4 Most likely all the members have individually been
5 to the properties. So they are what's known as a
6 hot Board. They will know exactly what issues
7 that they would like to see you address, and
8 although it's your application and it is your
9 presentation, at some times they will cut right to
10 the chase and they will ask you very pointed
11 questions about your application and the merits of
12 it. So just be prepared for that.

13 CHAIRMAN KEILSON: Thank you, Mr. Gray.

14 We have two requests for extensions of
15 variances that have been approved years ago, two
16 years ago. One is from Eric and Rachel Zimmer,
17 190 Lakeside Drive south, requesting a six-month
18 extension, claiming the contractor had not
19 finished the work.

20 The work has proceeded though, right?

21 MR. CASTRO: Correct.

22 CHAIRMAN KEILSON: So what does the Board
23 feel? Mr. Gottlieb.

24 MEMBER GOTTLIEB: For.

25 CHAIRMAN KEILSON: Mr. Hiller.

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1 MEMBER HILLER: For.

2 CHAIRMAN KEILSON: Mr. Felder.

3 MEMBER FELDER: For.

4 CHAIRMAN KEILSON: So a six-month extension
5 on Zimmer.

6 The second request is from Haas, 27 Merrall
7 Drive. They've run into issues because of the
8 water table. They have also begun their work and
9 I know they had certain delays due to the winter.
10 So they have requested a nine-month. I think we
11 should offer them a 12-month so we won't have to
12 see them again.

13 Mr. Gottlieb.

14 MEMBER GOTTLIEB: I was going to suggest six,
15 but if you think, Chairman, that twelve months is
16 the way to go, I'll be fine with that.

17 CHAIRMAN KEILSON: Right. Mr. Hiller.

18 MEMBER HILLER: Fine.

19 CHAIRMAN KEILSON: Mr. Felder.

20 MEMBER FELDER: For.

21 CHAIRMAN KEILSON: And I'm for it as well.

22 (Whereupon, the hearing concluded at

23 7:37 p.m.)

24 *****

25 Certified that the foregoing is a true and

Proceedings - 7/27/16

1 accurate transcript of the original stenographic
2 minutes in this case.

3
4 Mary Benci

5 MARY BENCI, RPR
6 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 July 27, 2016
7 7:37 p.m.

8 APPLICATION: Manela
9 18 Lawrence Avenue
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. DANIEL HILLER
17 Member

18 MR. AARON FELDER
19 Member

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

22 MR. GERALDO CASTRO
23 Building Department

24 Mary Benci, RPR
25 Court Reporter

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1 CHAIRMAN KEILSON: The first matter this
2 evening is Manela of 18 Lawrence Avenue. Will
3 they or their representative please step forward.

4 MR. YOON: Good evening. I'm here
5 representing the Manela residence. My name is
6 Young Yoon, with PAU Architects.

7 So we were here previously for a variance for
8 the pool, and the pool was constructed, and then
9 when the final survey was completed it turned out
10 that the contractor did not put the pool in the
11 correct location. So we're now requesting a
12 rear-yard setback of 19.15 feet and a side-yard
13 setback of 13.75 feet.

14 CHAIRMAN KEILSON: What's the explanation for
15 that? How did that happen?

16 MR. YOON: So I spoke with the contractor,
17 and the first question I asked the contractor was,
18 did you do a stakeout survey prior to digging the
19 pool, and he told me that he only measured off of
20 the house. And I said, well, that's not what
21 you're supposed to do. You're supposed to stake
22 out your -- you know, stake out the pool before
23 you dig, and I told him isn't this construction
24 101? And he said, well, I assumed that the house
25 was in the -- you know, I assumed the house was

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1 correct, and he just measured off the house. I
2 told him --

3 CHAIRMAN KEILSON: Does he do work in the
4 Village regularly; do you know?

5 MR. YOON: It's the first time I'm working
6 with him so I do not know if he works in the
7 Village.

8 CHAIRMAN KEILSON: Is it the last time you're
9 working with him?

10 MR. YOON: It's the first and only.

11 So that being said, you know, when I told him
12 this is a mistake that you're going to have to
13 correct, he said if I have to correct it, he's
14 basically walking off, and he said the homeowners
15 could kind of deal with it themselves. So that's
16 why we're here requesting a variance.

17 CHAIRMAN KEILSON: So did he walk off or is
18 he still going to finish up? Is there still work
19 to be done?

20 MR. YOON: The pool is done. The only thing
21 that's left was the cover, the electronic cover,
22 which is not even done by him. So he was done
23 and --

24 CHAIRMAN KEILSON: So his work is complete?

25 MR. YOON: His work is complete, yes.

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1 CHAIRMAN KEILSON: Has he been completely
2 paid?

3 MR. YOON: That I am not sure.

4 MS. MANELA: Only the cover.

5 MR. YOON: So everything but the cover.

6 CHAIRMAN KEILSON: He's been paid for all his
7 work?

8 MR. YOON: Yes.

9 CHAIRMAN KEILSON: Is the Village aware of
10 who this contractor is?

11 MR. CASTRO: I haven't heard.

12 CHAIRMAN KEILSON: I think it would be
13 important for you to submit to the Village the
14 information about the contractor so that we can
15 forewarn other residents so that we won't have a
16 repeat of this situation.

17 MR. YOON: I don't think that would be an
18 issue.

19 CHAIRMAN KEILSON: All right, nor do I.
20 Okay, so the result is you need two variances.

21 MR. YOON: Yes. We're requesting a rear-yard
22 setback of 19 feet 5 and a half inches, and a
23 side-yard setback of 13 feet 9 inches.

24 CHAIRMAN KEILSON: Okay.

25 MEMBER GOTTLIEB: Has the adjacent neighbor

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1 been contacted and is there any support or no
2 support from that neighbor?

3 MS. MANELA: Yes, they were.

4 CHAIRMAN KEILSON: You have to identify
5 yourself, please.

6 MS. MANELA: Yes.

7 MR. GRAY: Just your name and address.

8 MS. MANELA: Magda Manela, 18 Lawrence
9 Avenue.

10 I spoke with my neighbors adjacent and back
11 and all around, and they have no problems. It's
12 not interfering with them at all.

13 MEMBER GOTTLIEB: So it's just the one
14 neighbor most closest to this. The others I
15 don't --

16 MS. MANELA: Yeah, so we have Rabbi Stern is
17 on the left.

18 CHAIRMAN KEILSON: On the left. Any other
19 questions from the Board?

20 MEMBER GOTTLIEB: The other house, next-door
21 to Rabbi Stern.

22 MS. MANELA: Mrs. Mehl, Mrs. Mehl.

23 CHAIRMAN KEILSON: She's on the right?

24 MS. MANELA: No, also the left, like half and
25 half.

1 MEMBER GOTTLIEB: The pool abuts two
2 properties.

3 MEMBER FELDER: That's Broadway.

4 CHAIRMAN KEILSON: It's on Broadway. Is
5 there anyone in the audience who wants to speak to
6 the matter?

7 (No response.)

8 CHAIRMAN KEILSON: Normally, we're
9 disinclined to give encroachments on the pool,
10 especially when there's so much area in the back
11 of the yard, and because we took that into
12 consideration on your first visit here. It's a
13 little disappointing. We understand that it was
14 not of your doing, and you've been put into a
15 situation that of course would be very costly if
16 you have to consider moving the pool, so
17 obviously, we're going to take that into
18 consideration. And I think that the benefit to
19 the applicant it would certainly outweigh the
20 detriment to the neighbors who have no objections.

21 So having said that, I'm going to ask the
22 Board to vote. Mr. Gottlieb.

23 MEMBER GOTTLIEB: This is a very small
24 difference. It's less than one foot on one side
25 and just over one foot on the other side. I have

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1 no problem with approving this, so I say for.

2 CHAIRMAN KEILSON: Mr. Hiller.

3 MEMBER HILLER: I agree.

4 CHAIRMAN KEILSON: And Mr. Felder, for your
5 virgin vote.

6 MEMBER FELDER: I agree as well.

7 CHAIRMAN KEILSON: And I vote for as well.

8 MR. YOON: Thank you very much.

9 CHAIRMAN KEILSON: Thank you.

10 (Whereupon, the hearing concluded at
11 7:42 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 Mary Benci

18 MARY BENCI, RPR
19 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 July 27, 2016
7 7:42 p.m.

8 APPLICATION: Krausman
9 7 Rolling Hill Lane
Lawrence, New York

10 P R E S E N T:

11 MR. LLOYD KEILSON
12 Chairman

13 MR. EDWARD GOTTLIEB
14 Member

15 MR. DANIEL HILLER
16 Member

17 MR. AARON FELDER
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 KEILSON: The next one is Krausman.

2 MR. BROWNE: Good evening, Chairman and
3 members. Christian Browne, Sahn, Ward
4 Coschignano, 333 Earle Ovington Boulevard,
5 Suite 601, Uniondale, appearing for the applicant,
6 Robert Krausman.

7 You have to put your name on the record.

8 MR. RUNGE: My name is Richard Runge, and I'm
9 from Alley Pond Nurseries. I'm here to present
10 the landscape layout design for the Krausman
11 residence with the area of property to be
12 exchanged.

13 CHAIRMAN KEILSON: Can you speak up, please.

14 MR. RUNGE: For the area of property to be
15 exchanged.

16 MR. BROWNE: Well, let me explain, if I can,
17 Chairman.

18 CHAIRMAN KEILSON: I'd appreciate that.

19 MR. BROWNE: This zoning application is a
20 fairly straightforward matter. There is a little
21 twist which I think the Board at least has some
22 familiarity regarding this issue.

23 CHAIRMAN KEILSON: We're pretty much
24 sensitive to it.

25 MR. BROWNE: And so just by way of

1 explanation to that twist, as of this afternoon,
2 the Krausmans have reached an agreement with their
3 neighbor on Herrick Drive, the Fox family whereby
4 in connection with this application, should it be
5 granted, the Krausmans and the Foxes would then
6 proceed to the Planning Board with the idea of
7 exchanging two pieces -- a mutual exchange of a
8 piece of property. Essentially, Krausman would
9 acquire a 636-square-foot piece of the Fox
10 property that's located in the southwest corner of
11 the Fox lot. We'll show you that on the plan if
12 you haven't already seen it. And Krausman would
13 then transfer to Fox an 835-square-foot piece of
14 the Krausman lot which abuts Herrick Drive in the
15 northeast section, the furthest northeast section
16 of the Krausman property. We can hand up --

17 MR. RUNGE: Can I distribute this?

18 CHAIRMAN KEILSON: You certainly can.

19 MR. RUNGE: There's four of them that are
20 there (handing). The first sheet is the numbers
21 in terms of the breakdown. The second
22 illustration is the landscape layout for the
23 property.

24 CHAIRMAN KEILSON: It might be a good idea if
25 the neighbor is here who would like to see it as

1 well. I think the Foxes and Drang is the other
2 neighbor, if they're here.

3 If you want to pass it, we have an extra set.
4 If you want to pass it to --

5 MR. RUNGE: Absolutely.

6 CHAIRMAN KEILSON: -- to Mr. Drang.

7 MR. BROWNE: So by --

8 CHAIRMAN KEILSON: Let's just get everybody
9 literally on the same page. If you want this for
10 the Foxes, here, pass this to the Foxes. I'll
11 look on.

12 MR. BROWNE: Thank you.

13 So with this swap contemplated as a condition
14 of any grant this Board might give in favor of the
15 relief that Krausman is seeking, what we are now
16 seeking is a surface coverage variance to permit
17 the construction of a pool house and decking along
18 the area recently acquired by Krausman and noted
19 on your site plan as tax lot 479.

20 As you know, there was formerly a house on
21 this lot, Krausman's acquired the lot, the house
22 is now gone, and the intent is to construct a pool
23 with this decking and cabana.

24 CHAIRMAN KEILSON: Can you identify on the
25 board where the property swap is taking place.

1 MR. RUNGE: Sure.

2 CHAIRMAN KEILSON: Is it illustrated there?

3 MR. RUNGE: Yeah. Could you see it?

4 CHAIRMAN KEILSON: Yeah, we have our own.

5 MR. RUNGE: The one parcel of the property
6 comes to a triangle piece as you could see over
7 here; it's kind of checkered in (indicating).

8 CHAIRMAN KEILSON: Right.

9 MR. RUNGE: That was Mr. Fox's property.

10 The piece up on here which is on Herrick
11 (indicating), which is Steve Krausman's property,
12 that's the property for swap. So it's these two
13 sections over here. The Krausmans would obtain
14 this and the Foxes would obtain the piece on
15 Herrick (indicating). So it's a swap like that.
16 There's about a 200-foot difference in terms of
17 square footage --

18 CHAIRMAN KEILSON: Okay.

19 MR. RUNGE: -- in that area.

20 MR. BROWNE: So by doing that, Krausman
21 actually would eliminate one variance which would
22 be the front-yard variance, since he would no
23 longer have frontage on Herrick Drive. It does
24 reduce the amount of relief he needs. The surface
25 coverage variance remains. The Krausman house is

1 already nonconforming for surface coverage; that's
2 not being touched, obviously. And with the
3 exchange, so to speak, of a pool, decking and
4 cabana for the house that was formerly on the lot,
5 we're actually reducing the surface coverage in
6 total by about 50 percent. In other words, the
7 house was 4,000 and change. The new coverage will
8 be 2,000 and change, and we can give you the
9 precise numbers.

10 CHAIRMAN KEILSON: Okay.

11 MR. RUNGE: Basically, on this illustration,
12 this was the property the Krausmans obtained
13 (indicating). These two colors in here, the gray
14 and the tan, represent as one unit what the
15 coverage of the property was before he purchased
16 it and removed the structures that were there.
17 The gray area was the percentages -- the
18 percentage of what he would be putting on in terms
19 of surface area. So he's actually reducing the
20 surface area by 2,200 and somewhat square feet.
21 Returning this, what's this tan color over here
22 back to green space for that property.

23 CHAIRMAN KEILSON: Actually, it's the impact
24 of the fact that you joined the properties.

25 MR. BROWNE: Correct.

1 CHAIRMAN KEILSON: Because if you had the
2 properties stand alone he could build by right.

3 MR. BROWNE: Correct.

4 MR. RUNGE: Yes. If he had the property by
5 itself he would be allowed to put up 4,220 some
6 odd square feet, and we're only asking for on that
7 property 2,220 some odd feet, so it's about half.

8 CHAIRMAN KEILSON: That's the anomaly of our
9 lot coverage in this Village, that if you have a
10 larger lot, the percentage goes down in terms of
11 what you can build.

12 MR. BROWNE: Just so you have the numbers for
13 the record, in the aggregate the total proposed of
14 both lots with the pool amenities is 8,840 square
15 feet, where the max permitted would be 7,417.5,
16 for an overage of 1,430.5, or about 19 percent.

17 CHAIRMAN KEILSON: Does the swap have any
18 impact on the Foxes in their property? Has
19 anybody analyzed that?

20 MR. BROWNE: I believe that that was analyzed
21 by the Fox family before they signed the agreement
22 to do a swap, and they were assured by the
23 Building Department that --

24 CHAIRMAN KEILSON: Mr. Castro, were you
25 involved in this?

1 MR. CASTRO: Yes.

2 CHAIRMAN KEILSON: I'm talking to the
3 Building Department. Was there any impact on the
4 Foxes?

5 MR. CASTRO: No.

6 CHAIRMAN KEILSON: Good.

7 MR. BROWNE: Again, obviously, we would
8 proceed to the Planning Board and so forth and we
9 would -- our agreement is that everything is
10 contingent on approval by this Board and the
11 Planning Board.

12 CHAIRMAN KEILSON: Okay. What's envisioned
13 in terms of the landscaping? You have a very
14 pretty picture. What does it all mean?

15 MR. RUNGE: The basic landscape approach for
16 this over here, this lot, as presented on the
17 drawings that you have there, we're going to
18 surround the property over here with evergreens.
19 It's going to be like western arborvitaes; they're
20 a dense full evergreen plant, similar in shape and
21 form, let's say, like a hemlock would be.

22 We're also planning to cover about a 12-foot
23 section of fence on the side, on Drang's side of
24 the property, on his side of the property to
25 screen the fence section over there which would be

1 about four feet high.

2 CHAIRMAN KEILSON: I'm sorry. The fence is
3 being placed where in relation to the foliage?

4 MR. RUNGE: It's in between it, in between
5 it. So he will not see the fence for that section
6 coming back.

7 CHAIRMAN KEILSON: Okay.

8 MEMBER HILLER: I notice an opening in the
9 foliage towards the seeded area for the Foxes. Is
10 that for walk through?

11 MR. RUNGE: Yes, it is.

12 MEMBER HILLER: The Foxes agreed to that?

13 MR. RUNGE: Yes, that's my understanding,
14 yes.

15 MR. BROWNE: Actually, they also have agreed
16 to execute reciprocal easements so that the Foxes
17 can cross out to Rolling Hill Lane, and Krausman
18 can get out to Herrick Road, walking, obviously.

19 MEMBER GOTTLIEB: Is that the only security
20 fence, for the pool area?

21 MR. RUNGE: No, it is not. The pool itself
22 will have its own fence enclosure. It will be
23 like an estate fence with self-latching gates to
24 meet the New York State pool fence requirement for
25 a pool enclosure.

1 CHAIRMAN KEILSON: Okay. Anybody in the
2 audience, any of the neighbors who want to speak
3 to the issue or have any questions?

4 Mr. Drang, do you want to step forward.

5 MR. DRANG: Hi, I'm Mel Drang. I'm
6 55 Herrick. I've been living here for about, I'd
7 say, 23 years.

8 As you know, I mean, it's hard to see on the
9 blueprint, that only shows one particular and part
10 of the environment. There are three parcels in
11 this environment. There's the Fox's parcel, my
12 parcel, and what used to be the parcel that was
13 taken over. As you notice, it's an unusual shaped
14 property; it's in a pie type of scenario.

15 By creating this new environment we're
16 changing the whole complexion of the cul-de-sac.
17 My objections were from the beginning is there's a
18 fence that is located around the old property. I
19 don't know what the entitlement of fences are.
20 When I came into the neighborhood there were no
21 fences. I had to build a fence in back of my
22 house 'cause there was a big drop-off from my
23 house to Rolling Hill, where I had little children
24 at that time and I was really concerned that
25 someone would fall out and hurt themselves, so I

1 built that fence.

2 Now, this fence which is running -- which I
3 measured, runs from my window. Let's say this is
4 my -- where I eat my main meals, to the fence is
5 exactly nine feet (indicating). I don't know -- I
6 have to take a survey of my property if that fence
7 is supposed to be nine feet. There's now a picket
8 fence I'd say about -- I think eight feet high,
9 which I agreed with in the beginning because I
10 figured he's doing construction, that's better
11 than the green fencing that we see on all
12 construction, so I lived with that.

13 Now, when it's coming down to mulich
14 (phonetic) time, which is the 9th inning for those
15 people who don't know that.

16 CHAIRMAN KEILSON: For Mary, that's the 9th
17 inning, bottom of the 9th.

18 MR. DRANG: I'm getting a whole new
19 perspective over here of what's going on. First
20 of all, now the gardener said that the fence is
21 going to be between the bushes and the property; I
22 don't know what that means. He's putting a fence
23 in between the shrubbery?

24 CHAIRMAN KEILSON: We'll go through all your
25 questions and we'll get all the answers,

1 clarification on the fence.

2 MR. DRANG: I find the fence very, very --

3 CHAIRMAN KEILSON: Offensive?

4 MR. DRANG: Very offensive.

5 The other thing is there's a fire pit. If
6 you would have seen -- if you have a map of how
7 they have my house at that corner, you would see.
8 You know, looking at a surface coverage like this,
9 it's a nice diagram showing you what's going to be
10 and what is, but if you look at if there was a
11 house on that property there would be a whole
12 totally different configuration than what you're
13 seeing as surface coverage. I mean, surface
14 coverage I can understand if it's a squared-off
15 piece of property. This is not -- this is -- it
16 has to be a different measurement made with this
17 reality. I mean, if you -- if you see the whole
18 property in perspective, then you get a better
19 understanding of what this can do to my property.

20 CHAIRMAN KEILSON: Well, perhaps you can try
21 to convey. We all visited the property.

22 Mr. Drang, we also have aerial shots which have
23 the prior existing house on it.

24 MR. DRANG: Can I see the aerial shots?

25 CHAIRMAN KEILSON: Sure.

1 MR. CASTRO: (Handing).

2 CHAIRMAN KEILSON: So we have a very good
3 perspective on what was.

4 MR. DRANG: Okay. So you can see what was.
5 What was, was a total open front area between my
6 property -- are we all on the same page?

7 CHAIRMAN KEILSON: Sure.

8 MR. DRANG: Seven and 55. I think it's
9 seven. Maybe it's considered Rolling Hill now,
10 that's why it's seven.

11 CHAIRMAN KEILSON: Yes.

12 MR. DRANG: Okay, 7 and 55, which was a -- is
13 it 7 and 55? Yeah, which was a completely opened
14 area. Now you're fencing off an area. So that's
15 one of my main concerns.

16 The second concern is the fire pit. That
17 fence that you're seeing bordering the area by 55
18 is exactly nine feet away from my house. So now
19 you're going to have activity just about what
20 we're looking at right now. So if I'm here having
21 a party by the fire pit, and I'm eating my dinner,
22 it's going to be pretty disturbing.

23 MEMBER FELDER: That fire pit is not nine
24 feet from your house.

25 MR. DRANG: How far is that fire pit? Nine

1 feet is to the fence.

2 MEMBER HILLER: Nine feet is to your fence.
3 The fire pit is not up against your fence.

4 MR. DRANG: It's not? Where is it?

5 MEMBER FELDER: You're saying you have nine
6 feet from your house to the fence. It's at least
7 18 feet away from your --

8 MR. DRANG: You're saying the fire pit is
9 18 feet?

10 CHAIRMAN KEILSON: Hold it, hold it. Let's
11 get an accurate number.

12 MR. DRANG: I asked the other day, but it
13 doesn't look like that on the diagram. The
14 diagram is not --

15 MR. RUNGE: Could I?

16 MR. DRANG: How big are these bushes?

17 MR. RUNGE: The fire pit is approximately ten
18 feet away from the property line.

19 MR. DRANG: From the property line.

20 MR. RUNGE: From the property line, which is
21 where the fence is right now.

22 MEMBER HILLER: The fence is nine feet. So
23 you're 19 feet from the fire pit.

24 MR. RUNGE: That's correct, yes.

25 MR. DRANG: So 19 feet. Does any house have

1 any activities at 19 feet?

2 MEMBER HILLER: You're allowed to have a pool
3 at 20 feet. There are activities there which are
4 far louder than fire pits, generally.

5 MR. DRANG: This is a pool and fire pit,
6 okay. All right, I'm not looking -- God bless
7 them. I think he deserves what he can do there.
8 I'm just complaining on one -- on two things. The
9 integrity of the way the block used to look. The
10 fencing, I don't believe the fencing is needed if
11 you're building landscaping.

12 MEMBER FELDER: Well, the fencing you
13 wouldn't be seeing. It's going to be hidden by
14 bushes.

15 MR. DRANG: Okay. How do you maintain those
16 bushes? Where are those bushes going?

17 MEMBER FELDER: Those bushes would be facing
18 you so when you look out your windows you would be
19 seeing the bushes, not the fence.

20 MR. DRANG: You're saying that he's going to
21 drop back this fence that is existing now which is
22 nine feet from my house, pull it back into his
23 property.

24 MEMBER FELDER: As far as is needed to plant,
25 I would assume.

1 MR. RUNGE: Could I?

2 CHAIRMAN KEILSON: Could I have the
3 landscaper explain.

4 MR. RUNGE: Basically, for the front section
5 on Herrick it comes backwards clear of 18 feet on
6 his side, then another four -- 12 feet in addition
7 to that comes back. There would be a fence
8 section there, and Mr. Krausman is willing to put
9 plantings on his side if he wants to block the
10 view of a fence at that particular point. The
11 height of that fence is four feet, four feet high,
12 so that's where we are with that.

13 CHAIRMAN KEILSON: What's the type of fence
14 that you've contemplated?

15 MR. RUNGE: That I haven't really gone over
16 with Steve yet. But basically, it would be
17 covered and it would be done for his benefit so
18 that he may not look at the fence. That brings
19 back the clear area of 18 feet from Herrick, plus
20 an additional 12 feet which would be covered with
21 plantings. So just to bring that whole area back
22 on that side.

23 To answer the question about the fencing,
24 what's between his house and the Krausmans' either
25 fire pit or whatever areas that are there, it's

1 going to have a line, as I said before, of
2 arborvitaes coming across that whole section, the
3 whole property is going to be around with
4 evergreen screening for that, and that particular
5 plant, like I said, has the configuration format
6 similar to a hemlock, denser than a Leyland
7 cypress, and it's a nice growing, a fast growing
8 plant.

9 MR. DRANG: I hear that, but then what's near
10 to the fence?

11 MR. RUNGE: The fence is --

12 CHAIRMAN KEILSON: Please, please, there's no
13 dialogue.

14 MR. RUNGE: Okay, I'm sorry.

15 CHAIRMAN KEILSON: The question I have is
16 what is the story with the picket fence?

17 MR. RUNGE: The picket fence is a
18 construction fence that's there right now, and
19 whatever the requirements will be in terms of the
20 Village of height of a fence, that fence is not
21 eight feet high, I think it may be six feet high,
22 and that would be -- it will be made to conform to
23 whatever the height requirements for the side
24 fence would be.

25 CHAIRMAN KEILSON: The picket fence is

1 remaining or is it being replaced by the other
2 four-foot fence?

3 MR. RUNGE: By Herrick, by that section
4 there, the first 12 feet coming back would be a
5 four-foot fence. The fence from that point going
6 back will conform to whatever the Village
7 requirements are.

8 CHAIRMAN KEILSON: Five-foot is the maximum,
9 correct?

10 MR. CASTRO: On those sides, yes.

11 CHAIRMAN KEILSON: Five-foot is the maximum.

12 MR. RUNGE: Then that's what it would be. It
13 would conform to whatever the Village --

14 CHAIRMAN KEILSON: Along with the screening
15 of the shrubbery.

16 MR. RUNGE: The shrubbery is going to be all
17 along there as it's laid out on the design.

18 MR. DRANG: As he said, the fence is going to
19 be the first thing I'll be looking at. The
20 shrubbery is not going or else I agree for them to
21 plant shrubbery on my side of that fence. Which
22 is problematic because that shrubbery because of
23 the lack of sunlight is going to die out.

24 CHAIRMAN KEILSON: Okay.

25 MR. DRANG: If it does, who takes the

1 responsibility of that if that's the issue?

2 CHAIRMAN KEILSON: God.

3 MR. DRANG: God?

4 CHAIRMAN KEILSON: God.

5 MR. DRANG: We know where that goes.

6 CHAIRMAN KEILSON: Are there any other points
7 you want to raise at this point?

8 MR. DRANG: Yeah. I want the Board to
9 realize what the shape of the property is and that
10 it's not a house structure that was meant to be.
11 It was created to be a house structure. It was
12 sold to be a house structure. And I think there
13 should be some consideration for a person that
14 lives in the area and brought up a family in the
15 area. That the consideration should be that it
16 should be done in a way that is less intrusive for
17 both parties.

18 CHAIRMAN KEILSON: Thank you very much.

19 MEMBER GOTTLIEB: Can I ask Mr. Castro a
20 question. If there was a house there, would they
21 be as of right entitled to put a fence along their
22 property line, the type of fence that we're
23 talking about here, a five-foot tall fence along
24 the property line?

25 MR. CASTRO: In the exact same location?

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1 MEMBER GOTTLIEB: Yes.

2 MR. CASTRO: It all depends where the house
3 would be situated on the lot.

4 MR. DRANG: Where it was.

5 CHAIRMAN KEILSON: Explain.

6 MR. CASTRO: Because a front yard begins at
7 the front property line to the front wall of the
8 house. The side yard typically starts from there
9 on, and then rear yard is only the rear lot line.

10 MEMBER GOTTLIEB: So if it's the front yard,
11 let's say the first 20 feet, is any fence
12 permitted in this district?

13 MR. CASTRO: The Board of Building Design
14 really regulates that.

15 MEMBER GOTTLIEB: And from the point where
16 the house starts, then it would be a side yard?

17 MR. CASTRO: Correct.

18 MEMBER GOTTLIEB: Would that be a five-foot
19 fence?

20 MR. CASTRO: Five-foot.

21 MEMBER GOTTLIEB: I just wanted to see
22 whether it would be any different having a pool
23 versus having a house there, if it would make a
24 difference.

25 MR. RUNGE: Can I add, when I went to the

1 site before the house was taken down, in the
2 picture you could see the proximity of the two
3 houses on the photograph, the house that was
4 existing was very close to the property line at
5 that particular point. I think it might have just
6 met whatever the offset was back when it was
7 built, which was some time ago. It wasn't today's
8 standard of setbacks, because I walked the
9 property in terms of getting an idea of what the
10 areas were.

11 So right now what Mr. Krausman is planning on
12 doing is putting in like a very small cabana
13 section; it's not going to be nearly as high as
14 the house was by any stretch of the imagination.
15 It's only one floor, that's it, and there's no --
16 you know, there's no obstruction that would really
17 pertain compared to what was existing. And the
18 surface area, even though it is -- I showed you on
19 the diagram, and these tan and gray circular forms
20 is just a representation of the percentages of
21 what that would be.

22 MR. BROWNE: I just think to that point if
23 this was just left alone in a yard, you could have
24 five-foot fencing as of right, I believe, correct?
25 It would just be a side yard?

1 CHAIRMAN KEILSON: Is there any reason why
2 everything can't be adjusted over a little more
3 distance from Mr. Drang's property line?

4 MR. RUNGE: Well, what they were trying to --
5 what we're trying to do with the design like that,
6 we're trying to work with the angle of the
7 property. As the property going back it goes from
8 right to left, and we're trying to work with that
9 and trying to maintain as much lawn area as
10 possible so that they could throw a ball or, you
11 know, play catch or whatever else that's in there
12 without, you know, encumbering that area. So you
13 know --

14 CHAIRMAN KEILSON: Even a modest movement,
15 maybe.

16 MR. RUNGE: Well, even so, it's -- you know,
17 we have a fence that, of course, also encroaches
18 in there, which is the pool enclosure fence around
19 that pool structure. The screening and separation
20 of the properties is really going to depend on the
21 plantings that are going to go there, and these
22 plants that we propose are very effective in terms
23 of screening. They'll grow up to easily 10 feet
24 high, 12 feet high, 14 feet high. I have them in
25 my own backyard; I mean, they're great.

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1 CHAIRMAN KEILSON: Over how long a period of
2 time?

3 MR. RUNGE: It won't take that long. They
4 grow about a foot and a half a year and they're
5 full, and unlike some other varieties they stay
6 full. And as far as the sunlight is concerned,
7 the exposure for where they are on that piece of
8 property will get full sunlight. There's not
9 going to be any shade incumbent on those plants
10 over there.

11 MR. DRANG: On the pool side.

12 MR. RUNGE: That whole thing is going to be
13 complete to the sun.

14 MEMBER HILLER: I think what the Chairman is
15 asking is would it be a catastrophe to move
16 everything over, let's say, five feet?

17 MR. RUNGE: Yes, it would be. It really
18 would encroach and cut down the usability.

19 MEMBER HILLER: What's the present footage
20 from the pool to the end of the property on the
21 Fox side, and also from the cabana to the property
22 on the Fox side? What is the present footage?

23 MR. RUNGE: I just need a ruler and I could
24 tell you in a second.

25 MR. DRANG: What they're saying exactly is

1 what I've been saying, it's an unusual property
2 and this property is a mother.

3 MR. RUNGE: The pool as it was placed --
4 excuse me. The pool as it was placed in there
5 with the original setbacks, the original property
6 lines, just about made it in that particular
7 location.

8 MEMBER HILLER: I'm not talking about -- I'm
9 talking about to the Fox property.

10 MR. RUNGE: To the Fox property.

11 MEMBER HILLER: Yes, how far is it.

12 MR. RUNGE: It was originally I think about
13 maybe about 20 feet, 18 feet, something like that,
14 and on the right-hand side at that time on the
15 right-hand side is about 20 feet, 19 point
16 whatever, it's about 20 feet on the right-hand
17 side.

18 MEMBER HILLER: And the cabana?

19 MR. RUNGE: The cabana is offset from the
20 property line by eight feet, nine feet from that,
21 but it's only --

22 MEMBER HILLER: From the Fox side?

23 MR. RUNGE: Oh no, from the Fox side --

24 MR. DRANG: 29.

25 MR. RUNGE: Hmm?

1 MR. DRANG: 20 on the Fox side and --

2 CHAIRMAN KEILSON: Mr. Drang, please.

3 MR. BROWNE: It's difficult to say.

4 CHAIRMAN KEILSON: Let the professionals do
5 their work.

6 MR. DRANG: I don't know where that got us.

7 MEMBER GOTTLIEB: Did I not hear him
8 correctly? How do we have a cabana nine feet off
9 the property line?

10 MR. BROWNE: I think it's more than nine
11 feet. I don't have the dimension.

12 MR. RUNGE: We would say about 30 feet, about
13 30 feet.

14 CHAIRMAN KEILSON: To the Foxes?

15 MR. BROWNE: To the Fox side, right.

16 CHAIRMAN KEILSON: And how much is it from
17 Drang?

18 MR. RUNGE: Excuse me?

19 CHAIRMAN KEILSON: What's the distance to the
20 Drang property?

21 MR. RUNGE: About ten feet, about ten feet
22 there.

23 MR. BROWNE: I mean, as you know, it's
24 irregular, so it's a little bit difficult to get
25 the precise measurements at every point on both

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1 Fox and Drang because both of the property lines
2 are angled.

3 MEMBER GOTTLIEB: Didn't we have to meet
4 setbacks when this was built?

5 MR. CASTRO: For an accessory structure?

6 MEMBER GOTTLIEB: For the pool.

7 MR. CASTRO: Yeah.

8 MEMBER GOTTLIEB: So it's got to be at least
9 ten feet on a side yard?

10 CHAIRMAN KEILSON: We're talking about the
11 cabana now.

12 MEMBER GOTTLIEB: Oh, on the cabana, an
13 accessory structure.

14 MR. CASTRO: It's a different setback than
15 the pool.

16 CHAIRMAN KEILSON: It meets the ten.

17 MEMBER FELDER: Yeah.

18 MEMBER GOTTLIEB: Every district has a
19 different setback.

20 MR. BROWNE: It's at least ten to Drang and
21 it's more to Fox.

22 MR. RUNGE: And the idea was to really have
23 some kind of area in there to have some green
24 space to play ball. I mean, if you cut that off
25 then the whole purpose of that expansion of

1 property and piece in the back is like worthless
2 to Mr. Krausman.

3 MR. CASTRO: B district? Is this B or BB
4 district?

5 MR. RUNGE: Excuse me?

6 MR. CASTRO: B or BB district? It's eight
7 foot. BB is an eight-foot accessory.

8 MR. BROWNE: So it definitely would exceed
9 that on both sides.

10 CHAIRMAN KEILSON: Is there anyone else in
11 the audience who wants to speak to the matter?

12 Mrs. Fox.

13 MS. FOX: Hi, I'm Sharon Fox, 51 Herrick
14 Drive.

15 CHAIRMAN KEILSON: Good evening.

16 MS. FOX: Good evening. Just one thing I
17 wanted to mention. That opening onto Herrick
18 Drive, we have discussed with the Krausmans that
19 we're going to have an opening, but it's not going
20 to be on the front onto Herrick Drive. I just
21 want that noted.

22 CHAIRMAN KEILSON: It's not going to be onto
23 Herrick Drive?

24 MS. FOX: Right here where the new property
25 we're acquiring (indicating).

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1 MEMBER HILLER: So there's no opening there?

2 MS. FOX: This picture is showing an opening.
3 I'm saying we've spoken to the Krausmans and we've
4 agreed to have an opening but not onto Herrick
5 Drive.

6 MR. GRAY: Where is it going to go?

7 MS. FOX: We haven't finalized that, but it's
8 going to be on the side of our property, probably
9 like over here (indicating).

10 MEMBER GOTTLIEB: Why did you decide to do
11 that?

12 MS. FOX: Because we just didn't want traffic
13 on Herrick Drive going into -- coming down and
14 just having it be a walkway.

15 SPEAKER: That's correct, that's what we
16 agreed.

17 CHAIRMAN KEILSON: I don't know who you are.
18 You can't just speak from the audience. Relax one
19 second.

20 Okay. So there was an understanding that the
21 opening would not be onto Herrick Drive. We can
22 assume where?

23 MS. FOX: On the Fox side, from the Fox to
24 the Krausman side.

25 CHAIRMAN KEILSON: Mr. Capobianco, are these

1 your drawings?

2 MR. CAPOBIANCO: Yes, they are.

3 MR. GRAY: First you're hearing of this?

4 MS. FOX: This is not your drawing.

5 MR. CAPOBIANCO: This is prepared by
6 Mr. Runge.

7 John Capobianco. That's prepared by
8 Mr. Runge based on the meetings that we had out at
9 the site and also discussions we had with both
10 owners and their agreement as to where the
11 easement should be, and also the amount per
12 property each is exchanging and their crossing of
13 the land. So that was all worked out with the
14 Krausmans and the Foxes.

15 MEMBER FELDER: Is it now only one easement
16 or there are still going to be two easements?

17 MR. CAPOBIANCO: Well, there's one easement
18 that will be agreed upon with them where they will
19 come out of their side property line and walk out
20 the front to Rolling Hill; that's correct, right?

21 MS. FOX: Uh-hm.

22 MR. CAPOBIANCO: That would be one easement
23 that they'll agree on and work out. And then the
24 other easement, unless there's a change, is where
25 they'll walk out onto Herrick Drive. Is that

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1 still going to be there? The gate walking out to
2 Herrick Drive? Oh, he's not allowed to speak.
3 Was that discussed staying there?

4 MS. FOX: No, it was discussed, but we would
5 not have it coming straight onto Herrick Drive.

6 MR. CAPOBIANCO: All right. So that they
7 would have just the same gate and they would walk
8 through there. You both are going to use the same
9 walkway and not come through the back of
10 Krausmans' property to Herrick, but they could
11 come through the Foxes' property onto Herrick.

12 MS. FOX: We agreed to an easement but not in
13 this position.

14 CHAIRMAN KEILSON: Is there anything else you
15 wanted to tell us?

16 MS. FOX: No.

17 CHAIRMAN KEILSON: Thank you very much.

18 MS. FOX: Thanks.

19 CHAIRMAN KEILSON: Any further comments from
20 the audience before we take it and consider it to
21 vote?

22 (No response.)

23 CHAIRMAN KEILSON: We're always bidden to
24 evaluate the benefit to the applicant as opposed
25 to any detriment there might be to the neighbors

1 or to the neighborhood. And I think overall, at
2 least from my perspective, and each member can
3 speak for themselves, I think in light of the fact
4 that in terms of the total surface coverage we're
5 less than 50 percent of what the pre-existing
6 house was on that property, I'm not uncomfortable
7 with that which is being depicted. I think the
8 applicant has been very forthcoming in terms of
9 what he's willing to do to screen the property and
10 to be sensitive to the neighbors' needs. I know
11 there's been extensive conversations. What we see
12 tonight is the result of many hours of
13 discussions. So I think it's very healthy that
14 the neighbors have been able to communicate and
15 have dialogue so that we can avoid too long an
16 extensive hearing tonight.

17 I think that overall the change will not be
18 detrimental in terms of the character of the
19 neighborhood, the nearby properties. I don't
20 think the variance is substantial. I don't think
21 it will have an adverse effect on the physical or
22 environmental conditions of the neighborhood.

23 So in my estimation in balancing the benefit
24 to the applicant as opposed to any concerns for
25 the neighborhood and for the neighbors, I think

1 that I would come down on the side of the
2 applicant.

3 Obviously, each of the members of the Board
4 will weigh it and make their own decision in this
5 same manner.

6 So having said that, Mr. Gottlieb, how would
7 you vote?

8 MEMBER GOTTLIEB: I'll vote for this
9 application. I agree with what Mr. Chairman has
10 just explained very eloquently.

11 CHAIRMAN KEILSON: Mr. Hiller.

12 MEMBER HILLER: I agree with the Chairman,
13 but I would urge the Krausmans to consider the
14 Drang proposal, that they confer with him to do a
15 proper screening that he would find acceptable.

16 CHAIRMAN KEILSON: Mr. Felder.

17 MEMBER FELDER: I concur with all of my
18 colleagues.

19 CHAIRMAN KEILSON: Okay. And I vote to -- I
20 vote for. And again, I think Mr. Hiller is
21 correct, that we should urge the neighbor to
22 continue to communicate and to try to ameliorate
23 any concerns that there may be, and I think it
24 will go a long way towards satisfying everybody's
25 overall concerns.

1 MR. GRAY: Mr. Chairman, is that approval
2 conditioned upon and subject to the Planning Board
3 approval of the lot redrawing of the lines and the
4 site plan review?

5 CHAIRMAN KEILSON: I think so. I think
6 that's the premise for this.

7 MR. BROWNE: And we consent to that.

8 CHAIRMAN KEILSON: Now, in terms of time, a
9 year?

10 MR. BROWNE: We intend to make our
11 application to the Planning Board immediately. As
12 you know, last month I was here. We have another
13 case coming up. We may be able to have a hearing
14 in August to deal with both of those matters.

15 MR. GRAY: And the construction?

16 MR. BROWNE: A year would be great. There's
17 no problem with that.

18 MR. CAPOBIANCO: Eighteen months would be
19 better.

20 CHAIRMAN KEILSON: Eighteen months is fine.

21 MR. CAPOBIANCO: Yes.

22 CHAIRMAN KEILSON: Okay, Mr. Capobianco, for
23 you, 18 months.

24 MR. CAPOBIANCO: Okay.

25 MR. BROWNE: That's why we bring

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1 Mr. Capobianco here.

2 CHAIRMAN KEILSON: Thank you very much.

3 (Whereupon, the hearing concluded at
4 8:20 p.m.)

5 *****

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

9
10 Mary Benci

11 MARY BENCI, RPR
12 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 July 27, 2016
7 8:20 p.m.

8 APPLICATION: Futersak
9 30 Rosalind Place
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. DANIEL HILLER
17 Member

18 MR. AARON FELDER
19 Member

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

22 MR. GERALDO CASTRO
23 Building Department

24 Mary Benci, RPR
25 Court Reporter

1 CHAIRMAN KEILSON: The next matter is
2 Futersak on Rosalind Place.

3 MR. YOON: Young Yoon, PAU Architects. Good
4 evening again.

5 CHAIRMAN KEILSON: Mr. Young.

6 MR. YOON: I'm here representing --

7 CHAIRMAN KEILSON: Before you start, I think
8 I brought this to your attention last time.

9 MR. YOON: Yes.

10 CHAIRMAN KEILSON: So last warning. When you
11 fill out the code relief, please don't just put in
12 212-12.1 without identifying what we're dealing
13 with.

14 MR. YOON: Yes, sir.

15 CHAIRMAN KEILSON: Please.

16 MR. YOON: Yes, sir.

17 CHAIRMAN KEILSON: You get paid for your time
18 and we don't.

19 MR. YOON: I apologize.

20 CHAIRMAN KEILSON: Okay, thank you so much.

21 MR. YOON: I'm here representing Meir's
22 residence, requesting a side-yard variance which
23 requires a minimum of 7 feet. We're requesting a
24 5 foot 4 and a half on one side, making the
25 aggregate 13 feet 2 and a half inches, which the

1 aggregate needs to be 16.

2 We're also requesting a lot coverage which
3 allows 3,386 square feet and we're proposing
4 3,685 square feet, an overage of 299 square feet,
5 which is 8.8 percent.

6 We're also requesting a building coverage
7 which allows 2,194 square feet, and we're
8 proposing 2,683 square feet, an overage of
9 489 square feet, which is 22.3 percent -- which is
10 22.3 percent. We're proposing --

11 CHAIRMAN KEILSON: I think it would be
12 worthwhile pointing out, I don't want to do your
13 work for you, but the existing is already in
14 excess, correct?

15 MR. YOON: Yes.

16 CHAIRMAN KEILSON: Okay. So you're actually
17 asking for 175 square feet additional, which is
18 really six percent, in totality it's 22 percent
19 overage, but in terms of what you're requesting
20 tonight you're really seeking six percent
21 additional. Is that a fair statement?

22 MR. YOON: That is correct.

23 CHAIRMAN KEILSON: So again, I'm spending my
24 time where I don't get paid.

25 MR. YOON: So the Futersak residence, they

1 currently live in this home. They have been
2 living in this home for about four years and they
3 need a bigger home. Meir needs an office. He
4 does a lot of work from home. He needs an office
5 to kind of segregate himself from the rest of the
6 house, the family. They have five children --
7 four children -- five children.

8 And so in working with Meir we've found that
9 the house is very irregular in terms of the way
10 it's laid out. We found that the best location --
11 we felt the best location for the study would be
12 towards the front off the living room making that
13 a really elegant study. We tried to keep the size
14 to a minimum, and the interior dimension is 9 feet
15 8 inches with a depth of 17 feet. And while from
16 the front elevation, you know, we wanted to keep
17 it proportional, and because if you look at the
18 house right now it is very heavy one sided with
19 the gable that comes off the side. So by creating
20 this element on the right-hand side of the house
21 we felt that it would give it a nice balance. And
22 as far as, you know, when you look at the floor
23 plans for the master bedroom as well they
24 currently don't have a closet, which we felt that
25 it would be a nice addition, you know, with the

1 study it kind of worked out to be a great location
2 to provide a walk-in closet as well as a study
3 below.

4 MEMBER GOTTLIEB: Can you say that again.
5 They currently do not have a master --

6 MR. YOON: They have a really small closet
7 that's kind of hidden in the gabled roof. So if
8 you open the closet, it actually inches down a
9 little bit. So by providing -- you know, so there
10 was definite need for an additional closet for
11 them for the master bedroom, the current bedroom.

12 MEMBER GOTTLIEB: Can I -- are you done with
13 that part?

14 MR. YOON: Yes.

15 MEMBER GOTTLIEB: I need to go through some
16 fundamentals with you.

17 MR. YOON: Sure.

18 MEMBER GOTTLIEB: I looked at the survey, and
19 the survey shows a side yard on the north side, if
20 you will, of the survey that you provided dated
21 2002. And on your site plan it's showing 7 foot
22 10 inches.

23 So the first question I have is I need to
24 question the numbers, which you are supposed to be
25 particularly good at according to your last

1 presentation last month. Yes, everything comes
2 around.

3 The survey that was in the packet, it's dated
4 2002. So that was one number that was different,
5 but it seems to be throughout the survey versus
6 the plan that you provided on page E000. The
7 numbers are a little different. Which numbers do
8 we go by? The survey that shows existing five
9 feet or the one that you are proposing that's
10 7-10?

11 MR. YOON: It's showing -- Gerry, can I take
12 a look?

13 MEMBER GOTTLIEB: Do you need the survey?

14 MR. CASTRO: (Handing.)

15 MR. YOON: That would be an error on our
16 part. This I would have to double-check. We did
17 our dimensions -- we followed our dimensions based
18 on the 7-7 on the one side, and then we actually
19 did a field measure on the house, and when we
20 measured the house and laid it down this is how it
21 ended up overall. So we would have to confirm
22 with the surveyor.

23 MEMBER FELDER: But that side is for sure
24 7-7?

25 MR. YOON: Yes, the side that we're asking

1 for the variance it is definitely 7-7.

2 MEMBER FELDER: Because you have it 7-8 and a
3 half.

4 MR. YOON: I'm sorry, 7.7 feet.

5 MEMBER GOTTLIEB: Okay. Now, that we got
6 those fundamentals discussed.

7 MEMBER HILLER: You already have -- why
8 didn't you just round out the -- is that the north
9 side of the house and just go with the 7 feet 8
10 inch setback from the property line all the way
11 down instead of requesting an extra two feet?

12 MR. YOON: I'm sorry? I didn't quite
13 understand.

14 MEMBER HILLER: The new addition that you
15 have from the closet upstairs and the study
16 downstairs is two feet closer to the property line
17 than the present -- than the rear of the house
18 setbacks. The rear of the house is seven.

19 MEMBER FELDER: It just follows the wall of
20 the house.

21 MEMBER HILLER: Why didn't you just follow up
22 that?

23 MR. YOON: So instead of sticking with the
24 7 feet 8 inches is what you're requesting? So if
25 we followed 7 feet 8 inches, what happens is the

1 interior dimension of the study it's approximately
2 a foot and a half that we lose, and the study
3 becomes more or less unusable once he puts his
4 desk in there, his chair.

5 MEMBER HILLER: What's the size of the study?

6 MR. YOON: Where the fireplace is it's 7 feet
7 11 inches and then where the front part of the
8 study is 9 feet 8 inches, and if we were to take a
9 foot and a half off of that it would bring us down
10 to 8 feet 1 or 2 inches, and then with the desk
11 and the bookshelves that he wants to put in it
12 really wouldn't allow him -- it really wouldn't be
13 a study room.

14 MEMBER HILLER: And what about the closet?

15 MR. YOON: The closet, so that it was the
16 study that dictated the dimensions for the closet,
17 and again, with the closet it allows us to -- at
18 the 7-11, if you consider shelving that's about
19 two feet on each side, that gives them three feet
20 space right in between to stand in the shelving.
21 So if it's anything less it reduces the amount of
22 shelving they could actually have in the closet.

23 MEMBER HILLER: You already have one closet
24 in the bedroom and now this is going to be the
25 second closet, so it could be reduced. What about

1 putting the study in the back of the house where
2 the deck is?

3 MR. YOON: Back in this area? They have,
4 like I mentioned, they have five children. They
5 do spend a lot of time in the backyard, so the
6 deck is one of the areas that they do utilize
7 tremendously. So to remove that deck, and if we
8 were to build a different deck we would be here
9 for a different variance.

10 MEMBER GOTTLIEB: So I look at two problems.
11 One is you bought the house three years ago and it
12 seems to be woefully too small for your needs. So
13 I understand you want to make it larger. The
14 situation is that you're going to have, according
15 to your proposal, two side yards that are five
16 feet each, and I could assure you that's never
17 been approved by this Board, and I just think it's
18 too aggressive to get two five-foot side yards.
19 You can go seven foot by right on this lot?

20 MR. YOON: Yes.

21 MEMBER HILLER: That's what I was telling
22 you. I think you would be more -- it would be
23 more amenable to the Board if you stayed within
24 the setbacks of the rear extension.

25 CHAIRMAN KEILSON: For the record, please

1 identify yourself.

2 MR. FUTERSAK: Sure, Meir Futersak.

3 So the yard is not deep. As you can see the
4 property line, we face the apartment house. So if
5 we were to go back on that patio that you
6 suggested --

7 MEMBER HILLER: No, forget about that.

8 MEMBER FELDER: Moving in the extension.

9 MEMBER HILLER: Because the setback on --
10 please show your client.

11 MR. YOON: What he's saying is because if
12 you maintain this at seven feet, right, so this
13 is --

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

16 MR. FUTERSAK: Well, the problem is the
17 fireplace comes out, bumps out.

18 MEMBER HILLER: Sir, I appreciate the designs
19 and the things you want, but we're not looking at
20 the design. We're looking at the setback, at the
21 setbacks of the property lines and you're in
22 violation of them and --

23 MR. FUTERSAK: I understand.

24 MEMBER HILLER: So the design I'm happy for
25 you, I want you to have a nice study, but you

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1 can't be in violation of the side setbacks.

2 MR. FUTERSAK: I understand, but I'm
3 explaining to you that the reason why it's an
4 issue for us we would normally go flush with that,
5 you know, the side, but because of the fireplace
6 it's creating -- it creates an issue.

7 MEMBER HILLER: I understand.

8 MR. FUTERSAK: Because of that it's not going
9 to be -- it's not going to create a conducive
10 office study.

11 CHAIRMAN KEILSON: Can you identify where the
12 fireplace is because we don't see it.

13 MR. YOON: The fireplace is in the living
14 room. That cuts into the setback.

15 CHAIRMAN KEILSON: I see.

16 MEMBER HILLER: The fireplace is a gas
17 burning fireplace? Is it a gas burning fireplace?

18 MR. FUTERSAK: It's gas.

19 MEMBER HILLER: That can be moved anywhere.
20 You can put it between two rooms.

21 MR. FUTERSAK: It's a chimney.

22 MEMBER HILLER: The chimney exists?

23 MR. YOON: The chimney exists. And then the
24 other issue is that if we -- I feel that,
25 aesthetically, if we were to make it narrower,

1 this side of the house, it would also feel like
2 more of like a clock tower or a tower, rather than
3 an element of the house, and I feel in terms of
4 just the design and the aesthetics it really helps
5 bring the house together, you know, kind of
6 creating more of a focal point in the middle,
7 which was one of their concerns when they first
8 retained our services.

9 CHAIRMAN KEILSON: You mean the symmetry of
10 the house?

11 MR. FUTERSAK: We can't move that fireplace.

12 MEMBER HILLER: I'm not saying moving the
13 fireplace. There's a problem with the setback.
14 There's a problem. You would also eliminate some
15 of your surface coverage problems.

16 MEMBER GOTTLIEB: There's another issue, and
17 I'm no safety expert, but I look at this and I
18 think that, God forbid, firemen have to get to the
19 back of the house. There's a five-foot distance
20 between the house and the property line, there's
21 probably bushes in there that could be as wide as
22 two feet wide, allowing virtually no access or
23 very limited access to the back of the house.

24 MR. FUTERSAK: There's no bushes.

25 MS. FUTERSAK: It's a wooden fence.

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1 MR. FUTERSAK: There's no bushes around at
2 all. The neighbor is -- the driveway also.

3 MEMBER GOTTLIEB: I thought I saw bushes.

4 MEMBER HILLER: Would you like to consider
5 this?

6 MR. YOON: Could I speak with my clients
7 outside for a minute?

8 CHAIRMAN KEILSON: Absolutely.

9 (Whereupon, a recess was taken; the
10 application was recalled.)

11 MR. FUTERSAK: Look, we understand the issue,
12 and as far as we're concerned it's a very, very
13 tight area where we are. The closet space
14 upstairs, if you want to talk about the --

15 MS. FUTERSAK: I have like a tiny little
16 closet.

17 CHAIRMAN KEILSON: You have to identify
18 yourself.

19 MS. FUTERSAK: Sorry. Rivky Futersak. It's
20 a very, very small closet. I'm like literally
21 living out of bins. There's no room. There's
22 like nowhere to put everything. That's how this
23 room came about, so it really would be amazing if
24 I could make like a walk-in closet. That much
25 space would be amazing.

1 MR. YOON: And we do feel -- in talking to
2 them, you know, they do feel that if we reduce it,
3 you know, we'll also be reducing the amount of
4 shelf space that they would be able to have
5 because they wouldn't be able to wrap the closet
6 shelves around, as I said earlier.

7 MR. FUTERSAK: We also addressed there's no
8 fire issue as far as, you know, there's no bushes.
9 I think essentially we're talking about a foot and
10 a half. Am I wrong; is that the encroachment,
11 about a foot and a half?

12 MEMBER GOTTLIEB: Foot and a half.

13 MR. FUTERSAK: So that's really what we're
14 asking for. If the lower portion, the lower
15 station was flush with the wall, with no
16 fireplace, we wouldn't have this issue. That,
17 unfortunately, is where it is. As my wife said,
18 it's very tight upstairs.

19 MS. FUTERSAK: Also if we have to cover it,
20 so it takes even more space.

21 MR. FUTERSAK: It's very, very tight upstairs
22 and there's no place for closet space. I mean,
23 literally we're trying to live, it's --

24 MS. FUTERSAK: It's very tight, it really is.

25 MR. FUTERSAK: And all we're asking for is

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1 just a foot and a half. We're not looking for ten
2 feet.

3 MEMBER GOTTLIEB: A foot and a half is
4 traditionally not a big request. It's not the
5 foot and a half that's the issue. It's the
6 five-foot side yard. It's two five-foot side
7 yards that are the issue. And you could do seven
8 foot by right, which I understand means you're
9 going to lose a foot and a half in the closet, and
10 so instead of 9 foot 8 it would be 8 foot 3 wide.

11 MR. FUTERSAK: I understand. We appreciate
12 what you're saying. It's just, you know, if we
13 had the space upstairs it wouldn't be an issue.
14 If we were living in bins we wouldn't be --

15 MEMBER GOTTLIEB: You're talking about the
16 upstairs closet, so now you've opened it up so I
17 can ask you a question. In the center of the
18 house there it looks like a very large what's
19 called existing storage and alterations, and it's
20 towards the front of the house on your plans. And
21 there seems to be adjacent to the existing master
22 bedroom and adjacent to another closet and a
23 bedroom.

24 MR. YOON: But that storage room -- that
25 storage room the ceiling comes down. That's where

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1 the roof --

2 MR. FUTERSAK: It's a slope.

3 MR. YOON: It's a sloped area right in front
4 of the house, so the ceiling comes down really
5 low. We measured it that way and we drew it that
6 way because it's finished exactly, but the actual
7 ceiling height --

8 MR. FUTERSAK: It's a good point.

9 MEMBER GOTTLIEB: You have the angles, so
10 this is not usable space. You can put bins there.

11 MR. FUTERSAK: More bins.

12 MS. FUTERSAK: That's what I use. I'm like I
13 need space.

14 CHAIRMAN KEILSON: Anyone else in the
15 audience who wants to speak to the matter?

16 (No response.)

17 CHAIRMAN KEILSON: Can you possibly look at
18 six?

19 MR. YOON: Six feet set back? Would you be
20 okay with six? You know, six; instead of 5 feet
21 4, make it six feet?

22 My client said that they would be okay with
23 the six-foot setback.

24 CHAIRMAN KEILSON: Okay. Let's go over what
25 we're about to vote on. Mr. Castro, what's the

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1 impact if we go to six foot? Let's change the
2 code relief accordingly. Everything gets
3 adjusted.

4 MR. YOON: Yes, everything gets adjusted.

5 CHAIRMAN KEILSON: Mr. Young, do you want to
6 help us out so we can get out of here tonight.
7 Let's just go down the requests if we can. So the
8 surface coverage is going to be proposed as?

9 MR. YOON: Surface coverage would be --

10 MR. CASTRO: 288.

11 MR. YOON: Which would be 3,672.9 square
12 feet.

13 MR. CASTRO: What was the number?

14 MR. YOON: 3,672.9 square feet.

15 MR. CASTRO: So the original was 3,684,
16 correct?

17 MR. YOON: Correct.

18 MR. CASTRO: So you subtracted 12 square
19 feet?

20 MR. YOON: Correct.

21 CHAIRMAN KEILSON: So the excess is?

22 MR. CASTRO: 287, or 8 and a half.

23 MR. YOON: Yes, that's correct.

24 CHAIRMAN KEILSON: Next, the building
25 coverage.

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1 MR. YOON: Building coverage total square
2 foot is 2,672 square feet.

3 CHAIRMAN KEILSON: Okay. Excess is 477 and
4 22 percent?

5 MR. CASTRO: Yeah.

6 CHAIRMAN KEILSON: Next, front-yard setback
7 does not get affected, correct?

8 MR. YOON: No, it does not.

9 CHAIRMAN KEILSON: Side yard?

10 MR. YOON: Six feet.

11 CHAIRMAN KEILSON: The aggregate is? Let's
12 use your numbers for the moment.

13 MR. YOON: The aggregate would be 13 feet 10
14 inches.

15 MR. YOON: Okay.

16 MEMBER GOTTLIEB: That's based upon the 7-10
17 or the five-foot?

18 MR. YOON: That's based on the 7-10.

19 CHAIRMAN KEILSON: Okay. So we're back on
20 the record. We are going to vote based on those
21 numbers that we just got for the code relief and
22 subject to the survey which may modify the
23 side-yard aggregate, okay.

24 So evaluating the benefit to the applicant
25 and taking into consideration the zone that

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1 they're in, which has a special difficult
2 side-yard situation, we're taking into
3 consideration the fact that there's no closet
4 space upstairs and there's no study downstairs, so
5 we're extending ourselves not for precedental
6 purposes.

7 I'm going to ask Mr. Felder to vote.

8 MEMBER FELDER: I'm okay with that.

9 CHAIRMAN KEILSON: Mr. Hiller.

10 MEMBER HILLER: For.

11 CHAIRMAN KEILSON: Mr. Gottlieb.

12 MEMBER GOTTLIEB: I'll vote for.

13 CHAIRMAN KEILSON: And I will vote for. And
14 you have two years and, of course, you will
15 hopefully get the correct survey, and we wish you
16 luck.

17 MR. FUTERSAK: Thank you.

18 MS. FUTERSAK: Thank you, appreciate it.

19 MR. YOON: Thank you very much.

20 CHAIRMAN KEILSON: Have a good night.

21 (Whereupon, the hearing concluded at

22 8:49 p.m.)

23 *****

24

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.

4
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 July 27, 2016
7 8:49 p.m.

8 APPLICATION: Shechter
9 220 Ocean Avenue
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. DANIEL HILLER
17 Member

18 MR. AARON FELDER
19 Member

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

22 MR. GERALDO CASTRO
23 Building Department

24 Mary Benci, RPR
25 Court Reporter

1 CHAIRMAN KEILSON: Shechter of 220 Ocean
2 Avenue.

3 MR. YOON: Young Yoon, PAU Architects.

4 We're here from an adjournment from last
5 hearing. So we're here to present different
6 numbers. So we're here requesting a surface
7 coverage which allows 7,910 square feet. We're
8 proposing 8,676 square feet, an overage of
9 766 square feet, which is 9.7 percent. We're
10 requesting a building coverage of three --

11 CHAIRMAN KEILSON: You have an exemption on
12 the driveway of 850?

13 MR. YOON: Yes.

14 CHAIRMAN KEILSON: That would be a total of
15 1,616, 20.4 percent if that was taken into
16 consideration. Continue.

17 MR. YOON: And then a building coverage which
18 allows 3,800 square feet. We're proposing
19 4,316 square feet, an overage of 516 square feet,
20 and 13.6 percent overage.

21 The pool itself is within the setbacks.
22 We're proposing only a four-foot walk around. We
23 kept the pool cabana. The pool cabana has a
24 sitting area, a dressing area and a bathroom, with
25 an outdoor barbecue area. So we tried to keep

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1 everything to a minimum. We took all the comments
2 made from the last hearing into consideration. We
3 provided you with a landscape plan. We are
4 indicating trees around the perimeter of the
5 backyard. Mr. Shechter actually just recently
6 purchased about 100 trees to start planting the
7 screening to address the concern of his neighbor
8 that had concerns about privacy and screening.

9 MR. SHECHTER: We were going to put the trees
10 in anyway. Sorry, I'm Jaime Shechter, resident of
11 220 Ocean Avenue.

12 MEMBER GOTTLIEB: You purchased the trees but
13 you haven't installed them yet, right?

14 MR. SHECHTER: That's correct.

15 CHAIRMAN KEILSON: The issue I have is just
16 too much surface coverage. You have a lot of
17 driveway; circular driveway, driveway, extended
18 driveway, the detached garage, that's the concern.
19 This is just a lot of coverage. Even though we're
20 exempt on the -- you know, the portion of the
21 driveway going back to the detached garage, but in
22 effect the coverage is still there.

23 MEMBER GOTTLIEB: You're also exempt on the
24 coping around the pool.

25 CHAIRMAN KEILSON: Right.

1 MR. YOON: And I know that lot coverage is
2 usually an issue in this town, and we are
3 providing a dry well that substantially suffices
4 in terms of meeting the requirements for water
5 runoff, and I'm pretty sure, Jaime, you wouldn't
6 be opposed to adding additional dry wells for that
7 driveway as well if that would make the Board feel
8 better about the excess coverage.

9 MR. SHECHTER: Also maybe something to
10 mention about this particular driveway that goes
11 into the garage. There is a large drainage here
12 (indicating), right before the garage, that takes
13 water running down from here which goes into this
14 dry well. So there -- even though you don't see
15 it here, but there is drainage in front of the
16 garage as well.

17 MEMBER GOTTLIEB: Okay.

18 MEMBER HILLER: Is there something that can
19 be done to remove some of the -- let's say the
20 circular driveway or some area where we could save
21 a little coverage?

22 MEMBER GOTTLIEB: Excuse me, Mr. Young,
23 before you finalize or do this, so there's another
24 concern that I have that was brought up at the
25 last meeting. Now, I understand the pool and

1 cabana meet your side-yard requirements. It's a
2 little bit different because your rear yard is
3 your neighbor's front yard, the neighbor on -- so
4 before I ask them to speak, was there any
5 consideration given to the fact that, again, the
6 pool and the cabana are really in their front
7 yard? It doesn't often happen.

8 MR. SHECHTER: Is that your front yard?

9 MS. LEVI: When you come down our driveway,
10 yes, so it is.

11 MEMBER GOTTLIEB: I based it upon really the
12 plans that you provided.

13 MR. YOON: Right. And I know that Jaime
14 spoke to his neighbors prior to us coming to this
15 hearing.

16 MR. SHECHTER: No, I'm sorry, I did not speak
17 to my neighbors, but I did see the letter that
18 they wrote from the last variance Board meeting,
19 and I understood their concerns. And even though
20 -- even though Young didn't know about it, but we
21 were anyway planning on planting a row of trees
22 throughout the entire perimeter of the house.
23 That's a lot of trees; I just bought 100 trees
24 that are going to be planted three-foot apart.
25 They're six feet high and they grow about two to

1 three feet a year. They're evergreen Green Giants
2 and that in time, probably no more than a year or
3 so, should provide a really good natural fence.
4 We certainly don't want to encroach on them and we
5 also want our privacy. So I thought that would --
6 that we wouldn't have any concerns.

7 MEMBER GOTTLIEB: Because we do live in a
8 village and our neighbors are of the utmost
9 consideration for us particularly when it's not
10 backyard to backyard but it's backyard to front
11 yard. When can we ask neighbors to speak to move
12 this along?

13 CHAIRMAN KEILSON: We can ask them to speak
14 now.

15 MEMBER GOTTLIEB: Mr. Chairman.

16 CHAIRMAN KEILSON: If there's any neighbors
17 who want to speak to the matter, please step
18 forward, while they're contemplating how to cut
19 back. Please identify yourself.

20 MS. LEVI: I'm Linda Levi, and I'm the
21 neighbor -- we're on Pond Crossing, but my front
22 yard is their backyard, backs on their backyard.

23 What I'm curious about is how far will your
24 cabana be from -- you know, from our property.
25 When you come down my driveway now, all we see

1 honestly since the trees are down is your house.
2 So now if you're putting a cabana there, how much
3 closer are you going to be?

4 MR. SHECHTER: Well, if we build a cabana
5 based on the setbacks that we're supposed to
6 use --

7 MR. YOON: The cabana is ten feet from the
8 property line, and then the trees that we'll grow
9 will grow taller than the cabana.

10 MS. LEVI: Will, but when?

11 MR. YOON: The tree that he chose they do
12 grow two to three feet, and they're starting at
13 six feet, so in about a year, probably two years
14 time you wouldn't be able to see.

15 MR. LEVI: The cabana is going to be on the
16 far side of the property?

17 MS. LEVI: That's Marty Levi.

18 MR. SHECHTER: Marty, your house is here?

19 MR. LEVI: Yeah.

20 MR. SHECHTER: Your house is right here. The
21 cabana --

22 CHAIRMAN KEILSON: Let's narrow it down.

23 MEMBER GOTTLIEB: All questions are addressed
24 to the Chairman.

25 CHAIRMAN KEILSON: Go ahead, what's your

1 question?

2 MR. LEVI: My question is exactly where was
3 the cabana going to be on the Shechters' property?

4 CHAIRMAN KEILSON: Good. So Mr. Young, could
5 you show the neighbor exactly where the cabana
6 will be.

7 MR. YOON: So when you're looking at -- when
8 you're looking at the house, this is where his
9 front of the house is. It would be to the back
10 left corner of his property.

11 MR. LEVI: So that's far enough from the
12 property. As long as the tree coverage is as
13 Mr. Shechter told me.

14 CHAIRMAN KEILSON: Any other questions or
15 comments?

16 MS. LEVI: We're good.

17 MEMBER GOTTLIEB: Just so I understand,
18 you're okay with a row of trees, a row of
19 arborvitaes or similar large evergreens that will
20 give you privacy?

21 MS. LEVI: Yes.

22 MR. LEVI: Screen the property. As long as
23 the property is screened, because right now we're
24 watching his TV.

25 MEMBER GOTTLIEB: Anything good?

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1 MR. LEVI: My kids think it's amazing.
2 Thanks a lot.

3 CHAIRMAN KEILSON: Thank you very much.

4 MR. GRAY: Thank you.

5 MR. SHECHTER: I'm sorry for that.

6 MEMBER GOTTLIEB: So at least we got that
7 part out of the way, but now we still have the
8 surface coverage.

9 MR. YOON: Could I have a moment and speak
10 with Jaime outside?

11 CHAIRMAN KEILSON: And if you don't mind, we
12 have to go to the next one.

13 MR. YOON: That's absolutely okay.

14 CHAIRMAN KEILSON: Thank you.

15 (Whereupon, a recess was taken; the
16 application was recalled.)

17 CHAIRMAN KEILSON: Back to Shechter, I guess.

18 MR. YOON: So in speaking to my client
19 outside, he agreed to reduce the size of his pool
20 cabana, bringing it down to 21 feet, so reducing
21 it by a foot and seven and a half inches. And by
22 doing that, that would be a reduction of
23 29.5 square feet. And then getting rid of the
24 barbecue area that he originally wanted in this
25 area (indicating), and he will keep the barbecue

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1 area where it currently is, and that would reduce
2 the square footage by 43 square feet, so a total
3 of 72.5 square feet. Then the building -- the
4 building area coverage would then become
5 443.5 square feet, which is an overage of 11.67.

6 CHAIRMAN KEILSON: Slowly, slowly, slowly.
7 You're proposing what, four what?

8 MR. YOON: 443.5 square feet, which is an
9 overage of 11.67 percent.

10 CHAIRMAN KEILSON: Okay.

11 MR. YOON: And then the surface coverage
12 would reduce; the overage would be 693.5 square
13 feet, which would then be 8.8 percent.

14 CHAIRMAN KEILSON: Okay.

15 MEMBER GOTTLIEB: That's a good start.

16 CHAIRMAN KEILSON: Okay. Anyone else in the
17 audience who wants to speak to the matter?

18 (No response.)

19 MEMBER GOTTLIEB: Is anyone left? Mr. Mayor?

20 MR. CASTRO: May I ask that he repeat those
21 numbers one more time.

22 CHAIRMAN KEILSON: Absolutely, for the record
23 now.

24 MR. YOON: So for the building area coverage
25 the overage would be 443.5 square feet, that's

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1 11.67 percent. And the surface coverage would be
2 693.5 square feet, an overage of 8.8 percent.

3 MEMBER GOTTLIEB: And I don't know if it's
4 part of the application, but you're putting in the
5 trees per the plan on this part of the
6 application?

7 MR. YOON: Yes.

8 MEMBER GOTTLIEB: You have a hundred
9 evergreens or so?

10 MR. SHECHTER: Yes.

11 MEMBER GOTTLIEB: Is that six feet from the
12 bottom of the ball or six feet from the top of the
13 ball?

14 MR. SHECHTER: Six feet from the top.

15 MEMBER GOTTLIEB: Wow, that's very nice.

16 MR. SHECHTER: Yeah, I just went through this
17 and it wasn't cheap but --

18 MEMBER GOTTLIEB: I'm glad you're
19 accommodating your neighbors, and it sounds like
20 it will be an amicable situation.

21 MR. SHECHTER: Thank you.

22 CHAIRMAN KEILSON: I would think so.

23 What's the determination? Can he vote even
24 though it's a continuation?

25 MR. GRAY: Certainly, absolutely.

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1 MEMBER FELDER: I can vote?

2 MR. GRAY: Yeah. You reviewed the
3 application and you've made yourself familiar with
4 the facts and circumstances.

5 MEMBER FELDER: Yes.

6 CHAIRMAN KEILSON: He certainly has.

7 Okay. So in weighing the benefit to the
8 applicant as to any concerns or detriments to
9 anyone in the community or the environment, we're
10 going to vote, and we'll start with Mr. Gottlieb.

11 MEMBER GOTTLIEB: I vote for.

12 CHAIRMAN KEILSON: And Mr. Hiller.

13 MEMBER HILLER: I vote for.

14 CHAIRMAN KEILSON: Mr. Felder.

15 MEMBER FELDER: I also vote for.

16 CHAIRMAN KEILSON: And I vote for as well.

17 MR. SHECHTER: Thank you, Chairman and Board.

18 CHAIRMAN KEILSON: You'll have a year and a
19 half, two years, what would you like?

20 MR. SHECHTER: Two years is fine. Now that
21 the summer is over, I'm not sure when I will do
22 it, but we'll do it soon.

23 MEMBER GOTTLIEB: Please make sure your
24 contractor stakes out the space.

25 MR. YOON: They're using Aquacade, who is a

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1 lot more competent. Thank you very much.

2 MR. SHECHTER: Thank you. Have a good
3 evening. Thank you.

4 (Whereupon, the hearing concluded at
5 9:31 p.m.)

6 *****

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

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11 Mary Benci

12 MARY BENCI, RPR
13 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 July 27, 2016
7 9:00 p.m.

8 APPLICATION: Palmer
9 1020 New McNeil Avenue
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. DANIEL HILLER
17 Member

18 MR. AARON FELDER
19 Member

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

22 MR. GERALDO CASTRO
23 Building Department

24 Mary Benci, RPR
25 Court Reporter

1 CHAIRMAN KEILSON: The next application is
2 Palmer, 1020 New McNeil.

3 MR. CAPOBIANCO: John Capobianco, 159 Doughty
4 Boulevard, Inwood, New York. I'm here this
5 evening with the Palmers to present their project.
6 They require a variance; however, before I get
7 into the presentation of the case I would like to
8 bring up the code relief form in the sense that
9 what we've done prior to coming to the meeting
10 today to redesign the front elevation to have a
11 hip roof on each side without the reverse gable
12 and in doing that we avoid one variance. So we
13 can eliminate a variance for the height/setback
14 ratio of the front yard. So that saves the one
15 variance.

16 By creating in the front where we had before
17 reverse gables, we have hip roofs and the hip
18 continues through and it's kind of consistent with
19 the rest of the house anyway, and it looks pretty
20 nice, because we have photos of the rest of the
21 house to show you and I'm sure you've been there
22 to see it. But by doing the hip roof it
23 eliminates the height/setback ratio variance. We
24 stay within the permitted ratio, height/setback
25 ratio.

1 The other issue of the code relief form was
2 the area of the front yard. We're seeking -- the
3 front yard relief that we're looking for the
4 existing front yard is actually -- which we take
5 to the first step, which is eight inches above
6 grade, would be instead of 30 feet, 24.5. And
7 because there is actually when you look at the
8 front of the house and photos of the front of the
9 house the steps go up to the front and literally
10 walk into the door without a porch or a landing,
11 which is pretty dangerous. So what we did and the
12 reason why we created more of a front-yard
13 variance is because we slid the porch forward and
14 created a roof overhang on the front of the house
15 as you can see here. That is the only thing
16 that's encroaching into the required 30 feet,
17 however the house complies with the 30 feet. So
18 that was the front-yard variance that we're
19 talking about.

20 The other variances that we're seeking are
21 the side-yard encroachment. Under the old code,
22 you know, we're allowed to -- under the old code
23 it was 10 feet, now it requires 15, and we're
24 asking for 11 on the north side where there's
25 presently an existing open porch right now which

1 goes out about ten and a half feet. The purpose
2 for this room and why it's located there, it's off
3 the main level. It's a master -- it's actually a
4 bedroom suite area with a little living room for a
5 caretaker because their parent who is going to
6 move in with them needs to be taken care of and
7 has to be at that first-floor level. Is that
8 correct? She's already in the house and this is
9 the reason for the need for that room.

10 At the same time when you look at the
11 second-floor plan, we've increased the three
12 bedrooms and we've increased the two bedrooms in
13 the front over the existing front porch, and when
14 we made the side addition we brought up another
15 bedroom so we were able to create four bedrooms on
16 the second floor and enlarge the three existing
17 ones so that they become better rooms and not
18 small rooms, with more closet space.

19 And that's the extent of the work being done
20 in the Palmer residence. We don't feel that it's
21 going to create any adverse effect on any
22 neighbors. If you look at the neighbor to the
23 north in the aerial view that we have --

24 CHAIRMAN KEILSON: We're familiar, we're
25 familiar. We looked it over.

1 MR. CAPOBIANCO: -- you see there's a
2 tremendous amount of open space there.

3 CHAIRMAN KEILSON: Right.

4 MR. CAPOBIANCO: And actually would cause no
5 effect whatsoever.

6 MEMBER GOTTLIEB: John, to be fair with you,
7 there's a tremendous amount of open space there
8 today, but that's a building lot, and they can
9 build a house there. But we're not going to give
10 them 11 feet to the south where you have 11 --
11 where you're requesting 11 feet to the north.

12 So I have a few questions. You seem to have
13 a pretty big backyard.

14 MR. CAPOBIANCO: Yes.

15 MEMBER GOTTLIEB: Instead of using the side
16 yard, couldn't you build to the back?

17 MR. CAPOBIANCO: Well, it's really a -- if
18 you look at the floor plan of the house, the
19 first-floor plan, if you build to the back what
20 happens is the -- let me find my glasses, I know I
21 have them, here they are. You have a kitchen and
22 a breakfast area, which makes it very difficult to
23 actually service that area, which is now off the
24 living room and den. See, if you were to put it
25 in the back or if you held the 15 feet it would be

1 too narrow, but an encroachment of four feet into
2 the required 15 when before they allowed ten, I
3 know was the old code, but if you were to, you
4 know, even give a one-time exemption which was the
5 other side it would meet, but really the 13 feet
6 works so much better on the side of the living
7 room than it would in the back because you would
8 have to walk past staircases, through a kitchen,
9 through a laundry room, through a breakfast room
10 to get to a room that would be in the back which
11 would totally block the access to the yard from
12 those other rooms or the view to the yard. So
13 it's really not a good location to put that
14 function in the back of the house. I mean, we
15 could slide it further back on the side, but it's
16 the same side-yard encroachment. The only thing
17 that could happen is that we made it a little
18 narrower, instead of 12-8, you could bring it down
19 a foot to 11-8 and maybe go 12 feet on the side
20 yard.

21 MEMBER GOTTLIEB: I was looking at, you know,
22 the house from the street, looking at the plans,
23 and listening to you saying how you need to move
24 the stairs up because there's no landing when you
25 exit the front door. So it seems like the first

1 floor of the house in the front was probably a
2 porch, unenclosed porch, which then became two
3 dens and now it's the two dens become part of the
4 house, we go upstairs, and now it's two bedrooms
5 upstairs.

6 MR. CAPOBIANCO: Well, it's the same two
7 bedrooms, it's just being enlarged.

8 MEMBER GOTTLIEB: I was looking at the
9 history of how the house is expanded, and
10 similarly I think there was a porch on the side of
11 the house.

12 MR. CAPOBIANCO: There was a porch on the
13 side of the house which is open, right.

14 MEMBER GOTTLIEB: So there is a foundation
15 there now; is that why you're also using this
16 because there is an existing foundation?

17 MR. CAPOBIANCO: That's one reason we're
18 going to add to it.

19 MEMBER GOTTLIEB: And I understand there are
20 nine children who live in the house; is that still
21 accurate?

22 MR. PALMER: The son moved out already.

23 CHAIRMAN KEILSON: You have to identify
24 yourself.

25 MR. PALMER: Jay Palmer. My son-in-law -- my

1 mother-in-law moved in with us. We really need to
2 take care of her. We started off with nine kids,
3 some are married, and they do come back and visit
4 us. So the extra bedrooms would be a real big
5 help.

6 CHAIRMAN KEILSON: The problem is with the
7 encroachment, problem is with the height/setback
8 ratio.

9 MR. CAPOBIANCO: The front yard
10 height/setback ratio was eliminated.

11 CHAIRMAN KEILSON: North side, side.

12 MR. CAPOBIANCO: The side yard height/setback
13 ratio --

14 CHAIRMAN KEILSON: Was that eliminated also?

15 MR. CAPOBIANCO: It wouldn't be eliminated
16 because even though we created a hip roof on that
17 side we still have a height/setback problem. If
18 you did shrink it down a foot it would help.

19 CHAIRMAN KEILSON: 0.93 is existing, proposed
20 2.2.

21 MR. CAPOBIANCO: Say it again.

22 CHAIRMAN KEILSON: I'm reading your code
23 relief chart. 0.93 up to 2.2.

24 MR. CAPOBIANCO: Side setback ratio, yes,
25 0.93 to 2.2.

1 MEMBER GOTTLIEB: Is the 2.2 still 2.2 or
2 since you put the hip roof on is that reduced?

3 MR. CAPOBIANCO: No, that was always a hip
4 roof on that side.

5 MEMBER GOTTLIEB: Okay.

6 MR. CAPOBIANCO: There was a hip roof in the
7 front of the gable we took off to make the front
8 disappear.

9 MEMBER HILLER: John, I'm not an architect,
10 but it seems to be the breakfast room could go
11 behind the kitchen with access to it, and where
12 the breakfast room is now could become the bedroom
13 suite, and it would back onto another bedroom that
14 has a bathroom. So you already have the plumbing
15 already right there. And that would eliminate the
16 side problems and you could use your backyard.

17 MR. CAPOBIANCO: Well, you're right, you're
18 not an architect, but it's true that --

19 MEMBER HILLER: I take insults very well, I'm
20 married.

21 MR. CAPOBIANCO: I just think that, you know,
22 it would encroach on the living space that does
23 abut the yard. You know, if you put a bedroom
24 there and it's just closed off, then the only
25 access or view to the backyard would be the

1 kitchen and laundry room. You know, you literally
2 kill the breakfast room by doing that.

3 MR. PALMER: I just want to say the existing
4 bathroom there is just a toilet. It doesn't have
5 the shower or any kind of accessibility for
6 handicapped. My mother-in-law needs to have a
7 nice walker going into the shower area.

8 State your name.

9 MS. PALMER: I'm sorry. Rachel Palmer. It's
10 my mother that moved in with us. My kids play in
11 the backyard, my grandchildren come. It's too
12 noisy there for her. We've really tried all the
13 options and we feel that this is the best thing.
14 She wants to be part of our house.

15 CHAIRMAN KEILSON: You have to take into
16 consideration that we are trying to avoid the
17 side-yard encroachments because that is the most
18 egregious problem in terms of the building --

19 MS. PALMER: I understand, and we have
20 signatures of all my neighbors. They all gave
21 their blessings.

22 CHAIRMAN KEILSON: Everybody in the world
23 could be on that list, we understand that. The
24 fact is that we have a certain responsibility to
25 the totality of the Village, and side-yard

1 encroachment is one of the things we avoid at all
2 costs, especially when you have a yard that's, I
3 mean, huge.

4 MR. CAPOBIANCO: Yeah, it's huge deep, but
5 it's not wide the property. And you know, when
6 you have property --

7 CHAIRMAN KEILSON: I understand, but that's
8 precisely the problem.

9 MR. CAPOBIANCO: No, the problem is that the
10 side-yard aggregate of 35 feet is really in many
11 ways unrealistic for the size width of a property.
12 That's why the old code was 10 and 25, but I know
13 it changed.

14 CHAIRMAN KEILSON: We changed the code again.
15 Do you want to wait till we change the code?

16 MR. CAPOBIANCO: Maybe it should go back to
17 ten.

18 MEMBER GOTTLIEB: Maybe they'll make it 20.

19 MR. CAPOBIANCO: I doubt it. I just think
20 that it's not that much of an encroachment. I
21 mean, yes, there is no house to the north, and it
22 could be a building lot eventually, but I think
23 that even if it was a building lot and they
24 maintained the 15 feet, and this was, you know,
25 11, you'd still have like 26 feet between homes.

1 That's quite a bit of distance.

2 MEMBER GOTTLIEB: John, did I hear you
3 correctly that you can narrow the room on the
4 north side?

5 MR. CAPOBIANCO: Pardon me?

6 MEMBER GOTTLIEB: The room on the north side,
7 did you say you can narrow that from 12-8 to 11-8?

8 MR. CAPOBIANCO: Well, we could bring it down
9 probably to 11 feet, take 1 foot 8 off, which
10 would give you 12 foot 8 on the side yard.

11 MEMBER GOTTLIEB: How would that affect
12 the --

13 MR. CAPOBIANCO: It would reduce the
14 height/setback ratio a fair amount because if you
15 were to bring this back a foot and a half --
16 Esther, let me take a look at this with you. This
17 is required, right? So if we were to pull this
18 back, this line would be somewhere about here, and
19 if you look at that line that would be in between
20 the two.

21 It would probably reduce it to -- well, 1.5
22 is permitted. I think it would be like the other
23 side, which would be like 1.7. It would probably
24 be consistent with the south side of the house,
25 1.7, rather than 2.2. If we were to pull the

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1 MR. CAPOBIANCO: The aggregate would then be
2 13.5 and 12.8 which would be 26.3, in lieu of
3 24.5.

4 CHAIRMAN KEILSON: Front height/setback ratio
5 is eliminated.

6 MR. CAPOBIANCO: Is eliminated.

7 MEMBER GOTTLIEB: Would the Palmers be okay
8 with your proposal?

9 MR. PALMER: I'm trying to envision a
10 wheelchair, you know, a walker, and I just want it
11 to be comfortable for her, and I just don't know
12 -- I don't know.

13 MR. CAPOBIANCO: It will wind up being -- if
14 we do a four-inch construction instead of six-inch
15 construction which is permitted, we can use spray
16 foam for the insulation, then we can bring the
17 inside dimension to 11-2 from 12-8.

18 MEMBER GOTTLIEB: But just not to confuse --

19 MR. CAPOBIANCO: Side yard is the same, side
20 yard is the same. It's just that he's dealing
21 with 11-foot 2 inches inside, and that's a little
22 tight for a bed and a wheelchair in front, but if
23 that's what it has to be it has to be. I think it
24 will still work.

25 MEMBER FELDER: Can it work?

Palmer - 7/27/16

1 MR. CAPOBIANCO: Yeah, it could make the
2 turn.

3 MEMBER FELDER: Can the wheelchair make the
4 turn in there?

5 MR. CAPOBIANCO: Yes.

6 CHAIRMAN KEILSON: Okay. So again, the
7 proposal, the front-yard setback is as submitted.

8 MR. CAPOBIANCO: The front-yard setback would
9 be as submitted.

10 CHAIRMAN KEILSON: The side-yard setback is
11 now 12.8.

12 MR. CAPOBIANCO: It will be 12.8 in lieu of
13 11.

14 CHAIRMAN KEILSON: The aggregate is now 26.3.

15 MR. CAPOBIANCO: In lieu of 24.5.

16 CHAIRMAN KEILSON: The front height/setback
17 ratio request is eliminated.

18 MR. CAPOBIANCO: That's correct.

19 CHAIRMAN KEILSON: The side height/setback --
20 the side-yard height/setback ratio on the north
21 side is now 1.8.

22 MR. CAPOBIANCO: In lieu of 2.2.

23 CHAIRMAN KEILSON: And the south remains at
24 1.7.

25 MR. CAPOBIANCO: 1.7.

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1 MEMBER GOTTLIEB: Why is there no garage on
2 this property?

3 MR. PALMER: There was, there was. It was
4 demolished. We got a permit to demolish it. It
5 was falling over.

6 MS. PALMER: It was by 878.

7 MR. PALMER: The state took our garage. It
8 was inaccessible. It was not accessible from
9 New McNeil. It used to be accessible from what
10 used to be called Doughty before the state they
11 actually took some property before we bought the
12 house and it made it nonfunctional, so it just
13 languished.

14 MR. CAPOBIANCO: In other words, the garage
15 door was facing the other side of 878 so they took
16 it down.

17 CHAIRMAN KEILSON: The same thing as Possick.

18 MR. PALMER: Correct. Possick put something
19 there for the mother. But everyone on that block,
20 I mean, we all lost our access, and if we can go
21 from the front we would have access, but there was
22 no --

23 CHAIRMAN KEILSON: Understood. So in
24 evaluating the benefit to the applicant as opposed
25 to any detriment to the neighborhood, the

Palmer - 7/27/16

1 neighbors and the like, at this late hour, we're
2 going to ask the Board to vote. Mr. Felder.

3 MEMBER FELDER: I agree with the proposal.

4 CHAIRMAN KEILSON: Mr. Hiller.

5 MEMBER HILLER: For.

6 CHAIRMAN KEILSON: Mr. Gottlieb.

7 MEMBER GOTTLIEB: I will vote for this with
8 the amended requirements.

9 CHAIRMAN KEILSON: And I will vote for, and
10 two years.

11 MR. CAPOBIANCO: Two years is fine.

12 CHAIRMAN KEILSON: Okay.

13 MR. CAPOBIANCO: Yes.

14 CHAIRMAN KEILSON: Okay.

15 MR. CAPOBIANCO: We agree to go to the Board
16 of Building Design for this.

17 CHAIRMAN KEILSON: For sure.

18 MR. CAPOBIANCO: Okay, thank you.

19 CHAIRMAN KEILSON: For sure, we wouldn't miss
20 it.

21 (Whereupon, the hearing concluded at
22 9:19 p.m.)

23 *****

24 Certified that the foregoing is a true and
25 accurate transcript of the original stenographic

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1 minutes in this case.

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Mary Benci

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MARY BENCI, RPR
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 July 27, 2016
7 9:19 p.m.

8 APPLICATION: Mitgang
9 62 Margaret Avenue
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. DANIEL HILLER
17 Member

18 MR. AARON FELDER
19 Member

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

22 MR. GERALDO CASTRO
23 Building Department

24 Mary Benci, RPR
25 Court Reporter

1 CHAIRMAN KEILSON: I'd like to do Mitgang.
2 They've been sitting here all night. Good
3 evening.

4 MR. MITGANG: Hi, Mitchell Mitgang,
5 62 Margaret Avenue.

6 CHAIRMAN KEILSON: Might as well identify
7 yourself.

8 MS. MITGANG: Adena Mitgang, 62 Margaret
9 Avenue.

10 MS. FUENTES: I'm Lisa Fuentes,
11 Amiel Savaldi's office.

12 MEMBER GOTTLIEB: Where is Amiel tonight?

13 MS. FUENTES: Europe, he's on his way there.

14 MR. MITGANG: Family wedding. So we are
15 recently married.

16 CHAIRMAN KEILSON: Congratulations.

17 MR. MITGANG: Thank you. A blended family,
18 five kids, two married, coming back to visit
19 frequently.

20 MS. MITGANG: Grandchild on the way.

21 MR. MITGANG: The house is tight because of
22 that and it hasn't really been worked on at all
23 since Adena moved in with her late husband, and
24 we'd like to expand the kitchen, have a dining
25 room that can seat our family, have an extra

Mitgang - 7/27/16

1 bedroom upstairs and a larger master suite for us.

2 CHAIRMAN KEILSON: So let's go through the
3 variances that you're requesting.

4 MR. MITGANG: Okay.

5 CHAIRMAN KEILSON: First is the building
6 coverage, the excess building coverage.

7 MR. MITGANG: 284.

8 CHAIRMAN KEILSON: 284 square feet over.

9 MS. MITGANG: Ten percent.

10 CHAIRMAN KEILSON: And that's primarily why,
11 the extra bedroom?

12 MS. MITGANG: Right, because the dining room
13 in the back could just use a little patio area,
14 we're filling that in and that becomes the dining
15 room, and then above that we're going to build out
16 the master bedroom.

17 MS. FUENTES: It's mostly the building
18 addition. It's mostly the building addition
19 that's pretty much that variance. And then they
20 have the side yard and the side-yard aggregate,
21 and then they have a small shed in the back.

22 CHAIRMAN KEILSON: Slowly, slowly. Side yard
23 permitted is 15, currently is 12-9, proposed 12-9.
24 So you're not changing that.

25

1 MS. MITGANG: We're not changing that.

2 MS. FUENTES: It's going to be flush with the
3 existing.

4 CHAIRMAN KEILSON: Side-yard aggregate as
5 well, right, no changes?

6 MS. MITGANG: No changes.

7 MS. FUENTES: No changes, existing, going
8 along with the existing.

9 CHAIRMAN KEILSON: And then we have the shed
10 that's been placed on the property line by
11 mistake.

12 MS. FUENTES: Right.

13 MEMBER HILLER: Do you need the shed?

14 MR. MITGANG: Yeah.

15 MEMBER HILLER: What's in the shed?

16 MS. MITGANG: Bicycles, lawn furniture,
17 succah.

18 MEMBER HILLER: Do you have a garage?

19 MR. MITGANG: We have four bicycles.

20 MS. MITGANG: We have five kids now,
21 everybody is in and out, we need the shed also.

22 MS. FUENTES: Would they be able to move it?
23 Would that be easier?

24 CHAIRMAN KEILSON: It's always better not to
25 be in violation. So you can move it. What's the

1 requirement?

2 MS. FUENTES: I believe it's eight foot
3 minimum.

4 CHAIRMAN KEILSON: Can you accommodate that?

5 MR. MITGANG: Not easily, because the yard
6 back area is not that long. To the left of us,
7 our neighbor is fine to the left, they have a
8 fence and a pool so there's a fence there and
9 there's two evergreens behind the shed that divide
10 it. I didn't know that there's a restriction.
11 It's a beautiful shed from Wood Kingdom and it's
12 very pretty. I could move it up if I have to. I
13 could move it to the middle also, so the back
14 faces another shed that's already on the property
15 line. So it's back to back.

16 CHAIRMAN KEILSON: Is the shed on the
17 neighbor's property line; is that it?

18 MR. MITGANG: Yeah, right in the center.

19 MS. MITGANG: Just behind us.

20 MEMBER GOTTLIEB: It's not your shed, it's
21 the shed behind you.

22 MS. MITGANG: So we could have it in line
23 with their shed if that's more agreeable.

24 MEMBER GOTTLIEB: Your backyard is 52 feet?

25 MS. FUENTES: Right, 52-3. With the deck it

1 will be 40. It's on the plot plan (indicating).

2 MR. MITGANG: It's a small shed.

3 MS. MITGANG: Eight by ten.

4 MEMBER GOTTLIEB: What's on the -- I didn't
5 really notice that shed when we -- when I did my
6 drive-by. Is there another shed on the other side
7 of your property?

8 MR. MITGANG: Not on my property.

9 MEMBER GOTTLIEB: Is there a beige shed back
10 there?

11 MS. MITGANG: That's not ours. There's a
12 yellow one but that's not ours.

13 MEMBER GOTTLIEB: I thought that's the one
14 we're looking at.

15 MS. MITGANG: No. In the corner of the
16 property next to the fence there's a little shed
17 that looks like a house, it has a window with
18 shutters and it's gray.

19 MR. MITGANG: It's very pretty and it's only
20 eight foot by ten.

21 MS. MITGANG: It's on the side. It's all the
22 way -- when you're like in the front of the house
23 it's on the left corner in the back.

24 MEMBER GOTTLIEB: I guess it was shielded by
25 the house, so I didn't see it from the street.

1 CHAIRMAN KEILSON: So what are we going to do
2 with the shed, move it somewhere?

3 MR. MITGANG: If we have to.

4 MS. MITGANG: Can we move it less than the
5 eight feet?

6 CHAIRMAN KEILSON: Yes. Just give us a
7 number so when we put it on the record we'll --

8 MEMBER GOTTLIEB: It's currently off the side
9 yard, right?

10 CHAIRMAN KEILSON: Right.

11 MS. FUENTES: It's 7.1 right now, so it's
12 seven feet.

13 MEMBER GOTTLIEB: Off the side yard?

14 MS. FUENTES: Off the side yard.

15 CHAIRMAN KEILSON: We're concerned about the
16 rear.

17 MS. FUENTES: From the rear, three feet, is
18 that okay?

19 MR. MITGANG: Sure.

20 CHAIRMAN KEILSON: Fine.

21 MR. MITGANG: No problem.

22 MS. MITGANG: This is from our neighbors.

23 MS. FUENTES: We have signatures from the
24 neighbors.

25 MEMBER FELDER: Who is the neighbor that has

Mitgang - 7/27/16

1 the shed?

2 MS. MITGANG: We don't want to get them in
3 trouble.

4 MEMBER FELDER: Off the record.

5 (Whereupon, a discussion was held off the
6 record.)

7 CHAIRMAN KEILSON: So we're going to vote
8 based on the benefit to the applicant as opposed
9 to any detriment. Mr. Gottlieb.

10 MEMBER GOTTLIEB: That's me. I like this
11 application and I wish you both the best of luck
12 in your new lives together.

13 MS. MITGANG: Thank you.

14 MR. MITGANG: Thank you.

15 CHAIRMAN KEILSON: There you go. Mr. Hiller.

16 MEMBER HILLER: Rarely have I seen a couple
17 with so much grace.

18 MEMBER FELDER: I agree, I wish you the best
19 of luck, enjoy your new home.

20 MS. MITGANG: Thank you very much.

21 MR. MITGANG: Thank you.

22 CHAIRMAN KEILSON: Since the Chair has just
23 gotten remarried and in the same situation, so I
24 wish you the best of luck.

25 MS. MITGANG: Mazel tov to you,

Mitgang - 7/27/16

1 congratulations.

2 MS. FUENTES: Thank you.

3 MR. MITGANG: So I can leave the shed?

4 CHAIRMAN KEILSON: Yeah, leave the shed. You
5 don't have to shed the shed.

6 MR. GRAY: How much time do you need to
7 complete the project?

8 CHAIRMAN KEILSON: Take two years.

9 MR. MITGANG: Thank you, that's helpful.

10 (Whereupon, the hearing concluded at
11 9:27 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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_____*Mary Benci*_____

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MARY BENCI, RPR
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 July 27, 2016
7 9:31 p.m.

8 APPLICATION: Alpert
9 455 Misteltoe Way
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. DANIEL HILLER
17 Member

18 MR. AARON FELDER
19 Member

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

22 MR. GERALDO CASTRO
23 Building Department

24 Mary Benci, RPR
25 Court Reporter

Alpert - 7/27/16

1 CHAIRMAN KEILSON: Alpert, anyone here on
2 Alpert? I would motion for an adjournment on
3 Alpert.

4 MEMBER GOTTLIEB: You're very kind,
5 Mr. Chairman. Not every man would be as generous
6 as you.

7 CHAIRMAN KEILSON: That's for sure.

8 The record will reflect that we are
9 disappointed that no one on behalf of Alpert has
10 appeared, and certainly this is an application
11 where there was no message received from their
12 representative, Mr. Meyerson (phonetic) didn't
13 reach out to us. So we will not suggest that
14 there's any arrogance associated with his
15 nonappearance, or condescension, but we will
16 adjourn it to the next available date which we are
17 yet to determine.

18 MR. GRAY: Off the record for a second?

19 CHAIRMAN KEILSON: Yes.

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

22 (Whereupon, the hearing concluded at
23 9:34 p.m.)

24 *****

25 Certified that the foregoing is a true and

Alpert - 7/27/16

1 accurate transcript of the original stenographic
2 minutes in this case.

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4 Mary Benci

5 MARY BENCI, RPR
6 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 July 27, 2016
7 9:34 p.m.

8 APPLICATION: Bais Medrash of Harborview
9 210/214/218 Harborview South
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. DANIEL HILLER
17 Member

18 MR. AARON FELDER
19 Member

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

22 MR. GERALDO CASTRO
23 Building Department

24 Mary Benci, RPR
25 Court Reporter

Bais Medrash of Harborview - 7/27/16

1 CHAIRMAN KEILSON: The last matter of the
2 evening didn't appear on the calendar, but it's a
3 continuation from last time, the Bais Medrash of
4 Harborview. I was just mentioning that we're
5 considering the matter of Bais Medrash of
6 Harborview. We had a hearing on at the last
7 meeting and it was continued and it was due for a
8 decision at this time.

9 The Village is in the process of having a
10 traffic and parking study prepared, and so the
11 Zoning Board would like to have this study and
12 report available for its deliberation for the
13 pending application.

14 The applicant and counsel has consented to
15 the delay in this Board's determination until such
16 time as the report is available.

17 So I accordingly would like to make a motion
18 to extend and continue the current conditions and
19 restrictions in place as set forth in the
20 corrected decision dated July 23rd, 2015 in the
21 matter of the application of Bais Medrash of
22 Harborview, and I would suggest that we extend it
23 for three months so at least there's a --

24 THE MAYOR: That should be sufficient time --

25 CHAIRMAN KEILSON: That should be sufficient

Bais Medrash of Harborview - 7/27/16

1 time --

2 THE MAYOR: -- to produce the study.

3 CHAIRMAN KEILSON: -- for the parking review
4 and study to be made, and we'll consider it at
5 that point. That's my motion. Second it?

6 MEMBER FELDER: Second.

7 CHAIRMAN KEILSON: Good. So we'll vote.
8 Mr. Felder.

9 MEMBER FELDER: For.

10 CHAIRMAN KEILSON: Mr. Hiller.

11 MEMBER HILLER: For.

12 CHAIRMAN KEILSON: Mr. Gottlieb.

13 MEMBER GOTTLIEB: For.

14 CHAIRMAN KEILSON: And I certainly will vote
15 for it as well.

16 MR. GRAY: Mr. Chairman, I just want to state
17 that we do have a letter from Howard Avrutine,
18 counsel for the Bais Medrash of Harborview,
19 indicating their consent to the enlargement of
20 time for this Board to render its decision, and I
21 would like to give it to Mr. Castro to put in the
22 property file.

23 CHAIRMAN KEILSON: I think that would be
24 appropriate. I thank you very, very much. And
25 I'll take a motion to adjourn.

Bais Medrash of Harborview - 7/27/16

1 MEMBER GOTTLIEB: Motion to adjourn.

2 THE MAYOR: Thank you, Mr. Chairman.

3 (Whereupon, the hearing concluded at

4 9:36 p.m.)

5 *****

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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