

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

October 24, 2018
7:41 p.m.

APPLICATION: Voriskin
23 Copperbeech Lane
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan

Court Reporter

CHAIRMAN KEILSON: Okay, good evening, ladies and gentlemen. Welcome to the Lawrence Board of Zoning Appeals. Please turn off your phones, and if there is a need for conversation, please step out into the lobby. Okay.

First, we are going to welcome Ms. Yaffa Kaplan, new court reporter for the Village of Lawrence. We wish you a successful career. And we will try to behave.

Mr. Castro, proof of posting?

MR. CASTRO: Chairman, proof of posting and publication.

CHAIRMAN KEILSON: Thank you very much. Okay. We have two requests for extensions on previous existing variances. One is the Voriskin. Is that the correct spelling?

MR. CASTRO: Correct.

CHAIRMAN KEILSON: V-O-R-I-S-K-I-N, at 23 Copperbeech Lane in Lawrence. They are in the middle of construction? Nearing the end of construction?

MR. CASTRO: Near the end of construction.

CHAIRMAN KEILSON: And requesting extension of --

MR. CASTRO: -- ninety days.

CHAIRMAN KEILSON: So let's give 120 days.

Everybody approves?

MEMBER HILLER: Yes.

MEMBER FELDER: Approves.

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

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

A handwritten signature in cursive script, appearing to read 'Yaffa Kaplan', is written over a horizontal line.

YAFFA KAPLAN

Court Reporter

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

October 24, 2018
7:42 p.m.

APPLICATION: Liechtung
15 Briarwood
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

CHAIRMAN KEILSON: The other extension request is from a family Liechtung at 15 Briarwood Lane in Lawrence.

Have they started construction?

MR. CASTRO: They have a building permit. I am not sure how far into construction they are.

MR. VACCHIO: They started, yes.

CHAIRMAN KEILSON: The request is based on various family issues. Did they indicate how long they would like the extension for?

MR. CASTRO: I believe it's for --

CHAIRMAN KEILSON: -- the full two years?

MR. CASTRO: -- the full two years.

CHAIRMAN KEILSON: Okay. Any objection from the Board?

MEMBER GOTTLIEB: No.

CHAIRMAN KEILSON: Okay. So approved. Pass it down.

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

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



YAFFA KAPLAN

Court Reporter

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

October 24, 2018
7:42 p.m.

APPLICATION: Diamond
11 Westin Place
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

CHAIRMAN KEILSON: Okay. The first matter of this evening will be Diamond at 11 Westin Place. Will they or their representative please step forward.

Good evening, Mr. Macleod.

MR. MACLEOD: Good evening. May I just put this up?

Good evening. My name is John Macleod, 595 Park Avenue, Huntington, New York. I am here this evening representing my clients Mr. and Mrs. Diamond who have recently purchased 11 Westin Place in Lawrence with the intention of doing a substantial renovation of the house and adding a small amount of additional square footage in the rear which we will go into in a moment.

I would like to present to the Board seven letters of support from all of the immediate neighbors. And I could read the addresses if you would like.

CHAIRMAN KEILSON: Unnecessary. Just submit them.

Mr. Preston, are they all different texts?

MR. PRESTON: The fonts are different, Mr. Chairman.

CHAIRMAN KEILSON: The fonts are different, but the text is the same.

MR. PRESTON: Would you like these marked in the record?

CHAIRMAN KEILSON: Please, yes.

(Exhibits 1, Letters, marked for identification, as of this date.)

CHAIRMAN KEILSON: Okay, Mr. Macleod.

MR. MACLEOD: So this house is over 80 years old and is on a 6,000-square-foot lot, fairly small footprint property, and we are encumbered by the existing setbacks on the front, rear, and sides for which we are asking variances for this evening. We are not increasing the footprint of the house in the front or the sides. Merely in the back for 120 square feet, filling in a small strip along the back of the house, which will extend towards the rear yard to match the existing left-hand rear corner which projects slightly from the square of the house.

CHAIRMAN KEILSON: So you have six variance requests?

MR. MACLEOD: We have six variance requests?

CHAIRMAN KEILSON: Of which 1, 2, 3, 4, 5 are existing nonconforming?

MR. MACLEOD: That is correct. I can go through each one.

CHAIRMAN KEILSON: No; spare us unless members of the Board are interested. As you know, we are a hot board and have gone and visited the site and are very familiar with the petition, so if there is any question, unless you want any further insight, and you submitted a new document tonight. Does that change what we have before?

MR. MACLEOD: The only -- there were minor changes of one or two inches on the code relief chart that I gave you earlier just to clarify some of the numbers and -- but the essence of the project did not change.

CHAIRMAN KEILSON: And the existing nonconforming is as is, right?

MR. MACLEOD: That is correct.

CHAIRMAN KEILSON: So taking an 80-year-old house and we are going to renovate it. How many people are going to be moving into the house?

MR. MACLEOD: Mr. and Mrs. Diamond but they have extended family. They have five children and their spouses and families in the area, so the intention is to expand the living space within the house to accommodate family gatherings in the dining room and kitchen and also provide space for an elevator

to reach all levels for elderly members of the family and visitors to be able to reach guest rooms on the second floor and on the lower level.

CHAIRMAN KEILSON: Of course, they can go visit their relatives and not expand the house.

MR. MACLEOD: Yes.

CHAIRMAN KEILSON: Questions from the Board? You want to ask some questions?

MEMBER GOTTLIEB: No. Are you excavating the basement in the area that you are expanding?

MR. MACLEOD: That is correct. Yes. This house has a partial basement. And so we are going to turn the latter part or the rear part of the existing basement from crawl space into full useable basement, and at that time we will be building a full basement underneath the 120-square-foot addition.

MEMBER GOTTLIEB: So it's not just the 120; you are sort of squaring off the basement as well to match?

MR. MACLEOD: Yes. Where there will be two guest rooms in that rear area.

CHAIRMAN KEILSON: Gentlemen, any questions? Is there anyone from the audience who wants to comment as to any questions? Okay.

MEMBER GOTTLIEB: Again, this is a renovation,

not a knockdown; you are not taking more than 50 percent?

MR. MACLEOD: No. We are trying to maintain as much as possible, and as I said, the footprint stays the same. The front porch, which is currently an open front porch with some dilapidated brickwork, we are going to be restructuring that and extending the dining room into that area towards the front of the house.

MEMBER GOTTLIEB: Okay.

CHAIRMAN KEILSON: Okay. So the statutory criteria for approving a variance is whether the benefit to the applicant outweighs any detriment to the health, welfare, and safety of the neighborhood. Taking that into consideration and reviewing the five criteria that we have, we will start with Mr. Felder.

MEMBER FELDER: For.

CHAIRMAN KEILSON: Mr. Hiller?

MEMBER HILLER: For.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: For.

CHAIRMAN KEILSON: I vote for as well. Two years.

MR. MACLEOD: Two years. Thank you.

CHAIRMAN KEILSON: Two years it is.

MR. CASTRO: Are you going to be changing the exterior?

MR. MACLEOD: We will be changing the brick to something similar in a similar vein but it will be new. That's a limestone trimwork as well.

MR. CASTRO: So it will be -- the application will go before the Board of Buildings also?

MR. MACLEOD: Yes. Actually we have drawings with us this evening, which I could leave if that's possible to do so.

CHAIRMAN KEILSON: Everything is possible.

MEMBER GOTTLIEB: Thank you.

(Whereupon the hearing concluded at 7:48 p.m.)

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


YAFFA KAPLAN

Court Reporter

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

October 24, 2018
7:48 p.m.

APPLICATION: Halpern
125 Richmond Place
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

CHAIRMAN KEILSON: Okay. The next matter before us will be Halpern of 125 Richmond Place, they or their representative.

MR. FLAUM: Good evening, members of the Board. My name is Shmuel Flaum, S-H-M-U-E-L, F-L-A-U-M, residing at 194 Wanser Avenue, W-A-N-S-E-R, Inwood, New York 11096. I am here representing my clients Mr. and Mrs. Halpern who have recently purchased 125 Richmond Place.

CHAIRMAN KEILSON: They currently are residents of the village?

MR. FLAUM: They are currently residents of the village on an adjoining block on Cumberland. They are looking to do an alteration/addition to an existing house. We are seeking three variances. But I am not sure if you want me to go through those first or the work scope.

CHAIRMAN KEILSON: Again?

MR. FLAUM: Would you like me to go through the work scope first?

CHAIRMAN KEILSON: We visited the site and note there is extensive work required, so please walk us through.

MR. FLAUM: There is an existing two-and-a-half-story house that was in very, very

decrepit condition from the previous owner who left it derelict. The Halperns are purchasing it and doing a gut rehab on it and also doing an extension primarily to the left side of the existing structure that involves demolishing the existing garage and building it closer to the front of the property, as well as an extension to the main house or dwelling for purposes of their needs moving into this house.

The entirety of the inside had to be primarily gutted because there were -- basically everything was destroyed from animals and just disarray of no one living there or maybe it was being inhabited by people of --

CHAIRMAN KEILSON: Squatters?

MR. FLAUM: Squatters. There is the word. So basically right now it's going through a gut alteration because it has to be cleaned before it could be worked on.

CHAIRMAN KEILSON: Do we have to be concerned that at some point you will find that you need to knock it down? Because when you start with an old house like this and in disrepair -- and we have had this time and again. You find that essentially what originally began as a rehab becomes a full knockdown, in which case

we are very uncomfortable issuing variances and then facing situations where it's going to be total reconstruction.

MR. FLAUM: To my knowledge, they are already in the middle of the interior demolition. They finished two floors and so far everything looks good. Frame-wise, construction-wise, we have had several contractors come in and take a look at it. And the bones of the structure actually is in very good condition. As with most older construction, it's just the material surfaces and finishes had mold, mildew, and a lot of damage, but the actual house itself is in fine shape.

MEMBER HILLER: Have they had a structural engineer check out the house?

MR. FLAUM: I don't think they had an engineer, but I am an architect. I walked through the house and demonstrated my concern for certain things, but right now we won't know until they finish the actual demolition if there is anything of real concern.

CHAIRMAN KEILSON: So I guess we are registering our concern, and in the event that you do find that a reconstruction is necessary, then as far as we are concerned, we have to come back to the Board

for further review of the variances. Mr. Preston; is that correct?

MR. PRESTON: Yes, it is.

CHAIRMAN KEILSON: Okay. I got it right.

MR. FLAUM: Are we talking about exterior or interior because certain things interior should not matter for purposes of variance.

CHAIRMAN KEILSON: Mr. Castro?

MR. CASTRO: Exterior.

MR. FLAUM: Nope.

CHAIRMAN KEILSON: Okay. Shouldn't be an issue.

CHAIRMAN KEILSON: We know that the petitioner refers to five children. I see you are making nine bedrooms. Are they going to rotate or what did you have in mind?

MR. FLAUM: The Halperns are extremely amicable. Kein Ayin Hora, their family is growing. They have a big family as it is. They have a very large family, both immediate and extended. They all live in the surrounding area, and they would like to have their family over very frequently. So the bedrooms are both for their immediate family and for their extended family who come to visit them primarily on a weekly

basis.

The variances that we are seeking for this application are as follows: Under building coverage, which is Section 212-12.1, the permitted amount is 2,713 square feet. The existing is 2,782 square feet with an overage of approximately 2.5 -- I think it says 1 percent. The proposed --

CHAIRMAN KEILSON: I'm sorry. What does that mean? What's 2.5?

MR. FLAUM: That's how much it's over from allowed percentagewise.

CHAIRMAN KEILSON: We are interested in the proposed.

MR. PRESTON: The proposed 2,969 and the overage on the proposed would be plus 9.4 percent. So that's the proposed overage on the building coverage.

CHAIRMAN KEILSON: The overage on building coverage is the upper reaches of things that we approve, so can you give us an idea to what constitutes the additional building coverage?

MR. FLAUM: So if you look at the original building coverage on the existing property, it was actually at 2,782 square feet. It's a slight bump up from the original amount. But if you look at the

totality of what was going on on the property, you will see that the impervious surface, which had included the original garage, is substantially reduced in size, so the new proposed garage is smaller than the original and we have actually decreased what is going to be the impervious surface coverage, which was originally 4,012 square feet is now 3,259.

CHAIRMAN KEILSON: I think you misunderstood me. Building coverage --

MR. FLAUM: Okay.

CHAIRMAN KEILSON: You have increased the building coverage by --

MEMBER GOTTLIEB: Two hundred fifty six square feet.

CHAIRMAN KEILSON: So what comprises the 250 square feet?

MR. FLAUM: The additional area that was added for building coverage is the new entry to the house. And an extension on the living room off of the existing living space on the first floor. The existing house didn't have a front entry as is typical on those constructions. It was a side entry which wasn't suitable for the needs of the owners or for suitable layout of a typical house that one would typically

enter into from the front. So the redesign adding the extension to the left allows them to get a new entry foyer at the front of the house and an enlarged living entertaining space behind that.

The garage is a separate structure to the immediate left of that addition. Again, there was a much larger detached garage that was further set back. That is part of the additional lot coverage. But in totality, the garage is much smaller than it was before.

MEMBER GOTTLIEB: So we have a one-car garage?

MR. FLAUM: Correct.

MEMBER GOTTLIEB: And it's -- I am kind of shifting this but four feet off the property line is permitted.

MR. CASTRO: Detached garage, yes, C-1.

MEMBER GOTTLIEB: And you have a little breezeway between the house and garage?

MR. FLAUM: Correct.

MEMBER GOTTLIEB: Which is going to be covered?

MR. FLAUM: No. Open.

CHAIRMAN KEILSON: Okay. The side-yard setback is from 34 feet going down to 23?

MR. FLAUM: Correct.

CHAIRMAN KEILSON: Attributable to what?

MR. FLAUM: That's attributed to the extension going out to the left side where there is a new entry and living area. So that extension is basically bumping now to where the existing garage that's being demolished was approximately prior to now. And again, the garage that is being built in place of the existing one is actually further set back from the side yard than the existing one is.

So in total, the actual side yard is increasing overall from the existing side yard, and the house yes, is extending out further from its original location but --

CHAIRMAN KEILSON: The side yard is increasing?

MR. FLAUM: The side yard is increasing from the original because the original garage was closer to the existing side property line.

MEMBER GOTTLIEB: But typically the garage is not included in the side-yard setbacks.

MR. FLAUM: Granted, it's nothing to do with the setbacks specifically, but you had asked about the garage itself in terms of set back from the property.

MEMBER GOTTLIEB: But on the side yard, you are

on the south side if you will. You are going from 30 feet to 18 feet?

MR. FLAUM: Correct, yes.

MEMBER GOTTLIEB: Which is where all the new construction is?

MR. FLAUM: Yes.

MEMBER GOTTLIEB: Okay.

CHAIRMAN KEILSON: Okay. Let's go to the surface coverage.

MR. FLAUM: The impervious surface coverage permitted is 3,015 square feet. Existing 4,412 square feet, which is 32 percent overage proposed to be 3,269, which is only a 8.4 percent overage on impervious surface coverage.

CHAIRMAN KEILSON: Okay.

MR. FLAUM: These are the three variances that we are seeking approval for.

CHAIRMAN KEILSON: Okay. Any further questions from the Board?

MEMBER HILLER: I have none.

MEMBER GOTTLIEB: So just to point out, I'm sorry, the impervious surface coverage, you are actually reducing it by over 700 feet?

MR. FLAUM: Correct.

MEMBER GOTTLIEB: So even though you are over by 8.4, you are 700 feet less than before?

MR. FLAUM: Correct. I also have with me letters from the adjoining neighbors of the property.

CHAIRMAN KEILSON: Okay. Everyone but --

MR. FLAUM: One neighbor who currently doesn't live here. They live in Florida. Signed the letter in support of the variances.

CHAIRMAN KEILSON: The neighbor to the left, do you have a letter from them?

MR. FLAUM: The neighbor to the left?

CHAIRMAN KEILSON: The one that's most affected?

MR. FLAUM: Dr. Klotz, yes, that's one of the letters.

CHAIRMAN KEILSON: Any questions from the audience?

MR. PRESTON: Would you like this, Mr. Chairman?

CHAIRMAN KEILSON: No, thank you. Please.

MR. HALPERN: My name is Yitzy Halpern.

CHAIRMAN KEILSON: Please step forward.

MR. HALPERN: So I have never done this before, so I am not sure if my lingo is 100 percent the way it's

supposed to be.

CHAIRMAN KEILSON: Just for the record, state your name.

MR. HALPERN: Yaakov Halpern is my legal name. That's what you see on the application, and we have -- we had planned for my wife who is a teacher for 17 years to present.

CHAIRMAN KEILSON: And your wife is?

MS. HALPERN: Nechama. And I failed to tell her what the setting is going to be, so I am going to spare her having to speak and I am just going to do it.

CHAIRMAN KEILSON: Everybody is at ease here.

MR. HALPERN: Well, this is a courtroom. Nice people but she is used to a classroom of seventh-grade girls. So the thing that I wanted to speak to is Shmuel is wonderful and we went -- you know, we did a lot of work together. I didn't necessarily fill him in on every, like, aspect of what our need is. I kind of took up one point in the petition, and I kind of wanted to speak to that a little bit more if that's something you would like to hear.

CHAIRMAN KEILSON: By all means.

MR. HALPERN: We have -- Kein Ayin Hora, we have five well-taken-care-of children. Two of

them -- some have some medical issues which necessitate them to have their own room.

So first of all, you found nine bedrooms on the plans. There is eight. If you can show us that ninth one, we will definitely use it.

CHAIRMAN KEILSON: I will be happy to.

MR. HALPERN: The plans currently is eight bedrooms. Six bedrooms upstairs and two in the basement. As far as having six bedrooms upstairs, we currently have four small bedrooms upstairs. The house is legally a two-family. I think it was the last legal two-family in Lawrence. In 1957, it was changed to a two-family. So for us to have access to more than four bedrooms -- we have four small bedrooms. For us to have access to more than four bedrooms, we would have to register that as a one-family and do substantial construction. In the new house we are looking at six bedrooms upstairs, which we will definitely use. So that's as far as the bedrooms. I am just going to wait for --

CHAIRMAN KEILSON: Hold on one second. There is an unidentified unfinished room on I guess the third floor.

MR. HALPERN: Yes. It's more like a crawl

space roof. It's not much. It's a chimney going through it.

CHAIRMAN KEILSON: I picked that up as a bedroom. Okay, fine.

MR. HALPERN: When you come for Shabbos, you got it.

CHAIRMAN KEILSON: Okay. Continue.

MR. HALPERN: So that's as far as our immediate needs as far as bedrooms go. As far as family, we wish that our 14 -- in the total of us, there are 14 siblings live locally. I think you mentioned they all live locally, which would not necessitate us having them. On my side of the family, most of them do live locally. Nechama's side of the family, almost all of them do not live locally.

My parents, who used to live in a large house in Lawrence, due to career upheaval had to move out of their house and move into a local smaller house, so as far as the local thing, we definitely act as -- I don't know if you want to call it headquarters but Nechama's family -- Nechama has nine siblings who live in many different places, and due to various reasons, they spend most of their holidays with us. We, thank God, today have four bedrooms plus a guest room, and we have

people sleeping all over the place so that would necessitate two bedrooms in the basement.

As far as the addition, there is nice square footage to the house as it is. There is no -- there is a very small dining room and even a smaller, you know, what we call living room next to it. We are expanding that. I don't think -- we are not expanding it unreasonably. We just would like to have an open area where we frequently have -- Nechama frequently hosts 25 people around our table on the holidays, and it's not just because we like to have big parties. It's, you know, family reasons why we do that. That's the main reason why we need that extra square footage.

And as far as adding that thing to the left side, this house is a house that sits on the -- I would say 30 percent of the property going straight back to the back. We went around to the neighbors. They were very happy we were taking this haunted house off the block, the eyesore off the block, and more than a few of them mentioned that they were happy -- we would show them the addition and they were happy we would turn it into a regular-looking house with a normal entrance as opposed to a entrance on the side, and that would necessitate us to move it over to the side. Other than

that, I think we are pretty much -- we pretty much covered anything.

CHAIRMAN KEILSON: You did a very able job first time out.

MR. HALPERN: I appreciate that.

CHAIRMAN KEILSON: Anyone else?

MR. HALPERN: I didn't -- well, I -- some of the things I mentioned, I mentioned more general. Things I don't want to say publicly would be in the public record.

CHAIRMAN KEILSON: You are fine.

MR. HALPERN: Thank you very much. Thank you for taking out your time for us. We appreciate it.

CHAIRMAN KEILSON: We have nothing else to do tonight.

Okay. Anyone else from the audience want to participate? Okay. Again, weighing the benefit to the applicant as opposed to any detriment to the health, safety, and welfare of the community, we are going to vote, and we are going to ask Mr. Gottlieb again.

MEMBER GOTTLIEB: It will be nice to see new life in an old house. I vote for.

CHAIRMAN KEILSON: Very good. Mr. Hiller?

MEMBER HILLER: For.

CHAIRMAN KEILSON: Mr. Felder, you want to see
new life in an old house?

MEMBER FELDER: Yes. Any Halpern is a benefit
to our neighborhood. Yes. For.

CHAIRMAN KEILSON: I will vote for as well.
Two years.

MR. FLAUM: Thank you very much. Have a good
evening.

(Whereupon the hearing concluded at 8:06 p.m.)

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



YAFFA KAPLAN

Court Reporter

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

October 24, 2018
8:06 p.m.

APPLICATION: Schulhof
11 Merrall Drive
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

CHAIRMAN KEILSON: Next matter is Schulhof. Will they or their representative please step forward?

Mr. Wax, good evening.

MR. WAX: Good evening.

CHAIRMAN KEILSON: Good to see you.

MR. WAX: My name is Norman Wax. I am an architect at 158 Irving Place in Woodmere, New York.

CHAIRMAN KEILSON: Proceed.

MR. WAX: Okay. So this is a sort of a variation on a story you heard a number of times. There is an existing house with a recessed portion in the rear that's occupied by a patio. The plan is to just fill in and square off the house.

CHAIRMAN KEILSON: Have there been any prior variances?

MR. WAX: Yes, there were. In I believe 2006, there was a variance granted to encroach on the side yard on the south side of the house.

CHAIRMAN KEILSON: Can you identify what we are talking about? Do you know what was granted then?

MR. WAX: I beg your pardon?

CHAIRMAN KEILSON: Do you know what was granted at that time?

MEMBER GOTTLIEB: And was it built?

MR. SCHULHOF: Yes.

CHAIRMAN KEILSON: Identify yourself for the record.

MR. SCHULHOF: My name is Kenneth Schulhof who is the homeowner of the house. It was existing on -- all the sides were existing but we extended back, so those were just pushed back over the previous variance. I don't know the technicalities.

MEMBER GOTTLIEB: That was 12 years ago?

MR. SCHULHOF: Twelve years ago. 2006.

CHAIRMAN KEILSON: Are we on a 12-year cycle?

MR. SCHULHOF: Just happened to come out that way.

MR. WAX: I think that's the way the stock market goes.

CHAIRMAN KEILSON: Okay. Let's talk about the 1, 2, 3, 4, 5, 6, 7, 8 variance requests. Ouch.

MR. WAX: It is a big ouch, but it's all a variation on the existing conditions.

CHAIRMAN KEILSON: Why don't we just narrow it? There are two that are same as before, there is one that's a minimum --

MR. WAX: Minimum.

CHAIRMAN KEILSON: Minimum aggregate side-yard setback.

MR. WAX: The two side setback height ratios simply matching the existing of the house so we are not really asking for anything.

CHAIRMAN KEILSON: And then you have two that actually have been improved upon?

MR. WAX: I can also mention that the rear-yard setback is only because the property slopes slightly, and we really didn't want to slope the wall. We wanted to match it so --

MR. SCHULHOF: Moving the patio like you did mention, we are decreasing some of the --

MR. WAX: Well, we are replacing it with house.

CHAIRMAN KEILSON: So again, I just want to narrow the discussion if we can. So on the second page of the code relief, the minimum rear-yard setback that was existing at 28'-6" is going to 29'-2", right? The maximum side-yard height setback ratio is improved. The maximum rear-yard height ratio is improved I think.

MR. CASTRO: Same.

MEMBER GOTTLIEB: No, it's the same. It's 1.0.

CHAIRMAN KEILSON: Okay. I take it back. You are right. So no worse.

MR. WAX: The rear yard is improved because the

property line is moving away from the house.

CHAIRMAN KEILSON: Don't matter as long as it's improved. So let's go to the front page. The minimum aggregate side-yard setback is the same, correct?

MR. WAX: Yes.

CHAIRMAN KEILSON: The impervious surface coverage is reduced?

MR. WAX: Yes.

CHAIRMAN KEILSON: Okay. So now we have three new variances to deal with. The building coverage, right, 230 additional square feet equate to 8.7 percent, right?

MR. WAX: Yes.

CHAIRMAN KEILSON: And again, what does that constitute? That's the addition?

MR. SCHULHOF: That's the addition.

MR. WAX: Yes, 8.7 percent.

MEMBER HILLER: That's under the current patio?

MR. SCHULHOF: On top of.

MEMBER HILLER: On top of the current patio?

MR. SCHULHOF: The house under the old rules was about 2,600. It's permitted 2,865 -- I'm sorry. Permitted is -- sorry. The old house is 2,459.

Permitted to 2,634 and we are asking for 2,865 just to square it off, that area.

CHAIRMAN KEILSON: Right. So I guess the question is the petition makes reference to the reason as on the record the reason why. What necessitates?

MR. SCHULHOF: Sure. I was going to start with that, but we are happy to do it afterwards. So my name is Ken Schulhof, for the record. We have been living in the house since 2006. When we originally did construction on the house, my eldest child was six years old and I had a three-year-old and we actually moved into the house with a newborn baby directly from the hospital first time being at the house. Now my kids have grown a little bit. Some time has gone by. My eldest is 18. Then I have a 15-year-old, 12-year-old and 6-year-old, so another child as well. Eight-year-old. I'm sorry.

And in addition, my parents and in-laws are becoming a little more elderly. My in-laws were living at 4 Heather Lane in Lawrence. They sold their house, living a portion of the year in Israel, but the portion that they are in Lawrence, they would like to have the ability to live with us.

CHAIRMAN KEILSON: Do you want that?

MRS. SCHULHOF: If he wants to stay married.

MR. SCHULHOF: And my parents as well are having more difficulty going up and down the steps. Last time my mother was by, she actually slipped on the steps, and due to that fact, we would like to have the ability to put a bedroom on the first floor, which we currently do not have.

CHAIRMAN KEILSON: So the additional space is really the -- I am looking at it now. The proposed --

MR. WAX: Proposed bedroom and bath.

MR. SCHULHOF: It's a bedroom with a bathroom on suite on the first floor, and then above that where we are just asking as the kids get older -- they currently don't have dedicated bathrooms, and as the kids get older and God willing, get married as well, we would like to have the ability to have the bedrooms each have their own bathroom and closet. So we are just keeping the same four bedrooms that we currently have just -- and adding the facilities to accommodate.

CHAIRMAN KEILSON: Okay. The second request was a minimum side-yard setback. Let's see. Same. Also same.

MR. SCHULHOF: Continuing the same walls on --

CHAIRMAN KEILSON: So the only other thing

that's new is the impervious; is that correct?

MR. WAX: Yes. That's --

CHAIRMAN KEILSON: We are going from 2,700 to 3,100 on the impervious surface?

MR. SCHULHOF: That's as a result of the construction.

MR. WAX: That's the house mostly. That is the house.

MR. CASTRO: Basically what you are reducing impervious is just being added to the impervious.

MEMBER HILLER: That's 406 feet?

MR. SCHULHOF: Right.

CHAIRMAN KEILSON: Okay.

MR. SCHULHOF: I also wanted to go on record, I do have letters from all the immediate neighbors, both right side, left side, behind me, and across the street from me.

CHAIRMAN KEILSON: That's all?

MR. SCHULHOF: And I have some other neighbors here as well. So --

MR. PRESTON: Would you like to see them, or would you like to mark them?

CHAIRMAN KEILSON: Are they all the same text?

MR. SCHULHOF: Yes.

MEMBER GOTTLIEB: Mr. Wax, are you excavating the basement?

MR. SCHULHOF: Yes. Excavate as well.

MEMBER GOTTLIEB: Thank you, Mr. Wax.

CHAIRMAN KEILSON: Anyone from the audience want to speak to the matter? You said you have a neighbor? No.

MS. HAAS: I am a neighbor. Fine with me.
Aliza Haas.

CHAIRMAN KEILSON: What address?

MS. HAAS: 27 Merrall Drive. I am two doors down.

CHAIRMAN KEILSON:: Any other things you have, Mr. Wax?

MR. WAX: No.

CHAIRMAN KEILSON: Okay. So using the criteria and weighing the benefit of the applicants against any health matter, safety matter, welfare matter of the neighborhood, we are going to take a vote and we are going to start with Mr. Felder this time.

MEMBER FELDER: I would like to see your in-laws in the neighborhood so I am for.

CHAIRMAN KEILSON: Okay. Mr. Hiller?

MEMBER HILLER: For.

CHAIRMAN KEILSON: Mr. Gottlieb?

MEMBER GOTTLIEB: For.

CHAIRMAN KEILSON: And I am for as well.

MR. SCHULHOF: Thank you very much.

CHAIRMAN KEILSON: We give you two years. You can use them or not or bank them for the next 12 years.

MR. SCHULHOF: I appreciate it.

MR. VACCHIO: Just the year.

MR. CASTRO: Are you going to be changing exterior at all?

MR. WAX: No.

MR. CASTRO: So then there is no DOB required.

(Whereupon the hearing concluded at 8:17 p.m.)

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



YAFFA KAPLAN

Court Reporter

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

October 24, 2018
8:17 p.m.

APPLICATION: Karfunkel
235 Broadway
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. DANIEL HILLER
Member

MR. AARON FELDER
Member

MR. ANDREW K. PRESTON, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. DANNY VACCHIO
Building Department

Yaffa Kaplan
Court Reporter

CHAIRMAN KEILSON: Okay. Then the last matter for this meeting is that of Karfunkel. They or their representative please step forward.

MR. KARFUNKEL: Hi there. Good evening. My name is Barry Karfunkel. I am here joined by our architect Robin. Just wanted to give --

CHAIRMAN KEILSON: Give your address for the record.

MR. KARFUNKEL: 235 Broadway.

CHAIRMAN KEILSON: Okay. And you are practicing --

MS. KATTO: I am Robin Katto from Great Architecture, 180 Varick Street in New York.

CHAIRMAN KEILSON: Okay. Please proceed.

MR. KARFUNKEL: I will just give a little high-level overview, and then Robin can go into with some more details. We are requesting to be able to add a third floor to the property. This would just heighten the building by about four feet and two inches or so. It would all be within the current look and feel of the building. We would just increase the pitch of the roof and would not dramatically change the look and feel of the building. There are some issues with the height setback ratio, which we could get into a little bit more detail. Those are two of the variances.

Another one is there is currently a garage that was -- that the previous owners had converted into a living area. There is currently no garage, so we would propose knocking down the existing standalone structure which was converted into a living area and erect a proper garage which is -- which would be attached to the property, and there are some variance issues with respect to a distance to the side of the property and then we would increase the impervious surface coverage for the front driveway of the -- to the house.

CHAIRMAN KEILSON: Okay. That's the overview?

MR. KARFUNKEL: Yes.

CHAIRMAN KEILSON: Now we get to the detail.

MS. KATTO: So do you want to just go point by point?

CHAIRMAN KEILSON: I think in order to help you along, we have to understand -- this is a unique property.

MS. KATTO: Right. So there is currently no -- as Barry mentioned, there is no garage. So we need to add a two-car garage. I think it's in the --

CHAIRMAN KEILSON: I am not talking about that.

Mr. Castro, why don't you help?

MR. CASTRO: What the chairman means is the uniqueness in it being a fronting on three streets, three front yards, no side yard.

MS. KATTO: So that presents a difficult condition where we have a 50-foot rear yard on the south of the property, which basically cuts through the middle of the house, so half of the house is nonconforming currently.

CHAIRMAN KEILSON: The good news is we will not ask you to knock it down.

MS. KATTO: And so the best place we found to add the garage to the house was on that south side as well, which makes it even more nonconforming and brings it to within two feet and four and a half inches from the south property line.

CHAIRMAN KEILSON: Okay. So Gerry, why don't we talk about the height setback ratio, leaveing it as a front yard with the impact?

MR. CASTRO: Just looking at the application as if the south side were a side yard, what would be permitted would be 1.1, which would make the overage about 3.76 percent, dropping to 341 so as opposed to 1,004 percent.

CHAIRMAN KEILSON: I mean these numbers are in the stratosphere for us normally, but you have to understand it's an unusual situation. We understand the special situation vis-a-vis the house.

I guess let's focus on the garage situation first. That seems to be the most difficult one. We generally don't allow any encroachment of this nature. The garage is set back. It's abutting the neighbor's garage, so it really has little impact.

MS. KATTO: The existing structure?

CHAIRMAN KEILSON: The existing structure, which is not really a garage. Supposed to be a garage and now you are moving it forward. And to have a 2.4-foot encroachment is not something that historically we have ever approved. Okay?

MS. KATTO: Understood.

CHAIRMAN KEILSON: That is the concern we have, all right? And I assume the neighbor is not here tonight?

MR. KARFUNKEL: Correct.

CHAIRMAN KEILSON: That house is under construction right now or renovation. There is a building permit in the window so I guess --

MEMBER GOTTLIEB: Has that neighbor been

contacted?

MS. KATTO: Just with the letter that we sent out.

MEMBER GOTTLIEB: So that's the form letter. You didn't ring on the doorbell?

CHAIRMAN KEILSON: Well, there is no one in the house.

MEMBER GOTTLIEB: Or try to contact him?

MR. KARFUNKEL: I am unaware. We are unaware of who the neighbor is, and I have not spoken to the neighbor in person.

CHAIRMAN KEILSON: But you can well understand an encroachment of this neighbor is affecting him.

MR. KARFUNKEL: Understood.

CHAIRMAN KEILSON: Very substantially. Because it's his driveway granted but before you, when we looked at his house, there is a garage in the rear. His garage abutted it, had no effect. Now you move it up, you know, it has significant effect on his -- possibly his light and air and his view or whatever. So one of the thoughts again, since we seem to be doing the presentation tonight, one --

MEMBER GOTTLIEB: We would like to finish the presentation.

MEMBER HILLER: Mr. Karfunkel, I want to ask you a question. You bought this house in September I believe?

MR. KARFUNKEL: Correct.

MEMBER HILLER: One of the things you wrote in your petition to expand the house in various ways is that the existing house is inadequate in size for your growing family's living. Can I ask why you would buy a size that is inadequate for your family's living?

MR. KARFUNKEL: It was a purchase with the intention of doing some expansion and some work to it.

MEMBER HILLER: So you anticipated getting a variance?

MR. KARFUNKEL: Correct.

MEMBER HILLER: Bad anticipation but I admire you for that, but you have to understand that when you ask for a variance, it's usually a hardship that's been caused by not by you. This is sort of self-inflicted. You purchased a house with the intention with knowing full well that the house was inadequate for your needs.

MR. KARFUNKEL: Correct. The scope --

MEMBER HILLER: And you are very honest also.

MR. KARFUNKEL: Yes. That's one of my faults. The scope of the variance -- I guess of the needed

relief was not fully known to me at the time. We did not do all the -- call it necessary homework, and we felt that given the size of the property and the size of the house, they -- the work that we were doing was relatively minor, and infractions, excuse me, are -- aside for the setback of the garage are relatively minor and we didn't anticipate a big issue.

MEMBER HILLER: Okay. Very honest answer.

MEMBER GOTTLIEB: I think as we look at the code relief, what you are trying to accomplish, it seems that unless I am wrong, everything on here or virtually except maybe one has to do with the garage. I think that your third-floor extension and the other is really not what's triggering. Unless -- I will let the architect explain if I am mistaken.

MS. KATTO: Right. It's not about the third-floor extension. It's for the height setback ratio.

MEMBER GOTTLIEB: That would be which height setback ratio? The west side?

MS. KATTO: The west side, yes.

MEMBER GOTTLIEB: And the west side just --

MS. KATTO: The south side is related to the garage.

MEMBER HILLER: The west side is on Herrick.

MEMBER GOTTLIEB: The west side is facing the front.

MEMBER HILLER: Yes, Herrick.

MEMBER GOTTLIEB: So put that one aside for now. The other potentially four all pertain to the garage?

MS. KATTO: Yes.

MEMBER GOTTLIEB: Okay. Would you like to consider converting that finished room back to a garage and then not have a request? Just a thought. I am not pushing you one way or another. Then just then we can all go home.

MR. KARFUNKEL: That's potentially doable. The only issue with that is that we wanted to be able to drive the car into the garage and walk straight from the garage into the house as there are small children and --

MEMBER GOTTLIEB: Okay.

MR. KARFUNKEL: That's the whole -- I understand why you would want to do it.

MEMBER HILLER: There is a possibility to make, as my colleague here whispered in my ear, a covered tunnel to the house in the rear.

MEMBER FELDER: It's never been done, but the New York Jets do it all the time when they come out of the game. It could be done.

MS. KATTO: That would add more impervious surface.

MEMBER HILLER: Yes but you have an ample yard. I know the way your property is shaped it makes it difficult to expand where you probably would like to to the left as facing the house on Broadway. To expand to the east because your neighbor is right up against the fence there and then the property in front, but you really would settle a lot of your problems and get a much easier time if you left the garage where it was and built to there and built a driveway to greet the garage. You would also be very considerate of your neighbor.

MS. KATTO: We actually thought we would be helping the situation because we are further from the other lot line to the east.

MEMBER HILLER: That structure is already there.

MR. KARFUNKEL: Understood.

CHAIRMAN KEILSON: What would be your thought about making it into a one-car garage? We would have

to give you a variance for a one-car garage, but then you would not have a side-yard issue.

MR. CASTRO: Correct.

MEMBER FELDER: How important is it to park two cars into the garage?

MR. KARFUNKEL: A one-car garage would be doable.

MEMBER FELDER: Okay.

CHAIRMAN KEILSON: Okay. Other than that, Gerry, what would that do to our code relief?

(Discussion off the record.)

CHAIRMAN KEILSON: If we were to consider going to the one-car garage, counsel feels strongly that such an issue should be noticed and which should be published again and should be pushed to the next hearing date. That would also give an opportunity for the neighbor who is most impacted by what you are doing to be approached and to --

MEMBER FELDER: They are less impacted now.

CHAIRMAN KEILSON: Everything is much better.

(Discussion off the record.)

CHAIRMAN KEILSON: If we are going to renotice it, then all these numbers can be worked out.

MR. CASTRO: A new denial letter.

CHAIRMAN KEILSON: A new denial letter and it would be heard on the next hearing date which is November 29th. I think that would probably be the most efficient way of resolving this.

MEMBER FELDER: I don't think it's going to help the neighbor situation. The neighbor doesn't live in the neighborhood.

CHAIRMAN KEILSON: We can find out. The neighbor can be found out.

MEMBER GOTTLIEB: If there is a building permit, we know who the neighbor is.

Mr. Karfunkel, I have a question for you. This is one of the larger properties in this part of Lawrence. Three-quarters of an acre. Do you have any intentions of subdividing this?

MR. KARFUNKEL: Possibly down the road but not -- not -- I -- I had -- we had purchased it for the purpose of using the entire property.

MEMBER GOTTLIEB: Okay.

MR. VACCHIO: If he did, he doesn't need a variance for the garage then.

MR. KARFUNKEL: My only question is -- sorry. Could we approve the other variances at this meeting aside for the garage so that we can begin to do work

and just hold off on the garage?

MEMBER GOTTLIEB: That would be two separate applications then, right? You would have to have a new application for the garage so we can do that.

MEMBER FELDER: Can you approve? Yes.

MS. KARFUNKEL: Esther Karfunkel. If we sent out a letter to the neighbors, shouldn't they have the responsibility of answering it? I mean, I read all my mail.

MEMBER GOTTLIEB: We don't know that they got the letter. They don't --

MEMBER HILLER: Right now outside your house there are letters, there is food that somebody left there, there is a whole bunch of stuff on your walkway. The same would happen to your neighbor when they are not around, so they may have never received the letter and never collected it.

MEMBER FELDER: We try -- it's a question that's asked very often. We try to -- and most people when you see when they are presenting, they have submitted letters from the neighbors because it's one of the most important considerations that the Board has to make in light of everything else is merely is it really bothering anyone who is directly affected by the

changes that we are potentially going to approve.

And if that's the case, we would like to try to maintain peace and order, and we don't want somebody coming back and saying I know you sent out notice but we never got it and now look what happened. So we try to give everyone the benefit of the doubt to respond. If you would have said yes, we called them, contacted them, reached out to them, and they said no problem, then it's no problem. But here we are really already stretching a bit I think from what we normally do, and we like to do what we can.

MS KARFUNKEL: I understand.

CHAIRMAN KEILSON: We don't follow strict evidentiary rules. It's more of equity here, and we try to do and accommodate everybody to the best of our ability. So --

MEMBER FELDER: And it will be heard within four weeks. It's not like --

MS KARFUNKEL: Thank you.

MEMBER GOTTLIEB: Five weeks. Not to correct you.

CHAIRMAN KEILSON: Before we get to that, I see there is people in the audience. Would they want to speak to the matters or just observers tonight?

MR. PRESTON: Mr. Chairman, if I may, the applicant asked whether the additional category could be put on for next month with the matters before this Board addressed tonight. They may be but it would require a separate application as opposed to an adjournment of all of these and a modification to the application.

CHAIRMAN KEILSON: What would that do in terms of timetable? Is it still possible to have the application and denial?

MR. CASTRO: Absolutely.

MEMBER GOTTLIEB: You have no idea what it's like in the major towns. You have got a six-month wait to speak to anyone.

MR. CASTRO: You are absolutely right.

MEMBER GOTTLIEB: So this is an amazing village. Thank you, Gerry.

MEMBER FELDER: So we can vote.

CHAIRMAN KEILSON: So let's go to the ones that we are going to discuss. So which are the ones that are being held back?

MS. KATTO: We are just holding back on the second one.

CHAIRMAN KEILSON: So again, let's do this in

reverse. Which ones are we voting on?

MS. KATTO: The front yard impervious surface coverage.

CHAIRMAN KEILSON: One second.

MEMBER GOTTLIEB: 4.7 percent.

MEMBER FELDER: Last one.

CHAIRMAN KEILSON: Okay.

MS. KATTO: The rear-yard height setback ratio.

MR. CASTRO: On the main wall.

MS. KATTO: On the main wall, right. So that's the one that's 1.25 permitted at --

MEMBER GOTTLIEB: Wait a minute. This is 180 percent; is that right?

MR. PRESTON: The next column to the left.

CHAIRMAN KEILSON: 1.25. Go ahead.

MR. CASTRO: The exterior walls are remaining the same location but the roof --

MEMBER GOTTLIEB: Got it.

CHAIRMAN KEILSON: Okay. Continue.

MS. KATTO: The last one is the west side front-yard height setback ratio of we are proposing 1.1, permitted as .63, so the overage is 75 percent.

MR. CASTRO: Due to the same roof?

MS. KATTO: The same roof, yes.

CHAIRMAN KEILSON: Okay. Gentlemen, again, one last time, front-yard impervious surface coverage, the height setback ratio south side at main wall, and the height setback ratio west side. Okay.

Weighing the benefit to the applicant as opposed to any health, safety, and welfare detriment to the community, we are going to vote. Mr. Gottlieb?

MEMBER GOTTLIEB: For the amended application as you have just discussed with no changes to the garage. No approval to moving the garage.

CHAIRMAN KEILSON: Thank you for your expansive vote.

MEMBER GOTTLIEB: I can't give one-word answers tonight.

CHAIRMAN KEILSON: Mr. Hiller?

MEMBER HILLER: For.

CHAIRMAN KEILSON: Mr. Felder?

MEMBER FELDER: I am for.

CHAIRMAN KEILSON: I vote for as well.

MR. KARFUNKEL: Thank you very much for the Board's time and working with us. (Whereupon the hearing concluded at 8:40 p.m.)

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

Ym m

YAFFA KAPLAN

Court Reporter