

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF BUILDIND DESIGN

3
4 Village Hall
196 Central Avenue
Lawrence, New York

5 June 7, 2010
6 7:25 p.m.

7 APPLICATION: Rokosz
8 50 Meadow Lane
9 Lawrence, New York

10 P R E S E N T :

11 MR. BENJAMIN SPORN
Chairman

12 MS. BARBARA KUPFERSTEIN
13 Member

14 MS. RONNI BERMAN
Member

15 MR. BARRY POMERANTZ
16 Member

17 MS. SHOSHANA WEINSTOCK
Member

18 MR. RONALD GOLDMAN, ESQ.
19 Village Attorney

20 MR. TOM RIZZO
Building Department

21 MS. GAIL DANIELS
22 Building Department

23
24 Mary Benci, RPR
25 Court Reporter

1 MR. RIZZO: Mr. Chairman, I'd like to provide
2 proof of posting for tonight's meeting (handing).

3 CHAIRMAN SPORN: May 4th, 2010, Village of
4 Lawrence meeting notice. Please be advised that
5 the next meeting of the Board of Building Design
6 of the Incorporated Village of Lawrence will be
7 held on Monday, June 7th, 2010, beginning at 7:15
8 p.m. at the Lawrence Village Hall.

9 MR. RIZZO: Thank you, Mr. Chairman.

10 Mr. Chairman, on the agenda tonight we have
11 several new applications and old applications, and
12 we have one application for a public hearing.
13 Would you like to make a motion to take the public
14 hearing first?

15 CHAIRMAN SPORN: Yes, please.

16 MR. RIZZO: Anyone like to make a motion to
17 take --

18 MEMBER POMERANTZ: I'll make the motion.

19 MR. RIZZO: And a second?

20 MEMBER BERMAN: (Indicating.)

21 MR. RIZZO: Mrs. Berman.

22 The public hearing tonight is the application
23 for 50 Meadow Lane. If the applicant or their
24 representative would like to step forward.

25 Would you like to identify yourself for the

1 record, please.

2 MR. ROKOSZ: Shrage, S-H-R-A-G-E, Rokosz,
3 R-O-K-O-S-Z.

4 MR. RIZZO: Mr. Rokosz, you are the property
5 owner?

6 MR. ROKOSZ: Yes.

7 MR. RIZZO: If you'd like to present.

8 MR. GOLDMAN: Mr. Chairman, if I just might
9 put on the record so there's no confusion that
10 this is a public meeting. It's a public meeting.
11 This is a public hearing. The Board meets
12 pursuant to the Open Meetings Law and meets
13 publicly, and this is specifically a public
14 hearing in which it's being recorded pursuant to
15 the statute as it governs the Board of Building
16 Design.

17 Anyone in the audience should be aware of the
18 fact that the Board gets each and every one of
19 these applications substantially in advance, and
20 while they don't meet collectively, they do as
21 individuals frequently -- well, they do completely
22 investigate the matter, some go for on-site
23 visits. The reason that I'm mentioning this is
24 that you will find that the questions that are
25 going to be directed to you at this public meeting

1 and some you'll see the procedure during the
2 course of the remainder of the meeting you'll see
3 that the Board will focus in on specific issues.

4 They're not giving anybody short shrift in any
5 fashion, but what they're doing is having gone
6 over it they're just focusing in on the salient
7 points.

8 Thank you, Mr. Chairman.

9 CHAIRMAN SPORN: Thank you.

10 MR. GOLDMAN: You may proceed.

11 MR. ROKOSZ: Good evening, Mr. Chairman,
12 ladies and gentlemen of the Board. I'm a resident
13 of this Village. I, along with my wife and three
14 children, we live at 50 Meadow Lane. I'm here
15 requesting that this Board grant my driveway
16 application.

17 I've been informed that this issue was
18 previously brought before this Board at the April
19 2010 meeting. I'd like to note that I intended to
20 present my case at that meeting, but due to a
21 miscommunication with the Building Department as
22 to the correct date of such meeting and since I
23 received no written notice for such meeting, I was
24 not aware and present for such meeting. In light
25 of the above, I would ask that this meeting be

1 deemed my first meeting and that I be afforded all
2 my rights as if this were my first meeting.

3 That being said, I previously submitted a
4 letter to the Board dated April 12th, 2010. I'd
5 like to offer a copy of that as Exhibit A
6 (handing).

7 MR. GOLDMAN: It's Applicant's 1, actually,
8 and I'm just noting it, handwriting it. What's
9 being provided is a -- oops, by the way, did you
10 know that you gave me two items, A and B?

11 MR. ROKOSZ: No, not yet.

12 MR. GOLDMAN: It's a two-page letter. It's
13 unsigned, but I assume it's being passed up to the
14 Board for its review.

15 MR. ROKOSZ: It's a copy. I can sign it
16 again.

17 MR. GOLDMAN: Not a problem. What about the
18 second item, do you want that too?

19 MR. ROKOSZ: I'll get to it.

20 As I point out in my letter, I live on Meadow
21 Lane, and Meadow Lane is an extremely dangerous
22 road. Meadow Lane is a county road. It's the
23 main road for residents and traffic to and from
24 back Lawrence, Harborview, Atlantic Beach, Long
25 Beach, Far Rockaway, and it has a disproportionate

1 share of commercial vehicles, including vans,
2 delivery rucks, taxis and school buses.

3 In addition to being a heavily traveled road,
4 Meadow Lane is a known speedway. As support, I
5 have an affidavit from the Fourth Precinct Police
6 Auxiliary Unit confirming the danger and heavy
7 traffic on Meadow Lane (handing).

8 MR. GOLDMAN: I'm just noting that it's
9 Applicant's number 2 and it will be provided to
10 the Board in a second.

11 MR. ROKOSZ: I have it marked as Exhibit B on
12 the bottom.

13 MR. GOLDMAN: Thank you.

14 MR. ROKOSZ: I'd like to note that they
15 confirm my statements made above, with special
16 emphasis acknowledging the fact that Meadow Lane
17 is recognized as a known speedway and that my home
18 in particular is located on one of the most
19 dangerous locations on Meadow Lane. And while
20 it's only recently become feasible for me to
21 install the circular driveway, they confirm that
22 I've been reporting about the danger for some
23 time, and that in an effort to deter speeding in
24 front of my home the police have been placing
25 speed radar indicators yards away from my home and

1 placing a stage patrol car on the corner of
2 Dogwood and Meadow which is also yards away from
3 my home, all in an effort to reduce the speeding
4 on the road.

5 Increasing the danger of the road is the fact
6 that Meadow Lane is curvy and has no stop signs or
7 traffic lights. I'd like to note that my home is
8 located at the center of the curve making it among
9 the most dangerous locations on the road.

10 I have another exhibit, Exhibit C (handing).

11 MR. GOLDMAN: Applicant's 3.

12 MR. ROKOSZ: Exhibit C is a picture of the
13 road as seen by a driver coming down Meadow Lane
14 around the curve. I'd like to note that the
15 picture was taken approximately 200 feet from my
16 home and that my driveway or home is not visible
17 at all to oncoming traffic. Moreover, my home
18 does not face other homes but faces the backyard
19 of homes whose entrances are located on Merrill
20 Drive. Those homes have fences which are over ten
21 feet high, plus overgrown trees and shrubbery that
22 darken the road providing even less visibility to
23 drivers driving around the curve. I have a
24 picture. It's marked Defendant's Exhibit D-1 and
25 Exhibit D-2 (handing).

1 MR. GOLDMAN: That's four.

2 MR. ROKOSZ: I'm sure the Board is aware that
3 a child riding a bicycle was recently hit by a
4 driver.

5 Next, I'm submitting a picture marked Exhibit
6 E. It's a view from the road from inside my car
7 when another car is parked on the street
8 (handing). As can be plainly seen, the view of
9 oncoming cars coming around the curve is
10 completely blocked. We cannot see oncoming
11 traffic, and the oncoming traffic cannot see us
12 pulling out of the driveway. In fact, as can be
13 seen from the picture, my car is already in the
14 street before one can begin to see the oncoming
15 traffic.

16 I'm also submitting a picture marked as
17 Exhibit F of the view facing the other direction
18 (handing). Similarly, it can be seen that my
19 neighbor has large trees which are blocking the
20 view of traffic and making the -- and the ability
21 of oncoming drivers to see us pulling out of the
22 driveway is similarly blocked.

23 Next, I'm submitting as Exhibit G-1 through
24 three, these are pictures taken in front of my
25 home and show the regular summer beach traffic

1 which backs up bumper-to-bumper from the traffic
2 light on Meadow Lane and stretches past my home.

3 I direct your attention specifically to G-1,
4 where you could see the arrow showing my home and
5 the traffic in front of it. Also, I have pictures
6 from my home all the way up to the traffic light
7 which is shown in G-2 and G-3 where it's backed up
8 bumper-to-bumper. I note that this traffic runs
9 directly in front of my home and driveway.

10 MR. GOLDMAN: Excuse me. The record should
11 reflect that the Board has been reviewing all the
12 applicant's exhibits as submitted.

13 MR. ROKOSZ: In preparing for this meeting,
14 I've reviewed and listened to several audiotapes
15 of the meetings regarding the Moskowitz
16 application and the ultimate approval of their
17 circular driveway at 30 Margaret Avenue and
18 references to the Bernsteins residing 240 Broadway
19 where the driveway is located on Rosalind Place.
20 In reviewing those documents and in speaking with
21 all the personnel at the Building Department I've
22 become aware that since the year 2000 the Board is
23 using a guideline of 50 feet from the curb to the
24 front of the house, and 68 feet in width for the
25 property, and that the Board is reluctant to grant

1 circular driveway applications as the Board feels
2 that the presence of circular driveways somehow
3 detracts from the beauty or character of the
4 neighborhood.

5 To address that issue I note the following:

6 (A) I have more than enough lot coverage required
7 under the existing zoning laws for the circular
8 driveway I'm requesting. I'm submitting marked as
9 Exhibit H a copy of my property survey which was
10 reviewed, marked and approved by Mr. Mike Ryder,
11 the Building Department Superintendent. I note I
12 have approximately 1,250 square feet of lot
13 coverage available. It's enough to cover my
14 entire front yard in concrete.

15 (B) Also, I'd like to note the guidelines are
16 not laws but merely guidelines. The Board of
17 Trustees in their January 2009 meeting stated:
18 That the guidelines were never adopted by the
19 Board. It's not a Village law. To continue: By
20 definition, it's not a law, it's a guideline.
21 They noted that it's not even a written guideline,
22 but merely an abstract and that you cannot expect
23 anyone to follow or challenge a mere abstract as
24 no proof is provided to support the guideline.

25 The sentiment was repeated by the Board in

1 their February 2009 meeting when they stated:

2 It's only a guideline, not a strict rule.

3 Also, in speaking with the Building

4 Department it appears that the guideline was
5 presented to the Mayor and the Board for approval
6 some time ago, but was rejected by the Mayor and
7 Board as they had comments and recommended changes
8 to the guidelines which remain open till this day.

9 (C) More importantly, relating to my
10 situation, from the audiotapes it's clear that the
11 position of both the Board of Building Design and
12 the Board of Trustees has consistently been that
13 the guidelines do not apply at all when safety is
14 an issue.

15 I support -- I note that in the January 2009
16 meeting the Board of Trustees stated: That
17 exceptions to any guideline is appropriate for a
18 driveway, and I quote, "on a high traffic street
19 where it really is a safety concern." To that end
20 I note that the Board specifically recognized the
21 safety issues on Meadow Lane, and I quote, the
22 Board stated: "I could imagine a house on
23 Broadway or a house that literally empties onto
24 Meadow Lane, emphasis added, or Rockaway Turnpike,
25 and continues, that all three are high traffic

1 roads and would require more flexibility,
2 absolutely."

3 The Board of Trustees specifically
4 acknowledged that when safety is an issue they
5 granted and believe that new circular driveways
6 should be granted even when a property requesting
7 a circular driveway and I quote again, "Does not
8 in any shape, manner or form meet the Village
9 guidelines but for safety reasons be granted a
10 circular driveway." The Board gave examples of
11 homes on Briarwood and noted that they did so on
12 other properties throughout the neighborhood.

13 This sentiment was echoed by you, Mr. Sporn,
14 when you explained why the Berkowitz home at 240
15 Broadway was granted a circular driveway even
16 though in the Berkowitz home they required a lot
17 coverage variance, which I do not require. They
18 only have 23 feet from the curb to the home. I
19 have close to 50 feet to my front door. And the
20 Berkowitz home has only a three-foot center
21 island, while I have close to a 20-foot center
22 island.

23 On that note I'd also like to point out that
24 the Board of Trustees stated that the available
25 green space was more important than the particular

1 measurements of the guidelines. Moreover, in
2 defending the Board of Building Design's decision
3 in the Berkowitz case, Mr. Sporn, you stated:

4 It's always our position when you take safety of
5 driveways that are on corners, especially where
6 there is a traffic light, into consideration
7 because the traffic signal causes traffic to back
8 up and it's very difficult in our position -- in
9 our opinion to pull out into traffic at a
10 stoplight. You continued: It's the way we've
11 always approached it.

12 I'd like to note that I agree with your
13 concerns and believe that those on corners with
14 traffic lights have difficult times pulling out,
15 but I'd like to stress that my situation is much
16 more grave and in fact is a life-threatening
17 situation and the mere presence of a traffic light
18 reduces the danger to a driver exiting the
19 driveway. The driver exiting a driveway near a
20 traffic light has the option of waiting for the
21 light to stop and turn red and then pulling out
22 into non-moving traffic. I, on the other hand, do
23 not even have the option of waiting for traffic to
24 stop. Without a circular driveway, I'm forced to
25 back up into heavy traffic which is consistent,

1 coming at great speed, plus coming around a blind
2 curve.

3 Another distinguishing factor making my case
4 much more grave than that of Berkowitz or
5 Moskowitz is that the driveway on Berkowitz is on
6 Rosalind, and with Moskowitz it's on Margaret.
7 Neither Rosalind nor Margaret are streets heavily
8 traveled by much traffic, and certainly not
9 heavily traveled by commercial traffic, while
10 Meadow which is a county road most certainly is.

11 While I acknowledge the safety and
12 convenience issues of Berkowitz and Moskowitz, I
13 feel the danger is a thousand times greater at my
14 home and a circular driveway is a necessity. I'd
15 like to note that since the implementation of the
16 guidelines I'm aware of 21 homes that were
17 approved for circular driveways despite the fact
18 that they did not meet the guidelines.

19 In addition, there are more homes that added
20 circular driveways over the years, but the
21 Building Department does not have records for all
22 of them, especially for those done under the
23 table. The homes approved by the Board which do
24 not meet the guidelines are: 240 Broadway,
25 30 Margaret Avenue, 25 Briarwood, 11 Meadow Drive,

1 45 Meadow Drive, 10 Waverly Place, 41 Barrett
2 Road, 163 Harborview North, 330 Longwood Crossing,
3 270 Ocean, 268 Causeway, 62 Sealy Court,
4 59 Lawrence Avenue, 64 Lawrence Avenue,
5 200 Juniper Circle, 72 Muriel Drive, 71 Muriel
6 Drive, 66 Washington Avenue, 34 Meadow Lane,
7 69 Sutton Place, and 8 Beechwood Drive.

8 I'd like to note that it appears that none of
9 these homes are even close to meeting the
10 guidelines; most of the homes in fact are on
11 cul-de-sacs, dead-ends or streets not open to
12 through traffic. Certainly, not commercial
13 traffic like Meadow Lane.

14 In addition, I'm submitting as Exhibit I,
15 it's a list of over 120 homes in Lawrence that do
16 not meet the criteria set forth by the guidelines.
17 From this list it would appear that the majority
18 of homes with circular driveways in Lawrence do
19 not meet the guidelines. I submit this list as
20 proof that a circular driveway for my home is in
21 complete character with the neighborhood.

22 In addition, I'd like to note that on May
23 7th, 2010 I met with Mr. David Smollett, the
24 Village Administrator, and Mr. Michael Ryder, the
25 Building Department Superintendent. With their

1 permission, I'm reporting to you that in our
2 meeting they both acknowledged that Meadow Lane
3 was a dangerous road, and since my home was
4 located at the center of the curve it was
5 especially dangerous. They agreed that my home
6 warrants a circular driveway for safety and
7 convenience reasons. In fact, after listening to
8 my arguments, Mr. Smollett gave me a number of
9 additional suggestions to tell this Board in order
10 to strengthen my arguments in favor of a circular
11 driveway. They are: Parking on Meadow for myself
12 or visitors is dangerous as exiting or entering
13 into or out of a vehicle while it's parked on
14 Meadow is dangerous.

15 I have a picture marked Exhibit J (handing).

16 MR. GOLDMAN: Thank you.

17 MR. ROKOSZ: As can be seen from the picture,
18 I'd like to note that my car barely fits in the
19 designated parking area on Meadow without parking
20 on the sidewalk. One could certainly imagine the
21 danger associated with opening the driver's door
22 and exiting while the car is parked there.

23 Also, Mr. Smollett reminded me that switching
24 and positioning cars in and out on Meadow is
25 dangerous. In addition, I'd like to point out

1 that I've submitted five 3-D photos of the
2 proposed driveway which I'm resubmitting as
3 Exhibit K-1 through five (handing).

4 MR. GOLDMAN: Those had been previously
5 submitted to the Building Department --

6 MR. ROKOSZ: Yes.

7 MR. GOLDMAN: -- as part of the application.

8 MR. ROKOSZ: In reviewing the photos, one can
9 plainly see that my home would have an extensive
10 green space which in my opinion and the opinion of
11 the Building Department, Mr. Smollett, everyone
12 else who has seen such photos agrees would greatly
13 enhance the appearance of my home, the block and
14 the neighborhood, especially when one considers
15 the beforehand, which I have a picture of also
16 marked as Exhibit L.

17 In conclusion, I believe that based on the
18 facts in this case my home clearly meets all the
19 criteria set by this Board, the Board of Trustees,
20 especially when one takes into account the recent
21 driveway approvals, the history of the driveways,
22 plus the character of the neighborhood.

23 Moreover, whatever anyone's subjective
24 personal aesthetic preferences are, they should
25 certainly not override necessities for my family's

1 safety. For all the reasons set forth above, I
2 respectfully ask that the Board grant my driveway
3 application forthwith. Thank you.

4 CHAIRMAN SPORN: Well, first of all, many of
5 the characterizations that you've made I disagree
6 with.

7 MR. ROKOSZ: Okay.

8 CHAIRMAN SPORN: However, without addressing
9 the merits, at the last meeting, recognizing the
10 safety issue, I believe this Board said that you
11 should be granted a turnaround so that you could
12 go into your driveway, turn your car around and
13 come out frontwards.

14 But before we get to that, you are on a
15 county road, Meadow Lane.

16 MR. ROKOSZ: Yes.

17 CHAIRMAN SPORN: And have you submitted an
18 application to Nassau County since they have
19 jurisdiction on the county roads to grant curb
20 cuts?

21 MR. ROKOSZ: No, I have not.

22 CHAIRMAN SPORN: Because we certainly don't
23 have any jurisdiction.

24 MR. ROKOSZ: That's okay. I'm not -- I don't
25 particularly need a curb cut right now. I have

1 lot coverage to cover the driveway and I'm
2 certainly willing to go to Nassau County to deal
3 with the curb cut.

4 CHAIRMAN SPORN: So what are you asking for,
5 a circular driveway that comes out the same
6 entrance that you come in? In other words, you
7 make a circle and you come back out?

8 MR. ROKOSZ: I'm asking for what I have in
9 the picture, which is to cover part of my front
10 yard with paving or something.

11 CHAIRMAN SPORN: So that is what you're
12 looking for?

13 MR. ROKOSZ: Yes. If you don't have
14 jurisdiction on the curb cut, that's fine. I
15 don't particularly even need the curb cut.

16 CHAIRMAN SPORN: Okay. And so I don't
17 understand the difference between what you're
18 asking and what we had recommended. Is it just
19 the positioning of it?

20 MR. ROKOSZ: I don't know what you
21 recommended. Like I said, I wasn't here. I was
22 not aware of that meeting date. I was told it was
23 another date and I never received a formal letter
24 informing me of the actual date. So my
25 understanding was -- I came in the day after the

1 meeting, with the letter. I gave it to Tom, and I
2 was under the impression that the meeting was for
3 the next day or two days later, and I was quite
4 surprised when Tom told me that the meeting was
5 yesterday.

6 MEMBER BERMAN: I'm missing something here.

7 MR. ROKOSZ: Okay.

8 MEMBER BERMAN: Are you asking for a circular
9 driveway or a turnaround?

10 MR. ROKOSZ: I'm not asking for a turnaround.

11 MEMBER BERMAN: Because the turnaround was
12 the Board's suggestion.

13 MR. ROKOSZ: I'm not asking for a turnaround.
14 In addition, I have three cars; so a turnaround in
15 and of itself would be very impractical, not only
16 based on the fact that I have three cars, but my
17 -- I only have a ten-foot side driveway. So in
18 order to use a turnaround, I would have to pull
19 in, and my property goes up. It's -- since we're
20 on the hill, if you could see, it's not a flat
21 property. So I would have to drive uphill, try
22 and make a K-turn into a 10-foot driveway, which
23 would be very, very difficult, probably impossible
24 considering my neighbor has some trees. And in
25 addition, in order to safely do it I'd have to

1 cover more of my front yard with lot coverage or
2 something than I would with the circular driveway.

3 MEMBER WEINSTOCK: I have to say that I drove
4 down your block, and I actually wrote a letter to
5 Tom immediately following the meeting, that I was
6 very disturbed about how much traffic went down
7 that block, and I agree with you wholeheartedly --

8 MR. ROKOSZ: Thank you.

9 MEMBER WEINSTOCK: -- that if Nassau County
10 is willing to give you that curb cut, the safest
11 way for you to get in and out of your driveway
12 would be a circular driveway, regardless of a
13 turnaround or I think this is -- I don't know how
14 many of you went to see this block. It is a
15 through fare. The cars zoom by. You can stand
16 there, and you can literally shake from the wind
17 that's blowing you. These are little kids,
18 they're playing outside, and to ask for something,
19 you know, there are so many people in the Village
20 that ask us for things that are so over the top,
21 and this is just a safety issue. I don't think
22 aesthetically it looks unpleasing. I think a
23 turnaround is far more unpleasing, and I think
24 that from my perspective I think the circular
25 driveway is for sure the way to go.

1 MR. GOLDMAN: Can we just clarify. The
2 purpose of the circular driveway is to pull in at
3 one curb cut, come around and exit?

4 MR. ROKOSZ: And be able to pull out face
5 first.

6 MR. GOLDMAN: Right, exactly. So if you're
7 not asking for a curb cut, what's your intention?

8 MEMBER WEINSTOCK: I think what he's saying
9 is he's not asking us for the curb cut. He's
10 comfortable going with --

11 MR. GOLDMAN: In other words, you want
12 permission from this -- okay, so I think I
13 understand. I'm not disagreeing with you.

14 MR. ROKOSZ: Well, my understanding was you
15 said you don't have the authority to give me the
16 curb cut, so that's fine. I can't ask you to give
17 me something you don't have the authority to give
18 me.

19 MR. GOLDMAN: So you're asking them --

20 MR. ROKOSZ: I'm asking for them to approve
21 the lot coverage on my -- on my front property,
22 whatever you want to call it, whether you can call
23 it a driveway or lot coverage or merely --

24 CHAIRMAN SPORN: Well, under our zoning you
25 do not have a building coverage issue. So I'm

1 still confused as to exactly what you want.

2 MR. ROKOSZ: Well, if I don't have a building
3 coverage issue, why was I denied my permit? I'm
4 here because I was denied.

5 CHAIRMAN SPORN: What were you applying for?

6 MR. ROKOSZ: I was applying for lot coverage.

7 CHAIRMAN SPORN: Lot coverage?

8 MR. ROKOSZ: Yes. In order to -- in order
9 to --

10 MR. RIZZO: Surface coverage.

11 MR. ROKOSZ: Surface coverage. In order to
12 do what I have proposed in the pictures and on the
13 survey. If we all agree that it's not an issue
14 and I have the zoning, then we're great, we can go
15 home. I just need an approved application.

16 MEMBER KUPFERSTEIN: Maybe you could advise
17 me about the protocol concerning this. I feel
18 that the turnaround could satisfy the requirements
19 for safety. And it really doesn't come close to
20 our guidelines. However, you brought up a lot of
21 information that's -- you know, you mentioned
22 perhaps we can treat this as a first meeting since
23 we didn't have the benefit of your presence there.

24 MR. ROKOSZ: Yes.

25 MEMBER KUPFERSTEIN: I'm wondering, if we

1 need to render a decision, if I need to render a
2 decision or if I can have time to process some of
3 the information that was brought forward.

4 Particularly, as to all the noncomplying circular
5 driveways that allegedly have come up since the
6 guidelines have been in. I'd like to examine that
7 fact. Because I'd like to be fair. On one hand,
8 I have to stick, you know, with the -- we did
9 develop guidelines with great thought and
10 intention. So I'm just asking if I need to render
11 decision right now because I personally would
12 prefer to review it in light of the comments put
13 forth today.

14 MR. ROKOSZ: Well, I --

15 CHAIRMAN SPORN: In addition, you're correct,
16 we've made so many exceptions over the years prior
17 to the Moskowitz matter that the exceptions almost
18 became the rule. And when you look with hindsight
19 at exceptions that are made, you don't get the
20 full context and feeling for why they are made.

21 Subsequent to that meeting, our Mayor
22 provided us with a recommended guideline which was
23 a minimum width greater than that which we
24 required, namely 70 feet instead of 68 feet, but a
25 front-yard depth of 45 feet rather than 50 feet,

1 and you fail in both respects. But nonetheless --

2 MR. ROKOSZ: I don't believe I fail on the 45

3 feet. If you're amending it to 45 feet, that's

4 not true. But more importantly, the crux of my

5 argument is that my safety issue would override

6 any guideline.

7 CHAIRMAN SPORN: I understand.

8 MR. GOLDMAN: It's not your intention though

9 to do the construction subject to getting --

10 assuming the Board were even to grant it, to do

11 the construction -- what I'm -- I might as well

12 cut to the bottom line. It's not your intention

13 to drive over the curb till you get that curb cut,

14 is it?

15 MR. ROKOSZ: I don't have to, no.

16 MR. GOLDMAN: So you would defer any action

17 until you resolved it with the Board -- with the

18 county?

19 MR. ROKOSZ: Well, I think I can cover my --

20 I can proceed with my work and deal with the

21 county on the curb cut.

22 CHAIRMAN SPORN: When I went over there I see

23 you've already put in the circular driveway before

24 the --

25 MR. ROKOSZ: Well, I haven't put in the

1 circular driveway. I do not have ground coverage.
2 What I did is prepared for plantings and
3 positioned myself for plantings. There's a big
4 difference between putting in the driveway and
5 installing the ground coverage and digging up the
6 dirt which was previously there. All I did was
7 dig up the dirt that was previously there, which I
8 believe I'm allowed to do.

9 MEMBER BERMAN: That's not the driveway that
10 I saw? That's not a circular driveway?

11 MR. ROKOSZ: It's preparing for a circular
12 driveway.

13 You're allowed to put in, I believe -- Tom
14 informed me that you could even put walkways in
15 without any permits whatsoever.

16 MR. RIZZO: That's up to four feet wide.

17 MR. ROKOSZ: Okay, but I have not put a
18 walkway. All I do I have dirt.

19 MR. RIZZO: I know. I'm just clarifying for
20 the record you can put in paving up to four feet
21 wide.

22 MR. ROKOSZ: Fine. I have a driveway on the
23 side which is approximately ten feet wide. The
24 rest of the circle that you see is dirt. I did
25 not put gravel. I did not put blacktop. I did

1 not put anything else on it.

2 MEMBER BERMAN: This is -- this is the first
3 time I'm really hearing about this. I was not at
4 the last meeting.

5 MR. ROKOSZ: Okay.

6 MEMBER BERMAN: And so this is new to me also
7 and --

8 MR. ROKOSZ: Well, it's probably new to
9 everyone because I don't know what was presented
10 at the last meeting other than my application.
11 There was no letter. There was no one here to
12 speak.

13 MR. GOLDMAN: What arrangements have you made
14 or what's the thinking in the event that the
15 county were to deny you the curb cut? What would
16 then be your option?

17 MR. ROKOSZ: I don't see how the county would
18 deny me the curb cut. Frankly, I don't see how
19 it's an issue for this Board.

20 MR. GOLDMAN: But from a practical point of
21 view.

22 MR. ROKOSZ: In other words, I own my home.
23 I have to do -- in addition, the consequences of
24 doing something that's not aesthetically pleasing
25 would fall on me. It would detract from the value

1 of my home. I certainly wouldn't do anything that
2 I believe would detract from the value of my home.

3 CHAIRMAN SPORN: I think it's a fair

4 question. If Nassau County says you cannot have a
5 second curb cut, what will you do?

6 MEMBER WEINSTOCK: I guess he can just use it
7 as a turnaround; pull in, pull back.

8 CHAIRMAN SPORN: That's what's I'm
9 suggesting. But he could do that now by coming
10 around.

11 MEMBER WEINSTOCK: If he does get the curb
12 cut, he can come in, come out, and any delivery
13 person will do it without worrying.

14 CHAIRMAN SPORN: I understand that. I
15 understand that.

16 MEMBER KUPFERSTEIN: There was a house on
17 Muriel; subsequently it was sold and remodeled, so
18 this condition alone exists, but particularly this
19 circular driveway without the second curb cut
20 which didn't happen on a county road. It was the
21 Village I think had denied the circular driveway
22 after it had begun, and that was -- you know,
23 independent of my personal opinion whether this
24 should be approved or not, the fact, you know,
25 putting one in place and then not having the curb

1 cut it was an unsightly condition. I don't
2 remember the exact address.

3 Do the members of the Board know what I'm
4 talking about?

5 MEMBER BERMAN: Yes.

6 MR. ROKOSZ: How was that an unsightly
7 condition?

8 MEMBER KUPFERSTEIN: It, you know, looked
9 like a road to nowhere. It was not --

10 MR. ROKOSZ: Well, The curb in front of my
11 home happens to be exactly one inch, so it won't
12 be unsightly.

13 MEMBER KUPFERSTEIN: Uh-huh, that's a little
14 curb. Well, you know, I would suggest -- I would
15 recommend that --

16 MR. ROKOSZ: The view of -- the view would be
17 the same as what you see in those pictures.

18 MEMBER KUPFERSTEIN: I would recommend
19 getting a picture of whether the county will be
20 favorable, and then we can consider all the
21 arguments that you've made.

22 MR. ROKOSZ: Well, in light of what
23 Mr. Smollett said, I really feel it's quite
24 irrelevant. All I'm asking for is ground
25 coverage, and I don't need a variance, I have it.

1 I don't see why this Board should deny me in any
2 way whatsoever.

3 CHAIRMAN SPORN: What we're looking at is the
4 aesthetics of what you want to do in that front
5 yard.

6 MR. ROKOSZ: Right. So do you believe the
7 picture I have is not aesthetically pleasing?

8 CHAIRMAN SPORN: It's hard for me to relate
9 to a picture --

10 MR. ROKOSZ: Really.

11 CHAIRMAN SPORN: -- of a circular driveway
12 where the county hasn't decided you can ever get
13 out of that driveway without driving across the
14 sidewalk and the curb. It seems to me your coming
15 here is premature. If it's your intent to have
16 your circular driveway exit onto the street, then
17 you need a permit from the county.

18 MR. ROKOSZ: If I have lot coverage, why does
19 it matter what I do? I'm willing to proceed right
20 now with my lot coverage permit as you have the
21 pictures, without any reference to anything else.

22 CHAIRMAN SPORN: And?

23 MR. ROKOSZ: And what?

24 CHAIRMAN SPORN: And if you're denied a
25 second curb cut by the county?

1 MR. ROKOSZ: That's my problem, isn't it?
2 That's a problem I have to deal with.

3 MEMBER BERMAN: I think what we're trying to
4 avoid is what happened on Muriel Avenue.

5 MR. ROKOSZ: Well, she thought it was
6 unsightly, but I only have one inch of curb there
7 so it won't be unsightly.

8 MEMBER BERMAN: What happened was we didn't
9 grant the curb cut so he just drove over the curb.

10 MR. ROKOSZ: Okay.

11 MEMBER BERMAN: And it was a mess.

12 MR. ROKOSZ: Right. But that's because you
13 didn't want him to have a circular driveway.

14 MEMBER BERMAN: He did not meet --

15 MR. ROKOSZ: Over here what you're saying is
16 you don't have a problem with me having a circular
17 driveway or putting the lot coverage in.

18 MEMBER KUPFERSTEIN: I just wanted to
19 clarify. Maybe you'll all understand. Lot
20 coverage is really a zoning issue. It's really
21 not our decision to decide, you know, lot
22 coverage. It seems that we're going to, you know,
23 believe the assumption or the --

24 MR. ROKOSZ: Well, the survey is signed by
25 Mike Ryder.

1 MEMBER KUPFERSTEIN: What?

2 MR. ROKOSZ: I presented a survey.

3 MEMBER KUPFERSTEIN: Lot coverage is really
4 not for us to decide. I just wanted to clarify,
5 again, I'm not taking a position, but for
6 educational purposes. Our Board exists to
7 particularly review for building design.

8 MR. ROKOSZ: Okay.

9 MEMBER KUPFERSTEIN: So we do have a general
10 vision for the Village to be as green and grassy,
11 which is why we believe the majority of the
12 residents chose to move here. So it's with that
13 in mind that we came up with the guidelines. It's
14 not really a matter of building coverage, so I
15 don't want to get stuck on that because it's not a
16 zoning issue.

17 MR. ROKOSZ: That's why I gave you a list of
18 over 120 homes in Lawrence that have circular
19 driveways that do not meet the guidelines -- that
20 do not meet the guidelines. It doesn't matter
21 when those homes received their circular
22 driveways. Clearly, it shows that the aesthetic
23 preference in the Village is a circular driveway
24 over a turnaround for the majority of homeowners.

25 CHAIRMAN SPORN: I don't think you can reach

1 that conclusion.

2 MR. ROKOSZ: I think I could because so very
3 few homes have turnarounds and people have
4 circular driveways.

5 CHAIRMAN SPORN: May I please finish my
6 statement. I don't think you can reach that
7 conclusion because we don't know in each of those
8 circumstances we were making a decision between a
9 turnaround and a circular driveway.

10 But in any event, would you be willing to
11 agree that if the county gives you a second curb
12 cut, then your circular driveway would go forward
13 as you've set forth; and if they don't give you a
14 second curb cut, then you complete the circle and
15 go back out your first curb cut?

16 MR. ROKOSZ: I guess so. I mean, as long as
17 I get to install it the way it is in the picture,
18 the way I use it, yeah.

19 CHAIRMAN SPORN: Now, if you install it the
20 way it is in the picture and you don't get a
21 second curb cut from the county --

22 MR. ROKOSZ: I understand. You're saying I
23 shouldn't drive over the curb.

24 CHAIRMAN SPORN: Exactly.

25 MR. GOLDMAN: And also, you should understand

1 too that, technically, when you get a curb cut, no
2 one can park in front of that curb cut. When you
3 don't have the curb out, theoretically, people can
4 park.

5 MR. ROKOSZ: No, I understand. Yeah, I'd be
6 willing not to use it if you approve my --

7 CHAIRMAN SPORN: My suggestion is you not
8 even build it if the county says no, if for some
9 reason on Meadow Lane they do not want more curb
10 cuts. I don't know what they will say.

11 MR. ROKOSZ: I don't foresee a problem with
12 it, but sure.

13 CHAIRMAN SPORN: Who knows. It's an
14 independent entity.

15 MEMBER BERMAN: If you get the curb cut, it's
16 one thing. If you don't get the curb cut by the
17 county, then perhaps you would want to design
18 something else. So my suggestion would be to go
19 for the curb cut first.

20 MR. ROKOSZ: Well, I'd rather not, since I'm
21 here and not have to come back. I'd rather be
22 able to proceed and then decide how to best
23 proceed. Why should I need to come back if I have
24 the as of right for the lot coverage?

25 MEMBER BERMAN: Because if you don't get --

1 MR. ROKOSZ: I understand your
2 recommendation, but that's my money and my choice.

3 MEMBER BERMAN: No, but what I'm saying is it
4 would not look right to put a circular driveway
5 without the other curb cut. So perhaps you would
6 get the curb cut -- the permission to do the curb
7 cut first so that you could do what you have in
8 the picture perhaps; and if you don't get that,
9 you might want to redesign the configuration so
10 that it doesn't look like a circular driveway that
11 doesn't get a curb cut.

12 MR. ROKOSZ: I understand. I understand what
13 you're saying; I appreciate it. I would take it
14 under advisement. But I see no reason why I
15 shouldn't leave here today with the right to do
16 it, and then I can go tomorrow or next week to the
17 county and deal with them.

18 CHAIRMAN SPORN: Are you agreeing that if the
19 county says no second curb cut, you will not have
20 a circular driveway ending on your sidewalk?

21 MR. ROKOSZ: Well, I would agree with what
22 you said beforehand, that I will not drive over
23 the curb. I guess, technically, it's not a
24 circular driveway if I don't have a second curb
25 cut.

1 CHAIRMAN SPORN: My own view is that a
2 circular driveway without a second curb cut is an
3 invitation to drive over the curb, and I would
4 vote against it. However, if you're willing to
5 compromise and go to the county and if they give
6 you a second curb cut, I vote for your circular
7 driveway. If the county says no, then I say
8 complete your circle and come back out the
9 driveway you came in.

10 MEMBER WEINSTOCK: Do you understand what he
11 is saying?

12 MR. ROKOSZ: I think I do, but maybe I don't.

13 MEMBER WEINSTOCK: Rather than have a
14 semi-circle, to have an entire circle around the
15 planting bed. I don't think there's room.

16 MEMBER BERMAN: There's no room, but
17 certainly, you could do a turnaround. That would
18 be more aesthetically pleasing than a circular
19 driveway that you can't get out of.

20 MR. ROKOSZ: Well, aesthetically, I think
21 everyone has their own personal preference as to
22 what they believe is aesthetically pleasing. I
23 personally believe it's nicer what I have in the
24 picture. That's why I'm willing to spend my money
25 to do it, if you want to talk about aesthetics,

1 but I'm willing to state that if I don't get the
2 curb cut that I'm not going to use it improperly.

3 CHAIRMAN SPORN: On that basis I would vote
4 against it. Putting in a driveway without a
5 second curb cut, a circular driveway that ends at
6 the curb, and relying on your undertaking that you
7 will not drive across the curb to get into the
8 street is something I can't support. We're giving
9 you reasonable alternatives, and for some reason I
10 feel they're being rejected. And it's not only
11 what you think is aesthetic, we have to look at it
12 in a broader perspective. But nonetheless, we're
13 saying you could have what you want, just get your
14 permit from the county first. And if the county
15 says no, then a turnaround or some other way out.

16 So I recommend granting your circular
17 driveway conditionally on the county giving you
18 the curb cut. If you don't get the curb cut, then
19 you must return and we'll talk further. That's
20 what I would vote for.

21 MEMBER BERMAN: I would -- I would be in
22 favor of that.

23 MR. ROKOSZ: Well, let me just finish. If I
24 don't get the curb cut, I can't have a circular
25 driveway anyway. It can't be a circular driveway,

1 correct? I don't foresee the county not giving me
2 a circular driveway.

3 CHAIRMAN SPORN: I don't know.

4 MR. ROKOSZ: But if I don't get the curb cut
5 for some reason, it technically wouldn't be a
6 circular driveway.

7 MEMBER BERMAN: But then you could come back
8 with a different design because this is a design
9 for a circular driveway.

10 CHAIRMAN SPORN: Ending at the curb.

11 MR. RIZZO: Sidewalk.

12 CHAIRMAN SPORN: Ending at the sidewalk.

13 MEMBER WEINSTOCK: Tom, do you know the
14 guidelines for Nassau County?

15 MR. RIZZO: No. They would have to file with
16 Nassau County regarding a curb cut and the county
17 forms and county fees and the beast unto itself.

18 MEMBER WEINSTOCK: How long of a process is
19 this?

20 MR. RIZZO: I do not know.

21 MEMBER WEINSTOCK: I'm just trying to give
22 him some information.

23 MR. RIZZO: I have no idea. I never dealt
24 with the county regarding that. We send the
25 homeowners to talk to the county.

1 CHAIRMAN SPORN: We just don't know if the
2 county comes down --

3 MR. ROKOSZ: My neighbor at 34 Meadow you
4 also granted his circular driveway and he's two
5 houses away. Did you give him a similar
6 condition?

7 CHAIRMAN SPORN: Does he have a second curb
8 cut?

9 MR. ROKOSZ: Yes.

10 CHAIRMAN SPORN: He does? He got it from the
11 county.

12 MR. ROKOSZ: I'm asking if you approved his
13 application subject to the same conditions.

14 CHAIRMAN SPORN: I don't know when he
15 applied, I don't know when it was, and I don't
16 know how relevant it is.

17 MR. GOLDMAN: They're granting you what you
18 want.

19 CHAIRMAN SPORN: We're granting you what you
20 want.

21 MEMBER BERMAN: We just want you to get the
22 curb cut first.

23 CHAIRMAN SPORN: I make a motion that we
24 conditionally grant a circular driveway on the
25 condition that the county grants a second curb

1 cut, and then we'll take it the next step.

2 All in favor?

3 MEMBER BERMAN: Yes.

4 MEMBER KUPFERSTEIN: I have a question. I
5 know you were very key to developing the
6 guidelines in the first place. Is this circular
7 driveway laid out in a manner that's effective?
8 You know, we studied all the different radiuses.
9 Being this deep and this narrow, do you feel given
10 what you've studied with the guidelines --

11 CHAIRMAN SPORN: I mean, you're asking a good
12 question. I don't know.

13 MEMBER BERMAN: It doesn't. It doesn't
14 comply. But it doesn't comply, but we're willing
15 to do it if you get the curb cut.

16 MR. GOLDMAN: Well, I think also, if I might,
17 what the Board is doing is trying to reach a
18 decision in terms of you made a very lengthy
19 argument for an exception not only to get the curb
20 cut but also to deviate from the guidelines based
21 on the safety issues, which I think have been
22 pretty much conceded. Therefore, irrespective of
23 whether it matches exactly apples for apples, the
24 broader issue is the safety to the extent that the
25 county agrees with that and doesn't think that for

1 some reason another curb cut compromises their
2 concept of safety. The Board, based on your
3 specific presentation under this particular set of
4 circumstances as they apply to you, not
5 necessarily in comparison to everybody else, 140,
6 120, you've made a cogent argument in terms of --

7 MR. ROKOSZ: Thank you.

8 MR. GOLDMAN: -- safety issues, and that
9 seems to be what is directing the Board to try to
10 accommodate you to provide you with the circular
11 driveway to the extent that that's defined as a
12 driveway that has two curb cuts at either end, and
13 that will be up to the county; am I correct,
14 Mr. Chairman?

15 CHAIRMAN SPORN: You stated it correctly, and
16 I thank you very much.

17 MR. RIZZO: I'd just like to get the vote
18 down. Mr. Sporn was yes. Mrs. Berman?

19 MEMBER BERMAN: Yes.

20 MR. RIZZO: Mrs. Kupferstein?

21 MEMBER KUPFERSTEIN: Personally, I think that
22 once the county comes back, if there is allowance
23 for a curb cut, you know, I'd still like to be
24 able to review whether it's effective. You know,
25 depending if you have a larger vehicle you may

1 need to maneuver a lot to make this work, or you
2 have three vehicles as you mentioned. I don't
3 know how it's going to work. And I don't know
4 that it's going to necessarily -- you're concerned
5 about safety. Nobody is saying that it's not an
6 unsafe condition. It is an unsafe condition. It
7 is a quick, you know, highly trafficked area. I
8 don't know if this addresses or solves every
9 issue. You know, it's being presented that this
10 is the solution. There's still going to be
11 traffic and there's still going to be all the
12 other conditions. And I would like to -- again, I
13 mentioned this earlier, and I'm waiting for, you
14 know, to get some advisement from the legal side,
15 if I can ask for time to review it further in
16 light of some of the facts that were presented
17 here tonight. But that being said, I think it
18 needs to go to the county first regardless,
19 because I do support, you know, Chairman Sporn,
20 and some of the other members have said they're
21 willing to grant it without any conditions should
22 the county approve it, and I'm asking whether we
23 can ask for the county to review it and then ask
24 to review it further.

25 MR. GOLDMAN: Well, you could also do it

1 subject to the Building Department concluding that
2 it's a practical plan, the real deal.

3 MEMBER KUPFERSTEIN: Well, as long as it's
4 practical, and I want to examine the circumstances
5 under which all of those driveways got through.

6 MR. GOLDMAN: Well, that wouldn't necessarily
7 be on this particular issue.

8 MEMBER KUPFERSTEIN: I'd like to see whether
9 it's consistent judgment.

10 MR. GOLDMAN: I think that the applicant,
11 notwithstanding his reference to the others, is
12 asking to be judged on his particular application,
13 and at least it's my hearing of the Board, and his
14 argument seems to be most compelling on the safety
15 issue as to this particular location.

16 MR. ROKOSZ: My reference to the other
17 properties is only to show that how much more so
18 the safety issue is important to me compared to
19 them.

20 MEMBER BERMAN: I would say even without
21 that, we got that part.

22 MR. ROKOSZ: Thank you.

23 MR. GOLDMAN: Well, anyway, you were voting.

24 MR. RIZZO: Mrs. Kupferstein?

25 MR. GOLDMAN: How are you voting?

1 MEMBER KUPFERSTEIN: I can't say yes to a
2 complete agreement.

3 MR. GOLDMAN: You'll be voting an abstention
4 then?

5 MEMBER KUPFERSTEIN: Okay, if we have enough
6 members to make a ruling, then I'll choose that.

7 MR. RIZZO: Mr. Pomerantz?

8 MEMBER POMERANTZ: I'm for it.

9 MEMBER WEINSTOCK: Same, I'm for it.

10 MR. RIZZO: The vote was Mrs. Kupferstein
11 abstained. The yeses were Mr. Sporn, Mrs. Berman,
12 Mr. Pomerantz and Mrs. Weinstock.

13 CHAIRMAN SPORN: It's conditional on the
14 county granting the curb cut and the design is as
15 set forth.

16 MR. RIZZO: And the landscaping as shown.

17 CHAIRMAN SPORN: And the landscaping as
18 shown, certainly.

19 MEMBER BERMAN: I can't even see what this
20 is. Is this there now?

21 MR. RIZZO: No, that's proposed.

22 MEMBER BERMAN: That's what I thought. What
23 is this, like a dish garden? This is not planted
24 in the ground?

25 MR. ROKOSZ: No, those are boxwoods, proposed

1 boxwoods.

2 MEMBER WEINSTOCK: In the circle itself?

3 MEMBER BERMAN: In the circle what this is.

4 MR. ROKOSZ: I don't know what you would call
5 it.

6 MR. RIZZO: Planters.

7 MR. ROKOSZ: I assume it's a planter with
8 boxwoods inside, with one boxwood inside each
9 planter, and then some flowers surrounding that
10 boxwood.

11 MR. RIZZO: Mr. Chairman, is he going to be
12 held to this landscape, exact landscape plan?

13 CHAIRMAN SPORN: Yes, that's what he
14 submitted.

15 MR. RIZZO: Okay, all right. I just wanted
16 -- so everybody, this is the landscape plan
17 they're approving.

18 MR. ROKOSZ: That's the landscaping that I'm
19 proposing. That's currently what I'm planning.

20 CHAIRMAN SPORN: Thank you.

21 MR. ROKOSZ: Thank you all. Have a good
22 night.

23 MR. RIZZO: Mr. Chairman, are you closing the
24 public hearing?

25 CHAIRMAN SPORN: Yes.

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(Whereupon, the hearing concluded at
8:15 p.m.)

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

Mary Benci
MARY BENCI, RPR
Court Reporter