

Lawrence, New York, May 3, 2010

A Regular Meeting of the Board of Building Design of the Incorporated Village of Lawrence was held on Monday, May 3, 2010 at the Lawrence Village Hall, 196 Central Avenue, Lawrence New York 11559 at 7:29 P.M.

Those members present were:                      Chairperson Benjamin Sporn  
   Member Eva Staiman  
   Member Barry Pomerantz  
   Alternate Member Myrna Breitman  
   Alternate Member Shoshana Weinstock

Those members absent were:                      Member Ronni Berman  
   Member Barbara Kupferstein

Also present were: Ronald Goldman, Attorney to Board of Building Design, Thomas P. Rizzo, Secretary to Board of Building Design and Gail Daniels, Building Department.

Chairperson Sporn called to order the regular meeting of the Board of Building Design at 7:26 PM. Proof of posting for the meeting was submitted. Five members of the board were present for a quorum. The meeting was called to order with the following members present: Chairperson Sporn, Member Staiman, Member Pomerantz, Alternate Member Breitman and Alternate Member Weinstock.

The agenda included eleven new applications and two prior applications; one of the prior applications was scheduled for a public hearing before the Board of Building Design. Chairman Sporn suggested that since the reporter was present for the public hearing, that the Board hold the public hearing first and then continue with the rest of the agenda items. Chairman Sporn asked for a motion to take the public hearing first; a motion was made by Mrs. Staiman and seconded by Mr. Pomerantz. Mr. Goldman noted for the record that the motion was unanimously approved by all members of the Board to take that application out of order. Mr. Goldman noted that the Board can set its own order for taking applications.

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*The following prior application was considered:*

**Scharf – 15 Keewaydin Rd.** – Construct new residence. Mr. Goldman noted that this matter before the Board was for a public hearing but explained that all matters before the Board are heard publicly and the public is welcome, under the Open Meetings Law to hear every consideration of every matter before the Board. Mr. Goldman explained what is meant by a public hearing, that in this particular matter a decision was rendered before by the Board and now the applicant was asking the Board in public to engage them in a dialogue and to discuss the findings of the Board, which is being recorded. Chairman Sporn thanked Mr. Goldman for the explanation. Mr. Rizzo asked if the representative for Mr. or Mrs. Scharf was present and asked if they would come forward and identify themselves for the record. Mr. John Macleod came forward and identified himself representing Mr. & Mrs. Scharf. Mr. Goldman asked in what capacity, Mr. Macleod was serving in this matter, Mr. Macleod explained that he prepared the plans and the design for the residence, Mr. Goldman questioned Mr. Macleod regarding him being a licensed architect, Mr. Macleod explained that he was a British licensed architect and explained that his associate is a New York licensed architect. Chairman Sporn requested to clarify a confirmation from Mr. Macleod that a zoning variance had been granted for this project and that non functional dormers were approved, and that there will not be a third floor living space but at most a storage area, Mr. Macleod stated that this was correct. Mr. Goldman asked if that was a commitment made to the Board of Zoning and Appeals and Mr. Macleod stated that it was. Mr. Goldman asked if, when the variance was granted, that commitment was an element considered by the Board of Zoning and Appeals in the granting of the variance. Mr. Macleod stated he believed that was so. Mr. Macleod explained that he was present to request the Board reconsider its decision at the last

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meeting to only approve dormers on the front of the house. Mr. Macleod explained that the dormers were part of the over all design and continuity of design, added to it, and created a complete structure. Missing the dormer elements would make for an incomplete structure. Mr. Macleod pointed out that although there were no other homes on the street of this style and with dormers all the way around, never the less within a distance of some blocks there were several other homes of a similar nature and similar style with dormers. Mr. Macleod noted that the plans had been reviewed by the Board of Zoning Appeals which were approved with dormers and the applicant was requesting that the Board of Building Design reconsider its decision. Chairman Sporn stated that there is a difference between the jurisdiction of the Board of Zoning Appeals and the Board of Building Design; The Board of Building Design looks at a matter from a purely esthetic stand point so that when the Board of Zoning Appeals grants dormers, it not necessary granting the dormers as shown but approving the concept. The Board of Building Design looks at the dormers from an esthetic stand point. Mr. Macleod asked that if one considered the house as a whole would you not think, for continuity of design, that there should be dormers on all four sides; not two blank sides without dormers? Mrs. Breitman asked why on one side of the house there were to be three dormers and on the other side there are to be only two dormers with an open space, and added that it looked off balance on that side with only two dormers. Mr. Macleod agreed that the side with only two dormers did look out of balance and that adding a third dormer on the right side would balance out the design. Mr. Goldman asked why this was not considered in the original design and Mr. Macleod was not sure. Mr. Macleod stated that the applicant would add the third dormer if the Board was in favor. Chairman Sporn noted that he had gone back to this street and none of the houses on this street have dormers but it was pointed out to him that no two homes on the street are alike and Mr. Sporn agreed that adding the third

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dormer to the right side of the house would be balanced in design unless Mr. Macleod had other alternatives to balance the design. Mr. Macleod agreed that with three dormers on the one side and the back of the house and the front of the house, that having three dormers on the right side would balance the design. Before the Board voted, Mr. Goldman stated that while he was not speaking for the Board of Building Design, did the applicant understand that were the Board to grant these dormers, irrespective of the number, such approval should not be interpreted by Mr. Macleod or the applicant to supersede the prior condition that the attic space is still not to be used for occupancy but for storage. Mr. Macleod stated that he understood and Mr. Goldman stated that this was to be enforced by the Building Department; again Mr. Macleod stated he understood. No one appeared before the Board to oppose the application. Members Sporn, Staiman, Pomerantz, Breitman and Weinstock voted unanimously to approve the application with the dormers indicated on the drawings for the front, rear and left side of the house and the addition of a third dormer on the right side of the house. The Public meeting was closed at 7: 36 PM and the Board returned to the regular agenda items.

*The following new applications were considered:*

**Deaner – 104 Lakeside Dr. E.** – One story addition to attached garage. The members reviewed the application. The applicants Mr. & Mrs. Deaner who where present, made no presentation to the Board regarding their application. No one else appeared before the Board to support or oppose the application. Members Sporn, Staiman, Pomerantz Breitman and Weinstock voted unanimously to approve the application as submitted.

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Mr. Goldman noted that other applicants were present regarding their applications, to-wit Mr. Blinder and Mr. Glodny, and the Board might want to hear their applications first since they were present. The Board agreed to take the applications out of order.

**Glodny – 55 Bayberry Rd** – Replace existing wood fence with a new khaki PVC fence six feet high. The members reviewed the application and discussed the existing fence which was being replaced. Mr. Shimon Glodny came forward and identified himself as the property owner, and explained that the existing fence was in disrepair and was damaged in the last storm. Chairman Sporn explained that the Board preferred that the PVC fence have a matte or dull finish. No one else appeared before the Board to support or oppose the application. Members Sporn, Staiman, Pomerantz, Breitman and Weinstock voted unanimously to approve the application as submitted regarding the fence color but the fence must have a matte finish.

**Blinder – 71 Briarwood Ln.** – Install additional paving to widen existing shared driveway on one side and widen existing shared curb cut other one side. Mr. Moshe Blinder of 71 Briarwood Lane came forward and identified himself as the property owner. Mr. Blinder submitted an additional hand-drawn, colored drawing of the proposed widening of his portion of a shared driveway and curb cut and pictures of the existing situations. When Mrs. Brietman asked if there was any restriction regarding how close the paving could be to the house, it was explained that the Village of Lawrence has no restriction regarding the distance of the driveway paving to the house. Mr. Blinder explained that there was existing paving next to the side of his house and the driveway was being widened between the street and the existing paving. He also explained it was a shared driveway and the requested permit was to widen the part of the driveway on his property only. The other owner of the shared driveway had filed his own application to

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widen the driveway and curb cut on their property. Mr. Blinder believed that this was the only shared driveway in the Village of Lawrence. Mr. Blinder explained that this plan would give each property its own driveway and landscaping would be installed with the new driveways. The Board members discussed the application. No one else appeared before the Board to support or oppose the application. Members Sporn, Staiman, Pomerantz, Breitman and Weinstock voted unanimously to approve the application.

**Swimmer – 67 Briarwood Ln.** – Install additional paving to widen existing shared driveway on one side and widen existing shared curb cut on one side. Mr. Rizzo explained to the Board that this was the matching application to Blinder. Swimmer of 67 Briarwood Lane was the other owner of the shared driveway and was widening his curb cut and widening his driveway to create his own driveway similar to the Blinder application. The Board members discussed the application. No one appeared before the Board to support or oppose the application. Members Sporn, Staiman, Pomerantz, Breitman and Weinstock voted unanimously to approve the application.

**Falk – 66 Sealy Dr.** – Install six foot and five foot high khaki PVC fence on rear and side property lines and in side yards. The Board discussed the application and indicated that the khaki PVC fence must have a matte finish. Also the proposed fence can only have a total height of six feet on the rear property line including the spindle top section, five foot solid with one foot top section; and that on the side property lines and in the side yards the total fence height of five feet will include the spindle top, four foot solid with one foot top section. No one appeared before the Board to support or oppose the application. Members Sporn, Staiman, Pomerantz, Breitman and Weinstock voted unanimously to approve the application.

**Brecher – 6 Meadow Ln.** – Install six foot PVC fence on rear and side property lines. The Board discussed the application and noted that the permit application indicated that

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the fence would be white or beige in color. The Board stated that they would approve the fence as beige in color. Mr. Rizzo pointed out that the shape of the lot created two rear lines connected by a side line and the applicant was asking for the six foot high fence on the side line. Mr. Pomerantz noted that the proposed fence had a lattice top section and that the approved total fence height must include the lattice top section. No one appeared before the Board to support or oppose the application. Members Sporn, Staiman, Pomerantz, Breitman and Weinstock voted unanimously to approve the application with the following conditions: the fence is to be beige in color and the height of six feet must include the lattice top section of the fence.

**Gerber – 63 Muriel Ave.** – Install four foot high black chain link fence in side yard and on one side property line and rear property line. It was explained to the Board that as part of a previously approved swimming pool application, a four foot black estate-type fence was to be installed on part of a side property line and in the rear yard to enclose the swimming pool as required by code. This new fence application would replace part of the estate-style pool fence on the side property line with a four foot high black chain link fence and the chain link fence would extend beyond the enclosed pool area along the side property line and the rear property line and in one side yard to enclose the rear yard. The pool would still be separated from the rest of the rear yard by the originally approved black estate fence. The idea was to place another barrier at the property line to protect the pool. Mrs. Staiman noted that the Board only allowed chain link fences for use as a pool enclosure and this fence was more than around the pool. Mr. Pomerantz stated that he had been informed that the applicant was afraid that a solid fence would block light to the plantings between the properties and wanted the chain link fence so that existing plantings would not be deprived of light and would continue to grow. Chairman Sporn asked if the estate fence could be installed all around the property, other board members

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reasoned that doing so would be very expensive. Chairman Sporn noted that the Board's guide lines allowed a chain link fence as part of a pool enclosure when installed inside a perimeter fence. The Board discussed what other types of fence could be used as a perimeter fence. Chairman Sporn posed the question of whether the Board wanted to allow chain link to be used as a perimeter fence. The Board discussed chain link with a condition that landscaping be installed on the outside of the fence so that adjoining property owners would not have to look at a chain link fence. Mrs. Weinstock and Mrs. Breitman noted that the Board would have to be very specific in stating the height of landscaping to hide a chain link fence and the spacing between the landscaping so that the fence is blocked from view. Mr. Goldman offered the idea that maybe the applicant could be required to install the plants first and the fence be installed behind the plants later. Mrs. Staiman and Chairman Sporn questioned if this would set a precedent that people would be coming for chain link fences if they could plant. The Board discussed other options that could replace the requested black chain link fence and came to no conclusions. No one appeared before the Board to support or oppose the application. Members Sporn, Staiman, Pomerantz, Breitman and Weinstock voted unanimously to deny the application for a four foot tall black chain link fence, in that it would be out of character, detrimental to the adjoining neighbors as well as the community.

**Appelbaum – 1009 New McNeil Ave.** – Replace existing wood fence with new six foot tall PVC khaki fence. The Board reviewed the application and plans and discussed the application and questioned the unusual location of the fence. Review of an aerial picture indicated that the existing fence was installed as shown on the application and would be replaced in the same location. The Board discussed the request for a six foot high fence in relation to the existing fence to be replaced and the fence on the adjoining property.

No one appeared before the Board to support or oppose the application. Members



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Sporn, Staiman, Pomerantz, Breitman, and Weinstock voted unanimously to approve the fence application as submitted.

**Weissman – 17 Copperbeach Ln.** – Install paving for a sports court in the rear yard.

The members reviewed the application and questioned the location of the sports court on the property. It was noted for the record that at one time there had been a hand ball court at the same location on the property but the high masonry wall of the hand ball court had been removed. It was also noted that the proposed sports court complied with zoning requirements regarding setback from the property lines. Several Board members and Mr. Goldman asked if lighting was to be installed with the sports court and Mrs. Brietman asked if seating would be installed. Mr. Pomerantz remembered that the old handball court had lighting. It was suggested that the sports court could be approved with the condition that there would be no lighting. Mr. Sporn questioned if a variance was needed for lighting and Mr. Rizzo reminded the Board that the Village Code allowed lighting with tennis courts and any light installed could be called “security lighting” for the property by the owner. Members also discussed the location of the sports court in relation to the adjoining properties and the Board held a long discussion regarding lighting for the sports court if any. No one appeared before the Board to support or oppose the application. Members Sporn, Staiman, Pomerantz, Breitman, and Weinstock voted unanimously to approve the sports court with the condition that if any lighting is installed for the sports court, the lighting must comply with the regulations for tennis court lighting.

**Alpert – 30 Muriel Ave.** – Additions and alterations to existing residence and alter detached garage. The members reviewed and discussed the application and the finish materials and several board members questioned the third floor space. It was explained that most of the finished attic space was existing finished space and that the existing attic

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had dormers which were being changed to smaller dog house dormers. The third floor had an existing bath on the attic level which was being renovated. The altered use of the detached garage space was discussed and the need for the space was discussed. No one appeared before the Board to support or oppose the application. Members Sporn, Staiman, Pomerantz, Breitman and Weinstock voted unanimously to approve the application as submitted.

**Minnis – 254 Victoria Pl.** – Repave existing driveway and create a circle turn around area. The members reviewed the application and the paving materials of stone, gravel and asphalt paving. The existing driveway comes off the end of a dead end street and the shape of the driveway requires the owner to back all the way out to the street. Mrs. Breitman questioned the installation of a circular driveway in the front yard. It was explained that there will be a circle turn around with landscaping in the center but there is no second curb cut for this driveway. No one appeared before the Board to support or oppose the application. Members Sporn, Staiman, Pomerantz, Breitman and Weinstock voted unanimously to approve the application as submitted.

*The following prior application was considered:*

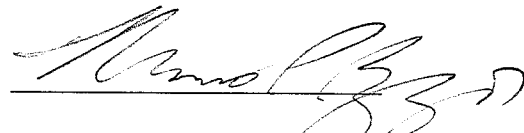
**Kadosh – 5 Washington Ave.** – Repave existing driveway and add additional paving to create a turn around area at side of driveway. It was explained to the Board that this application was being sent back to the Board due to changes: During construction the shape of the driveway had been altered, two sharp curves in the turn around area of the driveway had been changed to create more of a sweeping curve. Also an agreement between the Board and the property owner required that new bushes be planted along the Broadway property line from the front wall of the garage to the corner of Broadway and Washington Ave. and on Washington Ave. up to the driveway. The purpose of the bushes was to block the view of the new paving. Pictures of the finished driveway and the

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bushes installed were reviewed by the Board. It was noted that the bushes planted, silver king euonymus were about one and a half feet tall and did not extend to the corner of Broadway and Washington Ave and had not been planted on Washington Ave. It was noted that the applicant had planted the bushes beginning at the rear corner of the property line on the Broadway side and ran the bushes almost to the corner with Washington Ave. The Board noted that the agreement stated that the bushes planted could not be taller than three feet. No one appeared before the Board to support or oppose the changes made. Members Sporn, Staiman, Pomerantz, Breitman and Weinstock voted to approve the changes to the paving and the bushes planted. The Board noted that the change in the shape of the paving did not add additional space to park additional vehicles and the Board did not have any issue with the substitution of silver king euonymus for the approved hew bushes. The Board did state however that the bushes must be planted all the way to the corner of Broadway and Washington Ave. and the bushes must be planted on Washington Ave. as per the original agreement when the permit was issued.

There being no further business the meeting was adjourned at 8:47 PM

This is to certify that I, Thomas P. Rizzo, Secretary to the Board of Building Design, have read the foregoing minutes and the same are in all respects a full and correct record of such meeting.

  
Thomas P. Rizzo