

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York

6 April 22, 2010
7 7:35 p.m.

8 APPLICATIONS FOR ADJOURNMENT:

9 Katsman
10 160 Harborview South
11 Lawrence, New York

12 Eisenberg
13 3 Copperbeech Lane
14 Lawrence, New York

15 P R E S E N T:

16 MR. LLOYD KEILSON
17 Chairman

18 MR. ELLIOT FEIT
19 Member

20 MS. ESTHER WILLIAMS
21 Member

22 MR. EDWARD GOTTLIEB
23 Member

24 MR. RONALD GOLDMAN, ESQ.
25 Village Attorney

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: All right. We are going
2 to convene the Board of Zoning Appeals of
3 Lawrence.

4 Good evening, ladies and gentlemen. Please
5 turn off any cell phones.

6 Do we have proof of posting, Mr. Castro?

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

9 CHAIRMAN KEILSON: Okay, thank you.

10 There are two matters that have requested
11 adjournments. One is Katsman of, let's see, 160
12 Harborview South. Any comment on the adjournment?
13 Any comment from the Board on the adjournment?

14 MEMBER GOTTLIEB: Okay.

15 CHAIRMAN KEILSON: That's for the next
16 hearing day.

17 MR. GOLDMAN: That's at the applicant's
18 request.

19 CHAIRMAN KEILSON: And the next date is May
20 11th that we set. We'll vote on it. Esther?

21 MEMBER WILLIAMS: For.

22 MEMBER FEIT: For.

23 MEMBER GOTTLIEB: For.

24 CHAIRMAN KEILSON: For.

25 The other matter is Eisenberg of 3

1 Copperbeech Lane. Again, they're requesting an
2 adjournment to the next hearing date which is
3 May 11th.

4 Any comment from the Board?

5 Mr. Gottlieb?

6 MEMBER GOTTLIEB: For.

7 MEMBER FEIT: For.

8 CHAIRMAN KEILSON: For.

9 MEMBER WILLIAMS: For.

10 CHAIRMAN KEILSON: All right. Also adjourned
11 for the May 11th date.

12 (Whereupon, the hearing concluded at
13 7:40 p.m.)

14 *****

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

18
19 Mary Benci
20 MARY BENCI, RPR
21 Court Reporter
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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

April 22, 2010
7:40 p.m.

APPLICATION: Reich
82 Harborview West
Lawrence, New York

P R E S E N T :

MR. LLOYD KEILSON
Chairman

MR. ELLIOT FEIT
Member

MS. ESTHER WILLIAMS
Member

MR. J. PHILIP ROSEN
Member

MR. EDWARD GOTTLIEB
Member

MR. RONALD GOLDMAN, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The first matter this
2 evening is Reich of 82 Harborview West. Will they
3 or their representative step forward.

4 MR. ROSENFELD: Good evening.

5 MR. GOLDMAN: The record should reflect
6 Mr. Rosenfeld has appeared before the Board and is
7 familiar with the operation of the Board, and has
8 no doubt advised his client of the process this
9 Board pursues in the way it handles these
10 hearings.

11 MR. ROSENFELD: Good evening. The
12 application before the Board this evening is one
13 for an existing structure in the Harborview area
14 and it is a relatively minor application. We are
15 seeking 94 square feet in overage of about four
16 percent over the permitted.

17 In addition, we are seeking a variance of a
18 front-yard setback for a span of 15 feet in order
19 to enlarge a dining room, and we seek an overage
20 of five feet into the front yard for that 15-foot
21 span.

22 As the application noted, the reason for this
23 is because my clients, the petitioners, have
24 elderly parents and one of whom is in ill health
25 and cannot -- and is a frequent, frequent visitor

1 and cannot negotiate the stairs. So it is
2 anticipated to put a guest room on the main floor.

3 In addition, in the foreseeable future,
4 unfortunately, there may be the requirement for
5 additional help and turnarounds for wheelchairs
6 and whatnot. So that is the reason that the
7 dining room is being expanded.

8 In addition, this is an interesting
9 application. To the extent that Zone B requires a
10 single-car garage, the Reichs have been blessed
11 with a two-car garage, as have some other homes, a
12 minority in the area. We now seek to correct this
13 overage of an additional garage and to take one of
14 the bays and make it into the guest room. The
15 statute requires that any existing garage cannot
16 be diminished, and I would point out to the Board
17 that that is somewhat inequitable. If the
18 conflicting law states that all you need is a
19 one-car garage, and because they have more than is
20 necessary, they're now being penalized by not
21 being able to go back to that one car which is
22 what's mandated.

23 I have, which I would like to submit, five
24 letters of support from the neighbors, each in
25 favor of the proposed variances, and my client has

1 directly sought out each of the neighbors, shared
2 the plans with them; none of them have expressed
3 any misgivings, and in fact, everyone that she has
4 spoken to has been very much in favor.

5 CHAIRMAN KEILSON: Contiguous neighbors?

6 MR. ROSENFELD: Contiguous neighbors.

7 MR. GOLDMAN: Just note for the record, we
8 have from 90 Harborview West, 69 Harborview West.

9 MEMBER FEIT: Can we get the names?

10 MR. GOLDMAN: Yes, I'm sorry. Klaus on 90
11 Harborview West, Respler on 69 Harborview West,
12 Sinensky on 78 Harborview and Rapp, R-A-P-P, 65
13 Harborview West, and Bunim, 94 Harborview West.
14 Collectively, these will deemed collectively
15 Applicant's --

16 MEMBER FEIT: Kinsler, did I miss Kinsler?

17 MR. ROSENFELD: Kinsler does not live in the
18 house. There was a child or one of their children
19 I think who was there, and they indicated that
20 they are trying to sell the house. They have no
21 opposition; however, they didn't feel that they
22 should sign it because they were not the owners of
23 the house. This is what my client said, and I
24 think did we attempt to reach the Kinslers.

25 MS. REICH: I tried once.

1 MR. ROSENFELD: We tried to reach them by
2 phone, but presumably the architect of the
3 house --

4 CHAIRMAN KEILSON: Is that Ben?

5 MR. ROSENFELD: Ben lives in the city. The
6 wife lives in Atlantic Beach.

7 CHAIRMAN KEILSON: So a harmonious situation.

8 MR. ROSENFELD: And we couldn't get letters
9 from everyone. But I do represent here on the
10 record that there was no opposition from that
11 neighbor.

12 CHAIRMAN KEILSON: So as far as I'm
13 concerned, you know, our greatest concern is the
14 movement forward. The house happens to be on a
15 curve and it's pretty much forward of the other
16 houses to the left. I visited the site, so we're
17 actually moving it yet further forward. What is
18 it that we're building there that necessitates --

19 MR. ROSENFELD: It's the dining room. As the
20 plans indicate, it's the dining room, and the
21 reason, as I indicated, unfortunately, there
22 really is a compelling reason to enlarge that
23 dining room. The record owner of the house,
24 Mrs. Reich, her father-in-law is there quite often
25 and is frail and will probably require assistance

1 in the foreseeable future, and a larger dining
2 room is mandated.

3 MEMBER FEIT: How many children live in the
4 house? How many children do you have?

5 MS. REICH: I have four children.

6 MR. ROSENFELD: Four children currently.

7 MEMBER GOTTLIEB: They're all living in the
8 house?

9 MS. REICH: Yes. One of my children is for
10 the year in Israel.

11 CHAIRMAN KEILSON: Step forward and identify
12 yourself.

13 MS. REICH: Devora Reich. Yes, I have four
14 children living at home. One of my daughters is
15 now studying in Israel.

16 MEMBER GOTTLIEB: But they're all home?

17 MS. REICH: Yes.

18 MEMBER FEIT: And when she comes home from
19 Israel, she'll be Stern? Dorming?

20 MS. REICH: No dorming. I think Queens.

21 MR. ROSENFELD: Does it have any bearing on
22 the variance?

23 CHAIRMAN KEILSON: Quick question to
24 Mr. MacLeod. On the second-floor drawing you have
25 a living room on the second floor? Is that a

1 living room or living space?

2 MR. MACLEOD: It's a split-level style house
3 with -- John Macleod. In this style of home,
4 which you're probably familiar with, there is a
5 split-level arrangement where the living room is
6 actually half a level up from the main level of
7 the house.

8 MEMBER WILLIAMS: And then they go up another
9 level.

10 MR. MACLEOD: And they go another half level.

11 MEMBER WILLIAMS: And the bedrooms are all on
12 the top.

13 MR. ROSENFELD: Right.

14 MEMBER WILLIAMS: So on that split there's
15 only the living room above the garage?

16 MR. MACLEOD: The living room is towards the
17 back of the house, and there's nothing above the
18 living room. It's a cathedral ceiling.

19 MEMBER GOTTLIEB: There are how many bedrooms
20 on the upper floors?

21 MR. ROSENFELD: Currently or planned?

22 CHAIRMAN KEILSON: Planned, I guess.

23 MEMBER GOTTLIEB: Well, actually, you can
24 tell me both.

25 MR. MACLEOD: We're having no increase in the

1 number of bedrooms. We're increasing the head
2 room in one of the existing bedrooms which is
3 hardly sufficient; that is the one in the rear
4 right-hand corner.

5 MS. REICH: Right now there's a walk -- right
6 now there's a walk through.

7 MR. ROSENFELD: Mr. Gottlieb, I thought you
8 meant in total. There is contemplated to be a
9 guest room on the floor.

10 MEMBER FEIT: There are five though on the
11 bedroom floor, let's call it, and then the guest
12 room on the -- let's call it the main floor, for
13 lack of a better word, so six bedrooms.

14 MEMBER WILLIAMS: What were you going to say?
15 I'm sorry, Devora.

16 MS. REICH: I was going to say in the back
17 right now you have to walk through a room to get
18 to the two back bedrooms. So I'm doing that area
19 to make from three rooms to two rooms with a
20 bathroom.

21 MEMBER WILLIAMS: That makes sense.

22 MS. REICH: I think so.

23 MEMBER WILLIAMS: Especially as the kids get
24 older.

25 MS. REICH: Right.

1 MR. ROSENFELD: They don't want to walk
2 through each other's rooms.

3 MEMBER WILLIAMS: The only problem left is --

4 MEMBER FEIT: I will tell you straightforward
5 that I have a serious problem with coming forward.
6 You know how much we've always objected to it over
7 all the years about coming forward, and I really
8 do have an objection to coming, especially what
9 you're proposing, this far forward past the garage
10 when, again, it's a short driveway.

11 MR. ROSENFELD: Right. I just wanted to
12 point out, though, Mr. Feit, in deference to your
13 statement and also to the Chairman's statement
14 earlier that the house curves down, so as it is,
15 it sticks out. It should be noted that the
16 proposed addition is not on -- it's on the leeward
17 side. It's not on the leading side. For example,
18 coming forward here, will as you come down
19 Harborview it will not stick out further than the
20 existing house. Because the addition --

21 MEMBER FEIT: Won't it stick out further than
22 the garage? I think it sticks out further than
23 the garage.

24 MR. ROSENFELD: I'm not saying that it won't
25 stick out at all, but it's less egregious. No,

1 no, no, seriously, but it's less egregious than
2 the point that the Chairman made was that as it
3 curves down the curve down really should be
4 negated that consideration because it's on the
5 upward side of that lead in. Do you understand
6 what I'm saying?

7 CHAIRMAN KEILSON: I actually think that the
8 projection is going to be far more emphasized
9 because as you come around the curve you're going
10 -- it's going to catch your eye immediately. The
11 other house, like the Sinensky house to the left,
12 is recessed quite a bit backwards and so do the
13 two of the others. It's really going to stick out
14 and they have a short yard and a short driveway.

15 MR. ROSENFELD: But the converse argument is
16 as you come around the other side it's not
17 sticking out at all.

18 CHAIRMAN KEILSON: I only drive that way
19 because I'm coming from Harborview North.

20 MR. ROSENFELD: If I see that Harborview
21 becomes a one-way street I'll realize what's going
22 on, but the truth is you say tomato, I say tomato.
23 If it sticks out on one side, then it won't stick
24 out from the other side.

25 MEMBER FEIT: But if you don't do it, it

1 won't stick out either way.

2 MR. ROSENFELD: That is correct. Then we
3 wouldn't be here this evening.

4 MEMBER WILLIAMS: How about pulling back not
5 the whole way but at least flush with the --

6 MR. ROSENFELD: With the porch.

7 MEMBER WILLIAMS: -- with the porch. How
8 would that be?

9 MR. ROSENFELD: With the proposed porch. I'm
10 just conferring to see if we can --

11 MEMBER WILLIAMS: Take your time.

12 (Whereupon, a discussion was held off the
13 record.)

14 MR. ROSENFELD: What Mr. MacLeod tells us,
15 and I know that this Board has seen this before,
16 there is an architectural dimension to having
17 staggered facades.

18 MEMBER WILLIAMS: I knew you were going to
19 say that, however.

20 MEMBER GOTTLIEB: That is easy to rectify by
21 pulling it back even further.

22 MEMBER WILLIAMS: This is still here. This
23 is still here. This is still here. And this is
24 going to be further in than here. So it's not
25 exactly a box. And you still have the entrance in

1 here. It's not like it's --

2 MR. ROSENFELD: No, I understand. Point well
3 taken.

4 MEMBER WILLIAMS: I understand ideally, but
5 we have to balance which is more offensive.

6 MR. MACLEOD: It is only a one-story
7 structure that we're adding. It's not as if it's
8 going to be looming high above the roof lines.

9 MEMBER GOTTLIEB: We're aware of that.

10 MR. MACLEOD: And although it's not really
11 something to take into consideration, there is a
12 lot of vegetation in that area right now, very
13 high vegetation which we'll be replacing with some
14 lower vegetation in front of this new structure,
15 so mass-wise.

16 MR. ROSENFELD: The final ambit to that is if
17 you've driven by the house you've seen that the
18 space that is proposed to be occupied is not a
19 lawn. It is a porch -- it's a bluestone deck that
20 is enclosed with high shrubbery. For all intents
21 and purposes, whatever the Chairman feels is
22 already sticking out is there already. It's
23 already sticking out. There's high -- how high
24 are the shrubs there? They're very tall. So for
25 all intents and purposes, as I've stated in the

1 petition, there is an enclosure. It's a natural
2 enclosure.

3 MEMBER WILLIAMS: So you're saying that
4 buildings are nicer than shrubbery?

5 MR. ROSENFELD: Only when designed by
6 Mr. MacLeod, and only when approved by the
7 Village.

8 MEMBER FEIT: Mr. Rosenfeld, was there any
9 intent that you omitted the pictures of the back
10 house and the two side houses as we always require
11 and only have the pictures here of the subject
12 house?

13 MR. ROSENFELD: Absolutely not, absolutely
14 not.

15 MEMBER FEIT: So where are the pictures?

16 MR. ROSENFELD: The pictures -- I've had a
17 longstanding arrangement with a private contractor
18 who provided the pictures; that arrangement no
19 longer exists. I was informed on very short
20 notice that I needed the pictures. I utilized the
21 photographs that Mr. MacLeod used, and I am
22 cognizant of the fact; however, since there is no
23 construction going on in the rear of the house, I
24 felt that that sort of mitigated in my favor.

25 MEMBER FEIT: What about the two side houses?

1 You used do the camera work, if I remember.

2 MR. ROSENFELD: That's true. Those days are
3 passed.

4 MEMBER GOTTLIEB: You know what, let's use
5 the two pictures we have in hand which show the
6 left front corner of the house. There are two
7 sufficient pictures. I don't know what you're
8 talking about. There's a bluestone patio in front
9 of the dining room now? Or did I misunderstand
10 you?

11 MR. ROSENFELD: No. The patio is here
12 (indicating).

13 MEMBER GOTTLIEB: Are you talking about the
14 entryway to the house?

15 MR. ROSENFELD: No, no, no, to the left of
16 that.

17 MEMBER FEIT: Where the bay windows are?

18 MR. ROSENFELD: Right. It is on the -- you
19 can see it easier on the plot plan. Here, if you
20 -- it's not -- on this photograph, on the
21 photograph where it's the side view, you see these
22 large shrubs here on the side (indicating), that
23 encloses the porch.

24 MR. MACLEOD: Not the front entry porch but a
25 stone patio on grade which is directly in front of

1 the bay windows.

2 MEMBER WILLIAMS: So we are getting rid of
3 that?

4 MR. ROSENFELD: Yes, we're getting rid of
5 that. Right here, this area is now a bluestone
6 porch that is enclosed by six-foot-high
7 arborvitaes.

8 CHAIRMAN KEILSON: Mr. Rosenfeld.

9 MR. ROSENFELD: Yes, sir.

10 CHAIRMAN KEILSON: We would like to
11 accommodate you. They're very lovely people. The
12 father-in-law is a wonderful surgeon of note, but
13 we would not be true to our mission if we allowed
14 this, I think.

15 MR. ROSENFELD: May I suggest that if it is
16 more acceptable to the Board, we would be amenable
17 to keeping the existing shrubs there and building
18 out so that the extension would not be visible.

19 MEMBER GOTTLIEB: That's a good try. Really,
20 that's one of your finest moments.

21 MR. ROSENFELD: It's not bad. It's pretty
22 good.

23 MEMBER FEIT: You're on your A game today.

24 MEMBER GOTTLIEB: I don't mean to make light
25 of it.

1 MR. ROSENFELD: No, that's fine. What's
2 wrong with that?

3 MEMBER FEIT: It's not going to fly with me.

4 MR. ROSENFELD: Okay.

5 MEMBER GOTTLIEB: And I'm sure your clients
6 are lovely. I don't know them personally.

7 MR. ROSENFELD: It has nothing to do with
8 whether they're lovely. This Board has granted
9 variances to people who are a lot less lovelier
10 than my clients, and they've all been my clients.

11 MEMBER FEIT: You're aware of the fact that
12 the Board is really pretty much dogmatic regarding
13 the front setbacks of the house.

14 MR. ROSENFELD: Right. I think that there is
15 a cogent reason here. I will be the first to
16 admit that I have represented before this Board
17 front-yard setbacks that are of less of a
18 compelling nature than this.

19 MEMBER FEIT: Why do I hear that every time?

20 MR. ROSENFELD: That's not true. That really
21 isn't true, because I'm honest. If they need a
22 bigger dining room because they're going to have,
23 you know, Simchas --

24 MEMBER FEIT: How big is the dining room now?

25 MR. MACLEOD: The current size of the dining

1 room is eleven foot four by fifteen feet wide.

2 MEMBER FEIT: And it would sit how many
3 people?

4 MR. MACLEOD: Not enough people.

5 MR. ROSENFELD: Not enough.

6 MEMBER FEIT: It's never enough in a Jewish
7 home, you know that.

8 MR. MACLEOD: The main purpose of doing this
9 is, obviously, to get a larger dining room.

10 MEMBER WILLIAMS: The new dining room will be
11 how large? I'm sorry.

12 MR. MACLEOD: The new dining room will be
13 twenty-one feet eight inches.

14 MEMBER GOTTLIEB: By fifteen?

15 MR. MACLEOD: By fifteen, correct.

16 MEMBER GOTTLIEB: So double the size of it.

17 MR. ROSENFELD: Essentially, just lengthwise,
18 not widthwise.

19 MEMBER FEIT: I believe that my dining room
20 is being extended to about nineteen feet, but I
21 forget the width, and we figured it out that we
22 could probably put fifteen people in it. So if we
23 have four children, and seven adults, including
24 the thing, that comes to eleven in the current
25 dining room.

1 MR. ROSENFELD: Correct. I'm not aware of
2 your family situation, but I will vouch safe to
3 say that you're not figuring on accommodating
4 home-healthcare attendants and wheelchairs.

5 MEMBER FEIT: Well, usually, home-care
6 attendants do not eat with the family.

7 MR. ROSENFELD: Only if the client requires
8 it. I mean, it's -- no, but that's -- I mean,
9 without going -- without getting into the nitty
10 gritty, there is wheelchair accessibility that is
11 necessary in the future.

12 Could we -- if it's at all possible and
13 taking into consideration the Board's suggestion,
14 if we moved it to nineteen eight, would that be
15 any more amenable? That's taking off two feet
16 from it.

17 MEMBER FEIT: I would be much more amenable
18 based on --

19 MR. ROSENFELD: That would bring it down to
20 the right size.

21 MEMBER FEIT: Yes. Well, based on what I
22 think that Miss Williams suggested, I might be
23 more agreeable if you built it for the current
24 porch or the portico that you have there, but I
25 can't see it extending it past there.

1 MEMBER WILLIAMS: How much of a difference is
2 that from what we're talking about?

3 MR. ROSENFELD: I think it's de minimis.

4 MR. RYDER: Three feet ten inches.

5 CHAIRMAN KEILSON: Just one second.

6 MEMBER WILLIAMS: He's willing to go two foot
7 what?

8 MR. ROSENFELD: Two feet.

9 MEMBER WILLIAMS: And you're saying the
10 difference from what he is saying and I'm saying
11 is a foot ten?

12 MR. RYDER: A foot ten -- three foot ten is
13 the projection past the existing portico line.

14 MEMBER WILLIAMS: And you're saying you're
15 willing to go back two feet so it would only be
16 one foot ten?

17 MR. MACLEOD: If we bring the corner of the
18 twenty-one foot ten, the rectangular part of this
19 room, if we bring that back by two feet we will be
20 fractionally in front of the front stoop. Right
21 now it's -- that dimension is two feet. It's two
22 feet even. We would be one foot in front of that
23 which would be a good place. If you see in the
24 plan where the columns are, the columns would be
25 still just behind that corner.

1 MR. ROSENFELD: Right. So the columns would
2 not be the ones that are protruding from the
3 facade.

4 CHAIRMAN KEILSON: I'm sorry. Can we work
5 with the current picture, and where will it be in
6 reference to the current picture?

7 MR. MACLEOD: May I approach?

8 MR. ROSENFELD: Just past that column, I
9 think.

10 MR. GOLDMAN: Can you write on it so it
11 becomes part of the record.

12 MR. MACLEOD: From the -- can I reference the
13 floor plan. On drawing A-2, the extent of the
14 front porch does come out slightly in front of the
15 line of the garage corner. And what I'm
16 suggesting is bringing the front corner of the
17 dining room, the rectangular, the right angle, the
18 corner of the dining room which currently is three
19 feet beyond the point of the stoop line, bring
20 that back two feet to still remaining one foot out
21 in front of the porch.

22 MEMBER WILLIAMS: We're not talking about the
23 windows. We're talking about the inner part.

24 MR. MACLEOD: Talking about the actual square
25 of the room.

1 MEMBER GOTTLIEB: Not talking about the bay.

2 MR. MACLEOD: The bay window can be a
3 cantilever structure which I believe is permitted
4 to encroach.

5 MR. ROSENFELD: The bay window would be
6 cantilevered so as it would not impact on the
7 footprint of the house at all.

8 MEMBER WILLIAMS: Okay.

9 CHAIRMAN KEILSON: Any other questions?

10 MR. GOLDMAN: Can we just make that part of
11 the record.

12 MEMBER FEIT: I just got lost. On the
13 picture A-2, you have the two circles which are
14 the columns; am I right?

15 MR. MACLEOD: Correct.

16 MEMBER FEIT: Where are you suggesting?

17 MR. MACLEOD: I'm suggesting that instead of
18 this front corner of the dining room being here we
19 will come back two feet and be here.

20 MEMBER GOTTLIEB: Which would be how far out
21 in front of this portico?

22 MR. MACLEOD: Probably about to this point
23 here.

24 MEMBER GOTTLIEB: Which is what, two feet
25 further?

1 MR. MACLEOD: It's actually one foot from the
2 -- from the leading edge of the step as we have it
3 drawn on drawing A-2.

4 MR. RYDER: If I may, Mr. Chairman, I think
5 the Board -- I believe the Board is looking for
6 the projection to coincide with the existing
7 projection of this portico. Am I correct on that?

8 MEMBER GOTTLIEB: Yes, as far as we
9 discussed.

10 MR. RYDER: Not to the stoop, to that part.

11 MR. MACLEOD: It would bring it back to,
12 actually, according to this drawing, this
13 photograph, in line with -- almost in line with
14 the face of the garage which would be either --

15 MEMBER FEIT: It's likely in front of the
16 garage, I think.

17 MR. MACLEOD: Here. So we would have to pull
18 it back another foot which would bring it back to
19 eighteen feet eight as an interior dimension
20 instead of nineteen feet eight.

21 MEMBER GOTTLIEB: So you're taking off the
22 three feet which is sort of where we discussed a
23 moment ago.

24 MR. MACLEOD: So my client has advised me
25 that eighteen feet eight in the rectangular part

1 of the room would be acceptable, but preferably
2 nineteen feet eight.

3 MEMBER FEIT: I could be comfortable with the
4 eighteen eight. In other words, keeping it in
5 line with the top of the portico or the roof, the
6 rain protector. Pushing it forward so I sort of
7 have like (indicating). You know, the picture of
8 lightning coming down to me doesn't look good.

9 MR. MACLEOD: I think it would look better if
10 there was a slight difference between the two.

11 MEMBER GOTTLIEB: What we kind of suggested
12 the seventeen foot nine.

13 MR. ROSENFELD: What will look better is when
14 those bushes come down.

15 MEMBER GOTTLIEB: The ones you insisted on
16 keeping?

17 MR. ROSENFELD: No, the ones that I offered
18 to keep, not insist.

19 MR. MACLEOD: If I could just point out the
20 more we pull it back, there's obviously
21 considerable amount of money being spent to do
22 this, and the benefit achieved from changing from
23 fifteen feet to eighteen feet and change is only
24 about three feet and change, where we were trying
25 to achieve twenty-one foot eight inside. And if

1 we took off and went down to nineteen -- well, I'm
2 requesting nineteen foot eight, but my client is
3 willing to go eighteen foot eight, but really
4 anything less than that would not make sense doing
5 all of this work and we're only gaining three foot
6 eight as it is.

7 MR. ROSENFELD: And in addition, it wouldn't
8 reflect at all on surface coverage area on the
9 house.

10 CHAIRMAN KEILSON: That we understand, we
11 understand.

12 Does anyone in the audience have a comment?
13 Any opposed?

14 (No response.)

15 MR. GOLDMAN: Do we have that illustration,
16 the proposed, whatever, as Applicant's 2. Do you
17 want to take that and throw it in the file, the
18 one he wrote on.

19 The record should reflect that the Board is
20 conferring.

21 CHAIRMAN KEILSON: Conferring extensively,
22 yes.

23 All right, my position is that --
24 Mr. Gottlieb.

25 MEMBER GOTTLIEB: Yes, sir.

1 CHAIRMAN KEILSON: Okay, my position is that
2 we allow the one-car garage with the
3 nonconforming --

4 MR. ROSENFELD: Thank you.

5 CHAIRMAN KEILSON: -- and that we go to the
6 eighteen eight.

7 MEMBER FEIT: And give you the 94 square
8 feet, the de minimis of four percent.

9 MR. ROSENFELD: It's actually not even four
10 percent anymore. It's probably more like two
11 percent.

12 MEMBER WILLIAMS: That was not our issue.
13 The garage is an issue but we're going to give it.

14 CHAIRMAN KEILSON: That's how I'm voting,
15 eighteen eight.

16 MEMBER GOTTLIEB: And then we don't have a
17 surface. I'm for.

18 MEMBER FEIT: I agree with you.

19 MEMBER WILLIAMS: For.

20 CHAIRMAN KEILSON: And Mr. Rosen.

21 MEMBER ROSEN: Yes.

22 CHAIRMAN KEILSON: Okay.

23 MR. GOLDMAN: Let the record reflect it's
24 unanimous.

25 CHAIRMAN KEILSON: Two years.

1 MR. ROSENFELD: Yes, please.

2 MR. GOLDMAN: And it must go before the Board
3 of Building Design.

4 MR. ROSENFELD: Absolutely. Thank you. Have
5 a good evening.

6 MR. MACLEOD: Thank you very much.

7 MS. REICH: Thank you.

8 (Whereupon, the hearing concluded at
9 8:10 p.m.)

10 *****

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

14

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Mary Benci
MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York

6 April 22, 2010
7 8:10 p.m.

8 APPLICATION: Gelfand/Alpert
9 30 Muriel Avenue
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. ELLIOT FEIT
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. J. PHILIP ROSEN
19 Member

20 MR. EDWARD GOTTLIEB
21 Member

22 MR. RONALD GOLDMAN, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Gelfand/Alpert - 4/22/10

1 CHAIRMAN KEILSON: The final matter for this
2 evening is Gelfand/Albert, will they or their
3 representative please step forward.

4 MR. BIENENFELD: Just give me a minute to set
5 up. Is it okay if I set up an easel over here?

6 CHAIRMAN KEILSON: Absolutely.

7 MEMBER FEIT: Would it be fair to remove
8 Gelfand from the application because they closed
9 already, haven't you?

10 MR. BIENENFELD: Yes.

11 Good evening, distinguished members of the
12 Board. I'm Richard Bienenfeld. I'm the architect
13 for the proposed alteration addition to the
14 residence, the single-family residence at 30
15 Muriel Avenue. I did bring some additional
16 informational packets to help explain the
17 application. If I may, I'd like to give those to
18 the Board members, if I may (handing).

19 MR. GOLDMAN: Let the record reflect that
20 we're going to submit one of the copies for the
21 file. How many do I have here?

22 MR. BIENENFELD: How many do you need?

23 MR. GOLDMAN: I need five for the Board and
24 one more. The Board is being handed up.

25 MEMBER ROSEN: This replaces the drawings

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1 that are in the file?

2 MR. BIENENFELD: It's in addition.

3 MR. GOLDMAN: Well, it's entitled supporting
4 photos and other graphic materials regarding the
5 Alpert submission to the Board of Zoning Appeals,
6 and it lists graphics, street view with
7 neighboring houses, site plan and zoning chart,
8 aerial view indicates side yard visually, front
9 elevation, garage elevation, first and second
10 floor plans, attic and roof plan, front and side
11 elevations, rear and side elevations.

12 I'm making one available for the file. Do
13 you have another available for the other member of
14 the Building Department?

15 CHAIRMAN KEILSON: If you like, perhaps you
16 have a set of plans for the gentleman in the
17 audience because he won't be able to see your
18 board, if you want.

19 MR. GOLDMAN: You can have a seat wherever
20 it's convenient for you. And I apologize, deemed
21 marked one.

22 CHAIRMAN KEILSON: Let's note for the record
23 that Mr. Bienenfeld in 1980 was the architect, for
24 the record, of our house on Harborview North, is
25 that correct, Mr. Bienenfeld?

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1 MR. BIENENFELD: That's correct.

2 CHAIRMAN KEILSON: I'm still paying it out
3 but we are on good terms.

4 MR. GOLDMAN: But there is no objection. But
5 that would have no impact on any consideration or
6 decision.

7 MR. BIENENFELD: I'm having a little
8 technical difficulty with my easel, but I hope
9 everybody could see it. And you do have the same
10 -- you do have the same sheet which you can look
11 at it at closer range. This is sheet number one
12 in your packets.

13 CHAIRMAN KEILSON: I think for the record you
14 might clarify who the applicant is, who owns the
15 house, who plans on residing in the house.

16 MR. BIENENFELD: Will do. The applicant is I
17 think myself as appointed by Mr. Charles Alpert
18 and there is a record -- a letter of record to
19 that effect in the original petition where
20 Mr. Alpert designated myself, Richard Bienenfeld,
21 the architect of the project to represent him in
22 these proceedings and in other aspects of the
23 application for a building permit for the
24 alteration and addition that we're proposing. The
25 property --

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1 MR. GOLDMAN: The issue, I just want to cut
2 to the chase, the issue that's important for the
3 Board to understand, I understand you're the
4 formal applicant, but who owns the property and
5 who will be residing in it?

6 MR. BIENENFELD: The owner of the property is
7 Mr. Charles Alpert, which he purchased on behalf
8 of his daughter and son in-law, Bonnie and Joseph
9 Fein and their children as their family residence.
10 The residence is at 30 Muriel Avenue. It is in a
11 BB zone and the Village zoning resolution
12 recognizes not just the zone that it's in but also
13 the size of the lot that it is on. It's on a lot
14 that is approximately 20,800 square feet and
15 change.

16 MR. GOLDMAN: I don't mean to interrupt
17 again, but the applicant -- so it's perfectly
18 clear, it's owned by Mr. Albert, it was bought on
19 behalf of Bonnie and Joseph Fein and their family,
20 who are obviously a daughter and a son-in-law.

21 MR. BIENENFELD: Daughter and son-in-law are
22 the occupants.

23 MR. GOLDMAN: The entire application that's
24 being presented before the board and any requests
25 for variances is that so there can be an

1 accommodation made for this family to live within
2 this premises.

3 MR. BIENENFELD: That is correct.

4 CHAIRMAN KEILSON: Thank you, Mr. Goldman.

5 MR. GOLDMAN: Thank you, Mr. Chairman.

6 MR. BIENENFELD: So in making this
7 application, and in planning the alterations and
8 the additions, we are requesting a number of items
9 of relief from the Village zoning resolution,
10 which have to do with dimension and bulk and which
11 I will, with your permission, I'd like to explain
12 it one by one, if I may, and then explain the
13 reasons for them.

14 The Village -- and there is a chart -- there
15 is a chart, a zoning chart which is in the
16 application itself which is reproduced on page
17 two. When we're talking about side yards, the
18 Village resolution requires side yards of a
19 minimum of 20 feet and an aggregate of 40 feet.
20 And we have provided side yards of thirteen feet
21 eight inches which is an existing noncompliant
22 side yard which we are proposing to extend a
23 length of 22 feet. Now, that side yard is on the
24 left side of the house; that's the thirteen foot
25 eight which is existing noncompliant. We are

1 proposing to extend it 22 feet. The Village
2 zoning resolution does allow for a 20-foot
3 extension, and we are asking for relief to extend
4 it 22 feet rather than just 20 feet.

5 The right side yard is compliant; it's 23
6 feet. But with the aggregate with the side yard
7 on the left side of the house, the aggregate is
8 something a little less than 37 feet and the
9 requirement by the zoning resolution is 40 feet.
10 So we miss by that, miss a little bit also.

11 The front yard is compliant; the rear yard is
12 compliant.

13 MEMBER FEIT: How far is it from, I guess,
14 let's call it the left side yard to the house next
15 to it?

16 MR. BIENENFELD: Okay. It's approximately 32
17 feet eight inches.

18 MEMBER FEIT: So there's open space of almost
19 33 feet.

20 MR. BIENENFELD: There's open space of almost
21 33 feet, and there is a natural hedge row which
22 has been growing there for quite some time, it's
23 mature and it's screening. It's the existing
24 screening between the two houses, and I might add,
25 and I'll show you another exhibit which is also in

1 your packet which is an aerial photograph which
2 shows the relationship between the side yard of
3 what we're proposing and the side yard of what's
4 already there for the Austein residence to the
5 left.

6 MEMBER FEIT: The hedge row, are they -- I
7 guess that's Isaacs. Are they Isaacs' hedge row
8 or are they the subject property hedge row?

9 MR. BIENENFELD: I believe it's the Austein
10 residence.

11 MR. FEIN: He's talking about Austein.

12 CHAIRMAN KEILSON: Identify yourself.

13 MR. FEIN: Joseph Fein, F-E-I-N. The
14 property that he was talking about where there's
15 33 feet between on the -- what's called the left
16 side of the property is actually the Austein
17 residence.

18 MEMBER FEIT: Who owns the hedge row? Whose
19 property is the hedge row on?

20 MR. FEIN: I believe the property is on
21 Austein's property because right now --

22 MR. BIENENFELD: It straddles somewhat, but
23 it's mostly on --

24 MR. FEIN: She has an existing blue gravel
25 driveway.

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1 MEMBER GOTTLIEB: Mr. Bienenfeld, I have a
2 question on the side yard. You have the side yard
3 currently at 37 feet and we're reducing it to 23
4 feet, approximately. So that's a reduction of 14
5 feet?

6 MR. BIENENFELD: Yes.

7 MEMBER GOTTLIEB: But it looks like there's a
8 structure that's wider than 14 feet.

9 MR. BIENENFELD: Yes, because there is -- if
10 you look at -- to answer that question, that could
11 be answered by looking at sheet number two. If
12 you look at sheet number two, if you look at that
13 right side of the house, there was a small
14 structure that was already built; it's right now
15 sort of like a sun room/den and that's being
16 demolished in favor of the full two-car garage.

17 MEMBER GOTTLIEB: That's right now behind
18 some heavy shrubs and I couldn't see it from the
19 street. I see it in the picture, okay. I just
20 couldn't imagine how 14 feet you get a two-car
21 garage.

22 MR. BIENENFELD: Right, fourteen feet plus
23 the ten feet or so of the existing structure gives
24 us the room for the two-car garage. And I'm glad
25 to clarify that for you.

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1 So the side yard on the right side of the
2 house is proposed to be 23 feet which is
3 conforming; except when it's added together with
4 the existing nonconforming, we get something less
5 than 37 feet and we require an aggregate by code
6 of 40 feet. So that's the reason for relief.

7 Also, I mentioned the front yard is
8 conforming; required front yard is 35 feet, we're
9 providing approximately 50 feet. And the rear
10 yard which is required to be also 40 feet, I
11 believe, the --

12 MEMBER WILLIAMS: Fifty.

13 MR. BIENENFELD: Fifty feet, I'm sorry. The
14 required rear yard of 50, we are well exceeding
15 that also because our rear yard is going to be a
16 little over 90 feet. Now, the need for it, going
17 down the sheet, in terms of height the existing
18 ridge of the house is a little over 35 feet up.
19 The existing Village resolution requires a ridge
20 height of 30 feet unless it's combined with a flat
21 roof, and if it is combined with a flat roof, if
22 their flat roof is part of the roof structure,
23 then that requirement goes down to 27 feet. We
24 are proposing, and if you, you know, turn back to
25 sheet number one, if you notice the ridge height

1 of the additions that we're putting on go up to 30
2 feet which is allowed for gable ends and all our
3 additions are gable ends. But there is a -- there
4 is an area in the middle of the house that cannot
5 be extended to the gabled ends. The gabled ends
6 can't extend that far and there's a flat roof in
7 the middle of the house. And that flat roof is
8 also at 30 feet, and because of that we're asking
9 for relief from the need to be at 27 feet.

10 And I'll explain those reasons later. We are
11 also proposing, if you look at sheet number one,
12 which is visible on the elevation drawing, we're
13 also proposing three small dormers in the front of
14 the house replacing a very, very large bulky
15 dormer which is the existing dormer on the house.
16 So we're requesting a reduction in the bulk and
17 size of the existing dormer mostly for aesthetic
18 reasons. The existing dormer is unattractive, but
19 since they are dormers, they do require a review
20 by this Board.

21 We're also -- on surface coverage -- on
22 surface coverage we are proposing building area
23 coverage of 4,311 square feet, the maximum allowed
24 by code, and that's the relief we're seeking. The
25 maximum allowable is 3,468. So what we're asking

1 for is about 24 percent more than what is allowed.

2 We are also asking to renovate this detached
3 garage so that it can be used for a family use for
4 a special needs child. And this is an existing
5 structure. We're proposing to take the existing
6 gable and extend it over the whole structure, and
7 this is an existing detached garage where we want
8 to change the use to a habitable use.

9 Now, so that's an explanation of the relief
10 that we're seeking. I'd like to, you know, spend
11 a little bit of time explaining why. The lot that
12 we're situated on is 100 feet wide and 208 feet
13 long. The minimum lot sizes in this district are
14 12,000 square feet. So with a 100-foot frontage
15 on the street, that means the minimum depth of the
16 lot would be 12,000 square feet. If our lot were
17 only 120 feet deep instead of 208 feet deep, if it
18 were 88 feet shorter, we would not need relief
19 from any of the side-yard requirements except for
20 the two-foot extension past the 20-foot allowance
21 on the existing nonconforming side yard. But all
22 other aspects of the side yard requests that we
23 have would have disappeared if our lot were much
24 smaller. So what we're requesting is that the
25 Board consider that the street scape, the street

1 scape is really totally unaffected by the depth of
2 the lot and that the side yard, the spirit of the
3 side yards is to provide proper light and air and
4 rhythm of the homes on the street and proper
5 amount of open space between them and screening
6 and privacy, with all those considerations are
7 totally unaffected by the depth of the lot which
8 is the only -- and the depth of the lot, of
9 course, adds more space and more open space than
10 would normally be required and yet that does
11 trigger because of the vagaries of the Lawrence
12 Village Code, it does trigger the need for seeking
13 relief.

14 The height issue, you know, we did stick with
15 the 30-foot maximum on all the gabled roofs which
16 is all that is visible from any side of the house.
17 We did include, of course, all the elevations.
18 There is nothing visible more than 30 feet other
19 than the existing roof. Nothing visible except
20 there is an area in the middle of the house, if
21 you look on page seven, if you look on page seven,
22 the flat area of the house is where the diagonal
23 lines are and there's no way of avoiding that flat
24 and still keeping the ridges at 30 feet for the
25 size house that it is. So it gives the impression

1 that we have a 30-foot ridge line which is allowed
2 by code. However, we have a hidden area of a flat
3 roof which no one could ever see except if you're
4 in a helicopter or an airplane. And that area,
5 because of the way the code is worded, requires a
6 27-foot height rather than 30. Of course, the 30,
7 if this house were made up of only gabled roofs
8 and did not have the flat, the 30-foot gables
9 would be perfectly fine. So we're seeking relief
10 from that.

11 MEMBER GOTTLIEB: I'm sorry. Can you just,
12 just so I understand, the part that exists at 35
13 feet you're keeping at 35 feet?

14 MR. BIENENFELD: Yes.

15 MEMBER GOTTLIEB: And any additions will be
16 at 30 feet?

17 MR. BIENENFELD: Yes.

18 MEMBER GOTTLIEB: So this discussion is
19 regarding the 27 versus 30?

20 MR. BIENENFELD: Right.

21 MEMBER GOTTLIEB: That's it. Thank you.

22 MR. BIENENFELD: So that is the reasoning
23 behind the request for relief on the 27 to the 30
24 feet.

25 Now, the dormer issue, if you take a look on

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1 sheet seven also, we have an attic floor plan and
2 there's a diagonally hatched area of the drawing
3 on the bottom of the drawing on the left side
4 where it says attic floor plan. That diagonally
5 hatched area, that's that existing large boxy,
6 ugly dormer that is currently on the front of the
7 house. We are removing that and, of course, that
8 reduces the attic area in the front of the house;
9 but the three dormers, of course, which we think
10 are aesthetically pleasing and do restore the
11 light back to that area which is already there, it
12 requires your review and your approval.

13 The other areas of the attic that are shaded
14 in gray, those areas are low headroom areas that
15 are not habitable. There is because of the --
16 because of the back gable, one of the back gables
17 and because of that extension of a flat area in
18 the roof and if you -- if the drawing on the right
19 is any help to you in looking at the roof and
20 looking at the attic third floor at the same time,
21 we do wind up with a space under that flat which
22 restores some usable space on the third floor
23 which is not there now. But the diagonally
24 hatched areas are space on the third floor that
25 are there now that we cannot use anymore. So what

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1 happens and this is entirely because of the way,
2 you know, the roof lines are structured, if you
3 look at the legend, the areas that were previously
4 habitable but are no longer add up to 358 square
5 feet. The areas that are now habitable that were
6 not there before add up to 484 square feet. So
7 there's a difference of about 125 square feet of
8 additional habitable area that wound up in the
9 attic.

10 MEMBER WILLIAMS: On that, there was never a
11 bathroom up there before?

12 MR. BIENENFELD: No -- yes, there is a
13 bathroom.

14 MR. FEIN: Yes.

15 MEMBER WILLIAMS: There is a bathroom there?

16 MR. FEIN: Yes.

17 MEMBER WILLIAMS: That's where the new
18 bathroom is now?

19 MR. BIENENFELD: No, the bathroom was moved,
20 but there is -- there are bedrooms and bathrooms
21 up there now. By the way, the Feins and the
22 Alpersts have no need for bedrooms on this floor.
23 All their children are being accommodated on the
24 second floor.

25 MEMBER WILLIAMS: Right.

1 MR. BIENENFELD: This would just be because
2 the space is there, they're going to use this --
3 they have teenaged kids -- as just a little extra
4 chilling space.

5 MEMBER WILLIAMS: I presume people are going
6 to be living there; they're not going to go up
7 there to take a bath. I'm not saying it's a
8 problem. I'm trying to understand why you called
9 it a study.

10 MR. BIENENFELD: Because that's how it's
11 going to be used. It's going to be used --

12 MEMBER WILLIAMS: It's not a bedroom, but
13 there's a bath.

14 MR. BIENENFELD: In fact, Mr. Fein is right
15 here. He can tell you what the need is for the
16 study.

17 MEMBER WILLIAMS: It's interesting. I'm just
18 curious.

19 MR. BIENENFELD: You know, when there are
20 people upstairs they need a bathroom.

21 MEMBER WILLIAMS: A bathroom, yeah, I
22 understand. I was curious.

23 MR. BIENENFELD: I mean, the toilet and --

24 MEMBER WILLIAMS: I understand the bathroom.
25 That's why I asked you was there a bathroom there

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1 before and you said yes. But the new bathroom has
2 a bathtub.

3 MR. BIENENFELD: By the way, there are
4 several bedrooms up there now which are not there
5 anymore because the intention is not to use this
6 space as bedrooms.

7 MEMBER WILLIAMS: Those bedrooms are where it
8 says lounge/playroom, that's where they were?

9 MR. BIENENFELD: I'm sorry?

10 MEMBER WILLIAMS: The existing area that says
11 lounge/playroom used to be bedrooms?

12 MR. FEIN: Yes.

13 MR. BIENENFELD: There is a large space up
14 there landing on the stair and then there are
15 bedrooms.

16 MR. GOLDMAN: Currently, the bathroom, does
17 it have a tub?

18 MR. FEIN: Yes.

19 MR. GOLDMAN: So there's the answer.

20 MEMBER WILLIAMS: I got the answer. I was
21 asking a question.

22 MR. GOLDMAN: No, but it's just -- it's not
23 an enhanced bathroom. It is the same bathroom
24 that was there.

25 MEMBER WILLIAMS: No, but there were bedrooms

1 there; now there are no bedrooms.

2 Okay, I understand now.

3 MR. BIENENFELD: Everyone in the family is
4 accommodated on the second floor, and there's a
5 guest room on the first floor so there's no need
6 for bedrooms on this floor.

7 MEMBER WILLIAMS: Well, personally, it
8 doesn't make a difference to me if they're
9 bedrooms. The question for us as a Board is that
10 they're usable.

11 MR. BIENENFELD: The house is a hundred years
12 old and a hundred years ago it was very, very
13 common to have third-floor use and that's why they
14 built the house so high. And, of course, having
15 the extra third-floor space is part of the
16 attraction to the Fein family when they purchased
17 the house, and they, you know, they like to use
18 it, of course. With the additions that we're
19 doing we're changing some of the roof lines and
20 that's going to change some of the character of
21 the spaces upstairs. But this is what it's going
22 to be, the way it's depicted here.

23 MEMBER WILLIAMS: Does the house have a
24 basement as well?

25 MR. BIENENFELD: The house has a basement as

1 well. The basement is a little under seven feet
2 high. It's unfinished right now. It probably
3 will be finished; we have not developed any plans
4 to finish it. We haven't thought about what we're
5 going to use it for. There is a very high water
6 table. It's a little hard to use now because
7 there are areas with beams coming down that are
8 less than six feet high. It's a little hard to
9 use right now. If during the course of our
10 developing construction documents we find and by
11 drilling down and seeing exactly where the water
12 table is if there's a way of lowering the slab a
13 little to gain some usable headroom down there, of
14 course, I'm sure they'd want to do it. But right
15 now there's nothing for the basement other than
16 being used for the basement. No bedrooms and no
17 habitable spaces planned for that area.

18 CHAIRMAN KEILSON: I think you should speak
19 to the 24 percent building overage because that's
20 the concern that we have.

21 MR. BIENENFELD: Okay.

22 CHAIRMAN KEILSON: One of the major concerns.

23 MR. BIENENFELD: I've mentioned before the
24 Village Code is unusual in that it has zoning
25 districts and it also has restrictions and

1 dimensional regulations guided by the size of the
2 lot. And the larger the lot gets, the more
3 restrictive it gets. For instance, a 100 by 120
4 foot lot in this zone is compliant and on that
5 size lot you're allowed to build out 22 percent of
6 that lot as building coverage. You're allowed 22
7 percent. When the lot gets this big you're
8 allowed 16.7 percent. What we're proposing is
9 20.7 percent, still lower than the 22 percent on a
10 smaller lot but more than what the code is written
11 to allow.

12 And I just want to point out that you could
13 see, and I think it's very important to see, you
14 know, how we fit in with the neighbors, you know.
15 In terms of front yard, we're set back a little
16 more. In terms of side yards, we're very, very
17 evenly spaced in rhythm with the street scape. In
18 terms of rear yard, we have more rear yard. I
19 mean, our next-door neighbors -- this neighbor
20 comes out about the same as where we're going.
21 You could look on your sheet, number two, and
22 you'll see -- you know, you'll see that red line
23 is really what we're extending into the shadow,
24 you know, you're looking into the shadow of the
25 house.

1 MR. GOLDMAN: Page three on theirs.

2 MR. BIENENFELD: I'm sorry, it's page three.
3 So if you look closely at it, you know, what we're
4 proposing -- yes, it's much clearer on this sheet.
5 What we're proposing is pretty much in concert
6 with the bulk. In fact, we're much less than the
7 bulk of the houses that surround it with much less
8 lot coverage than the houses that surround it.
9 And like I said, it's a large lot, but if it were
10 restricted to 22 percent like a smaller lot would
11 be, we'd be fine because we're only 20.7 percent.

12 And the spaces that are required by the
13 family, what complicates it is, you know, the
14 house itself they're nicely scaled rooms. You
15 know, we relocated the garage from a detached
16 garage which was, you know, popular a hundred
17 years ago to an attached garage which is the way
18 people live today. Having an attached garage here
19 we could easily demolish this building and we'd
20 be, you know, not quite compliant but really
21 almost compliant because we laid out rooms in the
22 house which are normal sized rooms.

23 MEMBER GOTTLIEB: The detached garage is
24 about 400 feet?

25 MR. BIENENFELD: Six hundred feet, about 580

1 square feet.

2 MEMBER GOTTLIEB: But you're almost --

3 MR. BIENENFELD: We're about 900 square feet
4 over.

5 MEMBER GOTTLIEB: I was looking at --
6 actually, you're almost doubling the size of the
7 current house and you're 900 feet over, okay.

8 MR. BIENENFELD: Yeah. But again, we'd only
9 be about 300 feet over if we demolished the
10 garage. Now, what I wanted to explain is that
11 there's a special need for that garage which was
12 really one of the generators of why the Feins
13 bought the property, that they have a special
14 need, and to explain that special need I did bring
15 a letter from a physician who is trained in
16 epilepsy and neurology and explains the special
17 need. If I may, I'd like to introduce these as
18 well (handing).

19 MR. GOLDMAN: It's one letter with several
20 copies.

21 MR. BIENENFELD: Yes (handing).

22 MR. GOLDMAN: So we're making one copy part
23 of the record, and we're passing up to the Board
24 copies for each one to review. And it's a letter,
25 without going into the details of same, dated

1 April 20th, addressed to the members of the Board,
2 and it is from the director of the New York
3 University Epilepsy Center and a professor of
4 neurology, and he's reflecting the patient, that
5 is, the child that's to inhabit this particular
6 space or utilize this particular space, correct?

7 MR. BIENENFELD: Yes. So what this basically
8 is explaining is that there's a special needs
9 child, the child is a teenager. You know, and in
10 dealing with his disability, he needs a place
11 where he can -- where he could be treated and
12 experience his therapy separate and apart from the
13 family because this type of -- this type of
14 disability lends itself to easy distraction and
15 makes therapy very, very difficult within the
16 family setting. So the separate setting, you
17 know, on the same property as the family is a
18 great thing for the family. And, of course, you
19 know, what we had planned on this entire ground
20 floor is, you know, a large therapy room with an
21 ancillary need for a bathroom on that floor.
22 We're going to use the loft upstairs for storing
23 the equipment that are used for therapy. So it's
24 a great space for that.

25 Also, having access to the outdoors is

1 terrific, because there's therapy that goes on
2 outdoors as well. So it's just a perfect setting
3 for this child and it would really be great for
4 him and it's really what the Feins were hoping
5 they'd be able to use that space. So that's
6 really why we're over.

7 By the way, if you look in this picture, you
8 know, there's a much larger structure, you know,
9 right behind it. This is the garage structure of
10 the neighbor in the back. I don't want you to
11 think that's the neighbor's home. That's the
12 neighbor's garage and this is the one that we're
13 talking about.

14 So again, you know, in terms of the spirit of
15 what the zoning resolution is trying to do, I
16 think we're really keeping with that spirit. The
17 house is well scaled. It's the right height, it's
18 the right size. The rooms are the right size.
19 They're the right rooms. There is nothing
20 extraordinary in the house. There's no indoor
21 swimming pool or huge solarium or conservatory.

22 CHAIRMAN KEILSON: Bowling alley.

23 MR. BIENENFELD: Right. It's a living room,
24 dining, kitchen, den, guest room and breakfast
25 room on the first floor, and it's children's

1 bedrooms on the second floor. There's a suite on
2 the second floor for Brett who is the challenged
3 child. He needs to have a caretaker with him in
4 the room. There's also a way for the Feins from
5 their own bedroom to get directly into his room.
6 They need that set up. It takes up a little more
7 space, but it's still very, very reasonable in
8 terms of what other homes in this district do and
9 are allowed to do if they're on a smaller lot.

10 We're on a larger lot. There are still
11 plenty of open spaces both on the street scape,
12 both in the rear yard, both on the side yards.
13 The side yards are naturally screened by these two
14 very, very mature hedge rows. I think that the
15 benefit to the Feins is much, much greater than
16 any negative impact, of which I can't think of any
17 that there would be, but any negative impact to
18 the neighborhood or to the Village.

19 CHAIRMAN KEILSON: Do you have letters from
20 the neighbors?

21 MR. BIENENFELD: We have letters of support
22 from the neighbors. There are a number of
23 neighbors that the Feins approached to express
24 their support for the application.

25 MR. GOLDMAN: If I may, the prior item was

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1 deemed Applicant's 2. This is collectively deemed
2 Applicant's 3. The letters of support from the
3 Isaacs family, at 34 Muriel, the Chabbott,
4 C-H-A-B-B-O-T-T, of 33 Muriel, Simpson of 38
5 Muriel, Austein at 22 Muriel, and Kerstein,
6 K-E-R-S-T-E-I-N, at 35 Washington Avenue,
7 indicating --

8 MR. BIENENFELD: That's the neighbor directly
9 behind.

10 MR. GOLDMAN: Right. Indicating that they
11 support the application in sum and substance.
12 It's being made part of the record, but prior to
13 doing so it's being shown to the Board which is
14 currently reviewing it.

15 MEMBER GOTTLIEB: Can you give me an idea
16 what size the dining room is.

17 MR. BIENENFELD: The dining room is 14 by 21.

18 MEMBER GOTTLIEB: It's no larger than the one
19 we just agreed to.

20 MR. BIENENFELD: Right. The living room is
21 14 by 18.

22 MEMBER GOTTLIEB: And the den to the rear it
23 looks like it's a header in there, I guess.

24 MR. BIENENFELD: The den to the rear, yeah,
25 there's a space in the den for like a kind of like

1 a separate study/library, I guess, and then the
2 main family area of the den. The main family area
3 of the den, I believe, is 18 by 24, and the other
4 area is 18 by 14.

5 CHAIRMAN KEILSON: Do you have any questions?

6 MR. BIENENFELD: I'm sorry, 18 by 23, and 18
7 by 14.

8 MEMBER GOTTLIEB: I'm trying to get -- when
9 the house is getting to almost double it seems
10 like it's a lot. And when you look at it and the
11 size of each room, each room is not so enormous
12 and there are so many of them.

13 MR. BIENENFELD: Again, the existing house is
14 100 years old. Different lifestyles, you know,
15 different size families. Different era. Compared
16 to other houses in the Village, these are very
17 typical room sizes.

18 MEMBER GOTTLIEB: Is most of the house going
19 to be staying? Is any part of this house going to
20 remain up?

21 MR. BIENENFELD: We're trying to keep as much
22 of the structure as we can, the roof structures.

23 MEMBER GOTTLIEB: Do you anticipate that the
24 whole house will be coming down?

25 MR. FEIN: No.

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1 MR. BIENENFELD: I have specific instructions
2 from the Alperets not to do that.

3 MR. FEIN: Can I be heard on that?

4 MEMBER GOTTLIEB: Yeah, of course.

5 MR. FEIN: Thank you. When we saw this house
6 and when we decided that we wanted to purchase it,
7 one of the first things I told the architect was
8 to preserve the integrity of the house. The house
9 has a certain historical value to the Village of
10 Lawrence. I believe it was the first house of the
11 first mayor of Lawrence. So it does have some
12 historical value. We asked that the house be
13 improved but not changed.

14 In fact, when neighbors have approached us
15 and congratulated us on the purchase, everybody
16 has asked the same question: Are you keeping the
17 front of the house? Are you keeping the front of
18 the house? We feel by razing the portico we've
19 actually improved the front of the house, but
20 we've also maintained the integrity of the house
21 which I think is very, very important. And people
22 have been very, very pleased to hear that we
23 weren't just simply going to knock it down, take
24 away that certain history which accompanies the
25 house and just built something, you know, more

1 contemporary to our liking. We like the house and
2 we are going to try to maintain as much of the
3 integrity of that house as possible. Thank you.

4 MEMBER GOTTLIEB: And as far as in your
5 professional opinion, a good portion of the house
6 can be maintained?

7 MR. BIENENFELD: Yes.

8 MEMBER GOTTLIEB: Okay. I mean, sometimes a
9 100-year-old house just can't be adapted.

10 MR. BIENENFELD: We're going to try our
11 hardest to preserve the house. That's the idea.
12 You know, we designed it so that the floor levels
13 stay where they are, and we designed it so that
14 the roof stays where it is. And that goes a long
15 way in being able to preserve the house.

16 CHAIRMAN KEILSON: Would anyone in the
17 audience like to speak to the issue? Please
18 identify yourself.

19 MR. GOLDMAN: And your address, please.

20 MR. STEIN: I'm Louis Stein. I live at 15
21 Muriel Avenue.

22 CHAIRMAN KEILSON: Please step forward.

23 MR. STEIN: When you're facing the front of
24 the house, this is the front of the house that's
25 going to be the new construction?

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1 MR. BIENENFELD: Yes.

2 MR. STEIN: And there's something there
3 already in that.

4 MR. BIENENFELD: That's being removed.

5 MR. STEIN: That's the porch or something
6 like that?

7 MR. BIENENFELD: Right, yes.

8 MR. STEIN: My main concern, basically, just
9 for coming here is because there are already two
10 houses on the street that one has been left to die
11 for several years and it's a blight on the street,
12 and one on my side of the street have wood and
13 walls up for a prolonged period of time too, and I
14 just do not want to see a third house like this on
15 the street. I wanted to know who was building it,
16 and I'm glad it's someone I know and that they
17 want to maintain the integrity of the house.

18 But my only real concern is that the
19 construction on the house does not spread down the
20 block, meaning the debris and things that are
21 created by it, and it's a very common problem when
22 construction occurs. And we've already had things
23 go onto our front lawn, whatever, Styrofoam from
24 stucco work blowing onto our front yard in the
25 past. So that's my concern, for short.

1 One, to summarize, it's not an investor
2 getting the house and letting it sit and go vacant
3 for a long time, and someone's going to try to
4 complete work in a reasonable period of time.

5 MEMBER WILLIAMS: I imagine you want to get
6 in there quickly.

7 MR. STEIN: And three, will take care to not
8 make a mess of the block in the process of doing
9 it.

10 CHAIRMAN KEILSON: Well, I think, number one,
11 you've been heard by Mr. Ryder, the head of the
12 Building Department, which the question of your
13 concerns fall within his purview, so I think we're
14 very sensitive to that. I think also the
15 reputation of the families that are involved in
16 the project is sterling in terms of accomplishing
17 and doing. So I think that speaks well for the
18 project.

19 MEMBER ROSEN: I also think that since
20 they've retained Mr. Bienenfeld, I can almost
21 guarantee that this project will not sit. It will
22 be moving along pretty quickly.

23 MEMBER WILLIAMS: Especially since the needs
24 are very specific in that it seems like they would
25 move on it yesterday.

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1 CHAIRMAN KEILSON: I think it's very
2 important that we condition the variances on the
3 fact that the Feins are going to be occupying the
4 house. That's a condition precedent of the entire
5 event here. I think we're very sensitive to the
6 particular need.

7 I have to applaud Mr. Bienenfeld on an
8 outstanding presentation. It's really far beyond
9 anything we normally get both in detail and
10 professionalism and the detailed explanation.
11 It's really very refreshing.

12 MR. RYDER: Excellent.

13 MR. BIENENFELD: Thank you.

14 MEMBER GOTTLIEB: I'd like to just ask you a
15 question, my last question probably of the night.
16 What is the size of the auxiliary going to be?

17 MR. BIENENFELD: It's 580 square feet.

18 MEMBER GOTTLIEB: And this is for the
19 Building Department, the setbacks on that house
20 will be the current for any auxiliary which is
21 eight feet?

22 MR. BIENENFELD: Well, it is where it is.
23 It's not moving. It's an existing structure which
24 is being renovated but it's staying exactly where
25 it is, and it's staying within the footprint of

1 what it has.

2 MEMBER GOTTLIEB: And that's okay or does
3 that need a variance?

4 MR. RYDER: No, that doesn't need a variance.

5 MEMBER GOTTLIEB: Okay, fine.

6 CHAIRMAN KEILSON: I think it's important to
7 also emphasize that we zealously guard against too
8 much building overage, and I think because of the
9 special circumstances here we ought to vote in
10 support of it, and I think we take into
11 consideration the very special needs that relate
12 to this particular situation.

13 MR. BIENENFELD: It's appreciated. Thank
14 you.

15 MEMBER ROSEN: We wish Mr. Rosenfeld had
16 stayed so that we can tell him that it cannot be
17 used as a precedent for future events.

18 MEMBER GOTTLIEB: It's not as large as a
19 variance as it appears for surface coverage
20 because as you bifurcate this and remove the
21 almost 900 square feet it's a rather minimal
22 surface coverage, plus the auxiliary structure.
23 So if you bifurcate it the way you explained it,
24 it's not a 24 percent overage, or may not be.

25 MR. BIENENFELD: By the way, we're under on

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1 surface coverage by a lot. We are over on
2 building coverage.

3 MEMBER ROSEN: Right, we caught that.

4 CHAIRMAN KEILSON: Okay. Having said that,
5 we'd like to go for a vote. Start with
6 Mr. Gottlieb.

7 MEMBER GOTTLIEB: For.

8 MEMBER FEIT: For.

9 CHAIRMAN KEILSON: For.

10 MEMBER WILLIAMS: For.

11 MEMBER ROSEN: Definitely for.

12 MEMBER WILLIAMS: Good luck.

13 MR. GOLDMAN: How long do you think you need?

14 MEMBER FEIT: Two years.

15 MR. BIENENFELD: We need two years, yes,
16 thank you.

17 MR. GOLDMAN: There's also a condition that
18 you have to present to the Board of Building
19 Design.

20 MR. BIENENFELD: Yes.

21 CHAIRMAN KEILSON: May 11th.

22 (Whereupon, the hearing concluded at
23 8:50 p.m.)

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25

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

4
5 Mary Benci

6 MARY BENCI, RPR
7 Court Reporter
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