

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 April 10, 2013
7 7:32 p.m.

8 APPLICATION:

9 Lowy
10 Lakeside Drive West
11 Lawrence, New York

12 P R E S E N T:

13 MR. LLOYD KEILSON
14 Chairman

15 MR. EDWARD GOTTLIEB
16 Member

17 MS. ESTHER WILLIAMS
18 Member

19 MR. LESTER HENNER
20 Member

21 MR. MARK SCHRECK
22 Member

23 MR. THOMAS V. PANTELIS, ESQ.
24 Village Attorney

25 MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

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

6 Okay, Mr. Castro, do you have proof of
7 posting?

8 MR. CASTRO: Yes, I do. I have proof of
9 posting and publication.

10 CHAIRMAN KEILSON: Thank you very much.

11 And Mr. Pantelis, would you like to share
12 with us your preamble.

13 MR. PANTELIS: Good evening, ladies and
14 gentlemen. For those of you who have not been
15 here before, the Board of Zoning Appeals is the
16 body which is invested by state law and by village
17 code with responsibility of granting variances.
18 This Board is very familiar, of course, not only
19 with the Village on a street-by-street basis, a
20 house-by-house basis, but they've familiarized
21 themselves very thoroughly with your application.
22 What we do ask you to do, of course, is that,
23 please, present your case, indicate what you're
24 looking for, why, and the Board will certainly
25 take it from there.

Lowy - 4/10/13

1 CHAIRMAN KEILSON: Very good. Thank you very
2 much.

3 The first matter is a request for an
4 extension on the variance from Lowy, Lakeside
5 Drive West. We have a communication asking for a
6 year's extension. Due to unforeseen
7 circumstances, that alteration is taking longer
8 than anticipated and, therefore, they're
9 requesting a one-year extension to the variance.

10 MEMBER GOTTLIEB: Mr. Chairman, has any work
11 gone on at this house?

12 CHAIRMAN KEILSON: Oh, definitely.

13 MR. RYDER: 95 percent.

14 MEMBER GOTTLIEB: Okay.

15 CHAIRMAN KEILSON: I don't think there's any
16 issue. Okay, consensus of the Board?

17 MEMBER HENNER: Okay with me.

18 MEMBER SCHRECK: Okay.

19 CHAIRMAN KEILSON: One-year extension on the
20 variance.

21 (Whereupon, the hearing concluded at
22 7:34 p.m.)

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24

25

Lowy - 4/10/13

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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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

April 10, 2013
7:34 p.m.

APPLICATION: 50 Doughty Boulevard, Inc.
50 Doughty Boulevard
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MS. ESTHER WILLIAMS
Member

MR. LESTER HENNER
Member

MR. MARK SCHRECK
Member

MR. THOMAS V. PANTELIS, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

50 Doughty Boulevard - 4/10/13

1 CHAIRMAN KEILSON: In the matter of 50
2 Doughty Boulevard, Mr. Goldman, we received
3 communication from you earlier today.

4 MR. GOLDMAN: Good evening, Mr. Chairman,
5 members of the Board, and of course the staff of
6 the Village as well. If it please the Board, this
7 is a matter that had been on several times. We
8 appreciate the fact that you put it on tonight
9 knowing how crowded the calendar is, but it's
10 purely for us to make an application to you, and
11 will ultimately conclude with an application for
12 an adjournment.

13 Prior to doing so, however, I would just note
14 for the record and also for the information of the
15 Board the following: One, that pursuant to your
16 request, we've changed architects in this matter,
17 and so that the presentation to you in terms of
18 the outline of the building has been radically
19 changed in conformity with the concerns that were
20 expressed by the Board.

21 The second thing is, is that we've addressed
22 certain issues that were of interest to the Board
23 and were of concern to the Board, and we'll make
24 that presentation the next time we're here.

25 The application that I'm making would be

50 Doughty Boulevard - 4/10/13

1 prior to the adjournment though. I would note
2 that a substantially enhanced traffic study was to
3 have been submitted to the Village. I don't know
4 if you actually received it. In the event that
5 you didn't, it will be forthcoming.

6 In the interim, we also received a
7 communication, as I believe has the Village and
8 the Board, from members of the community,
9 neighbors, expressing very specifically concerns
10 about traffic matters. What I would do in the
11 interim between now and the adjourn date is
12 address those issues.

13 They also expressed a concern, a desire, if
14 you will, to meet with the applicant. That's been
15 done, interestingly enough, as recently as I think
16 even today someone reached out to them. They've
17 been in communication. I believe a specific
18 individual, Mr. Gordon, I'll follow up on that to
19 make certain that if we have to, perhaps we'll
20 have a meeting with all the neighbors, but we'll
21 certainly be in compliance. Hopefully, by the
22 time we are here next we'll be in full
23 satisfaction.

24 One last point that I would ask the Board
25 just to consider, and I'm putting it on the record

1 now so it won't come as a surprise to anyone, but
2 a component of what we'll be talking about next
3 time is the fact this is a commercial enterprise
4 within the Village and we've done some research
5 indicating that in other situations on-site
6 parking isn't required of commercial institutions,
7 and that's just a factor that we hadn't brought to
8 the Board's attention, but that we will next time.

9 Having said that and imposed on the Board, I
10 would respectfully ask that this matter be
11 adjourned. I've also run out of breath,
12 thankfully.

13 CHAIRMAN KEILSON: Thank goodness. Yes,
14 having said all of that, obviously, there's no
15 need for us to respond at this juncture. As you
16 point out, we received the communication from a
17 bevy of neighbors --

18 MR. GOLDMAN: Correct.

19 CHAIRMAN KEILSON: -- who have expressed
20 concern and, therefore, I think it's appropriate
21 that it be adjourned. And I would encourage you,
22 you know, historically it works well when
23 neighbors can sit down and sort out any
24 differences and concerns long before the Board has
25 to be involved.

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1 MR. GOLDMAN: Exactly. Thank you.

2 CHAIRMAN KEILSON: So I think from our
3 perspective, the adjournment I think is
4 appropriate, and the next day is May 23rd.

5 MR. GOLDMAN: Thank you, Mr. Chairman. I
6 appreciate the courtesy of the Board.

7 CHAIRMAN KEILSON: Thank you, Mr. Goldman.

8 MR. GOLDMAN: There are people here from the
9 community that might not have understood that this
10 matter is being adjourned, not heard tonight, but
11 put over to May the 23rd. Thank you. Sorry for
12 the interruption.

13 CHAIRMAN KEILSON: Is there anybody else here
14 for the Doughty Boulevard matter? It's been put
15 over to May 23rd.

16 (Whereupon, the hearing concluded at
17 7:37 p.m.)

18 *****

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

22 Mary Benci
23 MARY BENCI, RPR
24 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 10, 2013
7 7:37 p.m.

8 APPLICATION: Samuels
9 30 Herrick Drive
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Samuels.
2 Mr. John C.

3 MR. CAPOBIANCO: Hi, how are you. Here for
4 the Samuels residence. They, unfortunately,
5 couldn't make it tonight, but I'm here to present
6 the case. They would love to have made it; he's
7 out of town on business, he couldn't make it.

8 However, we had, you know, previously been
9 before the Board in April and had gotten a
10 variance to construct an addition to the rear of
11 the house. Since the project is going forward, we
12 actually realized that we made a slight error.
13 Our office could have been -- it was an oversight.
14 That what we did in retrospect was open the ground
15 floor up so that we would have an area to still,
16 you know, access the garage in the rear. However,
17 not looking at the second floor, we didn't square
18 off the second floor at the top which in terms of
19 functionality which would have been a much better
20 result.

21 So as a result of that, during the
22 construction phase we realized that if we could
23 cantilever that second floor and add approximately
24 additionally 38 square feet to what was previously
25 approved it would make the building

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1 architecturally better, more pleasing
2 aesthetically, in terms of handling the roof
3 lines, et cetera, and also in terms of
4 functionality of the room space it would lay out
5 much better in terms of the master bedroom area we
6 had approved and presented to the Board before.

7 I don't know if you have a copy, the above
8 plan that I show in this little sketch which I
9 could pass around was the previous plan that was
10 approved. And the one below is the one that
11 squares off the corner only at the second floor,
12 not the first floor. So that the first floor
13 still maintains accessibility in terms of the side
14 in terms of the garage having access.

15 We feel that, you know, having seen the
16 construction started, and understanding that it
17 would be a better plan in terms of functionality,
18 that's the reason why we came in fact back.

19 CHAIRMAN KEILSON: It's 38 square feet; is
20 that correct?

21 MR. CAPOBIANCO: 38 square feet, yes..

22 CHAIRMAN KEILSON: Fairly de minimis.

23 MR. CAPOBIANCO: I would say so, yes.

24 MEMBER GOTTLIEB: If this is 38 square feet,
25 are you asking for five variances? Am I

1 understanding the square foot correctly?

2 MR. CAPOBIANCO: What happened was in April
3 when it was approved, the building went from
4 twenty-one -- well, you are permitted 2,136 and we
5 had at that time gotten approved a building size
6 of 2,259, which would have been 5.7 percent over
7 the allowable building coverage. Now we're asking
8 for actually --

9 CHAIRMAN KEILSON: 7.4.

10 MR. CAPOBIANCO: Yeah, an additional 38
11 square feet which would total 159 square feet
12 which would bring it to seven percent over the
13 allowable building coverage, that's correct.

14 MEMBER GOTTLIEB: So is there just one
15 variance that you're asking for; is it just
16 building?

17 MR. CAPOBIANCO: Well, the thing is that
18 you're asking for a variance that also because of
19 the lining up of the existing side wall you are
20 kind of repeating the same variances for height/
21 setback ratio.

22 MEMBER GOTTLIEB: Side-yard aggregate.

23 MR. CAPOBIANCO: You have side-yard
24 aggregate, height/setback ratio. So you're
25 actually asking for four variances -- five

1 variances, excuse me; building coverage, surface
2 coverage. But again, you know, surface coverage
3 is such a de minimis amount that I don't really --

4 MEMBER GOTTLIEB: I'm not questioning the
5 de minimis amount. I'm just questioning that I
6 didn't realize --

7 MR. CAPOBIANCO: Yeah, it actually effects
8 the variances over again.

9 CHAIRMAN KEILSON: It's a reinsertion of the
10 same variance.

11 MR. CAPOBIANCO: Yes, yes, it does.

12 CHAIRMAN KEILSON: 38 square feet, that's
13 what we're discussing.

14 MEMBER GOTTLIEB: In your zoning calculations,
15 the second and third column is scheduling code.

16 MR. CAPOBIANCO: Code, right.

17 MEMBER GOTTLIEB: I know, I've done this
18 before, but can you tell me the difference between
19 schedule and code.

20 MR. CAPOBIANCO: Well, the code which is a
21 residence B zone, if you go to the building code
22 on the residence B zone, they have certain
23 criterias for zoning. So we schedule, we put
24 those criterias down, as well as the one that's in
25 the schedule because sometimes -- the old code had

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1 more stringent requirements. So we want to show
2 both. So like the new schedule allows a
3 20-foot -- for example, a 20-foot front yard is
4 allowed under the new schedule, if you look at the
5 new schedule. However, the building code which is
6 in the residence B zone requires a 30-foot
7 frontage, so that we would use the more stringent
8 one.

9 MEMBER GOTTLIEB: Got it.

10 CHAIRMAN KEILSON: One indulgence I would beg
11 of you, we do have a code template, and you
12 continue to use your old format. So I'd
13 appreciate it if you want to put in your old
14 format, fine, try to fill in our code template as
15 well.

16 MR. RYDER: I could gladly provide them to
17 your office.

18 MR. CAPOBIANCO: Okay, thank you very much.

19 CHAIRMAN KEILSON: Thank you so much. Anyone
20 in the audience want to speak to the matter?

21 (No response.)

22 CHAIRMAN KEILSON: Any questions, further
23 questions of the Board?

24 (No response.)

25 CHAIRMAN KEILSON: Okay, I guess we're going

1 to vote. Mr. Henner.

2 MEMBER HENNER: I'm in favor.

3 CHAIRMAN KEILSON: Mr. Schreck.

4 MEMBER SCHRECK: For.

5 CHAIRMAN KEILSON: Mrs. Williams.

6 MEMBER WILLIAMS: For.

7 CHAIRMAN KEILSON: Mr. Gottlieb.

8 MEMBER GOTTLIEB: For.

9 CHAIRMAN KEILSON: You got it.

10 MR. CAPOBIANCO: Thank you.

11 CHAIRMAN KEILSON: Do you need the same
12 amount of time as before?

13 MR. CAPOBIANCO: Well, they're under
14 construction now so I think the same time.

15 CHAIRMAN KEILSON: The same time frame.

16 MR. RYDER: The same expiration date.

17 MR. CAPOBIANCO: That would be fine. And I
18 don't know if we need to go back to the Board of
19 Building Design on this because it's such a --

20 MR. RYDER: No. It's in the rear, it's not
21 visible from the street, so we're not going to
22 have you go back.

23 MR. CAPOBIANCO: Thank you very much.

24 (Whereupon, the hearing concluded at

25 7:44 p.m.)

Samuels - 4/10/13

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

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 April 10, 2013
7 7:44 p.m.

8 APPLICATION: Kanner
9 5 Harborview West
Lawrence, New York

10 P R E S E N T:

11 MR. LLOYD KEILSON
12 Chairman

13 MR. EDWARD GOTTLIEB
14 Member

15 MS. ESTHER WILLIAMS
16 Member

17 MR. LESTER HENNER
18 Member

19 MR. MARK SCHRECK
20 Member

21 MR. THOMAS V. PANTELIS, ESQ.
22 Village Attorney

23 MR. GERALDO CASTRO
24 Building Department

25 MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Kanner on
2 5 Harborview West. Mr. John C.

3 MR. CAPOBIANCO: Actually, Mrs. Kanner is
4 here tonight and her husband. They're both here.
5 They're seeking a variance to construct a
6 two-story addition onto the rear of their house.

7 The Kanners have been living in this house
8 for over 25 years, love the area, love Lawrence,
9 want to stay in Lawrence. They'd like to extend
10 their home. They have gotten consent from their
11 adjoining neighbors, actually three neighbors,
12 number 3 Harborview West, number one and number
13 seven.

14 CHAIRMAN KEILSON: What about the wetlands,
15 the wetlands also?

16 MR. CAPOBIANCO: And the wetlands, and the
17 guy behind them which is the wetlands. So I would
18 like to offer this letter in evidence of their --

19 MR. PANTELIS: We'll have that marked.

20 MR. CAPOBIANCO: -- of their acceptance of
21 this application, that they're in favor of it.

22 MEMBER GOTTLIEB: Is number seven part of
23 that?

24 MR. PANTELIS: Yes.

25 MR. CAPOBIANCO: Yes. The addition to the

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1 rear of the house -- of course, you know they have
2 five children, grandchildren, and certainly, you
3 know, I understand the Board is a hot Board and
4 you've read the petition and understand that they
5 have a large family. They're in dire need to
6 increase the size of the house and to increase the
7 living space as well with the kosher kitchen that
8 they need so desperately to be larger.

9 The house lines up with the existing house.
10 It was a high ranch. It's really two floors, slab
11 on grade first floor. The side-yard aggregate
12 that we're asking for and the side yard height/
13 setback ratio come about because we're lining up
14 the house. The original house would be in
15 violation of that as well.

16 If you look at the site plan, the additions,
17 both front and rear, you could see in the rear
18 there's an eighteen and a half foot. We call it
19 nineteen; it's actually 18.7-foot addition that
20 goes off to the rear which is behind them the
21 wetlands. It's a two-story addition and it's a
22 slight addition on the south portion of the house
23 of six and a half feet which is an extension of
24 their kitchen.

25 In addition to that, there's a deck that goes

1 off the back of the house which actually is lower
2 than the first floor of the house because the
3 first floor of the house or their living level of
4 the house is up a whole flight, so we didn't want
5 the deck to be so high out of the ground. So we
6 lowered the deck so that they step down onto that
7 deck, and then the deck is above grade and then
8 they would walk down onto the grade, onto a patio.
9 The both additions they align with the existing
10 house both on the north and south side.

11 In the front of the house the addition, as
12 you could see, is a small addition of
13 approximately 62 square feet which is being added
14 to the front two bedrooms, which is still behind
15 the existing front of the house of the living room
16 portion of the house. As you could see we
17 maintain a 33.5 front-yard setback.

18 So the variance that we're seeking on this
19 particular site plan is actually, again, five
20 variances. One is building coverage, going from
21 what's allowed, 2,413, adding approximately 263 I
22 think square feet to the house which brings us up
23 to about 10.8 over building coverage, over the,
24 you know, permissible building coverage.

25 The surface coverage actually complies, the

1 front yard complies. Side yard, again, because
2 we're lining with the existing, the new code --
3 the old code and the new code both required a side
4 yard of 15 feet, and the side-yard aggregate of
5 30, so we're asking for variances for those two.

6 And naturally, the left and right side would
7 require a height/setback ratio. But what we did
8 is we kept the roof line the same roof line that
9 exists on the house and the same height, so that
10 the height/setback ratio that was existing is
11 being maintained.

12 So basically, we feel, again, that this
13 addition and extension to the rear would
14 absolutely cause no adverse effect to either the
15 neighbor on the south or north side. We again
16 feel that it's a good application and hope that
17 the Board will feel the same way.

18 CHAIRMAN KEILSON: What are you adding in
19 terms of rooms?

20 MR. CAPOBIANCO: In rooms we're adding a few
21 bedrooms. We're actually even increasing the
22 rooms upstairs. We're putting a family-room
23 addition off the second floor; actually, we call
24 it a second floor, but it's really a main living
25 floor because it's a high ranch. So we're

1 actually adding six feet to the kitchen, and we're
2 adding a family room up at that level which is
3 open to the kitchen, which they never had. It was
4 always downstairs on the first floor.

5 So on the lower level because of the second
6 floor, or the top floor being extended we're
7 adding two additional bedrooms so that they can
8 have a total of six bedrooms in the house because
9 of the amount of kids that they have and the
10 amount of, you know, company that they have during
11 Shabbos, and so on, so forth.

12 MEMBER GOTTLIEB: What concerns me,
13 Mr. Capobianco, is I understand you're continuing
14 along what's existing, and that's commonly been
15 done in our Village, but you're also continuing a
16 2.66 height setback which is rather steep. Is
17 there any way to bring that in? It looks like you
18 have a hip roof versus a gable roof.

19 MR. CAPOBIANCO: That's a hip roof, yes. We
20 didn't do a gable for that purpose, because we
21 kept the gable -- the hip roof which maintains a
22 better height/setback ratio.

23 MEMBER GOTTLIEB: Yet it's still almost
24 double the permitted setback ratio.

25 MR. CAPOBIANCO: Well, the setback ratio is

1 already there on the existing house; it's not
2 doubling it.

3 MEMBER GOTTLIEB: I'm sorry, well, it
4 actually is because you're going back farther.

5 CHAIRMAN KEILSON: Exacerbating it.

6 MEMBER GOTTLIEB: 1.5 is what's permitted,
7 2.66 is what you want, and you're taking a
8 situation that's obviously not compliant but just
9 extending it to make it exacerbated.

10 MR. CAPOBIANCO: Right. That's what we are
11 doing.

12 CHAIRMAN KEILSON: Well, we're all in
13 agreement.

14 MR. CAPOBIANCO: The good thing is the
15 reverse gable faces the rear yard which has plenty
16 of height/setback ratio. But I think it's still
17 in keeping with the existing roof line and it
18 would not create any, you know, shadowing problems
19 with sun or any adverse effect whatsoever.

20 I mean, each neighbor has definitely looked
21 at the application, reviewed the plan, and they
22 didn't have a problem with it. But there's no
23 other way really architecturally to roof this
24 house to lower the height/setback ratio. The side
25 yard is the side yard and, unfortunately, you

1 know, it was the old code when it was five and six
2 feet in width, but now it's 15 feet and that's
3 what creates the height/setback ratio being, you
4 know, so low.

5 MEMBER GOTTLIEB: In this case, so high.

6 MR. CAPOBIANCO: Well, it's low in the sense
7 of its line of projectory, the line of it, yeah,
8 but it's higher than -- it's double than what it
9 should be, that's correct.

10 MEMBER GOTTLIEB: Next question I want to
11 address is the deck which you explained now is
12 slightly below the second floor.

13 MR. CAPOBIANCO: Yes. What happens is if you
14 look at the plan, you walk down from the second
15 floor because we didn't want it so high out of the
16 ground for access to the yard. We actually walk
17 down approximately three or four steps, so we
18 dropped the level of the deck about two feet below
19 the upper level floor which still keeps it about
20 six feet above grade, and then we have steps going
21 down to grade, and then under the deck we actually
22 created like a little storage area.

23 MEMBER GOTTLIEB: So my concern with the
24 raised deck is that it's so close to the
25 neighbor's property and also now runs behind the

1 neighbor's house and they're no longer going to be
2 parallel with where the back of the houses end.

3 MR. CAPOBIANCO: That's correct.

4 MEMBER GOTTLIEB: You've now got to deal with
5 the neighbor's backyard view.

6 MR. CAPOBIANCO: Well, I would like to show a
7 photograph of that view. Now you're talking about
8 the south side of the house.

9 MEMBER GOTTLIEB: The south side, yes.

10 MR. CAPOBIANCO: The north side is obviously
11 blocked by the additional house. This photograph
12 I'd like to hand to the Board is a photograph that
13 the Kanners have taken from what they actually see
14 from their second floor or their kitchen level,
15 which is pretty buffered and screened. So you
16 could see that, you know, I don't believe that
17 they would have an invasion -- that they would
18 invade anybody's property on the south side. I
19 mean, that's basically what you see. And then you
20 could see the wetlands off to the west when you
21 look at the photograph. Actually, this is the
22 north side.

23 MEMBER GOTTLIEB: That is taken at ground
24 level as opposed to an elevated level?

25 MR. CAPOBIANCO: Was that at ground level?

1 CHAIRMAN KEILSON: Do you want her to step
2 forward?

3 MR. CAPOBIANCO: Can Mrs. Kanner step up?

4 CHAIRMAN KEILSON: By all means, don't be
5 shy.

6 MS. KANNER: I'm Fran Kanner. We've been
7 living next to 7 Harborview West for whatever, 25
8 years. That is their -- they own that fence.

9 CHAIRMAN KEILSON: The house has been for
10 sale for twenty years.

11 MS. KANNER: Exactly. They've been trying to
12 get away from us for that long ago. It's a holey
13 fence; we can see right into their yard all the
14 time.

15 MEMBER GOTTLIEB: You don't mean biblical
16 holy?

17 MS. KANNER: So they don't have privacy, we
18 don't have privacy, so now even, but what I'm
19 saying is --

20 MEMBER GOTTLIEB: The concern is when someone
21 puts a second-story deck it looks right over, they
22 become your display.

23 CHAIRMAN KEILSON: They might sell the house
24 and that person may object.

25 MS. KANNER: But so --

1 MR. CAPOBIANCO: Well, the only good thing
2 about the deck being on that side is that is the
3 side yard that has the larger of the two, it's
4 twelve feet from the property line if you look at
5 the site plan, as opposed to the other side being
6 eight feet. So it's over twelve feet, a little
7 over twelve feet. So it's keeping a fairly good
8 distance away from the property line, and I think
9 that, you know, where the privacy or screening
10 issue occurs is in their backyard. And if we had
11 to, we could actually add more shrubs, you know,
12 to screen it off.

13 CHAIRMAN KEILSON: I think that would be a
14 very good gesture. I think that would be a very
15 good idea.

16 MR. CAPOBIANCO: Yeah, we could do that.

17 CHAIRMAN KEILSON: To put some shrubbery to
18 screen so that when the neighbor does sell, the
19 new neighbor won't be offended.

20 MR. CAPOBIANCO: Okay.

21 MEMBER GOTTLIEB: That works for me.

22 MR. CAPOBIANCO: All right. So respectfully,
23 you know, we ask for this Board to approve this
24 application.

25 CHAIRMAN KEILSON: Is there anyone in the

1 audience who wants to speak to the matter?

2 (No response.)

3 CHAIRMAN KEILSON: Are there any further
4 questions?

5 MR. KANNER: I support the application.

6 CHAIRMAN KEILSON: I assume that's Mr. Kanner
7 in support. Very often we have husbands who are
8 advocating the other way. Any questions?

9 MEMBER HENNER: No.

10 CHAIRMAN KEILSON: All right, having heard
11 the presentation and judging based on the
12 criteria, where the benefit is weighed against any
13 detriment, I'm going to ask the Board to take that
14 all into consideration, and I'll begin with
15 Mr. Gottlieb.

16 MEMBER GOTTLIEB: And we're going to add some
17 shrubbery as part of the application.

18 CHAIRMAN KEILSON: Yes, as part of it.

19 MR. PANTELIS: You could add a condition that
20 the applicant provide landscape screening as
21 approved or determined by the Building Department.
22 We could leave it as a Building Department matter.

23 MEMBER GOTTLIEB: So it's open until approved
24 by the Building Department. I will vote for it
25 then as amended.

1 CHAIRMAN KEILSON: Mrs. Williams.

2 MEMBER WILLIAMS: For.

3 CHAIRMAN KEILSON: Mr. Schreck.

4 MEMBER SCHRECK: For.

5 CHAIRMAN KEILSON: Mr. Henner.

6 MEMBER HENNER: For.

7 CHAIRMAN KEILSON: And I vote for as well.

8 Two years, or whatever.

9 MR. CAPOBIANCO: Two years would be fine.

10 CHAIRMAN KEILSON: Fine.

11 MR. CAPOBIANCO: And I guess this might need
12 to go before the Board of Building Design? It's
13 really -- the front is the same. It's really a
14 rear-yard addition.

15 MR. RYDER: John, this one you have to go.

16 MR. CAPOBIANCO: So we'll appear with
17 materials before we agree to go before the Board
18 of Building Design.

19 MR. RYDER: You'll get a notice from
20 Tom Rizzo.

21 MR. CAPOBIANCO: Thank you very much.

22 (Whereupon, the hearing concluded at
23 7:57 p.m.)

24 *****

25

Kanner - 4/10/13

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

4
5 Mary Benci

6 MARY BENCI, RPR
7 Court Reporter
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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 April 10, 2013
7 7:57 p.m.

8 APPLICATION: Porcelli
9 211 Polo Lane
Lawrence, New York

10 P R E S E N T :

11 MR. LLOYD KEILSON
12 Chairman

13 MR. EDWARD GOTTLIEB
14 Member

15 MS. ESTHER WILLIAMS
16 Member

17 MR. LESTER HENNER
18 Member

19 MR. MARK SCHRECK
20 Member

21 MR. THOMAS V. PANTELIS, ESQ.
22 Village Attorney

23 MR. GERALDO CASTRO
24 Building Department

25 MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Porcelli.

2 MR. GOLDMAN: If it please the Board, we're
3 here to represent the Porcellis, depending on how
4 you want to pronounce it, and I'm joined before
5 you with their architect, Mr. Legardeur. The
6 Board, as it has been repeatedly indicated, is a
7 hot Board, so I'm not going to go over the salient
8 facts in terms of their connection to the Village,
9 their desire to live here and the accommodations
10 that would be made. There is clearly a need here.

11 I would just note as we've indicated that the
12 significant issue here is that the premises
13 essentially because of peculiarities of our code
14 essentially borders on what is deemed to be two
15 front yards. Without debating that, and I used to
16 debate it, but when I thought about it a little
17 more I thought that in some situations the fact
18 that it becomes somebody's front yard and thence
19 might impose on neighbors, if one was to deem it
20 not a front yard that doesn't apply in this
21 particular case.

22 Because to the extent that all the neighbors
23 are in support of it and there's no indication,
24 cutting to the chase, that there would be any
25 imposition on anyone in the community, ordinarily,

1 we would wait until the end to provide letters of
2 support, but in this case a substantial neighbor
3 in terms of the bordering is the Rockaway Hunting
4 Club which is an institution of historic
5 significance to the Village, and I would note that
6 the manager of the Rockaway Hunt Club is here
7 today, and I believe Frank Argento, I think you
8 might remember him and recognize him, he's here to
9 indicate, I believe, the support of the Rockaway
10 Hunt Club.

11 The next issue, of course, is the civilian
12 neighbors, if you will, and the most significant
13 one of those would be the folks who live at
14 221 Polo Lane, because as they indicated in their
15 letter, the Porcelli house would border on them on
16 two sides. I'd submit to the Board a letter of
17 support.

18 CHAIRMAN KEILSON: From?

19 MR. GOLDMAN: I'm sorry, that was just a
20 tease. From Mr. and Mrs. Hasty of 221 Polo Lane.
21 These are letters that were prepared by the
22 supporters, not by counsel, and I would note too,
23 that I have other letters as well that I would
24 make part of the record noting that from 241 Polo
25 Lane, 211 Polo Lane --

Porcelli - 4/10/13

1 CHAIRMAN KEILSON: All the neighbors are for.

2 MR. GOLDMAN: Thank you. And I would note
3 too so there's no misunderstanding, I wrote on one
4 of them an address, so that's my handwriting in
5 pencil as opposed to --

6 MEMBER GOTTLIEB: Are the Emerys included in
7 that?

8 MR. GOLDMAN: As a matter of fact, they are.
9 And I never knew Patsy's real name was Patricia,
10 but it's signed with her full name.

11 You should note here that a good many of the
12 variances that are being sought are because of a
13 pre-existing nonconforming use, so it's
14 essentially being brought up to those.

15 To the extent that I'm cutting to the
16 chase --

17 CHAIRMAN KEILSON: It's the encroachment that
18 we're concerned with.

19 MR. GOLDMAN: Well, there's a minor
20 encroachment. I believe at some point it just
21 branches out slightly, but I can leave that to the
22 architect to explain that.

23 CHAIRMAN KEILSON: It's the rear-yard
24 setback, right?

25 MR. GOLDMAN: Correct. But again --

Porcelli - 4/10/13

1 CHAIRMAN KEILSON: Everything else extends
2 the same as before.

3 MR. GOLDMAN: Correct. And the rear yard
4 would impact on no one.

5 MR. PANTELIS: So what is the rear-yard
6 request?

7 MR. LEGARDEUR: Armand Legardeur,
8 A-R-M-A-N-D, L-E-G-A-R-D-E-U-R, 7 West 22nd
9 Street, New York, New York 10010.

10 And it is technically a rear-yard
11 encroachment because of the corner lot with two
12 front yards. We look at the house as fronting
13 Ocean Avenue because that is the front door. So
14 if you want to take it as being the rear yard from
15 Polo, that is where the encroachment occurs and it
16 encroaches 15 feet into the rear yard there. And
17 everything else comes out of that because the
18 height/setback ratio treating that as a rear yard
19 requires a variance. There are five variances
20 that we're requesting in all.

21 CHAIRMAN KEILSON: Yeah, but as we said --

22 MR. LEGARDEUR: Everything else grows out.

23 CHAIRMAN KEILSON: It's pre-existing.

24 MR. GOLDMAN: Correct.

25 CHAIRMAN KEILSON: I guess the only question

1 I had is a paucity of information on what exactly
2 is being built there. In other words, there's no
3 drawings other than the -- what's the interior
4 that's being added there?

5 MR. LEGARDEUR: It's a garage.

6 MEMBER GOTTLIEB: You know what, if I can for
7 one second. Before you describe the interior, can
8 you tell us what the need is for the extension.

9 MR. GOLDMAN: Well --

10 MEMBER GOTTLIEB: Is there a requirement?

11 MR. LEGARDEUR: There is no garage on the
12 house, and the kitchen -- it's a building that was
13 built in the 1920s. It's very small, very
14 compact. Our clients do not wish to tear it down.
15 They actually wish to remodel it, but given its
16 size and the lack of -- I mean, there are two
17 bedrooms on the -- on the -- one bedroom on the
18 first floor and two bedrooms of reasonable size on
19 the second floor. The rest are basically old
20 servant rooms that are miniscule. They wanted to
21 actually make it a five-bedroom house for
22 themselves with a two-car garage.

23 The garage right now is in the basement. It
24 is virtually impossible to use; even for Model Ts
25 you probably couldn't do it. It's a bit of an

1 eyesore on the house because you drive down what
 2 is a rather dangerous ramp to get down to it.
 3 They wanted to have a garage that they could
 4 access directly from the kitchen on the main
 5 floor. The only place physically to locate it on
 6 the property because of the grade change along
 7 Polo Lane is to the side of the house, and that is
 8 what the addition is. Most of it really does fall
 9 into the setback. It's because of the requirement
 10 for two front yards, thereby two rear yards, that
 11 limits the buildable area to a rather miniscule
 12 part of the property.

13 Additionally, the lot is nonconforming. It's
 14 a very, very small lot, and when you start taking
 15 out all of the setback requirements for it the
 16 building area is miniscule.

17 MR. GOLDMAN: Eyesore is the operative word
 18 too. If you notice in the letters the building is
 19 in terrible shape; and rather than tear it down,
 20 et cetera, they want to preserve as much of it as
 21 they can within the context of the community,
 22 simply to make it habitable for a family with a
 23 young son.

24 MEMBER GOTTLIEB: I found the operative word
 25 to be that it doesn't function.

1 MR. GOLDMAN: Fair enough, I'll go with
2 nonfunctional.

3 MR. LEGARDEUR: It's ugly too.

4 MEMBER GOTTLIEB: I thought it was nice when
5 it was completely shrubbed in. When there were
6 huge trees around the house you couldn't really
7 see the house.

8 MR. GOLDMAN: Because it was so ugly they
9 wanted to hide it.

10 MR. LEGARDEUR: One of the problems is Sandy
11 killed most of the trees.

12 CHAIRMAN KEILSON: Sandy killed them?

13 MEMBER GOTTLIEB: Is that why those trees are
14 all gone, the very large trees?

15 MR. LEGARDEUR: Yes, they were damaged in the
16 storm; they had to come down.

17 MR. GOLDMAN: So I'll just note, I wanted to
18 confirm that the family will be relandscaping the
19 area as well. So it's not going to remain barren
20 like that.

21 MEMBER GOTTLIEB: Mr. Keilson, you were
22 asking about what the house will look like inside.

23 CHAIRMAN KEILSON: He said it's a garage,
24 whatever.

25 MR. GOLDMAN: We have the floor plans if you

1 want to see them as well.

2 CHAIRMAN KEILSON: He's done all that work,
3 why shouldn't he.

4 MR. LEGARDEUR: On the first floor the
5 existing building is here. The addition is here,
6 it's a kitchen and a garage. The kitchen and the
7 garage on the first floor. There is a rec room
8 and a bedroom on the second floor. It's very
9 straightforward. And the encroachment is only the
10 last 15 feet. The rest of it is within the
11 setback. But the 15 feet, actually, if you take
12 it out you either can't have the garage or the
13 kitchen. You certainly can't have both.

14 MEMBER GOTTLIEB: It's a two-car garage?

15 MR. LEGARDEUR: Yes, it is a two-car garage.

16 MR. GOLDMAN: Combined.

17 MR. LEGARDEUR: And it's accessed from the
18 side so that the doors don't face the street.

19 CHAIRMAN KEILSON: Okay.

20 MR. GOLDMAN: So using the standard, we would
21 just indicate that the benefit outweighs any
22 detriment.

23 CHAIRMAN KEILSON: Is there anyone in the
24 audience who wants to speak to the matter?
25 Mr. Argento?

1 MR. ARGENTO: Hi, how are you? Frank
2 Argento, I'm the chief operating officer of the
3 Rockaway Hunt Club. Our board is in full support
4 of Mr. Porcelli's application.

5 CHAIRMAN KEILSON: Thank you very much.

6 I think one of the most compelling parts,
7 Mr. Goldman, is the fact that it's really
8 encroaching on John Hasty and he obviously is in
9 support. That area of John Hasty's property is
10 underutilized. I don't see how it could impact
11 negatively. In weighing the benefit, it outweighs
12 any detriment that might be considered.

13 Any further questions from the Board?

14 MEMBER HENNER: The Porcellis have two sons?

15 MR. GOLDMAN: Yes.

16 MEMBER HENNER: I think this might be the
17 first time I've ever voted in favor of a variance
18 with anyone less than twelve children, so if they
19 could work on that.

20 MR. GOLDMAN: We could only encourage the
21 Porcellis and I will do so off the record.

22 MEMBER HENNER: Yes, please, thank you.

23 CHAIRMAN KEILSON: In light of that,
24 Mr. Henner.

25 MEMBER HENNER: I'm in favor.

1 MR. GOLDMAN: In favor of the additional
2 children or the application?

3 MEMBER HENNER: Whatever they want.

4 CHAIRMAN KEILSON: Mr. Schreck.

5 MEMBER SCHRECK: For.

6 CHAIRMAN KEILSON: Mrs. Williams.

7 MEMBER WILLIAMS: For.

8 CHAIRMAN KEILSON: And Mr. Gottlieb.

9 MEMBER GOTTLIEB: I am for and wish them good
10 luck with this.

11 CHAIRMAN KEILSON: And I as well, and two
12 years, certainly.

13 MR. GOLDMAN: I imagine we need the Board of
14 Building Design for this for sure.

15 MR. RYDER: Yes, for sure.

16 CHAIRMAN KEILSON: For sure.

17 (Whereupon, the hearing concluded at
18 8:07 p.m.)

19 *****

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

23

24

25

Mary Benci

MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 April 10, 2013
7 8:07 p.m.

8 APPLICATION: Stern
9 201 Broadway
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Stern.

2 MR. GOLDMAN: If it please the Board, we're
3 here to represent the Stern family. As noted in
4 the application, these folks are a clergyman in
5 the community, serving the community, have been
6 here a period of time in an inadequate house.
7 They've managed to find this house that satisfies
8 all the requirements but for the fact that it's --
9 excuse me, that it's inadequate. Thank God, they
10 have six children, I believe it is, and one with
11 special needs, and therefore, accommodations have
12 to be made within the size of the house as well.

13 And with that thought in mind, it was
14 designed that way. There are several variances
15 that are being sought, the bulk of which are
16 pre-existing, nonconforming ones. I would note
17 that while I do not have letters of support from
18 the neighbors, I would represent to the Board that
19 the Sterns have reached out to the neighbors at
20 211 Broadway, which is the neighbor to the left of
21 the property facing it.

22 CHAIRMAN KEILSON: Who is that neighbor?

23 MR. GOLDMAN: Evelyn Mehl. That Judith
24 Graeber is 18 Lawrence, across the street is
25 15 Lawrence, the Hoffmans; diagonally across

1 because of the nature of the properties --

2 CHAIRMAN KEILSON: Mehl is obviously the most
3 impacted, along with Graeber.

4 MR. GOLDMAN: Correct. Graeber has one
5 hundred percent indicated, and I make that
6 representation having spoken to my clients, they
7 are all in favor of it. Across is, I think,
8 11 Lawrence Avenue, and then there's 200 Broadway.
9 So the applicants have approached the neighbors
10 and have been -- have received that support.

11 From that perspective, essentially, what
12 they're doing is the nature of the house is such
13 that, for example, there's a second floor, but the
14 second floor doesn't go all the way to the back.
15 So there's an inadequate amount of bedrooms for
16 this family. Thank God, there are a set of
17 triplets and a set of twins and then, of course,
18 another child as well, all of which, as I
19 indicated, are different genders and ages. So
20 they require a certain amount of accommodation
21 there.

22 The plan here is to sort of fill in the space
23 of the house as well with only one four-foot
24 extension for the kitchen, which is totally
25 inadequate for such a family, and also for a

1 family that engages the community as well within
2 their home.

3 I don't want to overstay my welcome here, so
4 I don't know what else to indicate to the Board.

5 CHAIRMAN KEILSON: Mr. John C. will fill in
6 every nook and cranny.

7 MR. CAPOBIANCO: The only other thing I'd
8 like to mention regarding the site plan, when you
9 look at the site plan, and I don't know if you
10 have the latest one, but we had indicated on one
11 I'd like to submit which shows a circular drive
12 coming off of Lawrence Avenue, and I know -- I
13 don't think that is with your -- with your site
14 plan. But does that show on there a circular
15 drive coming off Lawrence?

16 MR. RYDER: Yeah, I have that.

17 MR. CAPOBIANCO: And I know we -- you know,
18 we created that second curb cut and drive-through
19 because of the nature of the position of that
20 existing curb cut; it was so close to the corner
21 of Lawrence Avenue it makes for a kind of a
22 dangerous situation to have to back out onto the
23 street off of -- you know, from the property. And
24 having a child, you know, to drive in as a
25 circular would make it a lot safer for them. And

Stern - 4/10/13

1 I know that, you know, the guidelines that the
2 Board of Building Design is now 50-foot frontage,
3 but you know, we don't have that here and I think
4 that, you know, we have to go before that Board as
5 well to review this. But I did want to at least
6 bring that up as a point that I think would be a
7 much safer situation if we could do this on this
8 particular corner.

9 And then I'd just like to point out that the
10 rear-yard encroachment that already exists, the
11 existing rear yard there's a one-story den that's
12 on the back of the house that would be staying on
13 that footprint and building on top of it a second
14 floor. So that the footprint in the rear really
15 stays the same, and that we would fill in on the
16 west side of the house the kitchen extension to
17 line up with that existing extension with a bay
18 window. And that's basically I think on your
19 application. The only thing --

20 CHAIRMAN KEILSON: Does the circular drive
21 contribute to a surface coverage issue?

22 MR. CAPOBIANCO: Yeah, we have it on the
23 surface coverage.

24 CHAIRMAN KEILSON: How much does it
25 contribute? It could be a heavy surface coverage

1 request.

2 MR. GOLDMAN: Here I have the code relief,
3 which is in compliance with the Board's forms.

4 MR. CAPOBIANCO: Yeah, this is the one you're
5 talking about (indicating)? I got it. The
6 surface coverage, it's approximately -- it would
7 contribute to the increased surface coverage, you
8 know, approximately we're over by 22 percent. The
9 allowable is 4,495. We would be 5,485, which
10 would include the house, the existing driveway and
11 also the patio that we're proposing to do in the
12 back which is on grade. So the surface coverage
13 would be approximately 22 percent over.

14 MEMBER SCHRECK: How much of that is the
15 driveway?

16 CHAIRMAN KEILSON: That's my question.

17 MR. CAPOBIANCO: Oh, how much of that is a
18 driveway?

19 CHAIRMAN KEILSON: Because -- because 22
20 percent is a problem.

21 MR. CAPOBIANCO: I would say it's probably
22 more than 50 percent, probably 60 percent of that
23 is driveway.

24 MR. RYDER: Seven hundred square feet.

25 MR. CAPOBIANCO: Yeah, approximately seven

1 additional. To the driveway that's already there,
2 about 700 square feet additional.

3 MEMBER GOTTLIEB: How are we going to make
4 that less than 22 percent?

5 MR. GOLDMAN: May I have a moment?

6 CHAIRMAN KEILSON: Certainly.

7 MR. CAPOBIANCO: Well, the driveway, we can
8 probably make it smaller by narrowing it down to
9 like 13 feet in width, rather than 15 feet in
10 width, so that would cut down a couple of hundred
11 square feet approximately in surface coverage
12 that does exist from it. Or we could make the
13 patio a little smaller.

14 CHAIRMAN KEILSON: I think both would be a
15 good idea. The problem the Village is facing, as
16 you know, is the water issue, and now we're just
17 further exacerbating it.

18 MR. GOLDMAN: If I could just have another
19 moment.

20 CHAIRMAN KEILSON: Absolutely.

21 MR. GOLDMAN: The nature of his employment is
22 such that the patio is not purely a gratuitous
23 item. I would also note too that I believe
24 borings were submitted, boring tests, and that to
25 the extent that this is a -- I don't believe it

1 indicates that there's a risk here of any drainage
2 issue, and I appreciate the principle.

3 CHAIRMAN KEILSON: In order to introduce them
4 -- and we are really trying to behave. And this
5 is really -- this is a problem, it's a problem.

6 MR. CAPOBIANCO: Well, I could tell you the
7 drainage would not be an issue in terms of, you
8 know, runoff because certainly the ground
9 condition is certainly capable of handling the --
10 you know, the amount of, you know, dry wells that
11 would be needed.

12 MR. GOLDMAN: You see, in discussing it now,
13 the problem is there's house, patio, driveway.
14 The house, there's no way to sort of chince that
15 down to impact the surface coverage. It seems
16 that the driveway is a legitimate concern. And I
17 appreciate the Board's concern. The patio can be
18 reduced a tad, but it has to be a viable one for
19 community.

20 MR. CAPOBIANCO: Well, I'll tell you what we
21 could do. I have a suggestion.

22 MR. RYDER: I think I may -- and I respect
23 that, John, but the circular driveway comes under
24 the purview of the Board of Building Design.

25 MR. CAPOBIANCO: Yeah, I know.

1 MR. RYDER: So this Board is going to make a
2 decision based on another Board possibly rejecting
3 it.

4 MR. CAPOBIANCO: Right.

5 MEMBER WILLIAMS: They're not keen on them,
6 as you well know.

7 MR. GOLDMAN: I'm sorry?

8 MEMBER WILLIAMS: They are not keen on them,
9 generally speaking, so there's a good chance that
10 they're going to give a hard time with that.

11 MR. CAPOBIANCO: I know.

12 MEMBER WILLIAMS: You should just be aware
13 that we can cut you down to the bone, but they may
14 say no anyway.

15 MR. GOLDMAN: Correct. The only difference
16 is frequently this is something that's done for
17 aesthetic purposes or convenience or whatever.
18 Here, it's a real issue.

19 MEMBER WILLIAMS: I understand that it's a
20 busy street and it's a corner property, so it's
21 right by the light. I can understand that.

22 MR. GOLDMAN: And there's children within the
23 household.

24 MR. CAPOBIANCO: The only other way to make
25 this work is if you eliminate the circular is to

1 widen the existing to get three cars, four cars
2 wide, but the issue is still going to be backing
3 out.

4 MEMBER WILLIAMS: And it would look like a
5 carport.

6 MR. GOLDMAN: And now the neighbors would not
7 -- all of who were supportive, might be less
8 supportive of the garage.

9 MEMBER WILLIAMS: I totally understand the
10 safety issue of this driveway.

11 MEMBER GOTTLIEB: The house next-door has a
12 circular also, correct?

13 MR. CAPOBIANCO: The one across the street
14 has a drive-in off of Broadway and exits off of
15 Lawrence.

16 MR. GOLDMAN: They recognized the same issue.

17 MR. CAPOBIANCO: The difficulty here is the
18 proximity of the existing driveway to the corner
19 of Broadway and Lawrence. It makes it a very
20 dangerous situation because, you know, there's
21 cars stacked up at the light. It's very hard to
22 back up. It's very difficult to back out.

23 MEMBER GOTTLIEB: So let me bring up another
24 issue. I'll bring up another question or an
25 issue. Height/setback ratio on the left side of

1 the house.

2 MR. CAPOBIANCO: Right.

3 MEMBER GOTTLIEB: Closest to the neighbor, I
4 believe. I objected to a 2.9 previously; now
5 we're at a 3.7. And I think I'd be looking at the
6 proposed left elevation.

7 MR. CAPOBIANCO: Yes.

8 MEMBER GOTTLIEB: Is that --

9 MR. CAPOBIANCO: That's correct.

10 MEMBER GOTTLIEB: That's the one which has
11 the neighbor adjacent to it.

12 MR. CAPOBIANCO: It's the left side which is
13 now 1.5.

14 MEMBER GOTTLIEB: You don't have a lot of
15 windows back there. But my question is, is there
16 any way to bring that 3.7 down so it doesn't
17 appear so bulky and so close to the neighbor?

18 MR. CAPOBIANCO: Well, if you look at the
19 side elevation on this drawing here --

20 MEMBER GOTTLIEB: That's the bottom left?

21 MR. CAPOBIANCO: -- you would notice that the
22 slope is down to a five-twelve at the rear, which
23 is not very high off the grade. It's actually the
24 height is just 29 feet off ground. But to bring
25 the ridge down, I mean, we could bring it down to

1 what would be a minimum slope of four-twelve in
2 the Village. I mean, if I brought it down to a
3 four-twelve it would bring it back to the -- you
4 could see where the original roof line is. It's
5 about two foot higher now than where it is now.
6 So if I brought it down to a four-twelve, it would
7 -- it would bring it down to close to where it is
8 now, where the existing house is already.

9 MEMBER GOTTLIEB: If you did a hip roof
10 there, would that help it any? I'm not sure. We
11 talked about it last time.

12 MR. CAPOBIANCO: Well, in terms of a hip
13 would help, of course, lower it. I mean, I guess
14 you can bring the hip back or you could leave the
15 same height that's existing, because to have to
16 tear off the whole roof to create a hip would be a
17 cost factor.

18 MEMBER GOTTLIEB: I mean, I'm not looking to
19 add more cost to the family, and I'm not looking
20 to change aesthetics because we don't want to look
21 so bulky. I'm looking for some sort of option to
22 reduce the 3.7.

23 MR. CAPOBIANCO: Well, you know, the
24 compromise would be to bring the ridge down to
25 where it was, I mean, and not change the existing

1 height/setback ratio from what it was, leave it.

2 MR. GOLDMAN: Does that impact on the
3 interior?

4 MR. CAPOBIANCO: No, that will not impact on
5 the interior.

6 MEMBER WILLIAMS: That's your hesitation
7 about doing that?

8 MR. CAPOBIANCO: It's not. I didn't want to
9 bring the roof slope below four-twelve. It's now
10 five-twelve. Actually, I could probably bring it
11 down about a foot, which is close to the original
12 ridge height. It would have no impact on the
13 neighbors or any --

14 MR. RYDER: It still has a nice pitch where
15 it's not flat. I think that's what we're trying
16 to avoid.

17 MR. CAPOBIANCO: You want to get the water
18 off the roof, and you know, the fact is that the
19 original roof pitch that's there now would be
20 maintained, and the front and the back would just
21 be raised to meet that. So that we could do that.
22 Not raise the ridge.

23 MR. RYDER: Aesthetically, it's okay at
24 four-twelve.

25 MR. CAPOBIANCO: Because right now I was

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1 trying to get a more architecturally more pleasing
2 aesthetic, you know, front to the house.

3 MR. GOLDMAN: If we can have a moment.

4 MR. CAPOBIANCO: It would cause a hardship in
5 terms of having to reframe to create a hip; like
6 Mr. Gottlieb said, it would be difficult. But to
7 lower the pitch to a four-twelve would bring the
8 ridge down a little bit, which would help.

9 MR. GOLDMAN: And it would have no negative
10 impact on the applicant?

11 MR. CAPOBIANCO: No, none at all.

12 CHAIRMAN KEILSON: What would it do to the
13 height/setback ratio?

14 MR. CAPOBIANCO: It would be the same height
15 setback.

16 MR. GOLDMAN: I'm sorry to interrupt.

17 MR. CAPOBIANCO: See, the problem is that if
18 we give up that height of the ridge up, then we
19 lose attic space which is a pull-down stair, and
20 you need it for storage. This is what he was
21 saying.

22 MR. GOLDMAN: It's not habitable space.

23 MR. CAPOBIANCO: It's not habitable. It's
24 just a pull-down stair to an attic that will have
25 mechanical equipment and storage. But that's what

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1 the front would look like and, you know, it's a
2 major improvement on the aesthetics of the house
3 the way it is now, because it's really in bad
4 shape.

5 MR. GOLDMAN: And I'm not totally certain,
6 maybe it's just my lack of appreciation, what
7 impact of what is being proposed, what impact it
8 would have on the neighbor in terms of air, heat,
9 light, et cetera. So maybe it's there and I don't
10 see it, but the Building Department would be able
11 to address that.

12 MEMBER GOTTLIEB: I think you hit all three
13 on point.

14 MR. GOLDMAN: Well, you know, we stand before
15 this Board and now we recognize your obligations,
16 but nevertheless --

17 CHAIRMAN KEILSON: Let's go back to surface
18 coverage because that really has to be adjusted.

19 MR. CAPOBIANCO: I can adjust that. I can
20 shorten the length of the driveway and, of course,
21 I'm going to have a hard time with the other
22 Board. But certainly, the circular driveway it's
23 pretty long and we can shorten it and still create
24 a turn-around, so I can do that. We can probably
25 knock, you know, four to 500 square feet off, 400

1 square feet off, which is a significant amount.

2 CHAIRMAN KEILSON: 500 is good.

3 MR. CAPOBIANCO: If I could do that --

4 MR. GOLDMAN: Well, I don't want to mislead
5 the Board. Whatever is consistent with --

6 CHAIRMAN KEILSON: Take a moment.

7 MR. GOLDMAN: No, no, no, in other words,
8 whatever is consistent with what would still have
9 to be done in order to make it viable and safe.

10 CHAIRMAN KEILSON: I said we can't walk out
11 of here without knowing whether it's 500 or 600.

12 MR. GOLDMAN: I don't want to just say five.

13 MR. CAPOBIANCO: The area that is the hatched
14 would be the area, Mike, that we would be willing
15 to shorten it down to.

16 MR. GOLDMAN: And it would still be viable.

17 MR. CAPOBIANCO: You would still have a
18 viable turn-around radius so the car could
19 actually pull in and pull out. It has to back
20 out.

21 MR. RYDER: I'm all for safety. I understand
22 that, Mr. Capobianco, but I'm also in the business
23 of real numbers. So if we're looking to -- I
24 think the Board had mentioned a number of 500
25 square feet.

1 MR. CAPOBIANCO: That might be a little less
2 but I have to calculate it. It looks to me like
3 it would be closer to about three, 400 square
4 feet.

5 MR. RYDER: What are you over now in total
6 square footage?

7 MR. CAPOBIANCO: 22 percent.

8 MR. GOLDMAN: We have the chart.

9 MR. RYDER: 1,485 square feet?

10 MR. CAPOBIANCO: Right now you have 5,485.

11 CHAIRMAN KEILSON: You're 990 over.

12 MEMBER WILLIAMS: 990.

13 MEMBER GOTTLIEB: 1,485 over existing.

14 MR. CAPOBIANCO: It's 990 over.

15 CHAIRMAN KEILSON: 990 over.

16 MR. GOLDMAN: So if it dropped by 500, is
17 that what you're suggesting it to be? I don't
18 want to say more than we're doing.

19 CHAIRMAN KEILSON: He will be down to 10.1.

20 MR. RYDER: If he removes 400, he's down to
21 13.

22 MR. CAPOBIANCO: Do you count front walks?

23 MR. RYDER: Under four feet, no.

24 MR. CAPOBIANCO: Because I think we did count
25 the front walks. Did you do your own calculation,

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1 because ours, I think, counted the front walk.
2 Did you count the front walk?

3 MR. RYDER: Anything under four feet we don't
4 calculate.

5 MR. GOLDMAN: So if we -- I'd rather err on
6 the side of caution in terms of making it viable.
7 So if we reduce it by the 400 --

8 CHAIRMAN KEILSON: Let's get an accurate
9 number.

10 MR. CAPOBIANCO: Well, the only thing, the
11 only way I can give an accurate number is by
12 calculating this. It looks like about 350 square
13 feet is an accurate number, about 350 square feet
14 that I could take out. That would reduce it.

15 MR. GOLDMAN: Over 350 brings it down from
16 the 22 percent.

17 CHAIRMAN KEILSON: That's not on the
18 rejection letter.

19 MR. RYDER: Yes.

20 MR. GOLDMAN: Was it?

21 MR. RYDER: Yes, this was. It was noted on
22 the zoning calculations, but there was no number
23 of overage and the Building Department did omit
24 it.

25 MR. GOLDMAN: I didn't make reference to the

1 surface coverage.

2 MR. RYDER: But --

3 MR. GOLDMAN: I paralleled the denial letter.

4 MR. RYDER: That was an oversight by us.

5 CHAIRMAN KEILSON: John C.

6 MR. CAPOBIANCO: Well, you know, I could
7 probably reduce it. From what I'm looking at here
8 in terms of scale it would be approximately 350
9 square feet less off the surface coverage, which
10 would be about, what is it, 590 above.

11 MR. GOLDMAN: One second, if I may.

12 MR. CAPOBIANCO: The patio, you could trim
13 the patio down a little.

14 MR. RYDER: You need a five-by-ten area,
15 John.

16 MR. CAPOBIANCO: For what?

17 MR. RYDER: To get to 400 square feet. You
18 need 50 square feet.

19 MEMBER WILLIAMS: The tail of the patio, does
20 that help us?

21 MR. CAPOBIANCO: It would help.

22 MEMBER WILLIAMS: Because you're really not
23 using that for the sukkah.

24 MR. CAPOBIANCO: You can shorten the patio
25 from twenty to eighteen.

1 MR. GOLDMAN: It wouldn't impact -- would
2 that impact on the ability to create a sukkah?

3 MR. CAPOBIANCO: Well, it would, you know, be
4 a smaller sukkah, but certainly you could run it
5 off onto the grass. If you did a sukkah, you
6 could do that too.

7 MEMBER WILLIAMS: You see that tail end, if
8 you cut that off. Mr. Goldman, the patio is there
9 right now the way it is? Is that it, that size
10 that's laid out here? What's laid out here is
11 what's there?

12 MR. CAPOBIANCO: No, this is the new one.

13 MEMBER WILLIAMS: Oh, because it says
14 existing stone patio.

15 MR. GOLDMAN: There is an existing stone
16 patio.

17 MR. CAPOBIANCO: There is one that's
18 existing.

19 MEMBER WILLIAMS: But you're redoing it
20 anyway.

21 MR. CAPOBIANCO: If you see the existing
22 stone patio, which is this big area.

23 CHAIRMAN KEILSON: I really don't want to
24 engage this. Reduce it to 400, figure out where
25 you're going to take it from and submit it to the

1 CHAIRMAN KEILSON: No, height/setback ratio
2 in and of itself by definition when it exceeds
3 what is permissible --

4 MR. GOLDMAN: In an optimum, but to the
5 extent --

6 MEMBER GOTTLIEB: It encroaches in those
7 three items that you mentioned before, light,
8 air --

9 MR. CAPOBIANCO: It's the side yard of the
10 original house and it's really a nonconforming
11 side yard and --

12 MR. GOLDMAN: And a substantial portion of it
13 is there anyway.

14 MR. CAPOBIANCO: If you base it on a 15-foot
15 side yard, then, you know, you would certainly
16 fall within the height/setback ratio.

17 CHAIRMAN KEILSON: Is there anyone in the
18 audience who wants to speak to the matter?

19 (No response.)

20 CHAIRMAN KEILSON: Are there any further
21 questions from the Board?

22 (No response.)

23 CHAIRMAN KEILSON: I guess not.

24 MR. PANTELIS: Any comments?

25 CHAIRMAN KEILSON: It seems not. Now, it's

1 just a question of evaluating it with the normal
2 criteria, weighing the benefits as opposed to the
3 detriment. Okay, I, for one, with the reduction
4 in the surface coverage understand full well the
5 needs, and therefore, I would be supportive.

6 Mr. Gottlieb.

7 MEMBER GOTTLIEB: Was that a vote?

8 CHAIRMAN KEILSON: I didn't vote yet.

9 MEMBER GOTTLIEB: I will vote for this
10 application with the 400-foot reduction you just
11 described.

12 CHAIRMAN KEILSON: Okay, Mrs. Williams.

13 MEMBER WILLIAMS: I vote for.

14 CHAIRMAN KEILSON: Mr. Schreck.

15 MEMBER SCHRECK: I will vote for.

16 CHAIRMAN KEILSON: Mr. Henner.

17 MEMBER HENNER: Yes.

18 CHAIRMAN KEILSON: And I as well. Two years.

19 MR. GOLDMAN: Two years, and then we
20 definitely have to go before the Board of Building
21 Design.

22 MR. PANTELIS: Mr. Capobianco, revised plans
23 showing the reduced coverage.

24 MR. CAPOBIANCO: Yes. And I know we have to
25 go before the Board of Building Design.

1 MR. RYDER: Revised plans; upon receipt it
2 will be scheduled before the BBD.

3 MR. CAPOBIANCO: I'll get those in first.

4 MR. GOLDMAN: Thank you, Mr. Chairman, and
5 members of the Board.

6 MR. CAPOBIANCO: Thank you very much.

7 (Whereupon, the hearing concluded at
8 8:35 p.m.)

9 *****

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 April 10, 2013
7 8:35 p.m.8 APPLICATION: Hulkower
9 1129 Doughty Boulevard
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman14 MR. EDWARD GOTTLIEB
15 Member16 MS. ESTHER WILLIAMS
17 Member18 MR. LESTER HENNER
19 Member20 MR. MARK SCHRECK
21 Member22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney24 MR. GERALDO CASTRO
25 Building DepartmentMR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Hulkower,
2 will they or their representative step up.
3 John C.? John?

4 MR. CAPOBIANCO: Yes.

5 CHAIRMAN KEILSON: Are you Hulkower?

6 MR. CAPOBIANCO: Yes.

7 CHAIRMAN KEILSON: Have you finished greeting
8 with the audience?

9 MR. CAPOBIANCO: On the Hulkower residence,
10 we submitted borings for this property. This
11 property is unique in the sense that the back 25
12 feet of it is within the Queens borough of
13 Far Rockaway.

14 One thing I did want to point out on the
15 petition was the fact that on the second paragraph
16 it mentions something about once the two premises
17 adjoin that you would wind up with a property
18 that's approximately 100 feet by 75. I believe it
19 should be 50, not 75. The property that's in
20 Lawrence is 50 by 100. The additional 25 feet
21 which is to the west which falls in Queens
22 actually completes their entire property. Their
23 entire property would be 50 by 125.

24 When you look at the addition based on the
25 full property, we're in full compliance with the

1 code. The issue comes into play here that the
2 Village of Lawrence doesn't recognize that other
3 25 feet, and as a result of that we fall into
4 creating some variances. And that's really the
5 hardship of this application. It's the fact that
6 part of the property --

7 CHAIRMAN KEILSON: Seven children and three
8 bedrooms.

9 MR. CAPOBIANCO: They have seven children,
10 plus -- not the fact that seven children --

11 MEMBER HENNER: How many are in Queens?

12 MR. CAPOBIANCO: If you keep adding, there
13 will be a couple more in Queens. But anyway, it's
14 -- and I know you're familiar with the
15 application.

16 CHAIRMAN KEILSON: Good, so we'll leave it at
17 that.

18 MEMBER GOTTLIEB: Can I just ask you a
19 question. On the overhead, which property is this
20 on this?

21 MR. CAPOBIANCO: I don't have a copy of that.
22 Can I look at that?

23 MEMBER GOTTLIEB: I thought this was your
24 submission.

25 MR. RYDER: Building Department submission to

1 assist the Board.

2 MR. CAPOBIANCO: It's 1129, it's this one
3 (indicating).

4 CHAIRMAN KEILSON: Okay. Any questions from
5 the Board?

6 MR. CAPOBIANCO: Actually, if you want me to
7 still speak; otherwise --

8 CHAIRMAN KEILSON: Not at all.

9 Is there anyone in the audience who wants to
10 speak to the matter?

11 (No response.)

12 CHAIRMAN KEILSON: The neighbors are in
13 support, no doubt, fine. I mean in viewing it in
14 light of the fact you have that extra piece of
15 property and, as you say, if it were tied together
16 we wouldn't be talking here tonight, so I think
17 the Board will vote. We understand the benefit
18 versus the detriment in the situation, which is
19 nonexistent.

20 Mr. Henner.

21 MEMBER HENNER: I'm in favor.

22 CHAIRMAN KEILSON: Mr. Schreck.

23 MEMBER SCHRECK: I'm in favor also.

24 CHAIRMAN KEILSON: Mrs. Williams.

25 MEMBER WILLIAMS: In favor.

1 CHAIRMAN KEILSON: Mr. Gottlieb.

2 MEMBER GOTTLIEB: Yes.

3 MR. CAPOBIANCO: Thank you very much.

4 CHAIRMAN KEILSON: Two years.

5 (Whereupon, the hearing concluded at

6 8:39 p.m.)

7 *****

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 April 10, 2013
7 8:39 p.m.

8 APPLICATION: Greenfield
9 29 Rockhall Road
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Greenfield - 4/10/13

1 CHAIRMAN KEILSON: Okay, Mr. Greenfield, your
2 address.

3 MR. GREENFIELD: Good evening, everyone. My
4 name is Avi Greenfield. I own the property at
5 29 Rockhall Road. We bought this property on
6 October 12th, 2012. My wife and I were expecting
7 to move, do a few minor renovations and move into
8 the house around now. But as we know, seventeen
9 days later Sandy hit and the house incurred a lot
10 of damage.

11 We started on, you know, just gutting the
12 house and planning to re-sheetrock, and then my
13 contractor told me that there are certain FEMA
14 requirements that if you're doing a certain amount
15 of work you must raise the house to be
16 FEMA-compliant. He explained to me the
17 advantages of being FEMA-compliant and
18 disadvantages of not being FEMA-compliant. And
19 even though this will incur a sizeable amount of
20 money, we have made the decision to go forward
21 with the project.

22 We thought we would be in our home soon, but
23 it's probably going to be around January time.

24 CHAIRMAN KEILSON: Assuming we approve.

25 MR. GREENFIELD: Assuming you approve.

Greenfield - 4/10/13

1 As it was stated in the papers before you,
2 we're seeking four variances. We're seeking the
3 roof height, the front-yard setback, the side-yard
4 aggregate, and the two-car garage. I would like
5 to point out that our property is a unique
6 situation. We do not have any neighbors to the
7 right of us, behind us is the harbor and in front
8 of us is also. We only have neighbors to the left
9 of us. And that block itself, Rockhall Road, only
10 has eight houses on that block.

11 In regards to the roof height, the permitted
12 height is 30, and we're proposing to move it to 34
13 to comply with the FEMA regulation because of
14 Sandy. In regarding the front-yard setback, the
15 permitted is 30 feet and we're proposing 25 feet
16 because we need steps and a porch down that
17 weren't there originally in order to come out to
18 walk up to the house.

19 And regarding the side-yard aggregate,
20 there's only a very small area that encroaches on
21 the problem. On the left side of the house next
22 to the neighbor there is no issue. This is only
23 on the right side of the house that is encroaching
24 on the wetlands. So that's the area that we're
25 looking to add a little bit.

1 And the two-car garage is -- we're just using
2 the plans of the way the house is right now.
3 We're not doing any changes at all. Everything is
4 20 by 20, and it is now 18 by 20, and we're just
5 going to keep it as what it is.

6 So again, thank you very much, and we hope
7 to --

8 CHAIRMAN KEILSON: Questions from the Board?

9 MEMBER GOTTLIEB: Don't disappear on us yet.

10 MR. PANTELIS: If I may at least compliment
11 you on your presentation. At least you explained
12 the variances, which we very often don't know what
13 people are asking for.

14 CHAIRMAN KEILSON: Even from the
15 professionals.

16 MEMBER WILLIAMS: Yes, that was excellent.
17 You don't do this professionally?

18 MR. GREENFIELD: No, I'm a rabbi.

19 MEMBER GOTTLIEB: So you're used to speaking
20 from the pulpit. The FEMA regulations, you're
21 raising the house how much higher? Right now it's
22 at a certain level. How high do they require you
23 to raise it above where it is now?

24 MR. GREENFIELD: I think it's around three
25 feet.

1 MR. RIVERO: Alex Rivero, R-I-V-E-R-O,
2 119 Spruce Street, Cedarhurst, New York, Paramount
3 Construction. Basically, I spoke to my client and
4 they were gung-ho, ready to go. But you know, to
5 me, it just doesn't make sense to put all this
6 expense into a project that is a potential
7 problem. Which is, if you have another hurricane,
8 and unfortunately, from what I understand the
9 weather patterns -- the consensus is that the
10 weather patterns have changed, and nobody has a
11 crystal ball, we don't know what's going to
12 happen, so we're just doing our best to try to
13 make the house as safe and compliant to FEMA as we
14 can. And it's a huge expense on their part. But
15 I think in the long run it's a long term they're
16 living -- their buying this house for themselves,
17 they bought it for themselves. It's something
18 that you have to do.

19 MR. PANTELIS: How many feet?

20 MR. RIVERO: Four feet.

21 MEMBER GOTTLIEB: So my next question is are
22 you tearing down the old structure? Are you using
23 the old structure?

24 MR. RIVERO: We're going to take down all the
25 framing down to the existing foundation. We're

1 going to raise the foundation to FEMA compliance.

2 MEMBER GOTTLIEB: Pour foundation over you
3 mean?

4 MR. RIVERO: We're going to do concrete
5 block. There's an extension in the back that
6 we're going to have poured concrete on the
7 extension, but the rest of the foundation is going
8 to be concrete block raised up to the proper
9 height.

10 MR. RYDER: What's the existing foundation,
11 pile?

12 MR. RIVERO: It's a slab on piles. So we had
13 an engineer to come out and make sure the
14 foundation can handle it.

15 MEMBER GOTTLIEB: So this is my question,
16 Mr. Rivero. You need to raise it up four feet,
17 which to me adds to 32 feet. The proposal has 28
18 was existing, according to your submission.

19 MR. RIVERO: Well, basically, what we want to
20 do is we have to raise the foundation four feet.
21 So that's FEMA compliance. Then we have the
22 frame. It was slab. So now we have to add a wood
23 framing floor system which adds another sixteen
24 inches. So it's approximately three to four feet.
25 You know, obviously, we don't want to be at the

1 margin where it's just above FEMA. We'd like to
2 have a little bit of a cushion there.

3 MEMBER GOTTLIEB: You could have said you're
4 going to raise it five feet. I really left it up
5 to you.

6 MR. RIVERO: Four feet is what they need and
7 what we feel comfortable with.

8 MEMBER GOTTLIEB: I'm trying to justify 34
9 feet versus potentially 32 feet. 30 feet is why
10 you're here.

11 MR. RIVERO: Well, permitted is 30 feet and,
12 basically, we're taking the existing house that we
13 had and we're just raising the existing house four
14 feet.

15 MEMBER GOTTLIEB: Which should add up to?

16 MR. GREENFIELD: I think that we were
17 originally going to go from the 28 feet to the 30
18 feet which is permitted, and then raise it from
19 the 30 feet to the 34 feet.

20 MEMBER GOTTLIEB: So you're raising it six
21 feet from my measurements.

22 MR. GREENFIELD: Yes.

23 MEMBER GOTTLIEB: Raising it six, but you
24 need four.

25 MR. GREENFIELD: Need four, yes.

1 MEMBER GOTTLIEB: So there's an extra two
2 feet, it does not sound like much, but it's an
3 extra -- you're going to be eight feet above the
4 house closest to you.

5 MR. RIVERO: We're going to be -- I mean, if
6 we took the house the way you have it and we just
7 raised it up to FEMA compliance, the way we
8 submitted the application we were going to be at
9 30 feet, yes, now we're going to be at 34 feet.

10 MEMBER WILLIAMS: No, you would have been at
11 32 feet. If you take the 28 --

12 MR. RIVERO: No, we were ripping the roof off
13 the existing house.

14 MEMBER WILLIAMS: The house is at 28 feet.
15 If you lift it four feet, you come out to 32 feet.

16 MR. RIVERO: Yeah, but we were going to make
17 it 32 feet. That was the original plan.

18 MEMBER WILLIAMS: The original plan before
19 you started the project.

20 MR. RYDER: Yeah, as of right.

21 MR. RIVERO: As of right, we were going to
22 make it 30 feet. If it wasn't for Sandy, we
23 wouldn't even be here. We would have just been
24 building the house to 30 feet. But because of
25 Sandy, we're just asking you to give us that

1 relief to raise the house. The plan they already
2 designed to 34 feet.

3 MR. RYDER: Just the code relief there's a
4 little discrepancy because it says -- you're
5 answering that you're raising it four feet, and
6 you look at the code relief and it says existing
7 is 28, which calculates to 32, and there's a
8 two-foot play there.

9 MEMBER WILLIAMS: Confusing.

10 MR. RIVERO: I understand. But then the roof
11 was going to be taken off and made to 30 feet.

12 MEMBER SCHRECK: This may sound like a dumb
13 question, but do you have to be FEMA-compliant?
14 Is this the only way to do it?

15 MR. RIVERO: The only way to do it.

16 MR. PANTELIS: You don't get insurance as I
17 understand it.

18 MR. GREENFIELD: I spoke to my insurance
19 broker, and he said if you're not FEMA-compliant,
20 the chance of you getting insurance and you're
21 going to be paying crazy amounts of insurance.
22 Also, for our own peace of mind. If we're here in
23 a big storm, we don't want to have to bring
24 everything up from the first floor to the second
25 floor.

1 MR. PANTELIS: As I understand it, you will
2 not be eligible for federal flood insurance, and
3 then it would be prohibitive to get any other kind
4 of insurance.

5 MEMBER SCHRECK: What is the additional cost
6 that you believe you're going to incur because of
7 this?

8 MR. RIVERO: It's probably an additional two
9 to 300,000.

10 MR. RYDER: Are you aware that there are
11 funds available for mitigation because you're
12 becoming FEMA-compliant, that there's grant money
13 available to you because you're doing this?

14 MR. RIVERO: I was not really aware of that.

15 MR. GREENFIELD: I was not aware.

16 MEMBER GOTTLIEB: Have you been able to
17 collect from the flood insurance? Which has
18 nothing to do with the application.

19 MR. GREENFIELD: We didn't have flood
20 insurance. As I said, we bought the house
21 seventeen days before.

22 MEMBER GOTTLIEB: Your mortgage, I assume you
23 had a mortgage, would have required that.

24 MR. GREENFIELD: We actually didn't have a
25 bank mortgage. We had -- it was a private

1 mortgage because the sellers wanted cash. They
2 didn't want --

3 MEMBER GOTTLIEB: That's a hardship.

4 MEMBER HENNER: You have no insurance for
5 this?

6 MR. GREENFIELD: What?

7 MEMBER HENNER: You have no insurance for
8 this?

9 MR. GREENFIELD: We had builder's insurance.

10 MR. RIVERO: They got a builder's risk policy
11 as we were going to start construction.

12 MEMBER HENNER: Now I'm hearing hardship.

13 CHAIRMAN KEILSON: Anyone in the audience who
14 wants to speak to the matter? Any further
15 questions from the Board?

16 (No response.)

17 CHAIRMAN KEILSON: Okay. We have special
18 circumstances here with FEMA and Sandy and the
19 poor guy who bought the house two weeks before
20 Sandy. All right, so Mr. Gottlieb.

21 MEMBER GOTTLIEB: I wish you all the best
22 with your application. I vote for.

23 CHAIRMAN KEILSON: Okay, Mrs. Williams.

24 MEMBER WILLIAMS: For.

25 CHAIRMAN KEILSON: Mr. Schreck.

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1 MEMBER SCHRECK: For.

2 CHAIRMAN KEILSON: Mr. Henner.

3 MEMBER HENNER: For.

4 CHAIRMAN KEILSON: For. Two years.

5 MR. GREENFIELD: Thank you very much.

6 MR. RIVERO: Thank you very much.

7 (Whereupon, the hearing concluded at

8 8:50 p.m.)

9 *****

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 April 10, 2013
7 8:50 p.m.

8 APPLICATION: Jacobowitz
9 36 Merrall Drive
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: This brings us to the
2 matter of Jacobowitz. Mr. Wax.

3 MR. WAX: Last and I hope not least,
4 Norman Wax. I'm the architect for the Jacobowitz
5 family, and this is Mr. Jacobowitz here with me.

6 This is really a very modest proposal. The
7 Jacobowitzes are a young family moving into the
8 area. They're actually not new, they're rejoining
9 their family which is extensive. They have
10 brothers and sisters and cousins and aunts all
11 over the Village of Lawrence. So it's sort of
12 like a homecoming, but they bought this house on
13 Merrall and they love the house. It's a lovely
14 house, lovely street, and they want to change as
15 little as possible, and they want to do the most
16 modest alteration they can to take care of their
17 family.

18 Unfortunately, the house at present has a --
19 is ostensibly a one-story house with sort of an
20 expansion attic. The master bedroom as it
21 presently exists is on the first floor. Well,
22 they have young children and, obviously, they
23 can't stay in a house with them downstairs and the
24 children upstairs. So they want to put a bedroom
25 on the second floor. They actually wanted to put

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1 two bedrooms, which will give them a four-bedroom
2 house. Again, I use the word modest because it's
3 only a four-bedroom house. There are no expansion
4 attics. There are no mirrors. There is nothing
5 else. There is just adding a master bedroom over
6 an existing one-story garage.

7 We fall afoul of the zoning -- Oh, before I
8 get there, if you look at the front elevation,
9 what we are trying to do is maintain the house
10 exactly as it is. It fits into the neighborhood
11 beautifully. They didn't want to change anything,
12 and you'll notice that the only change is that the
13 ridge of the roof extends over the garage where it
14 did not extend before because the garage was one
15 story. So they're trying to put a modest master
16 bedroom and bath over the garage. When I say
17 modest, it's a 14-by-20, roughly, bedroom, nothing
18 extraordinary.

19 It shows that we fall afoul of zoning
20 ordinances mostly because of pre-existing
21 conditions. The original house was built with a
22 seven-and-a-half-foot side yard, and the house is
23 already over the -- over the maximum area. So all
24 we added was a small overhang of 30 square feet.

25 CHAIRMAN KEILSON: 30 feet, right.

1 MR. WAX: Right, which, you know, is sort of
2 de minimis.

3 CHAIRMAN KEILSON: Yes.

4 MR. WAX: And that's -- that's the story.
5 Actually, what you see there, the crux of the
6 whole matter is the sky exposure plane on the side
7 of the house which we penetrate. You're seeing it
8 in its worst area which is where the gabled end to
9 match the other end of the roof is in the facade
10 of the house.

11 If you look at the rear facade, you will see
12 that the roof slopes down and the full height of
13 this extension is only 19 feet. Again, I keep
14 reusing the word modest. That's what it is.

15 MEMBER GOTTLIEB: Excuse me. You said the
16 height or the depth?

17 MR. WAX: The height of the roof of most of
18 the roof on the side of the house is only 19 feet.
19 It's -- it's actually, I believe, 22 feet at that
20 one point at the gable end.

21 MEMBER GOTTLIEB: So just not to interrupt
22 you, but I guess I'm looking at page five at the
23 left side elevation. So which I couldn't tell
24 before, when you're looking at the house from the
25 front and the garage is on the left --

1 MR. WAX: Yes.

2 MEMBER GOTTLIEB: -- can you see any of this
3 addition from the front of the house?

4 MR. WAX: No.

5 MEMBER GOTTLIEB: So the roof in the front on
6 the left you're not touching that roof?

7 MR. WAX: Well, if you see -- if you are
8 looking at page one, the front elevation, you'll
9 see that I show the darkened roof area, the
10 shingles on the roof that would be added because
11 the roof would have to continue across which would
12 cover up that bedroom.

13 MEMBER GOTTLIEB: Okay. So you're continuing
14 the roof. You're just continuing the same roof
15 line.

16 MR. WAX: Squaring it off.

17 MEMBER GOTTLIEB: What's the height of the
18 ridge there? That's 22 feet?

19 MR. WAX: Yes.

20 MEMBER GOTTLIEB: So the ridge is 22 feet?

21 MR. WAX: The ridge is 22 feet. But again,
22 if you look -- if you look at the side elevation,
23 you will see it's 22 feet at just that one point
24 where the front ridge is.

25 MEMBER GOTTLIEB: Right.

1 MR. WAX: The eave is 19 feet.

2 CHAIRMAN KEILSON: Which drawing are you
3 referring to?

4 MEMBER GOTTLIEB: Page five of the last page
5 on the bottom.

6 MR. WAX: Okay. The bottom drawing is the
7 side elevation. You see that little tiny gable
8 end which is the ridge which matches the other
9 side sticking up, but you see the gutter and the
10 fascia of the roof on the side is three feet lower
11 than that. It's at 19 feet. I tried to keep it,
12 you know, as tight and simple as possible.

13 MR. JACOBOWITZ: I think the theme of the
14 evening is the benefits over the detriments. So
15 basically, is what we're saying is that the
16 original house had two pretty modest bedrooms, and
17 we're young, you know, I hope, God willing, to
18 grow a family.

19 MEMBER GOTTLIEB: My answer to that, Mr. Wax,
20 is why does your client buy a house that is not
21 suitable to his needs? There are choices, but
22 this is one that, you know, you're asking us to
23 accommodate someone who clearly bought a house
24 that doesn't meet the needs. You don't need to
25 answer. That's a rhetorical question.

1 MR. WAX: Thank you for that.

2 MEMBER GOTTLIEB: It's just something that we
3 see often.

4 MR. WAX: Yeah, but most people assume that
5 they can do something with the house that they
6 buy, and that's what this Board is here for, to
7 help them along with that.

8 There are alternatives; as a for instance, he
9 could knock -- we don't -- it would cost more than
10 quadruple the amount and it would change the
11 character of the block, but he could take off the
12 second floor and put a big, fat two-story house
13 there.

14 MEMBER GOTTLIEB: But an architect like you
15 would never agree to such a job.

16 MR. WAX: Well, I thought the house was nice
17 and I thought it was nice of him to try to keep
18 it.

19 CHAIRMAN KEILSON: Anyone have any questions?
20 (No response.)

21 CHAIRMAN KEILSON: Okay, I guess there's no
22 one in the audience who wants to speak on the
23 project.

24 So having heard the presentation, we
25 understand there are mitigating circumstances in

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1 terms of the extent of the construction that's
2 going to be going on, it's very modest
3 construction and we can understand that it will
4 not be impacting negatively in terms of the
5 situation. In fact, the benefit certainly
6 outweighs any detriment.

7 So Mr. Henner.

8 MEMBER HENNER: I'm in favor of it.

9 CHAIRMAN KEILSON: Mr. Schreck.

10 MEMBER SCHRECK: I'm in favor.

11 CHAIRMAN KEILSON: Mrs. Williams.

12 MEMBER WILLIAMS: For.

13 MEMBER GOTTLIEB: For.

14 CHAIRMAN KEILSON: And that's our birthday
15 boy who says for. And I say for. Two years. We
16 wish you luck.

17 MR. JACOBOWITZ: Thank you.

18 MR. WAX: Thank you.

19 MR. RYDER: You don't need BBD on this. It's
20 only the roof line, okay.

21 (Whereupon, the hearing concluded at
22 9:01 p.m.)

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

4
5 Mary Benci

6 MARY BENCI, RPR
7 Court Reporter
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