

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 April 30, 2014
7 7:35 p.m.

8 APPLICATION: Popack
9 350 Longwood Crossing
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 MR. MARK SCHRECK
17 Member

18 MR. LESTER HENNER
19 Member

20 MS. ESTHER WILLIAMS
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

MR. STEPHEN HARAMIS
Building Inspector

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, and
4 if there's any conversation please take it
5 outside. Thank you very much.

6 Proof of posting, Mr. Ryder.

7 MR. RYDER: Yes, I offer proof of posting,
8 Mr. Chairman, but it's in the folder, but we do
9 have it.

10 CHAIRMAN KEILSON: We'll take your word for
11 it.

12 In that regard, we want to welcome aboard
13 Mr. Stephen Haramis. We wish you great success in
14 your position, and it certainly will be a relief
15 for Mr. Ryder.

16 MR. RYDER: Welcome aboard.

17 CHAIRMAN KEILSON: Welcome aboard.

18 MR. HARAMIS: Thank you.

19 CHAIRMAN KEILSON: Do you want to offer a
20 preamble, Mr. Pantelis?

21 MR. PANTELIS: Just very briefly. You know,
22 you have applications that are before the Board
23 for certain variances of the code. We would ask
24 either as an attorney or as the professional
25 architect involved that you try to correlate those

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1 variances with the exact construction or request
2 that you have before the Board; it makes it
3 clearer for all of us. We all know there are
4 certain needs involved, and the Board may ask you
5 about them, but what's really important also are
6 the percentages and the numbers and things like
7 that. It helps move things along. Thank you.

8 CHAIRMAN KEILSON: Thank you all for coming
9 out in this adverse weather.

10 The first matter before us will be Popack, an
11 extension. Will they or their representative.

12 MS. SCELFO: Yes. Good evening,
13 Mr. Chairman and members of the Board,
14 Rachel Scelfo, Farrell Fritz, P.C., 1320 RXR
15 Plaza, Uniondale, New York, for the applicants who
16 are here with me tonight, Joseph and Paris Popack.
17 Also present is their architect, John Novello.
18 Thank you.

19 As you stated, I'm appearing tonight in
20 connection with their request for an extension of
21 time for the variance approval that was originally
22 granted by this Board on May 30th, 2012. I have
23 some copies to refresh the Board's recollection if
24 you need them.

25 CHAIRMAN KEILSON: Unnecessary. We are

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1 already refreshed.

2 MS. SCELFO: Great. The variance approval
3 was revisited in October of 2013, when the Board
4 approved the slightly revised plan. Importantly,
5 that revised plan did not affect the variances at
6 all. Further, and importantly, there are no
7 additional changes to the plan at this time. So
8 we're here for an extension, but the plan is
9 identical to the plan that was reviewed by the
10 Building Department and this Board in September
11 and October of 2013. So we're not here with
12 respect to any changes.

13 CHAIRMAN KEILSON: Does the Building
14 Department have final plans? Mr. Novello.

15 MR. NOVELLO: John Novello, 158 Irving Place,
16 Woodmere, New York.

17 The plans, the attorney is going to speak on
18 it, but we submitted preliminary plans and we're
19 working on the construction plans as we speak.
20 And we're in the process of hiring mechanical
21 engineers, structural engineers, some consultants
22 at the moment, but I think the attorney will
23 elaborate on that.

24 CHAIRMAN KEILSON: When do you expect final
25 plans?

1 MS. SCELFO: Well, it's going to be a little
2 bit of time. I think -- we're in the process of
3 final contracts with our engineering firm, which
4 we need to work with them first because of the
5 issues that the Popacks experienced at their
6 existing home and issues that they want to not
7 experience again at the proposed home relating to
8 Superstorm Sandy. So before October that's when
9 the plan had been revised to kind of factor in
10 some of these things, but you've already reviewed
11 and approved that plan.

12 MR. PANTELIS: Let's just make the record
13 clear on that. I think the Board didn't hold a
14 hearing on new plans. New plans were submitted
15 with the indication that these plans were within
16 the parameters of the variances which were granted
17 within the setbacks and were not increasing the
18 requests for a variance. So the Board to really
19 no degree has reviewed plans per se. So the Board
20 -- whether or not the Board has questions on that,
21 but we want to make sure the record is clear on
22 that.

23 MS. SCELFO: Well, we did receive a response
24 on October 15th of 2013 which says: We are
25 pleased to inform you that the Board of Zoning

1 Appeals reviewed and approved the submitted and
2 amended design change plot plan for your project.

3 MR. PANTELIS: That was Mr. Ryder's letter,
4 right?

5 MR. RYDER: Just to be clear, just the plot
6 plan, not elevations and --

7 MS. SCELFO: Okay.

8 MR. PANTELIS: That's all we're really
9 talking about. The indication was that your
10 footprint was still going to be within the context
11 of the --

12 MS. SCELFO: And everything that you're
13 stating is correct. There is no increase in the
14 magnitude of the variances. In fact, it's
15 decreased slightly on the variance side where
16 there's a side-yard setback, which I believe is
17 the north side. That's actually being pulled in a
18 little bit, and the overall square footage for
19 coverage terms has gone down slightly.

20 CHAIRMAN KEILSON: Also reduced.

21 MR. PANTELIS: I think the Board's concern
22 though is that the project start to move forward,
23 and one of the things that the Chairman is
24 pointing out is that final plans are really going
25 to be necessary. And, of course, those plans we

1 would expect will comply with the earlier
2 approvals and these approvals, actually.

3 CHAIRMAN KEILSON: What's your anticipation
4 as to how long an extension you require?

5 MS. SCELFO: Well, we are looking for an
6 extension, as we stated in our letter, for two
7 years. However, we plan to commence construction,
8 we were looking at the fall. So we're in the
9 process of final contracts with the geotechnical
10 engineer and the architects, and then we would be
11 in the phase of having those final plans drawn up.
12 So that's why we are looking more towards the fall
13 for construction, so that's the current time
14 frame.

15 MEMBER WILLIAMS: Two years from now or from
16 the fall? I'm not following.

17 MS. SCELFO: Two years from now.

18 CHAIRMAN KEILSON: Mr. Schreck.

19 MEMBER SCHRECK: I'm going to vote in favor.

20 CHAIRMAN KEILSON: Mr. Gottlieb.

21 MEMBER GOTTLIEB: For the two-year extension.

22 CHAIRMAN KEILSON: Mrs. Williams.

23 MEMBER WILLIAMS: For.

24 CHAIRMAN KEILSON: Mr. Henner.

25 MEMBER HENNER: For.

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1 CHAIRMAN KEILSON: I vote for as well. Good
2 luck with the project.

3 (Whereupon, the hearing concluded at
4 7:42 p.m.)

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

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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 30, 2014
7 7:42 p.m.

8 APPLICATION: Gans
9 186 Lakeside Drive South
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 MR. MARK SCHRECK
17 Member

18 MR. LESTER HENNER
19 Member

20 MS. ESTHER WILLIAMS
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

MR. STEPHEN HARAMIS
Building Inspector

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Gans,
2 186 Lakeside Drive South. Introduce yourself for
3 the stenographer.

4 MR. GANS: Murray Gans, 186 Lakeside Drive
5 South, Lawrence, and we are here to seek a
6 variance to extend the side of our house. It's a
7 very de minimis request. The issue is that there
8 must be 15 feet to the neighbor, and the original
9 -- the house was originally built nine and a half
10 feet to the neighbor.

11 And what we're seeking to do is -- the gable
12 right now is very -- is very sharp. We would like
13 to raise it to allow for living space upstairs so
14 we should be able to move upstairs.

15 When we originally bought the house it was my
16 wife and myself. We now have two children, and
17 they're in the same room downstairs. And we would
18 like to have them separated. It's time.

19 CHAIRMAN KEILSON: Will they speak to that
20 issue?

21 MR. GANS: We could ask them.

22 CHAIRMAN KEILSON: Okay.

23 MR. GANS: You heard it.

24 CHAIRMAN KEILSON: So there are three
25 variances being requested?

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1 MR. GANS: Right.

2 CHAIRMAN KEILSON: Correct? Two of them, and
3 the proposed the same as the existing; is that
4 correct?

5 MR. GANS: The same footprint, same -- the
6 side of the house will go straight up.

7 CHAIRMAN KEILSON: The side yard
8 height/setback ratio is changing somewhat.

9 Are there any questions from the Board?

10 MEMBER GOTTLIEB: Just on the side yard --
11 side yard height/setback ratio of 4.1, I realize
12 you're not an architect --

13 CHAIRMAN KEILSON: I think the drawing may
14 have it, should have it.

15 MR. GANS: I have letters. I do have four
16 letters from neighbors consenting to this. I have
17 a neighbor who was intending to come out in this
18 terrible weather to support this.

19 MR. PANTELIS: We'll just mark the letters as
20 an Applicant's Exhibit. I'll pass them up to the
21 Board.

22 MEMBER GOTTLIEB: This is the adjoining
23 neighbors?

24 MR. GANS: Yes. Two are adjoining neighbors
25 and two are -- one is to the left, one is to the

1 right. One is two houses to the right and one is
2 directly across the street.

3 MEMBER GOTTLIEB: Thank you.

4 CHAIRMAN KEILSON: Is there anyone in the
5 audience who wants to speak to the matter?

6 MS. ALPERT: I'm a neighbor. I came in
7 support.

8 MR. PANTELIS: You have to -- if you're going
9 to speak, you have to give your name.

10 MS. ALPERT: Rachel Alpert, 36 Wedgewood
11 Lane. My husband is Steven Alpert. And I'm so
12 sorry, I apologize.

13 CHAIRMAN KEILSON: The truth is over the
14 years we have people who come down and object that
15 live on different streets altogether.

16 MR. ZIMMER: Aaron Zimmer, 190 Lakeside Drive
17 South. So I live directly to his left, and no
18 objections. It's a wonderful idea. We hope you
19 approve it.

20 CHAIRMAN KEILSON: Okay, thank you very much.

21 In order to evaluate, we always use the
22 standard criteria, weighing the benefit to the
23 applicant as against any detriment to the neighbor
24 and how it impacts on the neighborhood. Taking
25 the five statutory criteria into consideration,

1 we'll vote at this time.

2 We'll start with Mr. Henner.

3 MEMBER HENNER: I'm in favor.

4 CHAIRMAN KEILSON: Mrs. Williams.

5 MEMBER WILLIAMS: For.

6 CHAIRMAN KEILSON: Mr. Gottlieb.

7 MEMBER GOTTLIEB: A small request, I'm for.

8 CHAIRMAN KEILSON: Mr. Schreck.

9 MEMBER SCHRECK: For.

10 CHAIRMAN KEILSON: They're de minimis, we'll
11 certainly approve it. Is two years adequate time?

12 MR. GANS: We certainly hope so.

13 CHAIRMAN KEILSON: Okay, absolutely.

14 MR. RYDER: Board of Building Design approval
15 will be necessary for this application. Board of
16 Building Design. It's an architectural review
17 board.

18 CHAIRMAN KEILSON: Not nearly as nice as we
19 are.

20 MR. RYDER: It's for aesthetics only.

21 MR. PANTELIS: Who is your architect?

22 MR. GANS: Joe Lieberman.

23 MR. PANTELIS: He will have to contact the
24 Village and Mr. Ryder and just get all the
25 information required for the submission. It's a

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1 fairly standard process for architectural review.

2 (Whereupon, the hearing concluded at

3 7:48 p.m.)

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

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9 Mary Benci

10 MARY BENCI, RPR
11 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 30, 2014
7 7:48 p.m.

8 APPLICATION: Jacobowitz
9 2 Wedgewood 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 MR. MARK SCHRECK
16 Member

17 MR. LESTER HENNER
18 Member

19 MS. ESTHER WILLIAMS
20 Member

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

23 MR. MICHAEL RYDER
24 Building Department

25 MR. STEPHEN HARAMIS
Building Inspector

Mary Benci, RPR
Court Reporter

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1 CHAIRMAN KEILSON: The next matter is
2 Jacobowitz.

3 MR. HOPKINS: Mr. Chairman, good evening. My
4 name is Michael Hopkins, from the firm of Hopkins
5 & Kopilow. I'm here on behalf of the application
6 of Harry and Barbara Jacobowitz. Their property
7 is known as 2 Wedgewood Lane in Lawrence, Section
8 40, Block 179, Lot 3. It's in the C1 zone.

9 This is a house that, according to the
10 records of the Village Building Department, was
11 probably built back around 1939, a pre World War
12 II house. The only apparent substantial
13 alteration to the house came about in about 1948,
14 when there was some alteration, I think a
15 second-story addition was put on the front,
16 perhaps one story in the rear.

17 The house stands on a parcel as you've seen.
18 The house, I'm sure everybody is familiar, it's
19 literally a block from here. It's a brick masonry
20 dwelling. The parcel itself is 7,437 square feet.
21 This is in a C1 zone. There are several variances
22 which are being requested in this particular
23 application.

24 CHAIRMAN KEILSON: Did you say seven or
25 several?

1 MR. HOPKINS: Several.

2 CHAIRMAN KEILSON: It is seven though, isn't
3 it?

4 MR. HOPKINS: Well, we want to maintain
5 certain things, but as you know, because we've
6 requested a variance everything comes up for
7 review, even pre-existing issues.

8 CHAIRMAN KEILSON: So seven may be your lucky
9 number.

10 MR. HOPKINS: If I could roll that often
11 enough I'd be a very happy man.

12 The first application is for the variance
13 with regard to the issue of the maximum building
14 area coverage, which is permitted as 2,168 square
15 feet for a lot of this size; requested is 2,381
16 feet of building coverage, which is an overage as
17 you know of 214 feet. That's approximately 9.87
18 or 99 percent overage. Overage being defined as
19 that which is permitted by code.

20 There are also variances with regard to the
21 issue of front-yard setbacks. The front-yard
22 setback should be 25 feet. The side yard
23 aggregate is supposed to be 25 feet in this
24 particular zone. And each side yard is to be no
25 less than 10 feet in a C1 zone. I'd like to

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1 address those three setback issues in turn.

2 The first concerns the front-yard setback,
3 and if you're familiar with that particular road
4 you know it's somewhat serpentine at or about the
5 location of the subject parcel. The requested
6 front-yard setback is going to be maintained;
7 however, there is a 33 square foot covered porch
8 which is contemplated. At that particular point
9 the setback is 20.5 feet. As I say, that is a --
10 please forgive me.

11 CHAIRMAN KEILSON: Three foot, three foot
12 forward.

13 MR. HOPKINS: That is correct. So the
14 request of the front-yard setback would be 20.5
15 feet, and that's approximately 4.5 feet under
16 existing code. The requested side yard aggregate
17 is still 17, and we're requesting to maintain
18 that. The existing side yard on the south side is
19 6.2 feet, and we request to maintain that as well.
20 Then we get involved with issues, as a practical
21 proposition, with regard to the height/setback
22 ratios, and I know that the Board has expressed
23 some concern about the apparent bulk of this
24 particular project.

25 CHAIRMAN KEILSON: Let's just go back to the

1 side yards for a moment. Again, let's talk about
2 the existing nonconforming being observed on the
3 side yards.

4 MR. HOPKINS: The existing nonconforming is
5 going to be observed, let's see, just give me a
6 fraction of a second. Let's see, 6.2 feet on
7 the --

8 CHAIRMAN KEILSON: North side.

9 MR. HOPKINS: -- on the north side, that's
10 correct. The other is otherwise 10 feet, so it's
11 in code compliance. So the north side would be
12 the side as you're looking at the house from the
13 street, all right.

14 We also have just for your information,
15 Mr. Chairman, we have written approvals of five
16 neighbors, I believe, including the neighbor on
17 the north side.

18 CHAIRMAN KEILSON: Why don't we hold that.
19 Let's just focus on the variances requested and
20 let's eliminate as best we can.

21 MR. HOPKINS: Thank you, sir.

22 The height -- forgive me. The front-yard
23 height/setback ratio is going to be addressed by
24 Mr. Macleod, because I know that the concept and
25 the issue of the bulk has come up and he has done

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1 certain drawings. I'm going to have them marked
2 and introduced into evidence which I think will
3 assist you on that particular matter as well.

4 As I mentioned to you, one additional request
5 is the height. Now, on this lot the existing home
6 has a height right now of 29 feet.

7 CHAIRMAN KEILSON: 29.

8 MR. HOPKINS: That is correct. The existing
9 front-yard setback I said is 23.5, whereas 25 is
10 otherwise required by code. As I mentioned to you
11 a moment ago, the existing right yard to the north
12 setback is 6.2, whereas 10 feet is required, and
13 that we request to maintain and it has an existing
14 17 foot aggregate setback, whereas 25 is required.
15 There is 10 feet on the other side in terms of the
16 side-yard setback.

17 There is something that is terribly important
18 to bring to the attention of this Board. That the
19 maximum permitted surface coverage on this
20 particular parcel is 3,422 square feet; existing
21 is 2,340 square feet. That's of surface coverage.
22 Even if we add in all the proposed improvements,
23 it will come up to 3,417 square feet, which is
24 within, I repeat, within the permitted surface
25 coverage which is 3,422 square feet.

1 MEMBER GOTTLIEB: I assume that's why it's
2 not a variance request for surface coverage.

3 CHAIRMAN KEILSON: It's not one of the seven.

4 MR. HOPKINS: That is correct. But sometimes
5 it's important for the Board to know that since
6 that does become an issue oftentimes, as we know,
7 that even with that which is being contemplated
8 the surface coverage is still going to be code
9 compliant as a practical proposition.

10 As I mentioned, the right side 6.2 feet
11 setback, we ask that that be maintained. The
12 aggregate 17 feet we ask that that be maintained.
13 We ask for the 9.87 over maximum building coverage
14 and we think that is reasonable. At least we hope
15 you agree with us with regard to this particular
16 parcel.

17 One final note I'd like to address is the
18 roof. The existing height is 29 feet. 30 feet is
19 permitted for a sloping roof. But what is
20 contemplated here is a combination, or composite
21 roof, at which point in time the maximum allowable
22 height is 27 feet. And forgive me, not -- please
23 forgive me, the maximum allowable height is 27
24 feet, so even the existing roof is theoretically
25 two feet in excess of that which would be

1 permitted for what we are asking for.

2 CHAIRMAN KEILSON: Historically, the Board
3 has been very flexible in terms of the mixed roof/
4 combination roof.

5 MR. HOPKINS: What I'd like to do,
6 Mr. Chairman, with your permission, I'd like to
7 just to ask to submit several things into
8 evidence, and let me just tell you what they are
9 as a practical proposition. The first thing are a
10 series of letters from the neighbors, and I'd like
11 to read into the record what they are and who they
12 are. The first is from -- I have to ask you, is
13 that Mr. -- Mr. -- Dr. and Mrs. Ruzohorsky are 20
14 Wedgewood. They're the parcel as you face the
15 house to the right where the --

16 CHAIRMAN KEILSON: You need not read them
17 into the record. Just submit. Both neighbors are
18 supportive.

19 MR. PANTELIS: Just indicate who they're from
20 maybe.

21 CHAIRMAN KEILSON: Fine, no problem.

22 MR. HOPKINS: Why don't I do it this way.
23 I'll give you the address, since I sometimes have
24 trouble addressing the name. 20 Wedgewood, which
25 is the immediate abutting property.

1 CHAIRMAN KEILSON: To the right or to the
2 left?

3 MR. HOPKINS: As one faces the house to the
4 right, or to the left side.

5 CHAIRMAN KEILSON: Ruzohorsky. Next.

6 MR. HOPKINS: The next is 8 Regent, which I
7 think is the property to the rear. The next is
8 5 Wedgewood Lane. The next is 35 Wedgewood Lane,
9 and finally, 36 Wedgewood Lane. Those are parcels
10 across the street, if my memory serves me
11 correctly. I'd like to offer them collectively as
12 Applicant's Exhibit 1.

13 MR. PANTELIS: We'll mark them as an
14 Applicant's Exhibit and pass them up to the Board.

15 MR. HOPKINS: The next thing I'd like to do
16 is offer several items, because these go to the
17 issue of the bulk and the appearance, as a
18 practical proposition. These are things that were
19 done by Mr. Macleod today. I'm going to offer
20 these separately though, if you would be kind
21 enough.

22 Applicant's Exhibit number 2 would be a
23 depiction of the existing front elevation and the
24 proposed front elevation for the subject property.
25 I'd like to offer that, please, as Applicant's

1 Exhibit 2.

2 MR. PANTELIS: Okay, we'll have it marked.

3 MR. HOPKINS: The third --

4 MR. PANTELIS: Is this a new diagram? Was
5 this part of our package or not?

6 MR. HOPKINS: I think this was created very
7 recently.

8 The second -- forgive me. The third
9 Applicant's Exhibit, Mr. Chairman, would be a
10 photograph of the front elevation of the house as
11 it currently exists (handing).

12 And Applicant's Exhibit number 4 is the front
13 elevation as it is envisioned to be completed, if
14 you should allow the requests which are being made
15 (handing).

16 MR. PANTELIS: I believe the Board knows this
17 is the elevation which is part of the package, but
18 certainly we'll mark them all as Applicant's
19 Exhibits.

20 MR. HOPKINS: Well, as a practical
21 proposition, the Building Department file and the
22 Zoning Board file would be just collectively
23 marked as an exhibit.

24 MR. PANTELIS: Absolutely.

25 MR. HOPKINS: Thank you, sir.

1 Mr. Chairman, that is fundamentally the
2 presentation. This is a property, by the way,
3 that I think desperately at least in my personal
4 opinion, I know it's your opinion that counts,
5 this is property that needs work to be done, and I
6 think it's going to dramatically enhance the value
7 of the property in that particular area.

8 I point out in the petition that roof dormers
9 are also required in this particular matter. They
10 are prohibited by code, but you can permit them.
11 It's a question of aesthetics in trying to make an
12 older house, a pre World War II house which has
13 not been updated in any material fashion really to
14 update it and make it look and be very consistent
15 with the aesthetics which exists in that
16 particular area.

17 I also point out in the application -- yes,
18 Mr. Chairman.

19 CHAIRMAN KEILSON: It's not required though.

20 MR. HOPKINS: I'm sorry, sir?

21 CHAIRMAN KEILSON: You said required. I
22 thought you said required.

23 MR. HOPKINS: No, with regard to the dormer,
24 the dormers are prohibited.

25 CHAIRMAN KEILSON: Aesthetically.

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1 MR. HOPKINS: But aesthetically, I would even
2 say aesthetically I would take the risk of saying
3 it is required, but of course, you may disagree.
4 Each to his own in terms of taste.

5 CHAIRMAN KEILSON: It's semantics.

6 MR. HOPKINS: It's a handsome -- it's a very
7 handsome end product that's going to be on that
8 block, at least in my very humble opinion.

9 I also mentioned in the petition, and if you
10 don't mind I'd like to reinforce, the petitioners
11 are the parents of five children. They have
12 several grandchildren, most everybody lives
13 locally, and for this family as for many families
14 in the neighborhood it's important for having
15 people over during the holidays and for religious
16 observance. These are all things which I would
17 suggest to you, Mr. Chairman, really do militate
18 in favor of giving the relief which is sought
19 here. I'll also repeat that I think it's a very
20 handsome addition to the block. I think there are
21 some people here who are going to speak in favor
22 of the project.

23 MEMBER HENNER: They'll speak in favor of any
24 project from what I've seen.

25 MR. HOPKINS: What I'd like to do with your

1 permission, at this point in time if you have any
2 questions I'll try to answer the questions. Or
3 I'll have Mr. Macleod address the issue of the
4 concept of the bulk of the house as proposed,
5 particularly from the front because I know the
6 face that the property gives to the public is very
7 important.

8 CHAIRMAN KEILSON: Okay, Mr. Macleod,
9 welcome.

10 MR. MACLEOD: Thank you. Good evening,
11 John Macleod, 595 Park Avenue, Huntington,
12 New York.

13 MR. PANTELIS: Mr. Macleod, it would be
14 helpful if you just give a synopsis of what is
15 going to be done in the house by way of the
16 project.

17 MR. MACLEOD: Yes, of course. So we are
18 taking an existing house which is in need of some
19 help at this stage, and hopefully enhancing the
20 block, enhancing the property and giving all the
21 accommodations that the Jacobowitz family will be
22 requiring. If we have the plans available, I
23 would be happy to walk you through them.

24 What we are accommodating with the rear
25 addition, and I do stress that the additions are

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1 mostly in the rear on this house.

2 CHAIRMAN KEILSON: Right.

3 MR. MACLEOD: We are extending towards the
4 rear with a comfortable size kitchen, a family
5 room, and various internal spaces which will
6 enhance the usage.

7 MEMBER GOTTLIEB: Mr. Macleod, excuse me,
8 what page number are you on?

9 MR. MACLEOD: I'm on page number A3, the
10 first-floor plan. It is a center-hall colonial as
11 it stands, and we are maintaining that center-hall
12 approach. As you see by the floor plan, you will
13 come in on the right-hand side, which will be a
14 20-foot dining room, and on the left-hand side is
15 the living room where it currently is
16 approximately the same size that it is.

17 We're adding, as I said, in the rear there is
18 currently a one-story addition in the back of the
19 house where the family room is now which needs to
20 be taken down, and we will be replacing that with
21 a new family room and that will have part of the
22 master bedroom suite above it. To the right of
23 the family room you see the breakfast area and the
24 kitchen, and beyond the kitchen there is a side
25 entry with a small powder room near that side-door

1 entry.

2 Also, to the right-hand side there is a
3 private study off of a back hallway, and the
4 garage is actually staying where it is in the
5 current location.

6 MEMBER GOTTLIEB: Mr. Macleod, in the family
7 room in the left rear corner is there a second
8 floor there now?

9 MR. MACLEOD: There is no second floor there
10 now. This is a single story, flat roof structure
11 with an air-conditioning unit on it -- two
12 air-conditioning units on it, and it may have been
13 a screened porch at some time that has been
14 enclosed. The foundations underneath it are not
15 what we would like to use. We are replacing those
16 with a new foundation across the back of the
17 house.

18 MR. HOPKINS: I believe that to be correct,
19 and in my review of the property there was some
20 indication that a porch was enclosed sometime in
21 the forties and perhaps the fifties.

22 MR. RYDER: Mr. Macleod, you note on your
23 foundation plan, I believe A2, an existing
24 basement. The existing basement ceiling height
25 and is it finished currently?

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1 MR. MACLEOD: There is an existing basement
2 of this house. In the general rectangle of the
3 house where it says existing basement, existing
4 mechanical room, and again on the right-hand side
5 it says existing basement, all of that is
6 currently a finished basement space. And to the
7 right of that where it says unexcavated, that's
8 underneath the garage slab, and behind the garage
9 there is an existing crawlspace with an access
10 pole in the foundation wall going through to it.

11 Now, beyond that where it says proposed
12 basement, that elongated section across the back
13 of the house will all be new basement space.

14 CHAIRMAN KEILSON: What is the proposed
15 layout of the basement?

16 MR. MACLEOD: At this time we don't have a
17 basement layout space. We may submit something at
18 a later time, but the --

19 CHAIRMAN KEILSON: Don't you think it has
20 impact on the usage of the house and our
21 evaluation of the usage of the house?

22 MR. MACLEOD: Well, I would say at this time
23 there is not a need for additional bedrooms. You
24 will see on the second floor when we get there
25 that we're not doing a substantial number of

1 bedrooms. It's mainly for the living space of
2 Mr. and Mrs. Jacobowitz and occasional guests. We
3 have two guest rooms on the second floor and that
4 is deemed to be sufficient at this time. Most of
5 the family is local and those two rooms should be
6 providing enough accommodations for overnight
7 guests.

8 MEMBER GOTTLIEB: So when you talked about
9 the family room a moment ago and you said you're
10 pouring a new foundation, is the basement going
11 under that family room?

12 MR. MACLEOD: Yes, it is. Likely there's
13 just a slab there with a trench pour and --

14 MEMBER GOTTLIEB: You are excavating that
15 section of the house?

16 MR. MACLEOD: Yes.

17 MR. RYDER: Mr. Macleod, would you know the
18 ceiling height off the top of your head?

19 MR. MACLEOD: Of the basement space?

20 MR. RYDER: Yes.

21 MR. MACLEOD: So the existing -- the existing
22 basement ceiling height is seven-foot-eight
23 inches.

24 MR. RYDER: Thank you.

25 MR. MACLEOD: And where we have extended the

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1 basement you will notice there is a step down of
2 two risers so there would be some additional head
3 room afforded by that in that rear area.

4 Going back to the general floor plan, if we
5 can step up to the second floor, I'll give you a
6 brief description. On the left-hand side of the
7 second floor and partially in the middle rear you
8 will see that that includes the whole master
9 bedroom suite. We have the main bedroom in the
10 rear left. There's a sitting room, an entrance
11 foyer in the center, and we have his and her
12 bathrooms at left and right of that suite area.

13 Coming back out into the hallway we have two
14 guest rooms, each have their own three-piece
15 bathroom in the front right-hand corner of the
16 house.

17 One of the things I would like to point out
18 while we're looking at this plan, this level, is
19 that the existing house does actually extend in
20 two stories all the way to the front line of the
21 garage. And we are actually removing some square
22 footage of the second floor and removing some of
23 that bulk on the front right-hand side of the
24 house. If you look at the photograph that we just
25 submitted today of the existing structure you will

1 see there's a large brick gable over the garage,
2 and that will be set back behind the front corner
3 of the house. You then refer to the floor plan,
4 you will see it's set back at about four feet from
5 the front corner of the house giving it a
6 secondary position on the front facade and
7 reducing some of the bulk facing the street. That
8 we are increasing a small amount in the front of
9 the house at the center-hall entry, which you will
10 see projecting out about three foot four inches.
11 That does not project out any further than the
12 front line of the existing garage. So we're not
13 increasing the building's front-yard setback.
14 We're matching the front line of the garage. And
15 in being able to bring this forward in the front
16 of the house slightly in the center it adds some
17 character and focal point to the entrance of the
18 house which is somewhat lacking on the house right
19 now.

20 CHAIRMAN KEILSON: The proposed entry area
21 covered porch does not extend beyond the garage?

22 MEMBER WILLIAMS: No, the covered porch does.

23 MR. MACLEOD: The porch does, the roofed over
24 porch does, but the main structure of the house
25 which is a two-story entry and gable, if you refer

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1 to the front elevation you will see.

2 CHAIRMAN KEILSON: I sure can.

3 MR. MACLEOD: And it doesn't come any further
4 forward than the front line of the existing
5 garage.

6 CHAIRMAN KEILSON: How deep is the portico
7 beyond the garage?

8 MR. MACLEOD: The roofed overhang?

9 CHAIRMAN KEILSON: Yes.

10 MR. MACLEOD: Three feet. I tried to keep it
11 to a minimum, not wishing to ask for too much, but
12 enough to keep protection of the front door and
13 keep you dry while you're accessing the front door
14 lock.

15 The style of the roof is, as you are familiar
16 with, a combination roof with a flat section in
17 the middle and a perimeter sloping in towards the
18 center. What this actually does, as you may have
19 seen on some other projects, is it removes the end
20 gables of the house, and if we go back and refer
21 to the height setback -- I'd like to submit this
22 also. This is -- this was reasonably --

23 MR. PANTELIS: Is that the chart? We have
24 the chart.

25 MR. MACLEOD: It was updated as of yesterday.

1 MR. RYDER: Thank you for that too, by the
2 way.

3 MR. MACLEOD: My pleasure. So this indicates
4 the existing height/setback ratios which were just
5 added at your request yesterday, or earlier this
6 week, and when we look at those and we compare
7 those height/setback ratios to the proposed, you
8 will see, if we can do it one by one, the front
9 height/setback ratio currently which is 1.10, that
10 is at the peak of that gable over the garage, the
11 brick gable and the proposed of 1.25 is now
12 measured at the peak of the center-hall entry
13 gable. So it has increased slightly.

14 MEMBER GOTTLIEB: So that's only at one small
15 point in the house.

16 MR. MACLEOD: That's correct.

17 MEMBER GOTTLIEB: If the gable wasn't there,
18 do you know what the overall height/setback ratio
19 would be? Would it be in line if not for that one
20 gable point? What I'm trying to get at is the
21 point, you know, that the variance is a very small
22 point at the house.

23 MR. MACLEOD: Looking on page A8 at the
24 height/setback ratio diagrams, if you look at the
25 bottom left diagram where it says left elevation,

1 you will see on there there is one angle that says
2 permitted 0.88 height/setback ratio line which is
3 just about the main bulk of the roof is underneath
4 that. And the higher ratio where it says 1.25 is
5 just at the peak of the front addition. So the
6 original house, the bulk of the original house was
7 under the permitted, with the exception of the
8 gable over the garage which is no longer there.
9 And our proposed bulk of the house is largely in
10 compliance, with the exception of the peak of the
11 gable over the front entrance.

12 MEMBER GOTTLIEB: Perfect. Thank you for the
13 answer.

14 MR. MACLEOD: So that's the first line of the
15 height/setback ratios. The second line which
16 refers to the left side yard is currently at 2.67.
17 Now, why is that such a high number?

18 MEMBER GOTTLIEB: I'm sorry, hold on before
19 you do that. What should I be looking at?

20 MR. MACLEOD: If you look at the front
21 elevation on A8. Although it's not indicated on
22 here, if you look at the photograph of the front
23 of the house, the existing front of the house, you
24 will see that it's a gable roof. And so that side
25 of the house has a peaked gable which goes up to

1 the full height of the roof.

2 CHAIRMAN KEILSON: Right.

3 MR. MACLEOD: And if you were to draw the
4 appropriate line from the property line up to that
5 gable, it's at 2.67. And we are actually
6 decreasing our height/setback ratio on that side
7 from 2.67 to 1.95. And we're actually under the
8 requirement on that point.

9 MEMBER GOTTLIEB: That's on the left side.

10 MR. MACLEOD: Yes, on the left side. So if
11 you look on my chart on page one you will see that
12 I said okay, as opposed to BZA.

13 CHAIRMAN KEILSON: Okay, next.

14 MR. MACLEOD: The next one on the right-hand
15 side it's currently at 3.10, and we're asking to
16 go to 3.25, which is about a five percent
17 increase.

18 CHAIRMAN KEILSON: Well, that's egregious.

19 MR. MACLEOD: And that occurs at the tightest
20 point on the property. That would be on the
21 drawing; you could look at it on the rear
22 elevation. And that's at the corner which is
23 closest to the neighbor's property where we do
24 have a 6.2 setback, and we're basically keeping
25 that corner where it is and redoing the roof

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1 structure above that area.

2 CHAIRMAN KEILSON: Okay.

3 MEMBER GOTTLIEB: I'll just point out that
4 the 6.2 setback is just -- and also it's another
5 point because the property line angles.

6 MR. MACLEOD: It does angle. Thank you for
7 pointing that out.

8 MEMBER GOTTLIEB: This is just for a short
9 period and there's no house adjacent to. This is
10 part of the front lawn so you're not really
11 encroaching on the neighbor's house to house, if
12 you will.

13 MR. MACLEOD: Thank you for pointing that
14 out.

15 MEMBER GOTTLIEB: You're welcome. I'm on the
16 wrong side of the Bench tonight.

17 MR. MACLEOD: And that particular corner we
18 feel is probably, you know, the tightest point and
19 the most difficult point for us to discuss, but
20 thank you very much for bringing -- illuminating
21 that point.

22 The other height/setback ratio is in the
23 rear, and we comply with that so we don't have an
24 issue there.

25 CHAIRMAN KEILSON: Okay.

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1 MR. PANTELIS: Thank you.

2 MEMBER HENNER: I have a question. I think
3 it's for the legal end, I think. I think in the
4 application you said you are the contract vendees.

5 MR. HOPKINS: They're the -- I understand
6 they are still the contract vendees.

7 MEMBER HENNER: Have they closed already?

8 MR. JACOBOWITZ: It's closing Monday.

9 MEMBER HENNER: The transaction is not
10 contingent on getting the variance?

11 MR. HOPKINS: I was not the transactional
12 attorney.

13 CHAIRMAN KEILSON: Identify yourself.

14 MR. JACOBOWITZ: I'm sorry. Eric Jacobowitz.
15 The reason that it didn't close is because the
16 present owner who is building in back Lawrence was
17 moving out after Passover, which he is in the
18 process of doing at this moment. He asked me to
19 give him an extra few days; I gave it to him.

20 MEMBER HENNER: The deal is -- your deal is
21 not contingent on you getting the variances?

22 MR. JACOBOWITZ: It's not contingent on
23 anything.

24 CHAIRMAN KEILSON: Very good. Any other
25 questions of Mr. Macleod?

1 Let's see if we can summarize everything so
2 we can focus our questions, if there need to be
3 questions. We have seven variances. Let's see
4 the paperwork again. Okay, working from the
5 seven, we understand the aesthetic need for it and
6 generally have been very permissive about it. The
7 roof height on a mixed roof historically we've
8 allowed 30 feet. It's at 29 currently, so fairly
9 de minimis. The height/setback ratios we see from
10 Mr. Macleod's drawings and, of course, the fact
11 that you now decided to fill in the chart as
12 requested it's been very helpful to establish that
13 there are really no changes in the height/setback
14 ratios. The side yards are conforming with the
15 pre-existing.

16 MR. HOPKINS: Yes, sir.

17 CHAIRMAN KEILSON: Correct?

18 MR. HOPKINS: Yes, sir.

19 CHAIRMAN KEILSON: Side yard aggregate also I
20 believe is conforming with the pre-existing.

21 MR. HOPKINS: Yes, sir.

22 CHAIRMAN KEILSON: So we come to two sticking
23 points if there are any. That's the building area
24 coverage, which is 9.87 above the permitted; and
25 then, of course, the front-yard encroachment.

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1 All right, anybody have any questions on
2 those? Are we satisfied with the building
3 coverage which is really to the rear of the house
4 so it won't be visible from the street and won't
5 impact? I guess the neighbor from the rear has no
6 objection as well.

7 MR. HOPKINS: Correct.

8 CHAIRMAN KEILSON: And the rear-yard setback
9 is fine.

10 MR. HOPKINS: Yes, sir.

11 CHAIRMAN KEILSON: So that's not an issue as
12 well. Any questions on the building coverage?

13 MEMBER HENNER: No.

14 CHAIRMAN KEILSON: Okay. That brings us to
15 the front, on the serpentine street. So the only
16 concern I have is that the house is already pretty
17 much forward and now we're moving up another three
18 feet. One concern is that all of that and where
19 it would be.

20 MR. MACLEOD: Well, the three feet that we're
21 referring to is literally an open -- three-sided
22 open structure. It's a lightweight entrance.
23 We're not making a huge monument out of it. It's
24 really just for protection of the front door and
25 to add a little detail at that area. There's a

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1 lot of detail on the house already. We didn't
2 feel we needed to make any grander entrance than
3 just providing the practical needs of protection.

4 CHAIRMAN KEILSON: From the weather.

5 MR. MACLEOD: Yes.

6 MR. PANTELIS: What is the width of that?

7 MR. MACLEOD: I have it. The width of the
8 entrance, it's eleven feet wide.

9 MR. PANTELIS: Eleven feet wide.

10 MR. MACLEOD: The same width as the two-story
11 entrance part is.

12 MR. HOPKINS: I might add, Mr. Chairman, on a
13 night like tonight that would be deeply
14 appreciated by people standing outside the front
15 door.

16 MR. PANTELIS: We're dealing with a
17 roofed-over as opposed to enclosed.

18 MEMBER GOTTLIEB: There's no second floor
19 over that roof?

20 MR. MACLEOD: No. It is a projecting
21 protection from the weather.

22 MEMBER SCHRECK: And that porch thing, will
23 it be protruding beyond the old garage?

24 MR. MACLEOD: The actual three-foot covered
25 porch does project beyond the line of the garage.

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1 MEMBER SCHRECK: How much?

2 MR. MACLEOD: By three feet. But again, it
3 is away from the serpentine of the curve. So it's
4 at the deepest part of the front yard, and it has
5 a very practical use which would be appreciated.

6 CHAIRMAN KEILSON: During inclement weather.
7 Any further questions from the Board? Any
8 comments from the audience at this point?

9 MEMBER GOTTLIEB: I would certainly like to
10 hear from one of the neighbors. I think it's just
11 about that time.

12 MS. ALPERT: I'm sorry, I came in late
13 before. Rachel Alpert, I reside at 36 Wedgewood
14 Lane, with my husband Steven Alpert and my
15 children. We have a very friendly block and the
16 Jacobowitzes came to speak to the neighbors and
17 showed us the plans and they look lovely, and
18 we're all in favor of -- I guess whoever signed it
19 is in favor of the beautification of the block and
20 enhancement of the residential nature of the
21 block.

22 CHAIRMAN KEILSON: Thank you. Any other
23 comments?

24 (No response.)

25 CHAIRMAN KEILSON: Okay, as indicated

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1 earlier, the decision on variances are with -- the
2 test is the benefit to the applicant as opposed to
3 any detriment to the neighbors, the neighborhood
4 and the like, and will there be an undesirable
5 change. I think, obviously, this house is going
6 to enhance, the neighborhood is going to be
7 enhanced, and it's not substantial considering
8 taking everything into consideration. And will
9 the proposed variance have an adverse effect on
10 the physical or environmental conditions of the
11 neighborhood. I think not.

12 So I think the only concern that we might
13 have is because of the encroachment in the front
14 portico, and we are generally very reticent about
15 doing something of that nature, but in light of
16 the fact that it's fully open and it's for a
17 narrow part of the front of the house, the least
18 objectionable part of the serpentine or something
19 similar to that.

20 MR. HOPKINS: That's a good way of putting
21 it.

22 CHAIRMAN KEILSON: We'll take all that into
23 consideration and go for a vote.

24 Mr. Schreck, you're number one.

25 MEMBER SCHRECK: I'm going to vote in favor.

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1 CHAIRMAN KEILSON: Mr. Gottlieb.

2 MEMBER GOTTLIEB: Understanding that the
3 portico has no sides, no front, it's just an
4 overhang and it really doesn't protrude, I
5 certainly don't like to make front yards smaller,
6 that's why we come to the suburbs, but I will vote
7 for. It's a long-winded yes.

8 CHAIRMAN KEILSON: Mrs. Williams.

9 MEMBER WILLIAMS: For.

10 CHAIRMAN KEILSON: Mr. Henner.

11 MEMBER HENNER: For. But I don't care about
12 the portico, but I'd like to see the master
13 bedroom suite when it's finished.

14 CHAIRMAN KEILSON: For how many days?

15 MEMBER HENNER: I don't want to stay there.
16 I just want to see it.

17 CHAIRMAN KEILSON: Okay. And I will
18 certainly vote for, and I wish you well with the
19 project.

20 MR. HOPKINS: Thank you, Mr. Chairman.

21 CHAIRMAN KEILSON: Two years?

22 MR. HOPKINS: John, two years?

23 MR. MACLEOD: Yes.

24 MR. HOPKINS: Two years will do the trick.

25 CHAIRMAN KEILSON: And Board of Building

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1 Design.

2 MR. HOPKINS: Thank you, Mr. Chairman.

3 MR. MACLEOD: Thank you very much.

4 (Whereupon, the hearing concluded at
5 8:25 p.m.)

6 *****

7 Certified that the foregoing is a true and
8 accurate transcript of the original stenographic
9 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 30, 2014
7 8:25 p.m.

8 APPLICATION: Schuster
9 122 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 MR. MARK SCHRECK
17 Member

18 MR. LESTER HENNER
19 Member

20 MS. ESTHER WILLIAMS
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

MR. STEPHEN HARAMIS
Building Inspector

Mary Benci, RPR
Court Reporter

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1 CHAIRMAN KEILSON: The next matter is that of
2 Schuster. Will they or their representative step
3 up.

4 MR. HOPKINS: Good evening, Mr. Chairman.
5 Once again, Michael Hopkins from Hopkins &
6 Kopilow. We are counsels for the Schusters in
7 their application this evening. Present with me
8 is Mr. John Macleod, who will also be addressing
9 the Board.

10 This particular property is 122 Broadway,
11 Section 40, Block 8, Lot 2. 122 Broadway, as they
12 say, it's located in a C zone in the Village.
13 This particular house, according to Building
14 Department records, was built back in 1954,
15 approximately. And it's a house much, much like
16 the house we were just talking about before that
17 is in need of updating.

18 There are several applications for variances
19 as it pertains to this particular parcel. As I
20 say, the parcel is 11,333 square feet in buildable
21 area. Maximum building area coverage is 2,573
22 feet. The request of the building coverage on
23 this particular application is for 3,172 feet.
24 That's 599 feet over that which is permitted by
25 code. That is approximately 23.28 percent over

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1 that which is permitted by code.

2 CHAIRMAN KEILSON: Ouch.

3 MR. HOPKINS: Hopefully, I can ease the ouch
4 when I get a little more deeply into this. I do
5 like to point out that the maximum surface area
6 coverage on this particular parcel is 4,490 square
7 feet. The requested surface coverage is 4,720
8 feet. That would be 5.12 percent over that which
9 is otherwise permitted by law.

10 There is a third variance which is requested,
11 and that has to do with the west side-yard
12 setback, which is proposed at 13 feet 9 inches,
13 which is approximately one foot three inches less
14 than that which is required by code; i.e., 15
15 feet.

16 Now, I want to point out this is an existing
17 single-story framed dwelling. The request is
18 driven in part by the need for this house to be
19 updated and come into the 21st century. The
20 dining room, study, certain functions of the house
21 we seek to expand.

22 There's going to be a new dining room, that
23 is very important to my clients. This is a second
24 marriage for each. That there be rooms of
25 adequate size, again, for the religious holidays,

1 et cetera. And sukkah skylights were very
2 important as a practical proposition.

3 Everybody knows that Broadway is a heavily
4 trafficked road, and the front of this house
5 overlooks a heavily trafficked road. One might
6 ask and not rhetorically, why not go up? I think
7 I'll try to respond to that rhetorical question
8 which we're not supposed to respond to rhetorical
9 questions but I will. Two reasons: I stated in
10 the verified petition that there are medical
11 issues which make ascending and descending
12 stairways a question of the health and safety for
13 Mr. Schuster, in particular to a lesser degree for
14 Mrs. Schuster. I would rather not, but I would
15 represent to you as an Officer of the Court and
16 just simply represent to you as an attorney before
17 this Board that the reasons, the medical reasons
18 are legitimate.

19 The second thing, taking outside of the
20 consideration of the health and welfare and safety
21 issues for Mr. Schuster in particular, has to do
22 with improving the house by looking over a very
23 heavily trafficked street, assuming that you
24 didn't have the medical issues to contend with,
25 and if you take a look at the aerial which is part

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1 of the building end or planning -- building end or
2 Zoning Board, you will notice that the Schuster
3 house relative to the other houses on Broadway is
4 situated relatively closer to the street than the
5 other parcels on Broadway, at least on that side
6 of Broadway. So primarily driven by two reasons,
7 the medical issue having to do primarily with
8 Mr. Schuster, and the issue of not wanting to have
9 any more living space overlooking a heavily
10 trafficked street in my opinion militates in favor
11 of the expansion going out to the rear.

12 MEMBER GOTTLIEB: Mr. Hopkins, I just want to
13 mention that if there's a medical reason that's
14 fine. But the other reasons you were explaining,
15 there are dozens of houses on Broadway with two
16 stories.

17 MR. HOPKINS: Well, I know that, Mr.
18 Gottlieb.

19 MEMBER GOTTLIEB: Dozens.

20 MR. HOPKINS: I know that. I know that. I
21 have the privilege of having actually grown up,
22 although I'm a Hewlett High School boy, I spent a
23 lot of time -- don't hold it against me. I spent
24 a lot of time down here. I'm aware of that. I am
25 aware of that. But I think those houses

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1 undoubtedly along that stretch, as I say this
2 house goes back to the early 1950s. Certainly,
3 the code at the time -- Broadway was not that
4 heavily trafficked as compared to what you're
5 looking at today with all the development that's
6 taking place in general in the Five Towns and west
7 towards the city. It just simply was not as
8 heavily trafficked as a practical proposition.
9 And some of those houses I mentioned, particularly
10 the ones in proximity to the subject parcel, are
11 set back somewhat more than the Schuster house.

12 MEMBER GOTTLIEB: The same argument goes back
13 to these are reasonably new homeowners. They're
14 only in the house two years. Traffic didn't
15 increase that much in the past two years.

16 MR. HOPKINS: Your point is very well taken,
17 as always, yes. There's no --

18 CHAIRMAN KEILSON: You don't have to
19 patronize him.

20 MEMBER GOTTLIEB: Thank you.

21 MR. HOPKINS: Not at all. I know you're a
22 hot Board, so there are no secrets, as a practical
23 proposition. We're not talking about people who
24 purchased next to the airport when the airport was
25 existing as JFK. That's totally understood.

1 MEMBER GOTTLIEB: I think the medical issue
2 is the one.

3 MR. HOPKINS: The medical issue is the one
4 that drives it as a practical proposition.

5 CHAIRMAN KEILSON: Correct.

6 MR. HOPKINS: It really and truly does drive
7 it. Now, we do have and I'd like to offer into
8 evidence, we have letters from I think four or
9 five of the neighbors, and I'd like to offer them
10 collectively as Applicant's Exhibit 1. These are
11 from 14 Beechwood Drive, 130 Broadway, 1 Sutton
12 Place, which is at the corner of Broadway, and
13 11 Grant Place. I'd like to offer these, please,
14 Mr. Chairman, as Applicant's Exhibit 1, the
15 neighbors' approval and endorsement.

16 CHAIRMAN KEILSON: Do we have left, right and
17 back?

18 MR. HOPKINS: We have as one faces 130 I
19 believe is -- I'll ask the Schusters if you could
20 help me. 130 as you're facing the house would be
21 to your right, correct? We have the -- we have
22 people to the right. The neighbor to the right as
23 one is facing the house. This young lady in the
24 back is situated to the rear, as I understand it.

25 CHAIRMAN KEILSON: This young lady? Hi,

1 Randy.

2 MR. HOPKINS: Right back there with the
3 glasses waving at the chair. And we have these
4 four other letters.

5 So as you're facing their property --

6 CHAIRMAN KEILSON: Mr. Hopkins, please, left,
7 right and rear; do we have that?

8 MR. HOPKINS: We have left, right and rear as
9 I understand it.

10 CHAIRMAN KEILSON: Okay, fine.

11 MR. HOPKINS: Now, may I hand them up with
12 your permission as Applicant's Exhibit 1
13 collectively.

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

15 MR. HOPKINS: I'd also like to point out,
16 Mr. Chairman, that the -- just give me one moment,
17 please. There is already to the rear of this
18 house, as you know, a concrete patio that extends
19 to the rear of the house, and there was a roof, a
20 wooden roof over it. It was referred to in the
21 Building Department records as a wooden awning. I
22 know that that issue had come up in some
23 discussion in the past with the Building
24 Department, and I think that that wooden awning
25 went up over the rear patio deck, however you like

1 to describe it back in 1994. Again, this is a
2 house that has been many years without any major
3 updating, as a practical proposition, in the way
4 that the Schusters would like to have it.

5 I would also like to offer as Applicant's
6 Exhibit 2, collectively they are two aerial
7 photographs of the subject parcel also showing the
8 abutting parcels on I believe that's Lord and I
9 think Brandeis to the rear. And it clearly shows,
10 as I say, the patio and the wooden awning over the
11 patio to the rear of the house. I'd like to offer
12 that, please, as collectively Applicant's Exhibit
13 number 2.

14 I'd like to point out to the Board that in my
15 opinion there will be no impact on the neighboring
16 houses. There's not going to be any restriction
17 of light, of the views, since the addition is only
18 going to be one story. The addition is not going
19 to be visible from the street. I would also point
20 out the houses to the rear are at a somewhat
21 higher elevation than the houses that actually
22 front onto Broadway. Just so that everybody is
23 aware. You actually -- I'm estimating at about
24 three or four or five feet because I just drove by
25 it again the other day. And so I don't think that

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1 there's anything about the extension to the rear
2 that should be objectionable to anybody, as a
3 practical proposition.

4 At this particular point I do have
5 Mr. Macleod here. He's going to talk to you in a
6 few moments. I would also point out where there
7 is -- Mr. Macleod was kind enough and did some
8 analysis of the parcel at the corner of Lord and
9 Rand, I believe that's 18 Lord, and that parcel --
10 so that's literally at the corner of our parcel.
11 That particular parcel, 18 Lord, is 24.62 percent
12 over building coverage on that particular parcel.
13 That's the big Tudor on the corner.

14 CHAIRMAN KEILSON: They didn't seek a
15 variance.

16 MR. HOPKINS: No, Mr. Chairman, I understand
17 that. I went through everything to see what
18 variances have been sought in this area.

19 CHAIRMAN KEILSON: Did you find any?

20 MR. HOPKINS: I didn't see anything on that
21 house in particular in answer to your question.

22 CHAIRMAN KEILSON: Did you find any of that
23 magnitude? I'm on the Board ten years, I don't
24 recall.

25 MR. HOPKINS: The answer to the question is

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1 no, I have not. But I am permitted --

2 CHAIRMAN KEILSON: But you would like
3 clarification.

4 MR. HOPKINS: But I am permitted to point out
5 that in the area there is a house literally that
6 abuts for a short distance my client's property
7 which is 24 point whatever percentage in excess of
8 that which is permitted by code. As I say, this
9 is driven by medical issues primarily.

10 CHAIRMAN KEILSON: Let's go to Mr. Macleod.

11 MR. MACLEOD: Good evening. John Macleod,
12 595 Park Avenue, Huntington.

13 So the project that we are proposing for the
14 Schusters is a rear extension, a one-story rear
15 extension which will include primarily the dining
16 room, but also a breakfast area off of the kitchen
17 and a very small but necessary home study for
18 Dr. Schuster.

19 The size of this, we had various versions of
20 this and it's been shrunken down over several
21 attempts. Originally, it was submitted to the
22 Building Department with 643 square feet as an
23 addition, and we've reduced that by compressing
24 various portions of it as tight as we could, but
25 still maintaining the function by 137 square feet

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1 which brings us down to the number that we're at
2 now, which is a one-story addition of 506 square
3 feet.

4 Now, the building footprint initially started
5 off slightly over the permitted building coverage.
6 If you look at page one of the drawings, the
7 permitted maximum building coverage area is 2,573.
8 But the existing house was already 2,666. So
9 we're starting off at a negative number there, and
10 although our total overage is 599, only 506 of
11 that is the actual addition. And that represents
12 23.28 percent, which is a number less than the
13 643 square feet which was twenty -- our initial
14 request which was 28.6.

15 The -- we do not have a rear yard -- a
16 rear-yard setback issue or any height setback
17 issues from the rear as it's only one story, and
18 the left-hand side which needs a variance of
19 1.3 inches is still set back considerably from the
20 existing side-yard setback of seven and a half
21 feet. So there is a minimal request on the
22 left-hand side. We realize that the biggest
23 request here is for the building area coverage.

24 CHAIRMAN KEILSON: Correct.

25 MR. MACLEOD: I would like to point out that

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1 there was actually a building permit which we had
2 already presented to the Board as part of a
3 submission of building a roofed-over area of the
4 existing deck which was taken down within the last
5 three years, but there was a building permit
6 already issued for that back in '94, '95.

7 MR. HOPKINS: That's 144 of 1994.

8 MR. MACLEOD: The photographs that we
9 submitted today, the aerial shots actually do show
10 that in existence up until about three years ago.

11 CHAIRMAN KEILSON: Let's just clarify.
12 You're saying it was an existing structure?

13 MR. MACLEOD: There was an existing structure
14 roofed over the existing deck, and if you look on
15 those photographs you will see it. It comes out
16 as a white structure inside the circle.

17 CHAIRMAN KEILSON: How many square feet was
18 that?

19 MR. HOPKINS: It's described as a wooden
20 awning. I believe it was building permit number
21 144 in 1994. Give me a moment, I may have the
22 numbers. I'm not sure. I'm really not sure.

23 CHAIRMAN KEILSON: In effect, Mr. Macleod was
24 saying that of the additional square footage there
25 was a pre-existing structure.

1 MR. HOPKINS: Correct.

2 CHAIRMAN KEILSON: Okay.

3 MR. MACLEOD: So of the 506 square feet that
4 we're adding, a certain portion of that was
5 already permitted, and we will hopefully find the
6 square foot number.

7 MEMBER GOTTLIEB: While Mr. Hopkins looks for
8 that, are you excavating the basement of the
9 extension?

10 MR. MACLEOD: Yes, we are excavating the
11 basement of the extension, and you will see that
12 on page A2.

13 MEMBER GOTTLIEB: So what brings my attention
14 to it is that you have stairs.

15 MR. MACLEOD: We do have a rear staircase to
16 the exterior, and we are actually linking the
17 partial basement that exists on the right-hand
18 side of the house. On page A2 you will see
19 there's an existing basement area on half -- not
20 half -- about a third of the house on the
21 right-hand side.

22 MEMBER GOTTLIEB: I'm trying to find it.
23 Existing storage? Existing recreation?

24 MR. MACLEOD: Existing storage, existing
25 recreation and existing bathroom.

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1 MEMBER GOTTLIEB: The other part is existing
2 crawlspace.

3 MR. MACLEOD: The existing crawlspace is
4 underneath the existing master bathroom towards
5 the rear, correct, and there is a mechanical room
6 just to the rear of the bathroom, and in that area
7 we would be rearranging one wall in order to
8 create an access through to connect the old
9 basement and the new basement area. And the
10 staircase, while we're doing this it makes sense
11 to have a safety egress staircase coming out of
12 that basement, and we have the opportunity while
13 we're pouring concrete to do that.

14 MEMBER SCHRECK: If this is driven by medical
15 needs, why spend the money on putting in a
16 basement with steps, which if I understand
17 Mr. Schuster cannot really do. Why not spend that
18 money on an elevator and build up which is what we
19 would obviously prefer.

20 MR. MACLEOD: Well, this project, this
21 basement space, there's a financial consideration
22 to that, but the use of this basement space as
23 recreation is not for Dr. and Mrs. Schuster, but
24 for their grandchildren, which there are many, and
25 there is no -- on the first floor there's not many

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1 play spaces for young children, and the basement
2 gives the opportunity to afford some of that
3 space.

4 MR. HOPKINS: Mr. Chairman, if I may, you had
5 asked a question about the size of the awning.

6 CHAIRMAN KEILSON: Yes.

7 MR. HOPKINS: There's a survey dated May 16,
8 1995 that was part of that 1994 building permit
9 application, and the survey shows it's referred to
10 as roof, but the paperwork refers to it as
11 legalizing a wood awning, and the dimensions are
12 13 feet by 20 feet, 260 square feet.

13 CHAIRMAN KEILSON: So again, you're asking
14 for what, 506? How much are you asking for?

15 MR. MACLEOD: We're asking for 506.

16 CHAIRMAN KEILSON: Less the --

17 MR. MACLEOD: If we did the math, minus 260,
18 we would be asking for 246, which would represent
19 -- which would represent -- one percent is 25.73,
20 and so therefore it would be about nine percent.

21 MEMBER GOTTLIEB: Isn't that a lovely number.

22 MEMBER SCHRECK: How convenient.

23 CHAIRMAN KEILSON: Isn't that a lovely
24 number. Oh, my God, unbelievable.

25 MEMBER GOTTLIEB: Do you have anything up

1 your other sleeve?

2 MR. MACLEOD: That was all we could find. So
3 in light of that, potentially viewing it as an
4 existing structure, which either fell down or was
5 taken down, the actual increase would then
6 represent approximately nine percent. I can give
7 the exact number if I had a couple of minutes.

8 CHAIRMAN KEILSON: Mr. Hopkins, would the
9 applicant accept a restrictive covenant of any
10 future building of a second floor?

11 MR. HOPKINS: I would have to speak to the
12 applicant about that, Mr. Chairman.

13 CHAIRMAN KEILSON: Okay, when you see them
14 will you ask them?

15 MR. HOPKINS: I was looking for them, and
16 perhaps if we could take two minutes I might
17 locate them and speak to them and report back.
18 Would that be all right?

19 MR. PANTELIS: Maybe what we could do is
20 perhaps outline the parameters of what that
21 restriction might be.

22 CHAIRMAN KEILSON: Mr. Pantelis, why don't
23 you outline the parameters of that.

24 MR. PANTELIS: Thank you. It would only be a
25 restriction that would apply to the present

1 structure as expanded.

2 MR. HOPKINS: Understood.

3 MR. PANTELIS: In the event that the house
4 were ever taken down and replaced with another
5 house, then that restriction would lapse. I think
6 the Board's concern here would be that you could
7 conceivably put a partial second story on this by
8 observing the setbacks and not have to come back
9 to the Board for what would greatly impact their
10 consideration of a coverage variance.

11 MR. HOPKINS: Fully understood. So if you
12 could give us -- is there anything else perhaps I
13 should be speaking to the applicants about,
14 Mr. Chairman, or is that it?

15 Go step outside for about five minutes.

16 CHAIRMAN KEILSON: Two minutes, two minutes.

17 MR. HOPKINS: I'm sorry, two minutes.

18 (Whereupon, a recess was taken.)

19 CHAIRMAN KEILSON: We're back on the record,
20 and I'm going to ask if there's anyone from the
21 audience who would like to speak to the issue.

22 Ms. Blinder, if you would like to step
23 forward.

24 MS. BLINDER: Hi, Randy Blinder, a neighbor
25 in back of their house.

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1 CHAIRMAN KEILSON: Your address.

2 MS. BLINDER: My address is 111 Rand Place,
3 Lawrence, New York. I just wanted to say that I
4 know the people you're talking about, and what
5 they're saying is really the truth. And they
6 cannot walk up and down -- Mr. Schuster cannot
7 walk up and down steps. They have combined
8 families. They both have large families and a lot
9 of grandchildren, and they just want to have an
10 area where their children can get together, can
11 come over there and be with them and eat with
12 them, and the dining room is the most important
13 room in the house beside the kitchen.

14 I do -- I also saw Judy showed me that
15 they're just doing it where the -- where there's
16 an existing -- there's an existing patio now, deck
17 now, and it's only going to be one story. It's
18 not going to interfere with any of the neighbors.

19 And the fact that neighbors have come, not
20 just written letters, where something -- you tell
21 your neighbor something and you wrote a letter
22 that you approve it and then they do something
23 different. We're actually coming and saying that
24 we really don't mind. I think that should play a
25 big part.

1 And I know in my own experience putting on a
2 second floor and installing an elevator raises the
3 price considerably and, you know, maybe they want
4 to make things more comfortable, but that doesn't
5 mean they have to spend all that extra money when
6 the neighbors really don't mind.

7 CHAIRMAN KEILSON: Thank you very much.

8 MEMBER GOTTLIEB: Thank you.

9 CHAIRMAN KEILSON: Anyone else want to speak
10 to the matter? Good evening. Let her know who
11 you are and your address.

12 MR. MARKOVICH: Arye Markovich, 130 Broadway.
13 I'm a good friend of the Schusters, and I know
14 about his medical condition. In fact, he moved to
15 the house because of his medical condition to
16 begin with. And I, you know, I walk with him.

17 MEMBER HENNER: Could you speak up just a
18 little bit?

19 MR. MARKOVICH: Do you want me to repeat what
20 I said?

21 MEMBER HENNER: I heard that.

22 MR. MARKOVICH: I will speak up. So I walk
23 with him to and from shul, the synagogue, so I
24 know exactly his situation, and they're only doing
25 something because there's a lot of mishpocha in

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1 the family, and they're good neighbors.

2 CHAIRMAN KEILSON: Thank you very much.

3 (Whereupon, a recess was taken; the
4 application was recalled.)

5 CHAIRMAN KEILSON: Back on the record. So
6 we've listened to the presentation, and we're
7 taking into consideration the very extenuating
8 circumstances relating to a medical condition.
9 And although we all loathe to grant excess
10 building coverage of this magnitude, taking into
11 consideration the fact that there was a
12 pre-existing deck which helps remunerate the
13 situation, you know, 506 square feet of the
14 addition being requested but the pre-existing deck
15 was 260.

16 MR. MACLEOD: 260 leaves a balance of 246.

17 CHAIRMAN KEILSON: Which would bring the
18 increase under 10 percent, which is helpful in
19 terms of evaluating this consideration for the
20 variance.

21 There is also a provision for a restrictive
22 covenant that will go with the land, and in the
23 event that they sell the house the purchaser will
24 be subject to that restriction. Except that --

25 MR. PANTELIS: We just wanted to state that

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1 the restrictive covenant will indicate that there
2 can be no second-story addition whether legally
3 permitted or by variance unless the approved
4 addition has been removed.

5 MR. HOPKINS: And that will give any
6 prospective purchaser and, even you,
7 theoretically, the flexibility of returning the
8 house to its present status, and then as we say
9 the devil take the high most, whatever happens
10 then happens.

11 CHAIRMAN KEILSON: Taking into consideration
12 all the aforementioned, taking into consideration
13 the strong advocacy from neighbors who obviously
14 think very highly of the Schusters, I think that
15 we'll put the Board to a vote exactly as we have
16 just described. Mr. Henner.

17 MEMBER HENNER: I'm in favor.

18 CHAIRMAN KEILSON: Mrs. Williams.

19 MEMBER WILLIAMS: In favor.

20 CHAIRMAN KEILSON: Mr. Gottlieb.

21 MEMBER GOTTLIEB: For.

22 CHAIRMAN KEILSON: Mr. Schreck.

23 MEMBER SCHRECK: For.

24 CHAIRMAN KEILSON: And I am for as well. And
25 two years.

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1 MR. HOPKINS: Thank you, Mr. Chairman. Thank
2 you, members of the Board.


3 MR. SCHUSTER: Thank you for your time.

4 MR. MACLEOD: Thank you very much.

5 (Whereupon, the hearing concluded at
6 9:28 p.m.)

7 *****

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

11
12 _____

13 MARY BENCI, RPR
14 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 30, 2014
7 9:00 p.m.

8 APPLICATION: Alpert
9 455 Mistletoe Way
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 MR. MARK SCHRECK
17 Member

18 MR. LESTER HENNER
19 Member

20 MS. ESTHER WILLIAMS
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

MR. STEPHEN HARAMIS
Building Inspector

Mary Benci, RPR
Court Reporter

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1 CHAIRMAN KEILSON: We're going to call the
2 Alpert case.

3 MR. ELBAUM: Good evening, Chairman, members
4 of the Board, Counselor, Mr. Ryder. Let me state
5 my name for the record, Eli Elbaum, from the firm
6 of Forchelli, Curto, Deegan, located at 333 Earle
7 Ovington Boulevard, Uniondale, New York.

8 MR. MEISTER: I'm Warren Meister, I'm the
9 architect, and my address is 22 Kendall Drive,
10 New City, New York.

11 MR. ELBAUM: To begin, I assume the Board
12 received the letter requesting an extension of the
13 variance dated 2011 that has lapsed. The
14 construction, obviously, we've commenced
15 construction on both the main building as well as
16 the carriage house, and that has not been
17 completed to date, and we request an extension to
18 finish the construction. I assure the Board that
19 Mr. Alpert desperately wants to move into his new
20 house and has done everything in his power.

21 CHAIRMAN KEILSON: Let's address the
22 extension first. The extension is pending,
23 correct?

24 MR. ELBAUM: Correct.

25 CHAIRMAN KEILSON: For Michael and Debbie

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1 Albert.

2 MR. ELBAUM: Yes. Technically, Debbie is the
3 applicant.

4 MR. PANTELIS: So realistically, Counsel,
5 what are we looking at by way of completing the
6 present construction?

7 MR. MEISTER: What we're trying to do is get
8 the Alpersts in by the beginning of August, the
9 first week, second week of August, into the main
10 house. There are other portions, for instance,
11 the landscaping probably will not be done or some
12 of the planting won't probably even be started.
13 The pool may be finished. The pool house may be
14 finished, not sure. But to get them into the
15 house, living in the house by August.

16 And the carriage house we've drawn plans. We
17 have -- the contractor has put up some scaffolding
18 around the house. We've done some inspections of
19 the stucco. We're going to replace the stucco
20 instead of painting it, so we're going to rip the
21 stucco off and replace it.

22 MR. ELBAUM: And just to clarify, we may have
23 mentioned at the last hearing that we would paint
24 the exterior of the house. We actually changed
25 that since then and decided it would be more

1 aesthetically pleasing to remove and replace the
2 existing stucco.

3 MR. MEISTER: Also we found some soft spots
4 in the roof so we're going to replace the roof and
5 all of that is -- the roof is being bid out right
6 now. The mason who is doing the main part of the
7 house with the stucco is going to move on to the
8 carriage house, probably, and we hope to finish it
9 within I would say the next 60 days the entire
10 exterior.

11 MR. ELBAUM: Just to also clarify, what's
12 being done interior to the carriage house, Warren
13 mentioned the roof and the stucco is being done on
14 exterior. What's being done interior is a new
15 bathroom, new kitchen and, of course, this is also
16 the exterior of the back porch is going to be
17 removed as was required by the prior hearing.

18 We learned also since the last hearing that a
19 fence was required, we didn't realize it, around
20 the house in order to do the work that has been
21 ordered. We expect that shortly.

22 Again, as Warren indicated, the plans are all
23 drawn, they're out to bid. The exterior of the
24 carriage house we expect could be done within 60
25 to 90 days. And in regards to the extension for

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1 the main house itself, for the full package, for
2 everything that was approved in 2011, what would
3 you -- what would you think is a reasonable
4 estimate?

5 MR. MEISTER: Without landscaping, I would
6 say probably with the carriage house with the
7 interiors, because we're ordering a kitchen, and
8 bathroom tile have, you know, six- to eight-week
9 lead time, so we're probably looking at everything
10 being completed hopefully -- I'm not sure when the
11 Jewish holidays are this year.

12 CHAIRMAN KEILSON: We'll work around you. Go
13 ahead.

14 MR. MEISTER: That would all be interior
15 work.

16 MR. ELBAUM: Well, if the Board would be
17 willing to grant a year, we certainly would ask
18 for a year and could assure you it could be done
19 then. If the Board wants to grant less than a
20 year, then we would ask that we have the ability
21 to come back and request a further extension for
22 good faith being shown towards progress.

23 MR. RYDER: If I may, the building permit was
24 issued -- I don't mean to put you on the spot.
25 What date was that issued? I would like them to

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1 coincide to expire on the same date.

2 MR. MEISTER: I don't remember, honestly.

3 Mr. Ryder, I'm sorry, I don't remember.

4 MR. RYDER: That's okay. I was hoping.

5 MR. MEISTER: I'm not sure when -- we
6 received the approvals from the Board in April of
7 '11, if I'm correct. The following month I
8 probably went to the Board of Architectural
9 Review, so that's May of '11. I don't think
10 permits were probably issued until June of '11 or
11 even July of '11.

12 CHAIRMAN KEILSON: We don't know.

13 MR. MEISTER: I'm not sure.

14 MEMBER GOTTLIEB: This is a question leading
15 to an answer of when you'll be ready. In 2011 you
16 appeared before us. And now it's three years
17 later and you're first getting bids on work that
18 should have been completed two years ago.

19 MR. ELBAUM: Just to clarify, those bids are
20 just for the carriage house.

21 MEMBER GOTTLIEB: But the carriage house
22 renovation, which we requested that it be removed,
23 we agreed to let it stay, I would think that would
24 be the easiest thing to get done first.

25 MR. ELBAUM: I don't --

1 MR. MEISTER: Considering some of the things
2 that we've done in this house, for instance, the
3 mechanical system, the --

4 MEMBER GOTTLIEB: The carriage house, right?

5 MR. MEISTER: No, I'm talking about the main
6 house. We have a geothermal system in this house.
7 There are going to be no air-conditioning
8 compressors on the outside.

9 MEMBER GOTTLIEB: Is it LEED certified or
10 just --

11 MR. MEISTER: I don't care about LEED. LEED
12 to me is an abstract. Green Building Council is
13 something else. But so we've done that. We've
14 increased the amount of insulation in the house.
15 The windows, for instance, instead of typical
16 windows, American-made windows or even the windows
17 that we're using, the windows that we're using
18 have an R value that's basically twice the normal
19 R value. So we've done a lot of things that have
20 basically unfortunately slowed us up. For
21 instance, the windows were a lead time of twelve
22 weeks from the -- from the -- from the approval of
23 shop drawings. The shop drawings took about a
24 month and a half. So there were -- in building
25 this house there were certain --

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1 MR. ELBAUM: And to further focus on I guess
2 on the question, this was a major project. It
3 still is and there are a lot of parts, obviously,
4 and delays that we didn't want to happen, and
5 et cetera, et cetera. That being said, certainly
6 last month when we appeared before the Board we
7 understood the importance of upgrading the
8 carriage house to the Board, and towards that end
9 since that date we have taken many steps towards
10 doing that and certainly would assure the Board
11 that we finish up the carriage house in a much
12 faster time than we finish the main house. When I
13 say six months or a year, I'm certainly not
14 talking about the carriage house, I'm only talking
15 about the main house. The carriage house we're
16 willing to say 60 to 90 days and will probably be
17 closer to 60 to 90.

18 MR. MEISTER: We've also used the carriage
19 house as an office up until recently, so to do
20 work in there and to get bids from two years back.

21 MEMBER GOTTLIEB: Once you explain it, it
22 makes sense. Without the explanation, it just
23 sounds like you didn't care.

24 MR. MEISTER: No, no.

25 MR. ELBAUM: I appreciate that, and I just

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1 want the Board to understand that we understand
2 the importance of it.

3 MR. MEISTER: I'll tell you exactly what I
4 told Mr. Albert. I want to finish this job more
5 than he does.

6 CHAIRMAN KEILSON: Okay.

7 MR. PANTELIS: Okay.

8 CHAIRMAN KEILSON: Mr. Pantelis, how can we
9 bifurcate this? We have a situation. We have a
10 compelling need to get -- they need an overall
11 extension. We don't want them coming back here
12 again.

13 MR. PANTELIS: I think what you're really
14 saying is that clearly everything is going to be
15 finished within a year. You don't have to grant
16 two years, so a year is reasonable, and I think
17 you've got some serious representation that
18 they're working on the carriage house. And I
19 think it's more of a project than just painting
20 it. So if the Board is comfortable with that.

21 MR. RYDER: He said it would be done in 60
22 days.

23 CHAIRMAN KEILSON: 60 to 90 days.

24 MR. PANTELIS: Of course, your option is if
25 you don't extend anything then where are we?

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1 CHAIRMAN KEILSON: I think we should go for
2 the year just to ensure that you're not back here
3 again.

4 MR. ELBAUM: Thank you.

5 CHAIRMAN KEILSON: As much as I enjoy having
6 you sit out there for several hours, I don't think
7 that's a good use of your time. I would recommend
8 to the Board that we make it a year, and that we
9 have an understanding that this very aggressive
10 effort to complete the carriage house in 60 to 90
11 days will be undertaken, and based on the good
12 will and the representation of your client, as
13 well as the professionals.

14 MR. ELBAUM: We assure you that it will.

15 CHAIRMAN KEILSON: Okay, so we'll vote on the
16 whole thing together or separately?

17 MR. PANTELIS: No, it's only one vote. It's
18 really an extension.

19 CHAIRMAN KEILSON: We have to go down to the
20 issue.

21 MR. PANTELIS: Let's just vote if you would,
22 if you're inclined to, on the extension.

23 CHAIRMAN KEILSON: We're going to vote on the
24 extension for a year, Mr. Schreck.

25 MEMBER SCHRECK: I'm going to vote for.

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1 CHAIRMAN KEILSON: Mr. Gottlieb.

2 MEMBER GOTTLIEB: For the one-year extension.

3 CHAIRMAN KEILSON: Mrs. Williams.

4 MEMBER WILLIAMS: For.

5 CHAIRMAN KEILSON: Mr. Henner.

6 MEMBER HENNER: For.

7 CHAIRMAN KEILSON: And I certainly vote for
8 it as well.

9 MR. MEISTER: Thank you.

10 CHAIRMAN KEILSON: Now, let's go on to the
11 modifications.

12 MR. ELBAUM: Yes. So this application is
13 requesting one variance regarding the Village's
14 surface coverage requirement. It's going to
15 exceed the prior approved surface coverage by
16 958.7 square feet, which comes out to 8.79 percent
17 above the permitted -- the maximum permitted
18 coverage. Just bear with me for the numbers for a
19 minute. I hope to do a good job in explaining it.

20 In 2011 this application was -- three
21 variances were granted. One was for height, one
22 was for --

23 CHAIRMAN KEILSON: The one for surface,
24 that's the only thing that has relevance tonight.

25 MR. ELBAUM: Sure. In 2011 there was a

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1 variance granted for lot coverage. That was for
2 an additional 616 square feet, or 3.44 percent
3 above what is -- what is permitted. What's being
4 sought and requested --

5 CHAIRMAN KEILSON: That was 18,518?

6 MR. ELBAUM: That was -- no, that was -- yes,
7 I apologize, that was 18,518. What's being asked
8 for tonight is an additional -- additional -- let
9 me just clarify. I apologize.

10 MR. MEISTER: It's approximately 900.

11 MR. PANTELIS: 958.7.

12 MR. ELBAUM: 958.7, which brings the
13 percentage of overage to 8.79 percent, so again,
14 5.35 --

15 CHAIRMAN KEILSON: Over the original
16 permitted. Not of the granted but of the original
17 permitted.

18 MR. ELBAUM: Yes, over originally permitted.
19 8.79 percent above what is permitted by code.

20 CHAIRMAN KEILSON: Okay.

21 MEMBER GOTTLIEB: I'm sorry. What does the
22 8.79 represent, the first variance?

23 CHAIRMAN KEILSON: No, all-inclusive.

24 MEMBER GOTTLIEB: The total, okay.

25 CHAIRMAN KEILSON: All-inclusive. And the

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1 increase is attributable to?

2 MR. ELBAUM: A basketball court, a half-court
3 basketball court which is approximately 28 by 50
4 feet, totaling 1,400 square feet. I guess
5 Mr. Meister can explain the differences in the
6 site plan from 2011 to today, how we got to this
7 number. Some items on the site plan have been
8 changed, including the pool has been reduced.
9 I'll let Mr. Meister explain that.

10 MR. MEISTER: The original plan, site plan
11 which was approved, we had the pool close to the
12 house. We've moved the pool and the pool deck
13 away from the house along with the pool house
14 away -- basically to the north, away from the
15 house.

16 There was a driveway that came in from
17 Hollywood Crossing to a parking area and it
18 continued around in along parallel with
19 Ocean Avenue to meet up with the service driveway.
20 We've eliminated that. The guest parking which
21 we're calling it now over here, this parking and
22 driveway are going to be gravel. So even though
23 it's counted as pervious -- sorry, impervious
24 surface, it's really pervious.

25 CHAIRMAN KEILSON: Okay.

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1 MR. ELBAUM: What's the size of that
2 driveway?

3 MR. MEISTER: This driveway is 3,992 square
4 feet. We've reduced the size of the pool deck.
5 We've reduced the size of the pool. What we're
6 asking for is the basketball court 1,400 square
7 feet, 500 of which is permitted, 500 square feet
8 is permitted, we're asking for an additional 978,
9 or whatever the number was, square feet.

10 CHAIRMAN KEILSON: Any questions?

11 MR. PANTELIS: So you're replacing actually
12 what had been proposed to be a paved driveway with
13 a pervious surface?

14 MR. MEISTER: This was --

15 MR. PANTELIS: On the original plan?

16 MR. MEISTER: On the original plan, correct.

17 MR. PANTELIS: It was paved.

18 MR. MEISTER: It was paved.

19 MR. PANTELIS: It was shown as paved. So now
20 you're showing it as gravel.

21 CHAIRMAN KEILSON: There are a number of
22 changes from the size of the pool. The net
23 difference is 900.

24 MR. MEISTER: There's a net difference of 900
25 square feet.

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1 MEMBER GOTTLIEB: I'd like to ask a question
2 to make it easy for you. One of the reasons we
3 look at surface coverage, one is for surface, one
4 is environmental factors and drainage. It sounds
5 like the house is kind of green, maybe not LEED,
6 but you're saying geothermal. Have you done
7 anything on the property to mitigate the excess
8 surface coverage in terms of runoff or in terms of
9 recycling the water coming off the roof into
10 shallow water?

11 MR. MEISTER: As far as the drainage system
12 on this house, right after Sandy there was water
13 basically everywhere. This house was dry, even
14 the basement was dry just because of the way
15 the --

16 MEMBER GOTTLIEB: Sandy was groundwater
17 coming up, not rainwater coming down. The
18 Ocean Avenue side is substantially higher.

19 MR. MEISTER: Correct. All I'm saying, there
20 are seven or eight, if not more, seven or eight
21 dry wells on here.

22 MR. RYDER: How big are the dry wells? Do
23 you recall how big the dry wells are?

24 MR. MEISTER: Each of them is a minimum of
25 six feet wide. I don't -- off the top of my head,

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1 basically six feet wide. They're located
2 basically around the perimeter of the property.
3 The engineer who did the site drainage is a
4 gentleman by the name of Leonard Jackson. He's
5 the --

6 CHAIRMAN KEILSON: Premier.

7 MR. MEISTER: Besides that, he does all of
8 FEMA's work for Long Island.

9 MR. PANTELIS: We're familiar with his work.

10 MR. MEISTER: He beat us up.

11 MEMBER GOTTLIEB: So based on his reputation,
12 the de minimis overage that you're asking for will
13 certainly not cause any runoff or in any which way
14 cause excess water to run down Mistletoe or
15 Barrett which tend to flood out on a night like
16 tonight.

17 MR. MEISTER: No.

18 CHAIRMAN KEILSON: Any further questions from
19 the Board?

20 Let's vote from Mr. Henner's side.

21 MEMBER HENNER: I'm in favor.

22 CHAIRMAN KEILSON: Mrs. Williams.

23 MEMBER WILLIAMS: In favor.

24 CHAIRMAN KEILSON: Mr. Gottlieb.

25 MEMBER GOTTLIEB: In favor.

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1 CHAIRMAN KEILSON: Mr. Schreck.

2 MEMBER SCHRECK: In favor.

3 CHAIRMAN KEILSON: And I'm in favor, and I
4 think we have the parameters.

5 MR. MEISTER: Thank you.

6 MR. ELBAUM: Thank you very much.

7 CHAIRMAN KEILSON: Pleasure seeing you yet
8 again.

9 MR. RYDER: Just one thing. This permit,
10 this is a separate permit, a separate variance.
11 This will expire -- go ahead, Mr. Pantelis, you
12 know where I'm going.

13 CHAIRMAN KEILSON: Contemporaneous with the
14 other.

15 MR. PANTELIS: It should be a one-year permit
16 as well, so we'll make it run, coincide with this
17 extension. Or else we will have the issue of two
18 different approvals.

19 MR. MEISTER: That's fine.

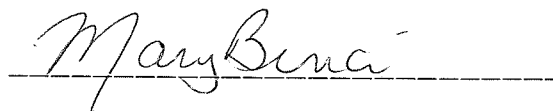
20 MR. PANTELIS: Since it's essentially site
21 work.

22 (Whereupon, the hearing concluded at
23 9:19 p.m.)

24 *****

25 Certified that the foregoing is a true and

1 accurate transcript of the original stenographic
2 minutes in this case.

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5 MARY BENCI, RPR
6 Court Reporter
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