

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 December 18, 2013  
7 7:34 p.m.

8 APPLICATION: Rabinowitz  
9 5 Andover 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. MICHAEL RYDER  
22 Building Department

23  
24 Mary Benci, RPR  
25 Court Reporter

1 CHAIRMAN KEILSON: Good evening, ladies and  
2 gentlemen. Welcome to the Lawrence Village Board  
3 of Zoning Appeals. Please turn off your cell  
4 phones. If there's a need for a conversation,  
5 please take it out into the hall.

6 Tonight, we're short our counsel, so please  
7 don't ask us any difficult questions.  
8 Mr. Pantelis was feeling ill and so we'll proceed  
9 without his sage advice. We'll do the best we can  
10 under the circumstances.

11 Mr. Ryder, proof of posting?

12 MR. RYDER: I offer proof of posting,  
13 Mr. Chairman.

14 CHAIRMAN KEILSON: Thank you very much.

15 Okay. There are a few business matters to  
16 clear up first. We have a request from the  
17 Rabinowitz family at 5 Andover for an extension of  
18 their variance, it's expiring. Do you have a date  
19 when it's expiring?

20 MR. RYDER: December 20th.

21 CHAIRMAN KEILSON: December 20th of 2013, I  
22 assume.

23 MR. RYDER: Yes.

24 CHAIRMAN KEILSON: So they're seeking an  
25 extension of one year. Is that acceptable to the

1 Board?

2 MEMBER SCHRECK: Yes.

3 MEMBER GOTTLIEB: Yes.

4 MEMBER WILLIAMS: Yes.

5 MEMBER HENNER: Yes.

6 CHAIRMAN KEILSON: So the Board will advise  
7 another year extension. I believe they're already  
8 in the middle of construction or towards the end  
9 of it.

10 (Whereupon, the hearing concluded at  
11 7:35 p.m.)

12 \*\*\*\*\*

13 Certified that the foregoing is a true and  
14 accurate transcript of the original stenographic  
15 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 December 18, 2013  
7 7:35 p.m.

## 8 APPLICATION:

9 Scharf  
10 15 Keewaydin Road  
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. MICHAEL RYDER  
24 Building Department

25 Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: The matter of Scharf,  
2 15 Keewaydin. We have a request for an  
3 adjournment on behalf of a neighbor, and I believe  
4 that the applicant has agreed to the extension.  
5 We have a letter from his counsel. Is counsel  
6 present? Is anyone present on the Scharf matter?

7 (No response.)

8 CHAIRMAN KEILSON: Okay. So the Board has  
9 seen the letter. The neighbor was unable to  
10 attend tonight. He recognizes that the next date  
11 was January 15th, I believe. It will be a final  
12 adjournment. So he will have to be present for  
13 that.

14 Mr. Schreck.

15 MEMBER SCHRECK: That's fine.

16 CHAIRMAN KEILSON: Mr. Gottlieb.

17 MEMBER GOTTLIEB: For, yes.

18 CHAIRMAN KEILSON: Mrs. Williams.

19 MEMBER WILLIAMS: For.

20 CHAIRMAN KEILSON: Mr. Henner.

21 MEMBER HENNER: For.

22 CHAIRMAN KEILSON: So that's adjourned.

23 (Whereupon, the hearing concluded at  
24 7:36 p.m.)

25 \*\*\*\*\*

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

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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 December 18, 2013  
7 7:36 p.m.

8 APPLICATIO: Gelbtuch  
9 60 Muriel Avenue  
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. MICHAEL RYDER  
23 Building Department

24  
25 Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: Gelbtuch, 60 Muriel. I  
2 know that they're present tonight.

3 MR. GELBTUCH: I'm Mark Gelbtuch, 60 Muriel  
4 Avenue, Lawrence. So I think we're going to be  
5 requesting an adjournment for our hearing. We've  
6 submitted new plans for to be I guess considered  
7 for I guess the next meeting.

8 CHAIRMAN KEILSON: Yeah, January 15th.

9 MR. GELBTUCH: January 15th, yes.

10 CHAIRMAN KEILSON: Mr. Henner.

11 MEMBER HENNER: Sure.

12 CHAIRMAN KEILSON: Mrs. Williams.

13 MEMBER WILLIAMS: For.

14 CHAIRMAN KEILSON: Mr. Gottlieb.

15 MEMBER GOTTLIEB: Sure.

16 CHAIRMAN KEILSON: Mr. Schreck.

17 MEMBER SCHRECK: For.

18 CHAIRMAN KEILSON: And certainly the Chair  
19 agrees, so it will be on the 15th.

20 (Whereupon, the hearing concluded at  
21 7:37 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.

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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

December 18, 2013  
7:37 p.m.

APPLICATION: Central Sutton LLC  
160 Central Avenue  
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. MICHAEL RYDER  
Building Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: The matter of Central  
2 Sutton LLC. Is anybody here on their behalf,  
3 Central Sutton? We just have to formalize that  
4 which has been voted upon by the Board the last  
5 time.

6 MR. CAPOBIANCO: Yes.

7 CHAIRMAN KEILSON: So the modification was  
8 that I think new drawings were submitted.

9 MR. CAPOBIANCO: That's right.

10 CHAIRMAN KEILSON: Consistent with the  
11 decision rendered that evening.

12 MR. CAPOBIANCO: Reducing it to five percent  
13 over building coverage.

14 CHAIRMAN KEILSON: The Building Department  
15 has new plans, correct?

16 MR. RYDER: Correct, we do, and they were  
17 reviewed.

18 CHAIRMAN KEILSON: So I don't know, without  
19 Mr. Pantelis to tell us what to do, but we'll  
20 affirm the decision of that evening from the  
21 Board.

22 MEMBER WILLIAMS: Yes.

23 MEMBER SCHRECK: Yes.

24 MR. CAPOBIANCO: Okay, that will be good.

25 CHAIRMAN KEILSON: To formally affirm.

Central Sutton LLC - 12/18/13

(Whereupon, the hearing concluded at  
7:38 p.m.)

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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 December 18, 2013  
7 7:38 p.m.

8 APPLICATION: Gott  
9 97 Park Row  
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. MICHAEL RYDER  
22 Building Department

23  
24  
25 Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: The matter of Gott,  
2 Park Row.

3 MEMBER GOTTLIEB: Before you begin, I just  
4 need to mention that I'm a neighbor. I live  
5 within the 300 feet of this house. Actually, I  
6 live two houses away. I don't see any reason why  
7 I should recuse myself. I have no personal  
8 interest in this matter.

9 MR. CAMMARATA: Okay.

10 MEMBER GOTTLIEB: Sorry to interrupt you.

11 MR. CAMMARATA: No problem.

12 Good evening, members of the Board.  
13 Joseph Cammarata, 476 Coolidge Street,  
14 West Hempstead, New York 11552, representing  
15 Miss Kelly Gott, here to my left, 97 Park Row,  
16 Lawrence.

17 We're here tonight seeking relief to maintain  
18 a rear wood deck on Miss Gott's property which  
19 violates Section 212-18.D for a minimum rear-yard  
20 setback of 20 feet; and Section 212-18(2)  
21 subsection (B) for a maximum rear-yard setback to  
22 height ratio of one to ten.

23 The southern portion of the deck in question  
24 occupies approximately 230 square feet and  
25 approaches the western property line and is raised

1 approximately two feet above the grade level.  
2 Another portion of the deck also occupies 130  
3 square feet with the same setback from the western  
4 property line and is elevated approximately ten  
5 inches off the grade level. The setback  
6 maintained is 1.1 feet and also presents a  
7 rear-yard setback to height ratio of one to 59  
8 where a 20-foot rear yard and a one-to-ten ratio  
9 is required. We have submitted pictures with our  
10 application to show the condition of the deck.

11 To start the process, I have a few new  
12 current pictures, if the Board would like to  
13 submit as evidence of the current condition as of  
14 last week.

15 CHAIRMAN KEILSON: When was the deck built?

16 MR. CAMMARATA: The deck was built in May of  
17 2012.

18 CHAIRMAN KEILSON: Okay. And the applicant  
19 was not aware that she had to seek a variance for  
20 it?

21 MR. CAMMARATA: At the time, no; the  
22 applicant was not from the area. And this is her  
23 first residential in a suburban area, and she was  
24 not aware of the Village's codes and requirements  
25 in the zoning area.

1 CHAIRMAN KEILSON: Okay.

2 MS. GOTT: I'm apologetic.

3 CHAIRMAN KEILSON: Introduce yourself,  
4 please.

5 MS. GOTT: Oh, I'm sorry. I'm Kelly Gott of  
6 97 Park Row. So I've tried to do everything since  
7 then to go through the proper process and work  
8 with the Board and the Village here.

9 CHAIRMAN KEILSON: Okay.

10 MR. CAMMARATA: At this time I'd like to  
11 submit those pictures.

12 CHAIRMAN KEILSON: Certainly.

13 MR. CAMMARATA: Five here (handing).

14 MR. RYDER: Thank you.

15 MR. CAMMARATA: The pictures labeled 1A and  
16 1B shows the deck with the patio furniture  
17 consisting of a round table and four chairs of  
18 wicker material and an umbrella and a portable  
19 propane fired self-contained barbecue that was  
20 purchased at Lowe's.

21 Picture 2B shows the view of the average  
22 person standing on the raised portion of the deck  
23 looking into the neighbor's yard.

24 The picture labeled 3B shows the view of the  
25 average person standing on the lower portion of



1 the deck overlooking the rear property line.

2 In both pictures you are able to see the deck  
3 in question is lower in elevation and less in  
4 square footage than the apportioned deck; however,  
5 the setbacks do not meet.

6 Also, at this point I'd like to submit  
7 consent letters from the surrounding neighbors  
8 expressing their satisfaction in what Miss Gott is  
9 proposing to legalize (handing).

10 MR. RYDER: Thank you.

11 MR. CAMMARATA: As per the adjournment from  
12 the last hearing that we were scheduled for back  
13 in October, we had a neighbor-to-neighbor  
14 situation where one of the neighbors, the adjacent  
15 rear of the property, was unhappy with the status  
16 of the deck.

17 Since then, Miss Gott has made numerous  
18 attempts to mitigate the situation. Over the past  
19 60 days it's been relatively quiet. In fact,  
20 until today, yet again, where the neighbor  
21 expressed some kind of interest in mediating the  
22 issue. Unfortunately --

23 MEMBER GOTTLIEB: Mr. Cammarata, that  
24 neighbor, I believe, happens to be here and can  
25 probably speak for himself at some point. I

1 believe he walked in after you began so you didn't  
2 see that.

3 Can I ask you a question about the deck? You  
4 mentioned one portion is ten inches above grade.

5 MR. CAMMARATA: Correct.

6 MEMBER GOTTLIEB: The other one, I believe,  
7 is 21 inches.

8 MR. CAMMARATA: Yes.

9 MEMBER GOTTLIEB: So the step in between,  
10 that's about 11 inches or so?

11 MR. CAMMARATA: Correct.

12 CHAIRMAN KEILSON: I think it's worthwhile  
13 pointing out, Mr. Ryder, what's the rule as far as  
14 decks?

15 MEMBER GOTTLIEB: Whereby they would not need  
16 a variance.

17 CHAIRMAN KEILSON: Whereby they require a  
18 variance.

19 MR. RYDER: One step which is the maximum of  
20 eight inches is where we request a permit when you  
21 exceed that.

22 MEMBER GOTTLIEB: So are you saying that all  
23 of this could be built as of right if it was at  
24 eight inches, and no higher without a special  
25 variance?

1 MR. RYDER: Possibly looking at a surface  
2 coverage issue.

3 CHAIRMAN KEILSON: Barring a surface  
4 coverage, that would be a different issue.

5 MR. RYDER: Correct.

6 MEMBER GOTTLIEB: Is there a surface coverage  
7 issue here?

8 MR. RYDER: I don't believe so.

9 MEMBER GOTTLIEB: No, these are just height/  
10 setback ratio and minimum rear-yard setback.

11 CHAIRMAN KEILSON: Okay. Any other?

12 MEMBER GOTTLIEB: Just to repeat, that this  
13 could be built as of right at eight inches or  
14 below grade, and roughly 13 inches below where it  
15 is now.

16 MR. RYDER: Correct.

17 MEMBER GOTTLIEB: One portion 13 inches, one  
18 portion two inches less.

19 MR. RYDER: Correct.

20 CHAIRMAN KEILSON: Okay. Any other questions  
21 from the Board at this moment?

22 (No response.)

23 CHAIRMAN KEILSON: Let's see if we can hear  
24 from the neighbor or any other party, if you want  
25 to address, please. Let Mary know who you are and

1 your address.

2 MR. BRICKELL: My name is Mark Brickell. My  
3 address is 516 Chauncey Lane.

4 CHAIRMAN KEILSON: Sir, you are the neighbor  
5 to the, I guess, west?

6 MR. BRICKELL: We're to the west, right, so  
7 this construction bumps up against our property  
8 line, our mutual property line.

9 CHAIRMAN KEILSON: Right.

10 MR. BRICKELL: And the houses in this section  
11 are not very far apart. I think each of us would  
12 be about ten feet from the property line, all  
13 right, the building itself.

14 Unfortunately, the effect of the construction  
15 of the deck once furniture and cooking apparatus  
16 are placed on it is to extend the living area of  
17 my neighbor right up to the property line that we  
18 share. The grill has been placed so that it vents  
19 into our yard. It's closer to our house -- well,  
20 to our property than to my neighbor's house.

21 MEMBER HENNER: Could you speak up a little  
22 bit. I'm sorry.

23 MR. BRICKELL: Sure. Do you want me to  
24 repeat?

25 MEMBER HENNER: No, I heard everything, but

1 I'm straining.

2 MR. BRICKELL: And the placement of the  
3 picnic table and the umbrella is also right up  
4 against the property line. So in an area where we  
5 don't have a lot of room between the houses, the  
6 buffer between our living areas has effectively  
7 been eliminated by the construction of the deck  
8 and the placement of these items on it.

9 So I've expressed some concern about this to  
10 Kelly and reached out yesterday and today with  
11 some specific ideas about how we might remediate  
12 the problem. There's some aspects of it that I  
13 think could be dealt with -- well, my effort has  
14 been to find ways to deal with it that would not  
15 be expensive.

16 CHAIRMAN KEILSON: Okay. And what kind of  
17 response did you get from your neighbor when you  
18 put forward these ideas?

19 MR. BRICKELL: She indicated that she would  
20 take them under advisement.

21 CHAIRMAN KEILSON: Okay.

22 MEMBER GOTTLIEB: Mr. Brickell, I just want  
23 to mention that I didn't ask, but I'm pretty sure  
24 that all the members have been to your house and  
25 they are eyewitnesses of what was built. I just

1 want to, I guess, maybe remind you that the  
2 entrance to your house is a little bit unusual in  
3 that the entrance to your house is on the side of  
4 the property, not on the front of the property.  
5 So just that I think they may have all been out  
6 there back in October and may or may not recall,  
7 but the entrance is on the side and so your  
8 objection about the barbecue is that when you walk  
9 into the front door of your house, is that  
10 adjacent to where the barbecue is?

11 MR. BRICKELL: The barbecue is set back a  
12 little bit from the front door. The picnic table  
13 is adjacent to the front door, but as you rise up  
14 the steps to enter our house you get an even  
15 clearer view of all the living equipment that's on  
16 the neighboring deck. It's close by. The grill  
17 is set a little farther back, but it's opposite  
18 our living room. The table, the picnic table is  
19 visible through the window of our living room.  
20 It's all close by. And I guess the reason we have  
21 these restrictions is in order to provide some  
22 sort of a buffer to prevent these kinds of  
23 sensations to the extent that we can.

24 CHAIRMAN KEILSON: Understood.

25 Okay, any other questions? Any questions?

1 MEMBER WILLIAMS: You said you came up with  
2 some ideas. Do you want to share them?

3 MR. BRICKELL: Well, I'm happy to if you want  
4 me to.

5 CHAIRMAN KEILSON: Please.

6 MR. BRICKELL: Four of the -- well, three  
7 design elements in this plan cause a particular  
8 problem for me, and even I think for people  
9 walking up and down the street. The parts that  
10 rise above the four-foot-high fence that separates  
11 the two properties are particularly visible.  
12 Those elements would be the grill itself, the  
13 umbrella on the table, and the railing that is  
14 closest to Chauncey Lane, the one that's visible  
15 from the street. And you can see that those  
16 features rise up above the fence line, rise up  
17 above the vegetation and they're particularly  
18 noticeable.

19 I thought that perhaps by moving the grill so  
20 that it backs up against the cellar door of  
21 97 Park Row, right, so it's tucked back into the  
22 house structure it would not be so visible and we  
23 wouldn't have the proximity of the cooking. That  
24 by taking the umbrella off the table, that would  
25 not be such a -- such a noticeable feature. And

Gott - 12/18/13

1 that by lowering the railing so that it matches  
2 the height of the four-foot-high fence things  
3 would blend in a little bit more, and I'd like to  
4 think that none of those things would be as  
5 expensive as other forms of remediation.

6 It leaves me with some concern about what  
7 would happen if the house was sold or if a tenant  
8 moves in because these are all the kinds of things  
9 that someone might change coming out there and  
10 buying a place that had a deck, but Miss Gott  
11 offered to agree to remove the deck upon the sale  
12 of the house, which if that's an enforceable  
13 arrangement would solve the problem.

14 CHAIRMAN KEILSON: It is.

15 MR. RYDER: Just a couple of comments,  
16 Mr. Chairman. The railing, there's minimum code  
17 requirements with that.

18 MR. BRICKELL: I figured there might be.

19 MR. RYDER: Thirty-six inches. We have an  
20 architect here tonight that can validate that's  
21 the minimum requirement and we must maintain that.

22 MR. BRICKELL: Thirty-six above grade?

23 MR. RYDER: Thirty-six inches above the top  
24 of the deck.

25 MR. BRICKELL: So that would put us at about



1 23 plus.

2 MR. RYDER: They could lower it due to the  
3 fact that I think it's 30 inches above grade  
4 requires the rail, so I think they can lower it.

5 MR. CAPOBIANCO: If the grade is less than  
6 the deck, the platform is less than 30 inches from  
7 the grade, they could bring the fence down.

8 MR. BRICKELL: Bring it down to the four-foot  
9 level, the same height as the fence?

10 MR. RYDER: As of right, yes.

11 MR. CAPOBIANCO: They could bring it down to  
12 the fence, right.

13 MR. RYDER: I'm answering my own objections.  
14 And the barbecue, there's a fire separation,  
15 so I would prefer it not be against the dwelling.

16 MR. BRICKELL: It's a moveable --

17 MR. RYDER: Right.

18 MR. BRICKELL: As I've said to her, if you  
19 need to move it out to cook, go ahead, but let's  
20 not have it sitting there 365 days a year.

21 MR. RYDER: That's code.

22 CHAIRMAN KEILSON: Thank you very much.

23 Let's hear from the applicant. We generally  
24 don't engage in this type of a dialogue, but we  
25 have a short calendar tonight so we'll try to get

1 this resolved.

2 MR. CAMMARATA: Absolutely.

3 CHAIRMAN KEILSON: We leave this to  
4 Judge Judy normally.

5 MS. GOTT: Seems like we need one.

6 CHAIRMAN KEILSON: So apparently the neighbor  
7 has put forth three suggestions to mitigate, and  
8 where do we stand on those three suggestions?

9 MR. CAMMARATA: I would defer the response to  
10 that to the owner.

11 CHAIRMAN KEILSON: Yes, of course. Rather  
12 than taking it under advisement, why don't we just  
13 make some decision.

14 MS. GOTT: I mean, that's fine. I mean, the  
15 only thing I would say is the deck was built  
16 nineteen months ago, and I made repeated attempts  
17 to have a conversation. So it wasn't until today,  
18 on the day of the now rescheduled Board meeting, I  
19 feel like if he's taken nineteen months, I can  
20 take two hours to think about it, talk to the  
21 person that I have employed to help me sort  
22 through this process, so in the airport in Chicago  
23 today I didn't want to have to make a decision.

24 CHAIRMAN KEILSON: I hear what you're saying,  
25 but here we are tonight on the adjourned night in

Gott - 12/18/13

1 front of the Board, and we are engaging in  
2 something we normally don't want to engage in.

3 MS. GOTT: Yeah, I'm a little confused, but  
4 I'm kind of uncomfortable talking to the Board  
5 about my umbrella, but I'm happy to do that.

6 CHAIRMAN KEILSON: We're not happy to do  
7 that, truthfully.

8 MEMBER GOTTLIEB: We've had worse  
9 conversations, much worse.

10 MS. GOTT: I mean, you've got to be kidding  
11 me. So if it's -- legally, I thought that I had  
12 to have a railing on the end. So if I can bring  
13 it to that height, no problem. I'll get a saw out  
14 and I'll have it fixed in short order.

15 CHAIRMAN KEILSON: There's three items: The  
16 grill, the umbrella and the railing.

17 MS. GOTT: The grill can certainly be rolled  
18 around; that's not a problem.

19 CHAIRMAN KEILSON: The Building Department  
20 can come each time you want to barbecue and they  
21 can move the grill.

22 MR. RYDER: I'm just concerned about it  
23 against the dwelling; that's my concern.

24 MS. GOTT: So I object a little bit to the  
25 umbrella, but if it's the deck or the umbrella

1 I'll pick the deck.

2 MEMBER GOTTLIEB: Miss Gott, let me ask you,  
3 in your application it's mentioned that it's  
4 heavily wooded and that's why you needed the deck  
5 because it's a damp area.

6 MS. GOTT: Yeah. I mean, it was basically a  
7 dirt patch, so most of my other neighbors think  
8 it's an improvement aesthetically.

9 MEMBER GOTTLIEB: The reason why I'm asking,  
10 is the umbrella really necessary if it's a heavily  
11 shaded area per your statement in the application?

12 MS. GOTT: Yeah, it's not. It's out -- that  
13 part's out in the open.

14 MR. CAMMARATA: If I may interrupt. The area  
15 in question is actually not shaded; it's not  
16 properly drained so that in rain or in where snow  
17 tends to melt in that area it just becomes an  
18 absolute mud pit. That was really the reason,  
19 because Miss Gott was unable to use the rear yard  
20 because it would essentially render it a sloppy  
21 mess.

22 MS. GOTT: And the deck -- the barbecue and  
23 the table and the umbrella were all there before I  
24 built the deck. They're arguably higher now and  
25 more visible, but they were there before.

Gott - 12/18/13

1 CHAIRMAN KEILSON: Okay.

2 MS. GOTT: And it's hard to say, I mean,  
3 everything in their house is visible from my house  
4 too. We're nineteen feet apart.

5 CHAIRMAN KEILSON: I understand. We're  
6 discussing a particular situation where something  
7 was done not according to the rules.

8 MS. GOTT: Yes, and my apologies.

9 MEMBER GOTTLIEB: Very often we're asked  
10 instead of these three kind of simple requests  
11 much more substantial requests, such as putting in  
12 a row of bushes or hedges. You don't have that  
13 space without removing the deck.

14 MS. GOTT: Right.

15 MEMBER GOTTLIEB: Unfortunately, that's not  
16 on the table as a request. Just to give you an  
17 idea of what we've heard in the past in other  
18 similar types of situations.

19 MS. GOTT: Right.

20 CHAIRMAN KEILSON: Did you offer to remove  
21 the deck in the event of the sale of the house?

22 MS. GOTT: I did, trying to be cooperative.

23 CHAIRMAN KEILSON: That's very, very  
24 commendable.

25 MS. GOTT: Right?

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1 CHAIRMAN KEILSON: Yeah, I agree. Any other  
2 questions from the Board?

3 MEMBER HENNER: No.

4 CHAIRMAN KEILSON: Are you satisfied with the  
5 barbecue being moved and the umbrella?

6 MEMBER HENNER: Sure.

7 CHAIRMAN KEILSON: Any other questions?

8 MEMBER GOTTLIEB: And the railing being  
9 lowered, right.

10 CHAIRMAN KEILSON: Okay. So we're  
11 considering the application now with the provision  
12 that there will be the umbrella removed, the  
13 railing being lowered to match the height of the  
14 balance of the fence, and the grill being placed  
15 as close to the house as possible, but obviously  
16 observing the concerns of the Building Department  
17 of not barbecuing right up to the house.

18 MR. RYDER: Correct, fire separation.

19 CHAIRMAN KEILSON: Fire separation.

20 And a commitment that in the event there's a  
21 sale of the house that the deck will be removed at  
22 that time. So that's what we're going to vote on.

23 Mr. Schreck.

24 MEMBER SCHRECK: I vote for.

25 CHAIRMAN KEILSON: Mr. Gottlieb.

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1 MEMBER GOTTLIEB: Provided that both parties  
2 are in unison on this, I'm totally for it.

3 CHAIRMAN KEILSON: Well, there seems to be a  
4 consensus.

5 MEMBER GOTTLIEB: Yes, I'm sorry, I'm just  
6 repeating.

7 CHAIRMAN KEILSON: Mrs. Williams.

8 MEMBER WILLIAMS: I'm for. I like to see  
9 neighbors working things out.

10 CHAIRMAN KEILSON: I'm for as well. So thank  
11 you very much.

12 MS. GOTT: Thank you.

13 MR. CAMMARATA: Thank you.

14 CHAIRMAN KEILSON: Good evening.

15 (Whereupon, the hearing concluded at  
16 7:57 p.m.)

17 \*\*\*\*\*

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

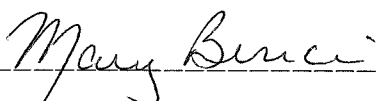
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MARY BENCI, RPR  
Court Reporter

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

December 18, 2013  
7:57 p.m.

APPLICATION:

Fox  
51 Herrick Drive  
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. MICHAEL RYDER  
Building Department

Mary Benci, RPR  
Court Reporter



1 CHAIRMAN KEILSON: The matter of Fox,  
2 51 Herrick Drive.

3 MR. CAPOBIANCO: Well, we're here this  
4 evening --

5 CHAIRMAN KEILSON: Did you introduce  
6 yourself?

7 MR. CAPOBIANCO: John Capobianco, architect,  
8 159 Doughty Boulevard, Inwood.

9 This is Mrs. Fox, 51 Herrick Road, Herrick  
10 Lane, Herrick Drive.

11 You know, the Foxes have been in this  
12 community, lived in this house for 24 years. They  
13 have eight children and nine grandchildren. Four  
14 of the eight children still live home in the  
15 house. The house is crowded, to say the least.  
16 And they have a full basement which they wanted to  
17 increase in size by underpinning the section in  
18 the back, which is a crawl. We've run tests so  
19 that we can increase the size of the basement so  
20 it could be a usable basement.

21 The goal was to change the design of the roof  
22 in order to create for volume of storage in the  
23 attic to get a little bit more attic space by  
24 creating a gambrel roof, and in doing the gambrel  
25 roof we actually on the right side of the house

1 improved the height/setback ratio. We improved  
2 it. The old gable end created a worse condition  
3 in terms of height/setback ratio. So it's  
4 actually improving the height/setback ratio on the  
5 north side of the house.

6 The rear of the property it was only a  
7 26-foot rear yard. We had gotten a couple of  
8 years back I think a variance to build a one-story  
9 addition. At that point there was a gable roof  
10 that was a little lower, so the height/setback  
11 ratio for the rear yard would be increased, and  
12 the front yard there's a very small portion of the  
13 gambrel roof that is in the plane of the height/  
14 setback ratio. So there's actually three height/  
15 setback ratios we're asking for; the right side,  
16 the rear, and the front.

17 And by creating this extra volume with the  
18 gambrel roof, they can get close to a seven-foot  
19 clear standable height at the center and then  
20 create more volume on the sides so they could  
21 store a lot of the stuff they have now down in  
22 their basement. So the basement can be developed  
23 and finished and become more usable and  
24 functional. And also, with the additional space  
25 that we want to create underneath by underpinning

1 the room in the back behind the garage and the  
2 garage. So that we're creating a larger basement.  
3 But it all stays within the footprint of the  
4 existing house.

5 CHAIRMAN KEILSON: The question that arose is  
6 we'd like a better understanding of the prior  
7 variances because, as you know, the Board is  
8 generally not happy at the nibble effect, a  
9 variance, a variance, a variance. But had the  
10 applicant come at the first stage and asked for  
11 the full scope, the attitude might have been  
12 different. So I think it's very important for all  
13 parties to understand exactly what the history of  
14 the variances are.

15 MR. CAPOBIANCO: Also, you know, the  
16 neighbors in the rear and the two sides were, I  
17 believe, spoken to and they're all in favor of the  
18 application, and they don't have a problem with  
19 the new roof line or the look of the house. They  
20 feel that the appearance of the house will be, you  
21 know, immensely enhanced by creating this gambrel  
22 roof, and you know, it's something that, you know,  
23 I think would add to the block.

24 But the variance, I think the --

25 CHAIRMAN KEILSON: Just to --

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1 MR. CAPOBIANCO: Go ahead.

2 CHAIRMAN KEILSON: To that end, I would have  
3 liked to see letters, number one.

4 Number two, there was a call received by the  
5 Village in objection by a party that does not want  
6 to be named. As you know, in our close community  
7 it's not unusual for people to be reticent about  
8 being public about their objection.

9 MR. CAPOBIANCO: Okay.

10 CHAIRMAN KEILSON: So as uncomfortable as I  
11 am about suggesting that we should give it any  
12 credence, the fact of the matter is the  
13 representation that you made just now it's not  
14 accurate, okay.

15 MR. CAPOBIANCO: Did you not speak to the --

16 MS. FOX: I spoke to every single neighbor  
17 within my perimeter, but --

18 CHAIRMAN KEILSON: We're not talking about  
19 the 300-foot radius. We're talking about the most  
20 effected by it.

21 MR. CAPOBIANCO: The one to the north and to  
22 the south.

23 CHAIRMAN KEILSON: Why don't we leave that  
24 for the moment.

25 MS. FOX: I spoke to Zahn.

1 CHAIRMAN KEILSON: Okay.

2 MR. CAPOBIANCO: That's at the rear. Zahn is  
3 immediately to the rear.

4 MEMBER GOTTLIEB: It's not uncommon for a  
5 neighbor to say that they don't have an objection  
6 to you, and then secretly say I didn't want them  
7 to know I objected. So you may not be aware  
8 someone is objecting.

9 MR. CAPOBIANCO: So the statement could be  
10 true that I made.

11 MEMBER HENNER: It could be.

12 MR. CAPOBIANCO: Well, that's what I'm  
13 saying. It could be a true statement.

14 CHAIRMAN KEILSON: You're not under oath so  
15 we're not going to hold you to it.

16 MR. CAPOBIANCO: So, you know, I think that  
17 the variance --

18 CHAIRMAN KEILSON: The other issue, just for  
19 the sake of making the record very clear, I think  
20 part of the reason that there's an objection,  
21 there's an understanding that there's another  
22 family living in the house presently.

23 MS. FOX: Correct.

24 CHAIRMAN KEILSON: And that being the case,  
25 there's a concern that a lot of this work is being

1 done to accommodate the presence of another  
2 family.

3 MS. FOX: It's my husband's brother.

4 MR. CAPOBIANCO: Is he staying there?

5 MS. FOX: Temporarily. It's not a permanent  
6 situation.

7 CHAIRMAN KEILSON: How many people are in the  
8 family?

9 MS. FOX: Currently, six.

10 CHAIRMAN KEILSON: Do you understand the  
11 light that's, you know, shed as a result of that?

12 MS. FOX: I mean, there is no truth this  
13 being a permanent situation. They're in  
14 unfortunate times.

15 CHAIRMAN KEILSON: The accommodations are  
16 permanent. So if we accommodate the space and  
17 it's done for a reason to make it habitable, as  
18 you know there are some issues with that.

19 MR. CAPOBIANCO: Well, the intent is not to  
20 make the -- is to make rooms in the basement, not  
21 the attic, but in order to make the attic --

22 MEMBER GOTTLIEB: One allows the other.

23 MR. CAPOBIANCO: Pardon me?

24 MEMBER GOTTLIEB: By giving you the attic, it  
25 allows you that room you want in the basement.

1       you create a little more volume.

2               MEMBER WILLIAMS:   So it's not livable space.

3               MR. CAPOBIANCO:   It's not habitable; it's not  
4       legal habitable space.

5               MEMBER WILLIAMS:   I know it's not legal.   But  
6       you could physically live there if you were --

7               MR. CAPOBIANCO:   Yeah, if you were a dwarf,  
8       you know, you could live up there.

9               MR. RYDER:   Mr. Capobianco, looking at the  
10       elevation, I see eight feet five inches in the  
11       attic.   Is that to the underside of the ridge, and  
12       then you're saying the collar ties will be lower,  
13       obviously.

14              MR. CAPOBIANCO:   Yeah.   Here's the drawing  
15       that shows the seven foot or the six-eleven  
16       dimension where the collar ties would connect the  
17       roof at the top; the higher gambrel portion of the  
18       roof will be a collar tie.   You have to hold it  
19       together in order to make this work.   So that  
20       would be about seven feet to the highest point.  
21       Yeah, six-eleven is seven once you finish the  
22       floor.

23              MR. RYDER:   Okay.   New York State residential  
24       code requires seven feet.

25              MR. CAPOBIANCO:   Seven-six, I believe, or

1 seven-four.

2 MR. RYDER: Well, I think seven-four would be  
3 okay, too. But you're saying that it's  
4 non-habitable space.

5 MR. CAPOBIANCO: It's non-habitable space,  
6 yes.

7 MEMBER GOTTLIEB: Unless you're a dwarf you  
8 said.

9 MR. CAPOBIANCO: Unless you're a dwarf.

10 MEMBER GOTTLIEB: You had mentioned that  
11 you're keeping the 26-foot ridge height, but --

12 MR. CAPOBIANCO: No, no, I said the existing  
13 house is 26. We're raising it to 30. We're  
14 going to bring the ridge to the maximum 30 above  
15 grade.

16 MEMBER GOTTLIEB: I beg to argue with your  
17 own application.

18 MEMBER WILLIAMS: It says here height 30  
19 feet, 30 feet, existing 26, proposed no change.

20 MR. CAPOBIANCO: That's incorrect.

21 CHAIRMAN KEILSON: Whoa.

22 MR. CAPOBIANCO: That's incorrect, and it's  
23 right clear on the drawings that it's 30 feet.  
24 It's dimensioned 30 feet and that note is  
25 incorrect. The new -- the new height is 30. It



1 falls within the limits of the required height,  
2 but it is a change from 26 to 30.

3 MEMBER GOTTLIEB: Even if it was 26 --

4 CHAIRMAN KEILSON: Let me just understand, is  
5 that a change since the last variance?

6 MR. CAPOBIANCO: No, no. The last variance  
7 only was a one-story addition in the rear. We  
8 didn't touch the original house. This had nothing  
9 to do with the last variance at all. The last  
10 variance didn't incorporate the rest of the house.  
11 It was just a one-story addition. It was just  
12 this piece in the back, that's all we went for the  
13 variance for. We didn't go for anything for the  
14 house. We were keeping the same gable roof. The  
15 original variance did have a 26-foot roof. It was  
16 the same roof on the original house.

17 CHAIRMAN KEILSON: So the reason it was not  
18 even addressed was because it's within code; is  
19 that what you're saying?

20 MR. CAPOBIANCO: Probably, that's why he said  
21 no change. But it does change from 26 to the  
22 maximum required 30. So we're proposing 30 from  
23 what was existing, 26, allowable 30.

24 CHAIRMAN KEILSON: So what will the front  
25 elevation look like? I'm trying to understand.

1 Without the new request.

2 MR. CAPOBIANCO: Well, it's just a -- what it  
3 is, it's a gable roof, like a colonial-style roof.  
4 The ridge is four foot lower to 26. This is a  
5 gambrel style roof which is 30 to the ridge.

6 MEMBER WILLIAMS: In other words, what  
7 you're saying is, if we would say technically no  
8 to this, the house would look the same as it does  
9 now?

10 MR. CAPOBIANCO: No, it would be a different  
11 look. It would be a totally different look.

12 MEMBER WILLIAMS: If you didn't do that.

13 MR. CAPOBIANCO: Oh, if you didn't do that,  
14 the house would be exactly the same as it was.

15 MEMBER WILLIAMS: With the new variances?

16 MR. CAPOBIANCO: With the -- no, it can't  
17 with them.

18 MEMBER WILLIAMS: Listen to me. It says  
19 here, variance granted, variance granted, variance  
20 granted.

21 MR. CAPOBIANCO: That was the prior variance.

22 MEMBER WILLIAMS: And you haven't done the  
23 work.

24 MR. CAPOBIANCO: They haven't done the work.

25 MEMBER WILLIAMS: Okay, good. If you would

1 do those three variances --

2 MR. CAPOBIANCO: Right. The house would look  
3 exactly --

4 MEMBER WILLIAMS: -- and today would not be  
5 granted, let's say, okay, what will the front of  
6 the house look like? That's what Mr. Keilson is  
7 asking.

8 MR. CAPOBIANCO: The same as it does now.

9 MEMBER WILLIAMS: That's what I wanted to  
10 know. So it would be the same as it is now at 26  
11 with these variances with the building as you see  
12 here, and now you are just asking to change the  
13 roof.

14 MR. CAPOBIANCO: Right, just the roof.

15 MEMBER WILLIAMS: If we didn't change the  
16 roof, it would look like it does in the pictures  
17 that you gave us?

18 MR. CAPOBIANCO: That's correct, exactly.

19 MR. RYDER: What is the existing ceiling  
20 height in the attic presently?

21 MR. CAPOBIANCO: Well, to the collar ties  
22 about five, four and a half, five.

23 MS. FOX: Not everywhere.

24 MR. CAPOBIANCO: What is it, about this high  
25 (indicating)?

1 MR. CAPOBIANCO: Exactly, right.

2 MEMBER WILLIAMS: Like it looks now.

3 CHAIRMAN KEILSON: Correct.

4 MR. CAPOBIANCO: Correct, if you did the  
5 extension in the back.

6 CHAIRMAN KEILSON: Let's go off the record.

7 (Whereupon, a discussion was held off the  
8 record.)

9 MS. FOX: Can I just clarify that family  
10 situation?

11 CHAIRMAN KEILSON: Sure, I think it's --

12 MS. FOX: My husband's brother was on  
13 sabbatical, he was a rabbi in Dayton, Ohio. He  
14 came back from sabbatical to no job, decided to  
15 come here where he has family. He was living with  
16 my sister-in-law in Woodmere. She was affected by  
17 Sandy. They were able to stay there for a little  
18 bit. When she started to do construction, they  
19 could not stay there. So they've been by us  
20 trying to get on their feet, trying to get a job.  
21 Right now working bits and pieces trying to get  
22 themselves together. There's no intention of them  
23 staying here. We're just helping out.

24 CHAIRMAN KEILSON: So either they'll stay  
25 there and you'll move out or --

1 MS. FOX: Well, the intent is for them to get  
2 on their feet. We're helping them so they can get  
3 on their feet, get themselves a job, find  
4 themselves a place to live.

5 MEMBER WILLIAMS: It's not that we're not  
6 caring. It's just that we've said no to so many  
7 people about living space on the third floor.

8 MS. FOX: But I want to clarify that's not  
9 the intent at all.

10 CHAIRMAN KEILSON: There's room in Sutton  
11 Park.

12 MS. FOX: My kids have now joined together in  
13 rooms and they're occupying three of the bedrooms  
14 in our house.

15 MEMBER GOTTLIEB: There's an expression: If  
16 you build it, they will stay.

17 MR. RYDER: It's a movie.

18 MEMBER GOTTLIEB: So my concern about the  
19 roof line really is just mass. From an aesthetic  
20 point of view, not that I want to argue the point,  
21 but it seems that the house just to your left is  
22 about one and a half story, the house to your  
23 right is a full two story. And this house just  
24 seems that it's going to be quite massive in terms  
25 of bulk. And I don't -- that's the problem that

1 I'm seeing with it. And that's why, of course, we  
2 have height/setback ratios is to avoid some of the  
3 mass.

4 MR. CAPOBIANCO: Well, actually, like I said  
5 before, the north side height/setback ratio is  
6 improved.

7 CHAIRMAN KEILSON: Yeah.

8 MR. CAPOBIANCO: The one that was -- this one  
9 is the side on the -- the right side of the house,  
10 the north side. That one is slightly improved.  
11 It's actually the other one, the front one which  
12 you could see it from the -- well, I marked it in  
13 red. It's probably a light color, but that is a  
14 very small triangle that projects into the  
15 height/setback ratio, and it's only a portion of  
16 the reverse -- it's only this part right here  
17 (indicating) that's in the height/setback ratio.  
18 It's a very small portion of the house in the  
19 front, because when you look at the front the roof  
20 line is going back, it's going vanishing back,  
21 like a gable would do. Except this is a little  
22 steeper. More like a barn-type house, and then it  
23 goes flat again, a lower slope. So it's actually  
24 creating more volume, but I don't think the mass  
25 is going to be that much noticeable.

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1 CHAIRMAN KEILSON: But also bear in mind that  
2 the existing height/setback ratio is off of a  
3 26-foot height, and therefore, it's not as  
4 imposing.

5 MR. RYDER: That's correct.

6 CHAIRMAN KEILSON: Even though the  
7 height/setback ratio is actually improving  
8 dimensionally, but in terms of the effect because  
9 the house is larger so the effect will be more  
10 impactful.

11 MR. CAPOBIANCO: Well, there's a solution to  
12 the side portion of the gambrel which you could  
13 create a hip. You could hip the end of it. So by  
14 hipping the end of it, it's going to help a lot of  
15 the massiveness of it, and that could be one thing  
16 that could be a slight change which is really  
17 taking from this point -- from that point, Mike,  
18 and instead of having it straight up, having it  
19 from this point come back on an angle, like a hip,  
20 so the top lower portion of the roof that could be  
21 hipped this end so it gives the illusion that it's  
22 lower (indicating).

23 MEMBER GOTTLIEB: That would be the left  
24 side?

25 MR. CAPOBIANCO: Well, the right is already

Fox - 12/18/13

1       hipped. It would be on the left side.

2               MEMBER GOTTLIEB: So it would be --

3               MR. RYDER: It would be more like the  
4 neighbor's roof.

5               MEMBER GOTTLIEB: Would it be similar to the  
6 left side of the house currently where you have  
7 that hip roof currently?

8               MR. CAPOBIANCO: You mean the right side of  
9 the house, the north side.

10              MEMBER GOTTLIEB: If I'm facing the house.

11              MR. CAPOBIANCO: Facing the house the right  
12 side. Now, right now, currently, what's on the  
13 left side of the house is a gable, it's a high  
14 ridge, it's a gable. It's not a hip.

15              The main house ridge is a gable. And it's  
16 the same thing, but this would be a hip at the  
17 very top which does cut down the height a little  
18 bit. It would help soften it.

19              MEMBER GOTTLIEB: And you're saying that on  
20 the right side it's already done.

21              MR. CAPOBIANCO: Right. If you look at the  
22 right side it has that slope. You could do the  
23 same thing on the left side which really brings it  
24 down. It just gives it a little less usable attic  
25 space, but maybe you could live with that.



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1 MEMBER GOTTLIEB: Could you draw it either on  
2 my sketch or --

3 MR. CAPOBIANCO: Yeah.

4 MEMBER GOTTLIEB: And perhaps you can do it  
5 on the front of the house, not the side.

6 MR. CAPOBIANCO: Yeah, I drew it from the  
7 front. It would look like that (indicating).

8 CHAIRMAN KEILSON: Off the record.

9 (Whereupon, a discussion was held off the  
10 record.)

11 CHAIRMAN KEILSON: I think it also should be  
12 pointed out on your behalf that the house is sort  
13 of set back in that cul-de-sac so the impact will  
14 be lessened anyway.

15 MR. CAPOBIANCO: Yes, true. It's hard to  
16 even see it until you get on top of it.

17 CHAIRMAN KEILSON: Correct.

18 MEMBER WILLIAMS: I like the idea of making  
19 it look a little less massive.

20 MR. CAPOBIANCO: Well, we could do, you know,  
21 like that. I'm happy with the look of it. You're  
22 only losing very little. What you lose on the  
23 side for storage you pick up in the front.

24 CHAIRMAN KEILSON: Okay. So in order for us  
25 to vote properly on it --

Fox - 12/18/13

1 MR. CAPOBIANCO: I have to resubmit it.

2 CHAIRMAN KEILSON: We just need the new  
3 drawings. We don't want to really go through a  
4 lot of discussion about it, but I think if you  
5 draw consistent, number one, accurately, with the  
6 correct numbers. And then number two, if you  
7 incorporate the slight modifications, I think that  
8 we'll have accomplished what we all want to  
9 accomplish.

10 MR. CAPOBIANCO: We could do that. Do we  
11 have to reappear or just resubmit?

12 CHAIRMAN KEILSON: No, you have to appear on  
13 the 15th so we can vote on that.

14 MR. CAPOBIANCO: I'll be here anyway, so I'll  
15 come that night.

16 CHAIRMAN KEILSON: Really?

17 MEMBER WILLIAMS: That's fine.

18 CHAIRMAN KEILSON: I think you should -- we  
19 don't need the Foxes.

20 MR. CAPOBIANCO: All right, we'll do that.  
21 We'll modify the drawings this weekend and give it  
22 to Mike, and then you'll have them ahead of time  
23 before the next meeting.

24 CHAIRMAN KEILSON: And you don't have to  
25 circulate them.

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1 MR. CAPOBIANCO: Okay.

2 MS. FOX: Thank you very much.

3 CHAIRMAN KEILSON: No problem.

4 MR. CAPOBIANCO: All right, that would be  
5 good. Thanks for your input.

6 MEMBER GOTTLIEB: Thank you, Mr. Capobianco.

7 MR. RYDER: Thank you.

8 (Whereupon, the hearing concluded at  
9 8:24 p.m.)

10 \*\*\*\*\*

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

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Mary Benci

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MARY BENCI, RPR  
Court Reporter

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Fox - 12/18/13

1 MR. CAPOBIANCO: Okay.

2 MS. FOX: Thank you very much.

3 CHAIRMAN KEILSON: No problem.

4 MR. CAPOBIANCO: All right, that would be  
5 good. Thanks for your input.

6 MEMBER GOTTLIEB: Thank you, Mr. Capobianco.

7 MR. RYDER: Thank you.

8 (Whereupon, the hearing concluded at  
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