

## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Lawrence Village Park House  
4 101 Causeway  
5 Lawrence, New York

6 February 16, 2010  
7 7:45 p.m.

## 8 APPLICATION:

9 Zweig  
10 171 Harborview North  
11 Lawrence, New York

## 12 P R E S E N T:

13 MR. LLOYD KEILSON  
14 Chairman

15 MR. ELLIOT FEIT  
16 Member

17 MS. ESTHER WILLIAMS  
18 Member

19 MR. J. PHILIP ROSEN  
20 Member

21 MR. EDWARD GOTTLIEB  
22 Member

23 MR. RONALD GOLDMAN, ESQ.  
24 Village Attorney

25 MR. GERALDO CASTRO  
Building Department

MR. MICHAEL RYDER  
Superintendent of Building  
Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: Ladies and gentlemen,  
2 welcome to the Lawrence Board of Zoning Appeals.  
3 I'd ask you to please turn off your cell phones.  
4 That's very important. And no cross-conversations  
5 during the meeting.

6 I'd like to introduce Mr. Mike Ryder. He's  
7 the new superintendent of the Building Department  
8 of the Village of Lawrence. We wish him well. We  
9 look forward to having him at all our meetings, if  
10 possible.

11 MR. RYDER: Thank you, Mr. Chairman.

12 CHAIRMAN KEILSON: Mr. Castro, proof of  
13 posting.

14 MR. CASTRO: I offer proof of posting in five  
15 conspicuous places for tonight's meeting  
16 (handing).

17 CHAIRMAN KEILSON: Thank you very, very much.

18 Mr. Goldman, would you care to make your  
19 opening remarks.

20 MR. GOLDMAN: Yes. What we'd like to do is  
21 simply explain for those of you for whom it's your  
22 first time here that this is the meeting of the  
23 Board of Zoning Appeals of the Incorporated  
24 Village of Lawrence.

25 The Board has two options on how it can

1 proceed. It can wait to look at the applications  
2 right here, right now, and investigate, pursue  
3 each and every element right here and take a  
4 hundred years doing it. Or, when a Board is  
5 incredibly conscientious, what they do is in  
6 advance as individuals and not as a collective  
7 Board, they will review the applications  
8 individually, they'll make on-site visits and they  
9 will formulate their own view as to the  
10 application.

11 The reason that I'm explaining that to you is  
12 that when you see people get up now and make an  
13 application, you may think that they're getting  
14 short shrift because the Board is focusing in on a  
15 particular issue and not demanding a full  
16 explanation of the application. You're not  
17 getting short shrift. What is happening is they  
18 are focusing in on a particular issue and then as  
19 a Board they're considering it. So that's the  
20 purpose of tonight.

21 You should be very, very, very confident that  
22 this is a Board of all volunteers and that they've  
23 spent an incredible amount of time investigating  
24 each application.

25 So thank you, Mr. Chairman.

1 CHAIRMAN KEILSON: Thank you, Mr. Goldman.

2 Let's open with the first matter, Zweig, of  
3 171 Harborview North.

4 Mr. Zweig, please step forward and identify  
5 yourself.

6 MR. ZWEIG: My name is Heshy Zweig. This is  
7 my wife Faigy Zweig.

8 CHAIRMAN KEILSON: Good evening.

9 MR. ZWEIG: Good evening.

10 CHAIRMAN KEILSON: If you would like to use  
11 the lectern, if you're more comfortable, you can.

12 MR. ZWEIG: No, it's fine. My wife and I are  
13 living in Lawrence for eleven years. We have  
14 three bedrooms in our house, and our family has  
15 expanded. We have four kids right now, and we  
16 need more space, living space, bedroom space.

17 We are looking to add a second-floor  
18 addition. We are building over existing  
19 construction. We are not building out on either  
20 side. We're just building over. We are doing a  
21 small 102-foot extension which will not jut out.  
22 It's in the middle of the property in the back.

23 We originally had asked for the height; we  
24 satisfied that. We brought the plans down, and we  
25 are not -- we are not requesting that variance any

1 more. As well as the front ratio we don't need  
2 that either; that was pulled back. At this point  
3 so we're just we're building over existing and we  
4 just wanted to simplify the plans.

5 CHAIRMAN KEILSON: How many bedrooms are you  
6 adding?

7 MR. ZWEIG: We're going to have five  
8 bedrooms.

9 CHAIRMAN KEILSON: Okay. Any questions from  
10 the Board?

11 MEMBER GOTTLIEB: Yes. I just want to get my  
12 papers out to ask you a question. There seems to  
13 be on one set of plans your property frontage  
14 shows 80 feet on this set, and on the radius map  
15 you're showing 90 feet.

16 MR. ZWEIG: It should be --

17 MEMBER GOTTLIEB: So I have 90 feet on one  
18 and 80 on the other.

19 MR. ZWEIG: I have my architect here also,  
20 John MacLeod. I'm pretty sure my property is 90  
21 feet. I think they're all 90 feet on that side.

22 MR. MACLEOD: Yeah, there's a discrepancy on  
23 the plot plans.

24 MR. GOLDMAN: Do you just want to state your  
25 name.

1 MR. MACLEOD: John MacLeod, 595 Park Avenue,  
2 Huntington, New York, and I've prepared the plans  
3 for the Zweigs. There is a numerical discrepancy,  
4 and it is actually 90 feet wide.

5 MEMBER GOTTLIEB: So speaking to that, the  
6 variances, predominantly, or part of the variance  
7 is for height setback ratio on the right side  
8 yard. Does that increase or decrease the proposed  
9 height?

10 MR. MACLEOD: It doesn't make any difference  
11 because the house is -- well, it's just a  
12 numerical discrepancy. It actually measures at  
13 90, so the side yards are as per --

14 MEMBER GOTTLIEB: So that wouldn't change the  
15 height setback ratio?

16 MR. MACLEOD: No. Can I just refer to that?

17 MEMBER GOTTLIEB: Of course.

18 MR. GOLDMAN: You are referring to what,  
19 please?

20 MEMBER FEIT: This has to be on the record.

21 MR. MACLEOD: Okay. Referring to the plot  
22 plan where it pulls out from 80 feet and the width  
23 of the lot is actually 90 feet. It is drawn  
24 correctly. It's just numerically typed in at 80  
25 instead of 90. The side yards are as stated on

1 the plot plan.

2 MEMBER GOTTLIEB: And the code relief box is  
3 based upon the 90 feet, not upon the 80 feet?

4 MR. MACLEOD: This should actually say 35  
5 feet (indicating). The permitted -- the 30 --

6 MEMBER GOTTLIEB: The side yard?

7 MR. MACLEOD: The side-yard aggregate --

8 MEMBER GOTTLIEB: Should be 35?

9 MR. MACLEOD: Should be 35, correct.

10 CHAIRMAN KEILSON: So it has no impact on the  
11 request?

12 MR. MACLEOD: No, it does not.

13 MEMBER GOTTLIEB: Right, just on the -- it  
14 would just be the side yard, and that's already  
15 existing, actually.

16 MR. MACLEOD: That's correct. Both sides of  
17 the house are in line. The addition on the second  
18 floor are in line with the existing side of the  
19 house going up vertically, and even the extension  
20 in the rear which is very small, only 102 square  
21 feet of site coverage, it does not project further  
22 towards the rear than the existing rear line of  
23 the house.

24 CHAIRMAN KEILSON: Any other questions from  
25 the Board?

1 (No response.)

2 CHAIRMAN KEILSON: Any comments from anyone  
3 in the audience?

4 (No response.)

5 MEMBER FEIT: Are there any letters that the  
6 Village received either pro or con?

7 MR. GOLDMAN: Any letters in support or  
8 opposition received by anyone in the Village?

9 None.

10 MR. ZWEIG: I spoke to all neighbors who are  
11 touching the house, the two on the side, and the  
12 front. I tried the back, he's in Florida. And  
13 everyone has seen the plans, and they've given  
14 their blessing on the plans.

15 MEMBER FEIT: Including Mrs. Spiegelman?

16 MR. ZWEIG: Spiegelman she was at my house  
17 last Sunday night, yes, yes. My house will be  
18 significantly smaller.

19 CHAIRMAN KEILSON: Dr. Levenbrown.

20 DR. LEVENBROWN: You asked about  
21 Mrs. Spiegelman. I'm here representing  
22 Mrs. Spiegelman who's in Florida, and based on  
23 what the Zweig family has told me, I do not raise  
24 any objection on behalf of Mrs. Spiegelman.

25 Thanks.



1 CHAIRMAN KEILSON: Thank you very much.

2 Are we ready to vote?

3 MR. GOLDMAN: Let the record reflect the  
4 Board is conferring and now is putting it to a  
5 vote.

6 CHAIRMAN KEILSON: Mr. Rosen.

7 MEMBER ROSEN: Yes.

8 CHAIRMAN KEILSON: Mr. Gottlieb.

9 MEMBER GOTTLIEB: For.

10 MEMBER FEIT: For.

11 MEMBER WILLIAMS: For.

12 CHAIRMAN KEILSON: Esther?

13 MEMBER WILLIAMS: For, I said for.

14 CHAIRMAN KEILSON: How long will you need,  
15 three years?

16 MR. ZWEIG: Better not be three years.

17 CHAIRMAN KEILSON: Take two years.

18 MR. ZWEIG: Yes, thank you.

19 MR. GOLDMAN: You also have to -- you  
20 eventually have to appear before the Board of  
21 Building Design as well.

22 MR. ZWEIG: Okay. I thank all of you. Have  
23 a good evening.

24 CHAIRMAN KEILSON: Good luck.

25 MEMBER WILLIAMS: Good luck.

1 (Whereupon, the hearing concluded at  
2 7:54 p.m.)

3 \*\*\*\*\*

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

7  
8 Mary Benci  
9 MARY BENCI, RPR  
10 Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Lawrence Village Park House  
4 101 Causeway  
5 Lawrence, New York

6 February 16, 2010  
7 7:54 p.m.

8 APPLICATION: Mael  
9 90 Washington Avenue  
Lawrence, New York

10 P R E S E N T:

11 MR. LLOYD KEILSON  
12 Chairman

13 MR. ELLIOT FEIT  
14 Member

15 MS. ESTHER WILLIAMS  
16 Member

17 MR. J. PHILIP ROSEN  
18 Member

19 MR. EDWARD GOTTLIEB  
20 Member

21 MR. RONALD GOLDMAN, ESQ.  
22 Village Attorney

23 MR. GERALDO CASTRO  
24 Building Department

25 MR. MICHAEL RYDER  
Superintendent to the  
Building Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Mael,  
2 90 Washington Avenue. Mr. Mael, would you like  
3 the lectern. I think we'll note for the record  
4 Mr. Mael is a Trustee of the Village of Lawrence  
5 and appears here as a resident of Lawrence.

6 Mr. Mael.

7 MR. MAEL: Thank you, Mr. Chairman.

8 I am Joel Mael, M-A-E-L, and this is my wife  
9 Lynn. We have lived at 90 Washington Avenue in  
10 Lawrence for over twenty years. We are here  
11 tonight to apply for three variances, one for  
12 building lot coverage -- building area coverage,  
13 one for surface area coverage and one for  
14 rear-yard setback.

15 I believe you have all of the detailed  
16 information there. We have reviewed these plans  
17 with the three neighbors abutting our property,  
18 Dr. and Dr. Sani (phonetic) on Washington,  
19 Mr. and Mrs. Froin (phonetic), and  
20 Mr. and Mrs. Eisen, who are our rear neighbors,  
21 and all of them have reviewed the plans and have  
22 no objections.

23 Would there be any specific questions you  
24 would like me to address?

25 CHAIRMAN KEILSON: Well, the question we

1 have, I guess, is on the pool, it's a very large  
2 pool, 20 by 50. And the question that we'd like  
3 to discuss is whether it can be moved at all so  
4 that you wouldn't encroach to that extent. You're  
5 encroaching five feet with a requirement of 20,  
6 and you're showing a 15-foot.

7 MR. MAEL: Yes. The encroachment that brings  
8 it from 20 to 50 is not particularly --

9 CHAIRMAN KEILSON: Fifteen.

10 MR. MAEL: -- from 20 to 15 is not  
11 particularly related to the land. It's just that  
12 we have an existing deck on the back of our  
13 property, and to provide enough circulation on  
14 that corner away from the deck is why the pool is  
15 structured to go from 17 feet to 15 feet. So only  
16 on a small portion of it is it in fact 15 feet  
17 instead of the required 20.

18 CHAIRMAN KEILSON: And that's, of course,  
19 because of the irregular line of the backyard.

20 MR. MAEL: The irregular shape of the lot.  
21 It's not a perfectly rectangular shape.

22 MEMBER ROSEN: And the lot and the position  
23 of the house.

24 MEMBER GOTTLIEB: If the pool was cut down to  
25 40 feet, you would eliminate a good portion of

1 that shortage.

2 MEMBER FEIT: It's the other way, I think.

3 Cut down to 15 feet, I think.

4 MR. MAEL: I'm sorry?

5 MEMBER FEIT: I think it's the other way, Ed.

6 MEMBER GOTTLIEB: Well, he's referring to the  
7 width and I was referring to the length. Cutting  
8 you down to a standard size pool, perhaps.

9 MR. MAEL: The reason that we went for that  
10 size pool or that we are requesting that size pool  
11 is we're both lap swimmers and that was the length  
12 that is more appropriate for what we have been  
13 doing for all these years. And it's still on the  
14 lot coverage. The lot coverage is still at around  
15 35 percent of the lot coverage even with  
16 everything that we're adding to it.

17 CHAIRMAN KEILSON: Do we have any concerns  
18 about draining off the water off the site with the  
19 pool?

20 MR. RYDER: With the accessory structure and  
21 with the slope of the property, the contour, we  
22 are looking for possibly dry wells for the pool.

23 MR. MAEL: We've contemplated and we  
24 understand that we would need to install a dry  
25 well that could drain the pool within 24 hours, I

Mael - February 16, 2010

1 believe, and that is part of the plan.

2 We've also supplied a survey which had  
3 topical elevations on it, and where we're putting  
4 the pool is at the highest point of the property.  
5 The property drops from about 17 feet at the high  
6 point down to about 11 feet, and we're putting it  
7 at the top at the highest point so that that  
8 should have the least impact on the drainage as  
9 well.

10 MEMBER FEIT: Are you going to be changing  
11 the elevations of the land at all?

12 MR. MAEL: No. Just where the pool itself  
13 goes it may have to be leveled.

14 MEMBER FEIT: Not the pool itself. We know  
15 that there's a certain amount of play.

16 MR. MAEL: Correct.

17 MEMBER FEIT: But you're not raising your  
18 yard or lowering your yard around it?

19 MR. MAEL: Not at all, not at all.

20 CHAIRMAN KEILSON: Any other questions from  
21 the Board?

22 (No response.)

23 CHAIRMAN KEILSON: Mr. Rosen, any questions?

24 MEMBER ROSEN: No questions.

25 CHAIRMAN KEILSON: Would anyone from the

Mael - February 16, 2010

1 audience like to comment, ask a question?

2 (No response.)

3 CHAIRMAN KEILSON: No. Actually, we'll  
4 confer.

5 Miss Williams.

6 MEMBER WILLIAMS: For.

7 CHAIRMAN KEILSON: Mr. Feit.

8 MEMBER FEIT: I thought I might need more  
9 information, but I'm satisfied, for.

10 CHAIRMAN KEILSON: Mr. Gottlieb.

11 MEMBER GOTTLIEB: Like Mr. Feit, I'm  
12 satisfied with the presentation. I vote for.

13 CHAIRMAN KEILSON: Mr. Rosen.

14 MEMBER ROSEN: For.

15 CHAIRMAN KEILSON: And I vote for.

16 How much time will you require?

17 MR. MAEL: How much time am I allowed?

18 MEMBER FEIT: Two years.

19 MR. MAEL: Huh?

20 MEMBER FEIT: Two years.

21 MR. MAEL: Two years will be fine. Thank  
22 you.

23 CHAIRMAN KEILSON: Thank you very much.

24 MR. GOLDMAN: This has to go before the Board  
25 of Building Design.



Mael - February 16, 2010

1 (Whereupon, the hearing concluded at  
2 8:00 p.m.)

3 \*\*\*\*\*

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

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Mary Benci

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MARY BENCI, RPR  
Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Lawrence Village Park House  
101 Causeway  
Lawrence, New York

February 16, 2010  
8:00 p.m.

APPLICATION: New Central Avenue, LLC  
260 Central Avenue  
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON  
Chairman

MR. ELLIOT FEIT  
Member

MS. ESTHER WILLIAMS  
Member

MR. J. PHILIP ROSEN  
Member

MR. EDWARD GOTTLIEB  
Member

MR. RONALD GOLDMAN, ESQ.  
Village Attorney

MR. GERALDO CASTRO  
Building Department

MR. MICHAEL RYDER  
Superintendent to the Building  
Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: The next matter before us  
2 is request for an extension of New Central Avenue,  
3 LLC, 260 Central Avenue. Will they or their  
4 representative please step forward.

5 MR. BONESSO: Good evening, Mr. Chairman,  
6 members of the Board. William Bonesso, from  
7 Forchelli, Curto, Deegan, Schwartz, Mineo, Cohn &  
8 Terrana, 333 Earle Ovington Boulevard, Uniondale,  
9 New York 11553, here on behalf of the applicant.

10 I'm sorry, I didn't know you needed a  
11 presentation.

12 CHAIRMAN KEILSON: A very minor one, and  
13 we'll see how it gets accepted.

14 MR. BONESSO: As you know, the project has  
15 commenced. There's a foundation at the premises.  
16 Be that as it may, they need to renew their  
17 building permit, get a new building permit, and a  
18 fee has already been submitted to the zoning -- to  
19 the Building Department for that.

20 In conjunction therewith, we received a  
21 letter from the Building Department indicating  
22 that the variance had also been the subject of  
23 expiration, and we submitted a letter on behalf of  
24 the applicant responding to that as well, and also  
25 providing the Village with some information

1       pertaining to the vested rights of the applicant  
2       having commenced construction, obtaining the  
3       necessary building permits in a timely fashion,  
4       and having expended substantial time and effort on  
5       the property.

6               So that with that being said, we're asking  
7       for an extension of the building permit and any  
8       other extensions the Board feels are required.

9               CHAIRMAN KEILSON:   The rumors abound as to  
10      the status of the project.   Could you put those to  
11      rest.

12              MR. BONESSO:   Yes.   The property has not been  
13      sold, it's not in receivership.   The financing  
14      became problematic because the original financing  
15      was through Lehman Brothers.   They have now, and  
16      it's not complete yet, but they are now very close  
17      to completing new financing through a tax shelter  
18      and I forget the name of it.   I called and told  
19      you the name of it the other day.   Broadway  
20      Capital, excuse me, Broadway Capital.   It's a  
21      hedge fund, and they are --

22              MEMBER ROSEN:   Is that a tax shelter?

23              MR. BONESSO:   Excuse me.   A hedge fund.   They  
24      are hoping to obtain their financing and commence  
25      work within 60 to 90 days.

1 I was with Mr. Ryder and Mr. Castro last week  
2 speaking about this, and I met the new Village  
3 Administrator. He asked if my clients would be  
4 willing to come in and meet with him and just  
5 update him on things. I spoke to my clients, and  
6 they're more than happy to do so. So we'll be  
7 setting up a meeting to that effect to make sure  
8 that the Village is completely aware of how the  
9 matters are proceeding.

10 CHAIRMAN KEILSON: How long an extension are  
11 you seeking?

12 MR. BONESSO: I suppose the longest extension  
13 that the Village can grant, although albeit, as I  
14 indicated, the building permit has already been  
15 issued, and if the Board deems it necessary for a  
16 variance extension I would ask for the maximum  
17 time. Is that two years?

18 MR. GOLDMAN: Well, Is there a projected date  
19 in terms of when the project will be completed or  
20 some kind of target date?

21 MR. BONESSO: I did not get into that date.  
22 I know that they're hoping to recommence work in  
23 90 days.

24 MEMBER ROSEN: What's the term of the  
25 refinancing?

1 MR. BONESSO: I don't have that information.  
2 I'm not their transactional attorney.

3 MEMBER ROSEN: That's important because then  
4 you will know when the loan is going to be due and  
5 give you some indication.

6 MR. BONESSO: I'm sure that will come up in  
7 our meeting with the Village Administrator.

8 MEMBER FEIT: Are the plans that were  
9 submitted to us when we gave the original  
10 variance, have they changed in any material  
11 respect?

12 MR. BONESSO: The only change was that the  
13 Board approved 144 units, and when they actually  
14 went for subdivision approval from the county they  
15 reduced it to 138 units. So they reduced it by  
16 six units. They basically created some  
17 two-bedrooms out of one-bedrooms.

18 MEMBER FEIT: Okay.

19 MEMBER WILLIAMS: Made them larger and the  
20 individual ones smaller.

21 MR. BONESSO: Yes.

22 MR. GOLDMAN: The Chairman is recommending to  
23 the Building Department that it be two years.

24 CHAIRMAN KEILSON: Any question or comments  
25 from the audience?

1 (No response.)

2 MEMBER GOTTLIEB: Have any of the community  
3 units been sold or pre-sold?

4 MR. BONESSO: No, not that I'm aware of. I  
5 don't believe that -- they're offering plan I  
6 don't believe is ready so they can't offer to sell  
7 the property. We're not -- again, my firm is not  
8 doing the offering plan.

9 CHAIRMAN KEILSON: Let's vote. Mr. Rosen.

10 MEMBER ROSEN: Yes.

11 CHAIRMAN KEILSON: Mr. Gottlieb.

12 MEMBER GOTTLIEB: This is for two years?

13 CHAIRMAN KEILSON: Yes.

14 MEMBER GOTTLIEB: For.

15 CHAIRMAN KEILSON: For.

16 MEMBER FEIT: For.

17 MEMBER WILLIAMS: For.

18 CHAIRMAN KEILSON: Okay.

19 MR. BONESSO: Thank you.

20 (Whereupon, the hearing concluded at  
21 8:05 p.m.)

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

4  
5 Mary Benci

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

2 BOARD OF APPEALS

3 Lawrence Village Park House  
4 101 Causeway  
5 Lawrence, New York

6 February 16, 2010  
7 8:05 p.m.

8 APPLICATION: Ringel  
9 15 Washington Avenue  
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON  
13 Chairman

14 MR. ELLIOT FEIT  
15 Member

16 MS. ESTHER WILLIAMS  
17 Member

18 MR. J. PHILIP ROSEN  
19 Member

20 MR. EDWARD GOTTLIEB  
21 Member

22 MR. RONALD GOLDMAN, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

MR. MICHAEL RYDER  
Superintendent to the Building  
Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Ringel,  
2 15 Washington Avenue.

3 MR. BONESSO: Good evening again,  
4 Mr. Chairman, members of the Board.

5 I'm before the Board this evening on behalf  
6 of Benjamin and Gail Ringel. They're here this  
7 evening seated to my left. Also here with them is  
8 their architect, Warren Meister.

9 We're seeking variances to permit the  
10 construction of a new single-family residence at  
11 premises known as 15 Washington Avenue in the  
12 Village of Lawrence. Presently, the property is  
13 developed with a single-family house. It  
14 maintains four bedrooms. It also maintains a  
15 height of about 38, 39 feet, not in compliance  
16 with the present code requirements. It also has  
17 three stories to it, also not in compliance with  
18 the Village requirements.

19 The applicants are proposing to build a new  
20 single-family residence at the property, a larger  
21 home, but one which will not require height  
22 variances or numbers of story variances, nor any  
23 setback variances.

24 The only variances required pertain to  
25 building coverage and surface coverage. Now, the

1 application as originally proposed has been  
2 modified. I hope the Board has received my letter  
3 dated February 7th, as well as the new plans that  
4 were delivered which propose a reduction in the  
5 size of the house, bringing the building coverage  
6 variance down from what was originally proposed  
7 to --

8 MEMBER FEIT: I don't have it.

9 CHAIRMAN KEILSON: The letter was not  
10 received by the full Board. I received it this  
11 evening at my home. The Board has received the  
12 new plans.

13 MR. BONESSO: Okay. Well, then I'll take you  
14 through that, if I may.

15 MR. GOLDMAN: Do you have a copy of the  
16 letter?

17 MR. BONESSO: Yes, I do.

18 MR. GOLDMAN: The record should reflect that  
19 the letter is dated February 11th, correct,  
20 Counsel?

21 MR. BONESSO: Yes, correct. I'm sorry, not  
22 the 7th, the 11th.

23 MR. GOLDMAN: Right. The letter from  
24 February 11th is being made part of the record.

25 CHAIRMAN KEILSON: What is the correct date

1 of the plans at this point?

2 MR. BONESSO: The new plans, Warren.

3 CHAIRMAN KEILSON: Was it 1/28?

4 MR. MEISTER: 28.

5 CHAIRMAN KEILSON: How many sets do we have?

6 MR. RYDER: We have other sets in the back  
7 room.

8 MEMBER WILLIAMS: We can share.

9 MR. BONESSO: I apologize for any confusion  
10 that we've caused.

11 CHAIRMAN KEILSON: We're accustomed to it.

12 MR. BONESSO: The letter dated February 11th  
13 basically explains -- first of all, it cleared up  
14 a misstatement that was in the original petition.  
15 There was a misstatement in the actual building  
16 coverage indicated in the petition, although the  
17 plans originally submitted did have the correct  
18 building coverage on it. The petition indicated  
19 that it was a 21 percent building coverage  
20 variance, when in fact it was a 28 percent  
21 building coverage variance that was originally  
22 being sought, in addition to the 39 percent  
23 surface coverage variance.

24 The applicant has submitted plans. The new  
25 plans submitted have significantly reduced both

1 variances. The building coverage variance has  
2 been reduced to 17.5 percent, and the surface  
3 coverage variance has been reduced to 16 percent.  
4 This was done by reducing the footprint of the  
5 house. And also, in connection with the existing  
6 structures on the property there are some wood  
7 decking, walkways, sidewalks that were all  
8 calculated into surface coverage. Those have been  
9 either reduced or proposed to be eliminated  
10 altogether depending on the particular section.  
11 Areas around the pool, decking off of the detached  
12 garage/pool house, a walkway area that leads to  
13 the front of the property, all of those were  
14 pervious surfaces that are being removed and no  
15 longer considered as surface coverage; removed or  
16 reduced. So it brings the surface coverage down  
17 to, as indicated, to a 16 percent surface  
18 coverage.

19 The applicants are seeking to build a new  
20 residence on the property. As indicated -- as I  
21 indicated, the prior or the existing house has  
22 four bedrooms. They have four children, plus  
23 themselves. They also have Mr. Ringel's mother  
24 moving into the residence who needs a bedroom on  
25 the first floor. So consequently, they do need a

1 larger house. They could theoretically have come  
2 in and said we'd like to go up and have a third  
3 story in light of the fact that there was a prior  
4 third story on the last house and that wouldn't  
5 have a negative effect on the character of the  
6 community because it's already there. But rather  
7 than do that, which we feel is certainly a much  
8 more noticeable variance, the building coverage  
9 expansion is in lieu of going up, if you will.

10 CHAIRMAN KEILSON: You have seven bedrooms?

11 MR. BONESSO: Seven bedrooms, that's correct.

12 CHAIRMAN KEILSON: Is that including the  
13 downstairs?

14 MR. BONESSO: Yes, including the bedroom  
15 downstairs.

16 MEMBER GOTTLIEB: Do your clients own the  
17 house?

18 MR. BONESSO: My clients own the house  
19 presently, yes.

20 MEMBER GOTTLIEB: When did they purchase it,  
21 or when did they close on it?

22 MR. BONESSO: Mr. Ringel.

23 MR. RINGEL: Six years ago, seven years ago.

24 CHAIRMAN KEILSON: Just state your name and  
25 address for the record, please.

1 MR. RINGEL: Ben Ringel. We purchased it six  
2 -- about five, six or seven years ago.

3 MR. BONESSO: You're presently residing at  
4 90 Merrall Drive?

5 MR. RINGEL: 90 Merrall Drive, yes.

6 MEMBER FEIT: Do you own another, a third  
7 house in the neighborhood?

8 MR. RINGEL: Third house, I don't think so,  
9 no.

10 MEMBER FEIT: You only own two houses in the  
11 area?

12 MR. RINGEL: I believe so.

13 MEMBER FEIT: You believe so or you know so?

14 MR. RINGEL: Yes.

15 MEMBER WILLIAMS: The plan is to move into  
16 this one, I presume?

17 MR. RINGEL: Yeah. We were actually going to  
18 build something and we had an architect; it was a  
19 long time ago and it didn't work. We hired him  
20 and we never saw anything built. We finally saw  
21 something that he built and the rooms were not  
22 built for a Jewish family. They were all like  
23 closets. And we got together with a new  
24 architect, and we found Warren, and it took a  
25 couple of years.

1 MEMBER WILLIAMS: Your old house, are you  
2 going to move into this house and sell the other?

3 MR. RINGEL: Yes. Our old house there's no  
4 room for anything. It's a very small,  
5 four-bedroom house.

6 MEMBER GOTTLIEB: Is anyone living in this  
7 house now?

8 MR. RINGEL: No, no. No one's been living  
9 there since we bought it.

10 MEMBER ROSEN: Since you bought it?

11 MR. RINGEL: Yeah.

12 MEMBER ROSEN: It's a little rundown.

13 MR. RINGEL: A little bit. When we bought  
14 it, actually, the prior owner was old-timers from  
15 Long Island. A famous dermatologist owned it and  
16 his son lived there and they moved to the city.  
17 And I remember before we closed we were actually  
18 planning on moving in and doing a minor  
19 renovation. He actually he let all the water run  
20 and the pipes run on the second floor, and  
21 basically ruined the house.

22 CHAIRMAN KEILSON: For spite?

23 MR. RINGEL: No, we think he had other vices.  
24 Also, we were told by Lawrence police he had other  
25 vices. We didn't know that until after we closed.



1 MR. GOLDMAN: Perhaps we're drifting.

2 MEMBER WILLIAMS: It's interesting.

3 MR. RINGEL: We finally got ourselves the  
4 architect and got the house done. It's finally  
5 come to a head. My mother lives in Jersey and she  
6 wants to move closer to us and this would probably  
7 be the right move for her.

8 MEMBER GOTTLIEB: I think we all understand  
9 you want a nice, large house on one of the larger  
10 properties, certainly on that particular area, but  
11 you're asking for about 1,250 feet of building  
12 coverage over permitted, and 3,800 feet of  
13 surface. One of the issues --

14 MR. BONESSO: If I may, I'm sorry to  
15 interrupt. It's actually 770 feet over building  
16 -- permitted building coverage. Permitted is  
17 4,407, and proposed is now 5,179.

18 MEMBER GOTTLIEB: But I thought these were  
19 the new plans.

20 CHAIRMAN KEILSON: They are.

21 MEMBER GOTTLIEB: My new plans show 5,600.

22 MR. BONESSO: That's not the new plans.

23 MEMBER ROSEN: You have the same date on both  
24 sets of plans; that's the issue. That's the  
25 issue. So this is the rolled plan.

1 MR. MEISTER: The rolled plans --

2 MR. GOLDMAN: Wait. State your name for the  
3 record.

4 MR. MEISTER: Sorry Warren Meister. I'm the  
5 architect. The rolled plans are the smaller  
6 house.

7 MR. BONESSO: For the record, Mr. Meister,  
8 did you not put a revision date on the plan?

9 MR. MEISTER: I wasn't aware, I'm sorry.

10 MR. BONESSO: Okay, so that explains it. I  
11 apologize.

12 MEMBER WILLIAMS: So the date on this is  
13 January 28th?

14 MR. BONESSO: The date is still January 28th,  
15 but it --

16 MEMBER WILLIAMS: And the plans are not this?  
17 I'm very confused. This is the 5,600?

18 MR. BONESSO: No.

19 MEMBER FEIT: This is the one that we just  
20 got a copy of. We were just handed these plans.

21 (Whereupon, a discussion was held off the  
22 record.)

23 MR. BONESSO: As amended -- as amended --  
24 well, under -- under required building coverage it  
25 is 4,407.68 square feet. Required surface

1 coverage is 9,906.09 square feet. As amended, the  
2 proposed building coverage is 5,179.15 square  
3 feet, representing a 17.5 percent variance.

4 As amended, the surface coverage variance or  
5 the surface coverage would be 11,509.12 square  
6 feet, representing a 16 percent variance.

7 MEMBER GOTTLIEB: Can you just give me the  
8 actual square footage over. You said it was 750  
9 on the building?

10 MR. BONESSO: 771.47 square feet over.

11 MEMBER GOTTLIEB: And on surface?

12 MR. BONESSO: I'll tell you in one second.  
13 No, that one I didn't calculate.

14 MR. GOLDMAN: This is all reflected in your  
15 letter though of February 11th?

16 MR. BONESSO: Yes, this is all reflected in  
17 my letter, correct.

18 CHAIRMAN KEILSON: 1,600.

19 MEMBER GOTTLIEB: 1,600.

20 MR. BONESSO: That's correct, sixteen.

21 CHAIRMAN KEILSON: Questions?

22 MEMBER WILLIAMS: Is there living space in  
23 the basement or is that just the cellar?

24 MR. BONESSO: Mr. Meister.

25 MR. MEISTER: We don't know what we're going

1 to do in the basement yet.

2 MEMBER WILLIAMS: But there's a regular floor  
3 height there?

4 MR. MEISTER: It's going to be a cellar.

5 MEMBER WILLIAMS: And that's included in the  
6 surface coverage?

7 MR. MEISTER: It doesn't affect it. It's the  
8 footprint.

9 MEMBER WILLIAMS: I'm saying, the basement  
10 isn't included even though it's not built.

11 MR. MEISTER: Right.

12 MEMBER FEIT: Mr. Bonesso, the question is,  
13 and I think you've heard it before, this is a  
14 knockdown, new construction. Why isn't this house  
15 limited to the building code? Why are you coming  
16 to us with a brand-new building, not renovating  
17 anything? You should build within the code if  
18 you're putting in a knockdown.

19 MR. BONESSO: If I may, from the standpoint  
20 of surface coverage, it is a knockdown of the  
21 house, but there are existing structures on the  
22 property that are still viable structures that  
23 would be important to maintain for the family,  
24 particularly the children. There's a built-in  
25 pool that occupies a substantial amount of area,

1 as well as the detached garage/pool house that  
2 they would like to maintain, fix up, improve the  
3 appearance of to continue to utilize. When that  
4 is added to the proposed dwelling, that is where  
5 you get the surface coverage overage.

6 As for the size of the dwelling itself, as  
7 indicated I think by Mr. Ringel, the house is to  
8 accommodate the growing family, as well as the --  
9 as well as the parent who is going to be residing  
10 there. It does -- it does propose a building  
11 coverage variance, but we certainly felt that that  
12 was a less noticeable variance than the existing  
13 condition which is in excess of 38 feet and has  
14 three stories.

15 MEMBER FEIT: I would think if some of the  
16 rooms were reduced by a couple of feet you could  
17 build well within the allowable. And I mean, this  
18 living room that I see here is probably bigger  
19 than a baseball field or a football field. So I  
20 don't quite understand why --

21 MR. BONESSO: Is that professional or Little  
22 League?

23 MEMBER FEIT: Yeah, looks like professional  
24 from the size. I just don't understand why the  
25 house was just not built a little bit smaller to

1 keep it in code. I mean, we all don't need these  
2 humongous rooms for everything.

3 CHAIRMAN KEILSON: Where did you scale back  
4 between the first draft and the second draft?

5 MR. BONESSO: I'll have Mr. Meister address  
6 that.

7 MR. MEISTER: What we did was we reduced the  
8 house proportionately. So we reduced all the  
9 rooms slightly, and we still wanted to maintain  
10 because there was a certain size house that --

11 MEMBER FEIT: Why didn't you reduce it  
12 slightly more to stay in code is the question? I  
13 mean, you know, if we're talking about  
14 renovations, we understand where the problems are.  
15 But when we're talking about brand-new  
16 construction, a number of people on this Board  
17 feel that you should build within code. There's  
18 no reason to come in for variances for a new  
19 building; there's no hardship. You're having a  
20 lot of bedrooms. The property isn't needed right  
21 now. The rooms are extremely large. You should  
22 have reduced it a couple of feet, built it in  
23 code.

24 I personally don't believe in giving a  
25 variance unless there's extenuating circumstances

1 for a new construction. And just to -- if you'll  
2 pardon me for saying so -- to massage somebody's  
3 ego because they want very big rooms is not a good  
4 reason. Give me the reason why this house has to  
5 exceed code, except that they want very large  
6 reasons -- rooms. What is the reason? What is  
7 the necessity to exceed the building coverage?

8 MR. BONESSO: Can I have a moment with the  
9 architect?

10 MEMBER FEIT: Yeah.

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

13 CHAIRMAN KEILSON: Now we're back on the  
14 record.

15 MR. BONESSO: Mr. Chairman, we were just  
16 discussing Mr. Feit's comments and potential ways  
17 to address those comments. While we feel that the  
18 integrity of the design cannot be accomplished  
19 with no variance of the building -- of the  
20 building coverage, in speaking with Mr. Meister,  
21 we feel that we probably could reduce it by  
22 another five percent, bringing the variance down  
23 to a 12 percent variance for building coverage  
24 from the 17.5.

25 MEMBER FEIT: That doesn't answer the

1 question. What is the need for this huge house  
2 under new construction? Except for ego. I mean,  
3 I don't see any reason for it. You know, you're  
4 not raising 83 kids here where you're having small  
5 cubicles.

6 MR. BONESSO: If I may, Mr. Feit, I'll answer  
7 that in two parts. First of all, and we've had  
8 this discussion before.

9 MEMBER FEIT: Of course.

10 MR. BONESSO: Need is a questionable factor  
11 in terms of area variances as the code, the state  
12 code requires it ever since the change in 1993.  
13 And I recognize Mr. Keilson's comment the last  
14 time out that 267B3C requires that the minimal  
15 variance necessary be provided. But I still think  
16 you have to look at the balancing test and  
17 consider the benefit to the applicant and the  
18 detriment to the community.

19 MEMBER FEIT: What is the benefit to the  
20 applicant to have these slightly larger rooms?  
21 Where's the benefit?

22 MR. BONESSO: I think just in the comfort and  
23 enjoyment of the residence. I mean, as indicated  
24 by Mr. Ringel, his prior -- his prior architect  
25 did really not know how to design a home for an



1 orthodox family. There are needs, as I understand  
2 it, for, you know, larger rooms, larger space to  
3 accommodate the residents.

4 CHAIRMAN KEILSON: I think it also has to be  
5 pointed out that this is a large lot. In terms of  
6 the overall coverage, it's really not overbearing,  
7 and it's even less than existing.

8 MR. BONESSO: Well, certainly not. And I  
9 don't bring that up because building coverage is  
10 proportionate. So I mean, if the lot was much  
11 larger, and we could build theoretically a larger  
12 house, it would still have the same building  
13 coverage. But as I did point out early on, we are  
14 not requesting any setback variances, front, side  
15 or rear. The only variances will be in the  
16 building coverage which, again, we feel are less  
17 noticeable than any other type of variance, such  
18 as setbacks, such as height, number of stories,  
19 and the like. So the impact to the community we  
20 feel is negligible, if any, and at the same time  
21 the benefit to the applicants as described is  
22 present.

23 CHAIRMAN KEILSON: So you're suggesting to  
24 scaling it back to how many square feet instead of  
25 the 5,179?

1 MR. GOLDMAN: Let me just confer for a  
2 moment.

3 (Whereupon, a discussion was held off the  
4 record.)

5 MEMBER GOTTLIEB: 4,920?

6 MR. BONESSO: 4,920, yeah, yes.

7 We could agree to a modification to reduce  
8 the building coverage to 4,920 which would  
9 represent a further reduction in the building  
10 coverage variance, and also in the surface  
11 coverage variance correspondingly.

12 MEMBER GOTTLIEB: By the same -- not by five  
13 percent?

14 MR. BONESSO: No, it wouldn't be by five  
15 percent.

16 MEMBER GOTTLIEB: It would be about half  
17 that.

18 MR. BONESSO: Yeah, I'd have to calculate  
19 that.

20 I have nothing further.

21 MEMBER GOTTLIEB: About 250 feet.

22 CHAIRMAN KEILSON: Let's get the final number  
23 on the surface coverage area so we know what's  
24 being addressed, if possible.

25 MR. BONESSO: Okay.

1 MEMBER GOTTLIEB: 259 feet less.

2 MR. BONESSO: Say it again.

3 MEMBER GOTTLIEB: I get 259 feet is the --  
4 you've reduced the building coverage by 259 feet,  
5 so that would be the same 259 feet reducing the  
6 surface coverage.

7 MR. BONESSO: Right. So it would be 11,509  
8 minus 259.

9 MEMBER WILLIAMS: What's the percentage now?

10 MR. BONESSO: I'll tell you in one moment.

11 CHAIRMAN KEILSON: 13.6 I'm showing.

12 MR. BONESSO: Yeah, I get 13 and a half  
13 percent variance.

14 CHAIRMAN KEILSON: Fine.

15 Any further questions from the Board?

16 Mr. Feit, any further questions?

17 MEMBER FEIT: No.

18 CHAIRMAN KEILSON: Miss Williams, any  
19 questions?

20 MEMBER WILLIAMS: No.

21 CHAIRMAN KEILSON: Any questions or comments  
22 from the audience?

23 (No response.)

24 CHAIRMAN KEILSON: Mr. Gottlieb, any further  
25 questions?

1 MEMBER GOTTLIEB: Is this okay with your  
2 client? You two seemed to agree with this and you  
3 need to know if your clients are okay with this.

4 MR. RINGEL: I have to check with my ego.

5 MEMBER WILLIAMS: What was the percentage  
6 now? Do we have it?

7 CHAIRMAN KEILSON: Yes. On the building  
8 coverage it's down to 12 percent, and on the  
9 surface coverage it's 13 and a half.

10 Mr. Rosen.

11 MEMBER ROSEN: Yeah, I have no more  
12 questions.

13 CHAIRMAN KEILSON: Okay, let's confer. We're  
14 conferring, yes.

15 Mr. Rosen.

16 MEMBER ROSEN: So I am in favor of this. I  
17 am for.

18 CHAIRMAN KEILSON: Mr. Gottlieb.

19 MEMBER GOTTLIEB: I will say yes.

20 CHAIRMAN KEILSON: I am for.

21 Mr. Feit.

22 MEMBER FEIT: I am against. I see, again, my  
23 ophthalmological problem: I want it because I  
24 want it because I want it. I have heard no  
25 compelling reason to exceed the requirements of

1 the statute.

2 CHAIRMAN KEILSON: Miss Williams.

3 MEMBER WILLIAMS: I am for, presuming that  
4 there will be plans.

5 MR. BONESSO: Yes.

6 CHAIRMAN KEILSON: Yes, of course.

7 How much time will you require?

8 MR. BONESSO: Two years. Thank you.

9 CHAIRMAN KEILSON: Good enough. Thank you.

10 (Whereupon, the hearing concluded at  
11 8:30 p.m.)

12 \*\*\*\*\*

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

16

17

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 Lawrence Village Park House  
4 101 Causeway  
5 Lawrence, New York

6 February 16, 2010  
7 8:30 p.m.

## 8 APPLICATION:

9 Goldberg  
10 177 Lakeside Drive South  
11 Lawrence, New York

## 12 P R E S E N T:

13 MR. LLOYD KEILSON  
14 Chairman

15 MR. ELLIOT FEIT  
16 Member

17 MS. ESTHER WILLIAMS  
18 Member

19 MR. J. PHILIP ROSEN  
20 Member

21 MR. EDWARD GOTTLIEB  
22 Member

23 MR. RONALD GOLDMAN, ESQ.  
24 Village Attorney

25 MR. GERALDO CASTRO  
Building Department

MR. MICHAEL RYDER  
Superintendent to the Building  
Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: Just prior to bringing up  
2 the next matter, I want to take note of the  
3 presence of a new alternate that we have for the  
4 Board, Mr. Schreck, has joined us as an observer  
5 this evening for occasions when we have an  
6 absentee so that he can join us.

7 MR. SCHRECK: Thank you.

8 CHAIRMAN KEILSON: The next matter is  
9 Goldberg.

10 MR. ROSENFELD: Meir Rosenfeld.

11 CHAIRMAN KEILSON: Will they or their  
12 representative, Mr. Rosenfeld, step forward.

13 MR. ROSENFELD: Good evening. I'm sorry it  
14 took so long to get to me.

15 The Goldberg petition is one of definitely of  
16 first impression. It was only a short month ago  
17 that I was before this Board seeking a number of  
18 variances which were granted, and after some  
19 compromise each of the variances was granted and  
20 construction was begun on the Goldberg residence.

21 At the point when our architect who is  
22 presently here spoke with the predecessor building  
23 inspector, he was told that in order to comply  
24 with the flood regulations then in place the  
25 structure would have to be raised approximately

1 three to four inches. At no insignificant cost to  
2 my client, which a foundation was already being  
3 poured, they adjusted it to comply with that  
4 suggestion.

5 It then turned out that the Village came to  
6 him and said we overlooked the FEMA requirements,  
7 the federal requirements, and that this is one of  
8 the few homes in the Village of Lawrence that is  
9 considered to be within the flood plain and,  
10 therefore, the structure needed to be raised an  
11 additional 17 or 18 inches.

12 That itself would not have presented any more  
13 than another monetary, an onerous monetary issue,  
14 but for the fact that because of the high water  
15 table there is virtually -- there's no crawlspace,  
16 basement space, virtually no storage space in the  
17 structure. That is one of the reasons why they  
18 needed the full 30 feet. And in fact, if they  
19 were to be restricted to the 30-foot restriction,  
20 they would have not only no usable storage space  
21 in the attic, they would also have an unsafe  
22 structure with a roof with an extremely shallow  
23 pitch in order to provide living space.

24 So in effect, what you have before you this  
25 evening is someone who did everything by the book;



1       went for his variances, received his variances,  
2       then adjusted his plans at cost to him to comply  
3       with what he was told by the Village of Lawrence,  
4       and is now faced with yet a further alteration, a  
5       major alteration that would severely impact on the  
6       usage of the house.

7               This is -- this clearly in the twenty years  
8       I've been before this Board qualifies as a  
9       hardship. This is not something that Mr. Goldberg  
10      -- that the Goldbergs created, and in fact, it's  
11      something that has come as a result of them trying  
12      to do everything according to the book; the book  
13      in this case being the Village of Lawrence Code.

14             MEMBER FEIT: Would it be fair to say that  
15      they changed the rules of the game in  
16      mid-construction?

17             MR. ROSENFELD: Mr. Feit, I think that's a  
18      fair and generous characterization. I think that,  
19      as a layman, the petition -- my client relied upon  
20      what he was told by the Building Department as  
21      most people do. The rules did change; FEMA did  
22      come out and they continue to come out with new  
23      regulations that may continue to adversely affect  
24      residents in the Village. Thankfully, there are  
25      not that many residents in the Village that are

1 affected or impacted by the ongoing change in the  
2 FEMA regulations. Unfortunately, for my client,  
3 he is one of them.

4 MEMBER WILLIAMS: So these dummy dormers are  
5 no longer going to be dummy dormers?

6 MR. ROSENFELD: No. There is, as I stated in  
7 the petition, there is no intention to use that  
8 third floor as living space. The dormers are  
9 there because --

10 MEMBER WILLIAMS: The height is then of that  
11 third floor?

12 MR. ROSENFELD: The height is -- what we're  
13 seeking is to --

14 MEMBER WILLIAMS: No, the height of the third  
15 floor.

16 MR. ROSENFELD: Right. The height of the  
17 third floor is going to be -- in effect, let me  
18 see if I can -- and tell me if I'm doing this  
19 right. In effect, the whole house needs to be  
20 raised.

21 MR. RYDER: If I may.

22 MR. ROSENFELD: Please.

23 MR. RYDER: It's six foot five to the top of  
24 the collar tie in the highest area and 4.4 feet to  
25 the lowest area.

1 MEMBER WILLIAMS: So it is a dummy dormer.

2 MR. RYDER: I'm sorry?

3 MEMBER WILLIAMS: So it is a dummy dormer;  
4 it's not livable space.

5 MR. ROSENFELD: Yes. That doesn't change.

6 MR. RYDER: It's not eight feet, that was  
7 incorrect.

8 MR. ROSENFELD: I'm sorry?

9 MEMBER WILLIAMS: What?

10 MR. RYDER: What I stated to you earlier,  
11 eight feet, was incorrect.

12 MEMBER WILLIAMS: Oh, that's why I was  
13 concerned, okay.

14 MR. ROSENFELD: So once again, when you rely  
15 on the Village.

16 MEMBER FEIT: You are only asking for a foot  
17 ten; am I right?

18 MR. ROSENFELD: Yes.

19 MEMBER GOTTLIEB: One-foot-five.

20 Mr. Rosenfeld: I'll take the one-foot-ten if  
21 you're offering.

22 CHAIRMAN KEILSON: So you're trying to  
23 recapture the --

24 MR. ROSENFELD: Recapture everything that was  
25 lost by complying with the directives of FEMA and

1 the Village.

2 CHAIRMAN KEILSON: I'd like, if possible, to  
3 hear from the Village as to what their perception  
4 has occurred. Mr. Castro or Mr. Ryder.

5 Mr. Rosenfeld alleges that it affects very  
6 few homes and it would have to be one of the  
7 unique homes, and of course, that it came in in  
8 terms of the calendar after the fact, so if you  
9 could just expand on that.

10 MR. RYDER: It's one of those extenuating  
11 circumstances where construction was going on and  
12 the FEMA regulation came in effective 9/11/09 last  
13 year.

14 CHAIRMAN KEILSON: How extensive -- in other  
15 words, how many homes are affected in the area?  
16 Did you have a chance to -- on the street that he  
17 lives, how many homes are affected?

18 MR. CASTRO: Under these circumstances, he is  
19 the only one currently.

20 CHAIRMAN KEILSON: No, in terms of the flood  
21 zone.

22 MR. ROSENFELD: No, not in terms of the  
23 timing. Just in terms of FEMA.

24 MEMBER WILLIAMS: If everyone decides to do  
25 construction on that street --

1 CHAIRMAN KEILSON: No, no, no.

2 MR. CASTRO: He's near the limits of the  
3 FEMA. It doesn't really go very much beyond  
4 Lakeside Drive South.

5 CHAIRMAN KEILSON: But it's not all of the  
6 homes. I saw the map.

7 MR. CASTRO: No, it's not all the homes.

8 CHAIRMAN KEILSON: It's a circuitous route.  
9 It's not all the homes that are caught in the FEMA  
10 regulation. So his house may have it; the  
11 neighbor's house may not have it.

12 MR. GOLDMAN: If the Board grants this  
13 particular variance, while we're not bound by the  
14 concept of precedent, notwithstanding that, this  
15 would not necessarily become the norm or the  
16 standard by which other people could apply,  
17 because this is being done within the context of  
18 the peculiar extenuating circumstances mentioned  
19 by the Building Department.

20 MR. ROSENFELD: Right. I would say that any  
21 future -- any future variance application that is  
22 affected by FEMA that will then be taken into  
23 account. And any application will then --  
24 whatever the Board of Trustees and the Village  
25 decide to adopt and to adjust for FEMA, that will

1 be the governing law for any subsequent  
2 application that is affected.

3 CHAIRMAN KEILSON: Well, we have your  
4 assurances that you would never cite this case for  
5 other than a FEMA situation.

6 MR. ROSENFELD: Absolutely not. I don't give  
7 any assurances. My obligation is to try and  
8 convince the Board that since you've done it once,  
9 there's no reason not to do it again.

10 MR. GOLDMAN: But you're not going to flood  
11 us with any of those applications.

12 MR. ROSENFELD: Let's just say I have a  
13 heightened interest in doing so if the opportunity  
14 arises.

15 MEMBER FEIT: Mr. Rosenfeld, can you just  
16 correct me. It says permitted on your code relief  
17 30 feet.

18 MR. ROSENFELD: Yes.

19 MEMBER FEIT: Then it says proposed 31 feet  
20 10 inches. And it says overage one-foot-five  
21 inches. Is your calculator broken again?

22 MR. ROSENFELD: No, sir. I always -- as you  
23 know, I always leave something in there for you to  
24 find.

25 MEMBER WILLIAMS: De minimis.

1 MR. ROSENFELD: De minimis.

2 MR. GOLDMAN: Are there any other questions?

3 MEMBER GOTTLIEB: So the question is, is it  
4 one-foot-ten or one-foot-five?

5 MR. ROSENFELD: It is a -- we're looking for  
6 an additional one-five.

7 MEMBER WILLIAMS: So the end will be 31-five.

8 MR. ROSENFELD: It will be 31-five.

9 MEMBER GOTTLIEB: Because you have it in two  
10 different places 31-ten, and in one place --

11 MR. GOLDMAN: So we're sure, the application  
12 before this Board for this Board to consider is  
13 for the one and a half.

14 MR. ROSENFELD: For one and a half, 1.5  
15 inches, one and a half is good.

16 MR. GOLDMAN: I apologize.

17 MEMBER GOTTLIEB: If this is not granted,  
18 just tell me again what the hardship is that you  
19 will have; there will be no attic space.

20 MR. ROSENFELD: A, there will be no attic  
21 space at all, and there's no basement space  
22 because of the heightened flood water table. In  
23 addition, the roof line to comply would be -- the  
24 pitch would be so squat as to create, I believe,  
25 and from what my architect tells us, a somewhat

1 unsafe structure. To say nothing of the water  
2 problem.

3 MR. GOLDMAN: So the record is clear,  
4 Mr. MacLeod is here on behalf of the applicant.

5 MR. ROSENFELD: Yes, and if you need  
6 verification.

7 MEMBER GOTTLIEB: How much work has been done  
8 prior to the --

9 MR. ROSENFELD: Demolition, and the  
10 foundation was laid.

11 MEMBER GOTTLIEB: So is there another  
12 foundation that goes on top of it?

13 MR. ROSENFELD: It has to be raised at a cost  
14 of \$15,000.

15 MEMBER GOTTLIEB: So another foundation on  
16 top of the existing one?

17 MR. ROSENFELD: No, no. It's adding onto the  
18 foundation all around. I don't think it's as  
19 simple as just pouring on. You have to skirt it  
20 again, and you have to pour it and you have to  
21 measure it and level it out. And now what we're  
22 faced with would be to do it again for another  
23 eighteen inches, which is an additional cost, and  
24 at some point you have, if I'm not mistaken,  
25 foundation walls can be too high. I mean, a



1 foundation is made to have a house rest upon it,  
2 and after a while if you, you know, you keep  
3 raising up the foundation, it's -- I have no idea  
4 what I'm talking about.

5 MEMBER ROSEN: Is that an accurate portrayal?

6 CHAIRMAN KEILSON: It's an interesting  
7 portrayal.

8 MR. RYDER: You're not a structural engineer.

9 MR. ROSENFELD: Right, but it needs further  
10 -- it's possible. Anyway --

11 MEMBER GOTTLIEB: You're saying you're  
12 putting another 18 on the existing 18 which is on  
13 top of the base?

14 MR. ROSENFELD: Let me get the architect.

15 MR. MACLEOD: John MacLeod. Same address.

16 If I can just explain, what actually happened  
17 there was in the first instance when we spoke to  
18 Mr. Herron, we talked about raising the height of  
19 the building by three or four, five inches  
20 possibly with the use of triple plates, wood  
21 plates on top of the existing foundation to gain  
22 that height.

23 When it was determined after closer  
24 examination of the FEMA code that we actually  
25 needed to be much higher than that, we poured the

1 foundation one foot -- I believe one-foot-five  
2 inches, the new foundation one-foot-five inches  
3 above the existing foundation and built up the  
4 existing foundation to that same level.

5 At that point there was further discussion  
6 about what the actual interpretation of the code  
7 was, and it was agreed with the town that we had  
8 built it high enough and that would be somewhere  
9 in the middle ground of what FEMA is looking for,  
10 the Village is looking for, and New York State is  
11 looking for.

12 So given those circumstances, they started  
13 framing. We got a letter from the town saying go  
14 ahead, and they started framing the first and  
15 second floor.

16 So now we're really just looking at the  
17 highest point of the house, the ridge point of the  
18 house. And what we are asking for is to build the  
19 house as per plans starting at that raised 1.5  
20 position, and as a result of that the overall  
21 height from the average grade is up by  
22 one-foot-five -- between one-foot-five to  
23 one-foot-ten. We are asking for one-foot-five.

24 MEMBER WILLIAMS: Was that correct that the  
25 implication that the pitch would be dangerous if

1 it was less? I didn't understand that part.

2 MR. MACLEOD: I wouldn't classify it as  
3 dangerous. I would say that it has less runoff  
4 capabilities.

5 MEMBER WILLIAMS: Do you think it is a better  
6 idea?

7 MR. MACLEOD: The steeper the slope the  
8 better on the roof to get the snow and the ice.

9 MEMBER WILLIAMS: It's just that most of the  
10 homes in Sutton Park don't have basements or  
11 attics.

12 MR. ROSENFELD: Correct.

13 MEMBER WILLIAMS: Most of them don't.

14 MR. ROSENFELD: You mean they don't have  
15 either.

16 MEMBER WILLIAMS: Either.

17 CHAIRMAN KEILSON: Has it been discussed in  
18 terms of the neighbors that are most directly  
19 affected?

20 MR. ROSENFELD: Yes, I believe.

21 MR. GOLDBERG: All my neighbors are fine with  
22 it.

23 MR. ROSENFELD: Let me introduce  
24 Mr. Goldberg, the petitioner.

25 MR. GOLDBERG: My neighbors are the ones that

1 I got all signatures for the first variance.  
2 They're all okay with it, you know, they're very  
3 excited that I'm building a house and they're --  
4 you know, they're all okay with it.

5 MR. ROSENFELD: They expressed no --

6 MR. GOLDBERG: On the sides of me, in front  
7 of me they're all happy.

8 MEMBER GOTTLIEB: Is there any proposed  
9 change in grade to bring the soil up to the new  
10 foundation?

11 MR. MACLEOD: Not at this time. There will  
12 be some local grading just to spill the water away  
13 from the building, as it was a little soggy in  
14 that area on the side yard. But no actual change  
15 in grade in terms of the foot or two foot or  
16 anything like that.

17 CHAIRMAN KEILSON: Any further questions from  
18 the Board? Any comment or questions from the  
19 audience? If not, we'll confer and then we'll  
20 vote.

21 Miss Williams.

22 MEMBER WILLIAMS: For.

23 CHAIRMAN KEILSON: Mr. Feit.

24 MEMBER FEIT: For.

25 CHAIRMAN KEILSON: For.

1 MEMBER GOTTLIEB: For.

2 MEMBER ROSEN: For.

3 CHAIRMAN KEILSON: Okay. Time?

4 MR. ROSENFELD: I think it dovetails with the  
5 earlier one. I mean, for the extra additional  
6 month or so that we lost for waiting to get this  
7 done, that's all I would ask for.

8 MEMBER WILLIAMS: Let's make it two years  
9 from now.

10 MR. ROSENFELD: Right, very good. Meaning  
11 two years from now, excellent.

12 MEMBER FEIT: Do you have to go to Building  
13 Design?

14 MR. ROSENFELD: It was part of the first.

15 (Whereupon, the hearing concluded at  
16 8:45 p.m.)

17 \*\*\*\*\*

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

21

22

Mary Benci

23

MARY BENCI, RPR  
Court Reporter

24

25

## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Lawrence Village Park House  
4 101 Causeway  
5 Lawrence, New York

6 February 16, 2010  
7 8:45 p.m.

8 APPLICATION: Goldner  
9 22 Herrick Drive  
10 Lawrence, New York

## 11 P R E S E N T:

12 MR. LLOYD KEILSON  
13 Chairman

14 MR. ELLIOT FEIT  
15 Member

16 MS. ESTHER WILLIAMS  
17 Member

18 MR. J. PHILIP ROSEN  
19 Member

20 MR. EDWARD GOTTLIEB  
21 Member

22 MR. RONALD GOLDMAN, ESQ.  
23 Village Attorney

24 MR. GERALDO CASTRO  
25 Building Department

MR. MICHAEL RYDER  
Superintendent to the Building  
Department

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: The last matter this  
2 evening is Goldner. Will they or their  
3 representative step forward.

4 MR. ROSENFELD: I don't even know where to  
5 begin with this one.

6 CHAIRMAN KEILSON: I would suggest begin at  
7 the end because we have so much paper here. We  
8 are not exactly sure what is being proposed. So  
9 we're not a hot Board on this one.

10 MR. ROSENFELD: No, okay, it's  
11 understandable.

12 This was first proposed to the Board several  
13 months ago, and we attempted, as I encourage all  
14 my clients to do, to confer with the neighbors and  
15 try and reach some consensus. The consensus at  
16 that point was that this house was outsized and  
17 did not fit into the neighborhood.

18 And listening to those objections,  
19 Mr. MacLeod went back and redrew the plans and the  
20 designs. As a matter of fact, we have at least  
21 half a dozen different versions of the house that  
22 we have gone through in subsequent attempts to  
23 placate the neighbors and their objections and to  
24 reach some kind of modus vivendi with them,  
25 wherein Ms. Goldner could have a house that she

1 wanted and still accommodate at least a portion of  
2 the neighbors' requests and demands.

3 The original building, the original structure  
4 was of a French chateau style which certain  
5 members of the community, including I would say  
6 neighbors and others, expressed that that was not  
7 in keeping with the general character of the block  
8 which was populated by Tudors.

9 Just for the record, I will state that  
10 John MacLeod today went and counted on the very  
11 block that this house is situated on, and there  
12 are eleven structures that are of a non-Tudor  
13 nature. So to say -- and approximately an equal  
14 amount that are. But to say that the block is  
15 populated with almost exclusive Tudor houses and  
16 this would be diminishing and stick out as a sore  
17 thumb on the block is just simply not supported by  
18 the facts.

19 CHAIRMAN KEILSON: But the adjacent  
20 properties are, are they not?

21 MR. ROSENFELD: The adjacent properties, to  
22 the most extent. I believe the house across the  
23 street is not.

24 I apologize. The house across the street --  
25 there are colonials on the block. At any rate --



1 CHAIRMAN KEILSON: Tell us what you're  
2 looking for.

3 MR. ROSENFELD: Right, okay. What we're  
4 looking for is an extra 176 feet in building  
5 coverage area, which is about eleven and a half  
6 percent, extra 62 feet in coverage which is less  
7 than two percent.

8 CHAIRMAN KEILSON: Mr. Rosenfeld, I'm sorry,  
9 but we have another set.

10 MR. ROSENFELD: No, no, what you have is  
11 supplemental.

12 CHAIRMAN KEILSON: On building coverage  
13 though I'm talking about.

14 MR. ROSENFELD: The building coverage is  
15 2,400, and we're looking for 2,051.

16 CHAIRMAN KEILSON: Permitted is 2,400, right?

17 MR. ROSENFELD: Is 2,400, correct.

18 CHAIRMAN KEILSON: And what are you seeking?

19 MR. ROSENFELD: Existing is 2,051, and we are  
20 seeking 2,711 which is 12.9 percent over.

21 CHAIRMAN KEILSON: 2,711.

22 MEMBER GOTTLIEB: 650 over existing.

23 MR. ROSENFELD: Over existing. But remember,  
24 existing is some 300 feet less than what's  
25 permitted.

1 MEMBER GOTTLIEB: I'm just trying to get a  
2 proportionate view. You can visualize something  
3 today and not visualize what it might be.

4 CHAIRMAN KEILSON: Building coverage, you're  
5 looking for what percentage?

6 MR. ROSENFELD: 12.9 percent.

7 CHAIRMAN KEILSON: And that represents how  
8 many square feet?

9 MR. ROSENFELD: Over existing or over  
10 permitted?

11 CHAIRMAN KEILSON: Over permitted.

12 MR. ROSENFELD: Over permitted, 311.

13 CHAIRMAN KEILSON: Okay, surface coverage.

14 MR. ROSENFELD: Surface coverage, permitted  
15 is 4,022. Existing is just a shade under 3,500.  
16 It's 3,459. And we seek 4,119.

17 MEMBER GOTTLIEB: What are the numbers there,  
18 please?

19 MR. ROSENFELD: According to my calculations,  
20 it's --

21 MEMBER FEIT: About a hundred feet over.

22 MR. ROSENFELD: -- about a hundred feet over.

23 MEMBER GOTTLIEB: A hundred feet would be two  
24 and a half percent.

25 MR. ROSENFELD: About two and a half percent.

1 CHAIRMAN KEILSON: So the building coverage  
2 has gone up with the new draft, and the surface  
3 coverage has more or less --

4 MR. ROSENFELD: Stayed stat.

5 CHAIRMAN KEILSON: -- stayed stat.

6 What else?

7 MR. ROSENFELD: In addition, there is a left  
8 side setback requirement, but it requires -- the  
9 existing is twelve feet. It requires fifteen.  
10 The existing is currently twelve feet. We intend  
11 to continue on that pre-existing nonconforming  
12 use. On the right side it's a de minimis  
13 encroachment of approximately -- of less than half  
14 a foot.

15 CHAIRMAN KEILSON: It's fourteen-seven.

16 MR. ROSENFELD: Yes.

17 CHAIRMAN KEILSON: And it's being maintained  
18 at the fourteen-seven?

19 MEMBER WILLIAMS: That's what it looks like.

20 MR. ROSENFELD: Yes.

21 CHAIRMAN KEILSON: That is correct.

22 MR. ROSENFELD: Yes, yes.

23 The front yard has an existing -- it's 30  
24 foot required, and the existing is at 24 feet 11  
25 inches. And we are seeking 22 feet 11 inches. So

1 an additional two feet in front, and it should be  
2 noted that that consists of a covered porch.

3 MEMBER WILLIAMS: So you're saying it's 20  
4 feet to the porch?

5 MR. ROSENFELD: Oh, I'm sorry. This is  
6 somewhat fluid. The covered porch extends to  
7 20 feet. It's 22 to the house. 22.11 to the  
8 house. 20 with the uncovered porch.

9 MEMBER GOTTLIEB: So the covered porch makes  
10 a two-foot difference.

11 MR. ROSENFELD: Correct. Well, right, 22-11,  
12 which is 23.

13 MEMBER FEIT: So that's one-third to the  
14 front.

15 MR. ROSENFELD: Right.

16 MEMBER GOTTLIEB: Are you demolishing the  
17 house or are you renovating the house? There are  
18 some differences between what seems to be existing  
19 and, you know, how do you move the front of the  
20 house up?

21 MR. MACLEOD: The existing foundation and a  
22 good percentage of the wood frame will be  
23 replaced, but the -- and the addition that you see  
24 in the front left will be a full two-story  
25 addition. And the rear right will be a second

1 floor, second-floor addition, but we will be  
2 rebuilding the lower part of it as it is a fairly  
3 flimsy existing structure.

4 CHAIRMAN KEILSON: Mr. MacLeod, could you  
5 just step forward and just indicate if this is an  
6 accurate portrayal of what's being constructed.

7 MR. GOLDMAN: What are you referring to?

8 CHAIRMAN KEILSON: This is on the plan I have  
9 of November 18th.

10 MEMBER FEIT: I have a February 10th plan  
11 over here.

12 MEMBER GOTTLIEB: I have February 10th. No,  
13 February of the year 10, February 3rd of 2010.

14 MR. GOLDMAN: Well, it's important, if I  
15 could just interrupt, the Chair had indicated that  
16 the Board is not hot on this particular issue. By  
17 that, meaning that it's not perhaps as prepared as  
18 it ordinarily would be on other matters. It  
19 should be noted that it's because these matters  
20 are submitted to the Board at the -- almost at the  
21 eleventh hour and that a great deal has been  
22 presented to us right at the commencement of this  
23 hearing. So there's no reflection on the Board or  
24 its preparation.

25 MR. ROSENFELD: For which we are grateful.

1 (Whereupon, a discussion was held off the  
2 record.)

3 MR. GOLDMAN: So if you can clarify what set  
4 of plans or plots or whatever you're referring to  
5 for the record that is, and that also the Building  
6 Department can make the appropriate reference on  
7 their copies.

8 MR. MACLEOD: The difference between these  
9 two sets of plans is that this set which was  
10 submitted at an earlier date had a French mansard  
11 style house, and the more recent set which was  
12 submitted has more of a Tudor style house if you  
13 compare the two elevations on page A4.

14 CHAIRMAN KEILSON: Could we just establish  
15 what is being constructed. Use the plot plan.

16 MR. GOLDMAN: And what's the date so the  
17 Building Department can read along, please.

18 MR. RYDER: February 3rd.

19 CHAIRMAN KEILSON: February 3rd.

20 MR. MACLEOD: The revision date on the plan  
21 is February the 1st, 2010 in the revision box.  
22 And this plot plan is identical to the previously  
23 submitted plot plan which was dated November 18th,  
24 2009.

25 CHAIRMAN KEILSON: So could you just describe

1 what is being built.

2 MR. MACLEOD: The existing structure, as I  
3 said before, will be largely -- all the wood  
4 framing of it will be largely removed. If there's  
5 any redeeming quality to some of the structures  
6 there, it may be maintained. The existing  
7 foundation will be retained and added to create  
8 this new footprint. And then the bulk of the  
9 structure will be rebuilt with all new framing  
10 materials.

11 CHAIRMAN KEILSON: Could you describe, just  
12 describe what's being added.

13 MR. MACLEOD: We are --

14 CHAIRMAN KEILSON: Based on the plot plan.

15 MR. MACLEOD: Based on the plot plan, a  
16 proposed new one- and two-story addition in the  
17 front left corner of 422 square feet which is the  
18 site coverage square footage, and in the rear  
19 right corner a second-floor addition of 215 square  
20 feet.

21 CHAIRMAN KEILSON: Over the existing.

22 MR. MACLEOD: Over the existing room of a  
23 similar size.

24 MEMBER FEIT: What about in the back left?

25 MEMBER GOTTLIEB: That's not surface

1 coverage?

2 MR. MACLEOD: The surface coverage is 250.

3 MEMBER GOTTLIEB: You're adding on 250 over  
4 surface coverage or just on the second floor?

5 MEMBER WILLIAMS: There's also proposed first  
6 floor in the back.

7 MR. MACLEOD: We're adding 250 square feet on  
8 the second floor. So it's not increasing the  
9 surface coverage in that corner.

10 MEMBER GOTTLIEB: Actually, Mr. MacLeod  
11 answered the question that the front left portion  
12 of the house will be increased by 422 square feet,  
13 which is building and surface, and the right rear  
14 corner is 250 feet of additional building coverage  
15 only over existing.

16 MR. MACLEOD: Over existing. So there's no  
17 increase of square footage building coverage in  
18 that corner.

19 MEMBER FEIT: And the back left?

20 MR. MACLEOD: And in the rear left there is  
21 an additional 177 square feet of a two-story  
22 structure. So it has 177 square feet, plus a  
23 one-story bay of 24 square feet. And if we're  
24 covering site coverage, the front open porch is an  
25 additional 36 square feet -- 35 square feet,



1       sorry.

2               CHAIRMAN KEILSON:   Now, in terms of the rooms  
3       that are being added, how many rooms are being  
4       added and to what use?   How many bedrooms were  
5       existing in the house?

6               MR. MACLEOD:   The house currently has three  
7       bedrooms on the second floor.

8               MS. GOLDNER:   And two full bedrooms.

9               MR. MACLEOD:   And two full bedrooms in the  
10       attic.   And we're replacing that with --

11               MEMBER ROSEN:   What's the total bedrooms you  
12       said?

13               MR. MACLEOD:   Five total.

14               MR. ROSENFELD:   Five, but two of them are in  
15       the attic.

16               MEMBER FEIT:   Mr. Ryder, is there a  
17       pre-existing attic, rooms where they can build in  
18       the attic, or is that an illegal bedrooms in the  
19       attic?

20               MR. RYDER:   I don't have plans that -- I  
21       don't have floor plans for the attic.

22               MR. MACLEOD:   We're not proposing any attic  
23       bedrooms at this time.

24               MR. ROSENFELD:   It exists now.   When we speak  
25       to that use, we're taking out the rooms in the

1 attic.

2 MEMBER WILLIAMS: The height of the attic  
3 will remain the same?

4 MR. ROSENFELD: The height of the house now  
5 is over 32 feet.

6 MEMBER WILLIAMS: I know you're bringing it  
7 down, but that's coming off of the attic?

8 MR. ROSENFELD: Yes, in great measure, yes,  
9 yeah.

10 MR. MACLEOD: The attic will no longer be  
11 there when this new construction takes place.

12 MEMBER FEIT: Will there be an attic?

13 MR. MACLEOD: There will be an attic space  
14 but it will be unfinished.

15 MEMBER FEIT: How high would the attic space  
16 be?

17 MEMBER WILLIAMS: What's the height?

18 MR. ROSENFELD: Six feet?

19 MR. MACLEOD: Six feet.

20 MEMBER WILLIAMS: Six feet.

21 MR. MACLEOD: Six feet.

22 CHAIRMAN KEILSON: Can we go back to my  
23 question. You were starting with the description  
24 of the rooms. What's being changed? There's two  
25 bedrooms in the attic, three bedrooms on the

1 second floor. What's happening?

2 MR. MACLEOD: So now the second floor will  
3 have a master bedroom, plus three bedrooms and one  
4 optional use room, we're calling it an exercise  
5 room, which is an extension of the master bedroom  
6 suite. It could be a sitting room or a study or  
7 an exercise room.

8 MEMBER GOTTLIEB: Which page are we on?

9 MR. MACLEOD: Page A3.

10 CHAIRMAN KEILSON: And what are we doing to  
11 the first floor?

12 MR. MACLEOD: And the first floor, the first  
13 floor is being reorganized taking advantage of the  
14 front corner of the house where there is no  
15 building at this time. We are introducing a more  
16 open entryway with a powder room and closet and a  
17 staircase, and a living room to the left-hand  
18 front corner of the house.

19 MEMBER FEIT: And a bedroom.

20 MR. MACLEOD: And a guest bedroom in the rear  
21 left corner where there is a small -- there is a  
22 small room there now, which could hardly be called  
23 a bedroom, but there is a room there right now.

24 The family room, instead of it being  
25 elongated on the rear right-hand corner being only

1       ten feet wide, it will now be a reasonable  
2       proportion of 20 foot eight by --

3               MR. ROSENFELD: John, one second. On the  
4       record, I just wanted to point out the necessity  
5       for this additional bedroom on the main floor is  
6       that the petitioner's father is --

7               CHAIRMAN KEILSON: If I may, we're going to  
8       get to all the reasons why. First, we want to  
9       know what they're building and then we'll figure  
10      out the reasons why.

11              MR. MACLEOD: The den is 20 foot eight by 14  
12      foot four and a half. In addition to those, the  
13      living room, the dining room and the den, we have  
14      an eat-in kitchen and there's also a computer  
15      room, small computer room, and a study.

16              MEMBER GOTTLIEB: Is there a kitchen?

17              MR. MACLEOD: There's a kitchen in the rear  
18      with a breakfast area with a bay window  
19      overlooking the rear yard.

20              MEMBER GOTTLIEB: So within this rather  
21      narrow lot, if you will, you're able to fit in a  
22      living room, guest room, breakfast room, kitchen,  
23      den, computer room, study, dining room, and  
24      there's another space over here, I'm sorry, I  
25      don't know what this is (indicating).

1 MEMBER FEIT: Mudroom and foyer.

2 MR. MACLEOD: This is part of the den.

3 MEMBER GOTTLIEB: That's the 20-foot den.

4 MR. MACLEOD: This is the 20-foot dimension  
5 left and right across the plan.

6 MEMBER GOTTLIEB: There's a lot of rooms into  
7 a small footprint.

8 MR. MACLEOD: Well, we enlarged the footprint  
9 of that front corner which was not being used.  
10 The original footprint of the house, you can see  
11 this dotted line here.

12 MEMBER GOTTLIEB: I didn't see that.

13 MR. MACLEOD: If you look at the site plan,  
14 you can see that the shaded area, that is the  
15 original shape of the house with the staggered  
16 front. So we're taking advantage of that empty  
17 space and building here to create something more  
18 that my client is looking for.

19 CHAIRMAN KEILSON: Okay, we've established  
20 what he's building.

21 MEMBER FEIT: Not quite. In the basement  
22 you're having another computer room. So they're  
23 going to have two computer rooms for the house.  
24 You're putting two bathrooms in the basement, it  
25 looks like, and an exercise room and a recreation

1 room, besides a laundry room and a storage room.

2 MEMBER WILLIAMS: There are no bedrooms in  
3 the basement, right? But you have two bathrooms.

4 MR. MACLEOD: We have two bathrooms. We have  
5 some other multipurpose rooms.

6 MR. GOLDMAN: Just so my conscience is clear,  
7 whatever you're building, you understand that no  
8 business can operate out of these premises; is  
9 that correct?

10 MR. ROSENFELD: Other than -- other than one  
11 that is a professional use.

12 MR. GOLDMAN: That would have to be defined.  
13 My understanding of a professional use is that of  
14 a doctor, a dentist and I think an optometrist all  
15 residing within the premises.

16 MR. ROSENFELD: I believe, Mr. Goldman, I may  
17 be mistaken, but I believe any health-related -- I  
18 believe that any health-related, such as a  
19 chiropractor or a nutritionist or these things,  
20 are also included within the definition. The last  
21 I checked, unless it was recently changed, but I  
22 do know that I have received variances from this  
23 Board for massage therapists, for nutritionists  
24 and for --

25 MEMBER FEIT: This Board?

1 MR. GOLDMAN: Well, I don't mean to  
2 disagree, but it's my recollection --

3 MR. ROSENFELD: Not as it's currently  
4 composed, but I will even get you the name of the  
5 person. We got an indoor pool.

6 MEMBER FEIT: How many years ago?

7 MR. GOLDMAN: I think that's an issue that  
8 has to be --

9 MEMBER ROSEN: Why don't we ask the question.  
10 We see all these rooms. Are any of these rooms  
11 going to be used for professional purposes?  
12 That's the question.

13 MR. ROSENFELD: Well --

14 CHAIRMAN KEILSON: Let's get to the more  
15 basic. What is the use? What's the size of the  
16 family? Who's using the house? Right? There's a  
17 lot of rooms.

18 MR. ROSENFELD: Let me introduce my client  
19 to just tell the Board. This is Susan Goldner.

20 MS. GOLDNER: Hi, my name is Susan Shani  
21 Goldner. I recently moved here at the end of  
22 August.

23 Currently, I'm a registered dietitian and in  
24 Brooklyn where I was till now I had a private  
25 practice where I do one-on-one counseling. Either

1 I do it via telephone for people who live far,  
2 whatever. I rent some articles for newspapers so  
3 that's how I wind up with clients who don't  
4 exactly live in my neighborhood.

5 I was hoping to start a practice here.  
6 Obviously, it's not the same. I've been working  
7 in Brooklyn for eight years. So I still have an  
8 office in Brooklyn where I see the bulk of my  
9 clients. Over here, unfortunately, I'm doing  
10 mostly telephone calls just because, you know,  
11 people don't know me. But if any of you are  
12 interested, I'm really good, and I would like to  
13 know. I'm in the healthcare profession; I'm an  
14 R.D. I have a master's of science. I would like  
15 to have -- again, it's not like I have a flood of  
16 people. I mean, I wouldn't mind, but anyways.  
17 Who comes, it's one-on-one counseling for  
18 diabetes, high cholesterol, I have some cancer  
19 patients, some for obesity. That's my general  
20 population.

21 CHAIRMAN KEILSON: That's on the professional  
22 level.

23 MS. GOLDNER: On the professional level.

24 CHAIRMAN KEILSON: How about in terms of your  
25 family. You're building a lot of bedrooms, a lot



1 of rooms.

2 MS. GOLDNER: Well, I'm optimistic. Right  
3 now I'm a single mom. I have two children, and  
4 you know, as you can guess, I'm right now  
5 currently -- well, when you're in the dating  
6 world, most of the guys do come with children as  
7 well. The same way I do. I say instead of one  
8 you get three for the price of one. So a lot of  
9 guys are coming along with a package too.

10 And I don't know if you're familiar with  
11 blended families, but there's a lot of trauma  
12 involved, especially when you try to room  
13 everybody together, especially girls. I have one  
14 girl and one boy, so they're right away in two  
15 separate rooms.

16 You know, and then when you're looking at  
17 dating people with three or four children, if I'm  
18 already doing this, I really don't want to mess  
19 up. There's enough stress the first time around.  
20 The second time around it multiplies. When you  
21 throw children in, you know, it's exponential.

22 I do have elderly parents. I'm the baby in  
23 the family, and I'm very close to my wonderful  
24 parents. My father did have a stroke five years  
25 ago; he's doing much better, but again, that's the

1       only reason. Otherwise, most people would prefer  
2       not to have a bedroom right on the main floor  
3       right off of the kitchen. But being that he does  
4       have difficulty walking on occasion, he has  
5       problems with his foot and his heart and his blood  
6       pressure and whatever, I wanted to build something  
7       that was somewhat accessible so that he could come  
8       to me.

9               MEMBER FEIT: If I might, along those lines,  
10       I will assume that you bought this house after you  
11       were divorced?

12              MS. GOLDNER: Yes.

13              MEMBER FEIT: Now, in your petition which you  
14       signed under oath, you say, "I was content to live  
15       in the house as it currently exists. Recent  
16       events dictate, however, that I cannot comfortably  
17       exist in the future with the structure's current  
18       layout and size."

19              What changed? I assume you were dating  
20       before you bought the house. I assume you're  
21       dating now. What changed?

22              MR. ROSENFELD: May I answer? At the point  
23       when the original petition was filed, there was a  
24       very serious and imminent development. I am not  
25       sure where that development stands at this point,

1 but the statements under oath was verifiable. At  
2 that time it was imminent that there was going to  
3 be an influx of some additional four children, I  
4 believe, is what we were told.

5 MEMBER FEIT: Is it un-imminent now?

6 MR. ROSENFELD: Mr. Feit, I'm sure that --  
7 I'm sure if somebody has children in the dating  
8 world, you never know.

9 MEMBER FEIT: So there's no real emergency  
10 right now. You can live comfortably in the house  
11 now.

12 MR. ROSENFELD: While there is no emergency,  
13 it certainly is, as Mrs. Goldner testified to, it  
14 makes economic sense and it certainly makes social  
15 economic sense to be prepared for any eventuality,  
16 and if that includes having a house that can  
17 comfortably house a blended family, that is the  
18 nature of the hardship to go into a relationship  
19 without -- once you're doing renovations to make  
20 it to be able to accommodate a blended family is  
21 certainly in the petitioner's best interest.

22 MEMBER FEIT: But there's no hardship now.

23 MS. GOLDNER: No, but at the time that it  
24 might arise it would be a great hardship for me to  
25 change it once it's existing already. I can't

1 afford to then do this again. This is a pretty  
2 large undertaking.

3 MEMBER FEIT: I don't recall ever giving a  
4 variance on spec that some problem may develop in  
5 the future, so I want to do it now. It's is there  
6 a hardship now. There isn't.

7 MS. GOLDNER: There is. I couldn't invite.  
8 I tried. I invited my parents for the holidays in  
9 the beginning when I was there. My father can't  
10 do the stairs. My father doesn't come anymore to  
11 visit. I'm very close to my parents. I do need  
12 to have something that's accessible. To tell him  
13 that he has to go climb up to an attic where this  
14 is not exactly a really good attic; it's connected  
15 with scotch tape, they have the banister going up.  
16 It wasn't exactly something that somebody who  
17 tripped several times; I mean, he fell two days  
18 ago, he's completely black-and-blue. Well, that's  
19 because he's on Plavix.

20 MEMBER FEIT: I hear it's an illegal --  
21 unless I missed something, it sounds like what's  
22 existing there is an illegal bedroom in the attic.  
23 That's what I asked.

24 MR. ROSENFELD: It's pre-existing,  
25 nonconforming.

1 MR. GOLDMAN: Mr. Chairman, I don't want to  
2 interrupt, but with all due respect, the personal,  
3 familial use of the property is one side of the  
4 issue. Our concerns, at least from the point of  
5 view of assuming for the moment you're going on  
6 two suppositions, one you're going on the  
7 supposition that you can operate this as a  
8 business, and this business is health-related or  
9 not; and two, the particular health-related  
10 business is assuming even that were true, what  
11 component of this house is intended to be used for  
12 that business. I see, for example, an entrance to  
13 a den that leads to a computer room that leads to  
14 a study room. Is that where the business  
15 component is going to be? Is it in the basement  
16 that the business component is going to be,  
17 assuming the business component is permitted.  
18 There's an exercise room, a second computer room  
19 and a recreation room.

20 MEMBER FEIT: There are two exercise rooms.

21 MR. MACLEOD: In answer to your question on  
22 the first floor, this room here --

23 MR. GOLDMAN: Where it says computer room?  
24 Let the record reflect first floor plan 2A9.

25 MR. MACLEOD: The computer room and study

1 room are intended for --

2 MR. GOLDMAN: For what, please, because they  
3 say computer room and study room.

4 MR. MACLEOD: Those are legitimate names.  
5 The computer room will have a computer set up in  
6 it, and the study will be used as a study. And  
7 also, she'll be able to handle her telephone  
8 business from that room and she may occasionally  
9 see people there.

10 MR. GOLDMAN: Well, is the intention to  
11 develop a practice that will bring, with God's  
12 help -- we don't begrudge anybody a livelihood,  
13 but is the intention to develop a practice that  
14 will bring either customers or patients to these  
15 premises for that use?

16 Somebody's got to answer.

17 MS. GOLDNER: Yeah, I would like to be able  
18 to.

19 MR. GOLDMAN: So then the computer room and  
20 study room is eventually going to be used as a  
21 component of a business, if you will?

22 MR. ROSENFELD: Of a home office.

23 MR. GOLDMAN: Of a home office that is in  
24 fact a business.

25 MR. MACLEOD: A one-person business.

1 MR. GOLDMAN: Fine. But it's not for parents  
2 or children or anything else. So then the  
3 question becomes whether that is permissible under  
4 the code.

5 MR. ROSENFELD: The room for the parents, if  
6 I'm not mistaken, is not that room.

7 MR. GOLDMAN: Correct. And I'm not -- as I  
8 indicated, I'm not addressing the familial  
9 component of it. That's a personal issue.

10 But the business component is of interest to  
11 the extent that there's parking, even if it's a  
12 guest or a business person, it's still someone  
13 driving up, I assume.

14 MS. GOLDNER: Right. So If I could just say  
15 something. Being that it's a one-on-one thing,  
16 it's not like I ever have fifteen people showing  
17 up because it's a one-woman show. So basically,  
18 if somebody comes, that's one person who can park  
19 in my driveway, because if I'm talking to them I'm  
20 not leaving, and so it's one person over there and  
21 they come.

22 If not, I mean, then I still need an office  
23 where I can do my work and my billing and my other  
24 stuff. The only addition to having clients is one  
25 more chair facing me. That's basically, you know,

1 my whole --

2 MR. ROSENFELD: I think, with all due respect  
3 to the Board and to Mr. Goldman, I think a home  
4 office is an entitlement that every resident has,  
5 whether they are using it for a medical profession  
6 or any other profession. And certainly, we have  
7 seen many home offices in applications over the  
8 years. The question as to whether patients can be  
9 seen there is one that we are willing to take up  
10 with the Village and the Building Department at a  
11 separate time, but I would be fine and I would  
12 stipulate that what we are talking about here is  
13 not a professional office but rather a home office  
14 and the nature of that should be beyond reproach.  
15 Many people have home offices in the Village.

16 MEMBER GOTTLIEB: Mr. Rosenfeld, from the  
17 plans that I'm looking at, let's address the  
18 office. There's a computer room with an external  
19 door and door to the outside and that leads to a  
20 study room. It looks as if those rooms are rather  
21 isolated from the rest of the house, because it  
22 looks like they're not connected to the dining  
23 room and possibly connected to a small hallway to  
24 the den.

25 MR. MACLEOD: Can I answer?



1 MEMBER GOTTLIEB: Yeah.

2 MR. MACLEOD: The computer room, it will have  
3 a computer set up in here and a couple of chairs  
4 as accessible directly off of the den. It will be  
5 used by her children for computers, but there will  
6 also be a couple of chairs there in addition so  
7 that if she does have a visitor that they can sit  
8 and wait here before she invites them into her  
9 private study.

10 MEMBER FEIT: Why are there two exercise  
11 rooms?

12 MEMBER GOTTLIEB: Let me finish, Elliot.

13 This begs the question that we've just been  
14 told that a visitor will park in the driveway.  
15 This door is on the opposite side of the house.  
16 There's a little bit of a conflict in --

17 MS. GOLDNER: I'm in a health-related field.  
18 I like to get people started on the program right  
19 away, so we get them a little walk.

20 MEMBER GOTTLIEB: You're a very good witness.

21 MS. GOLDNER: My office right now is in an  
22 attic. And people come up and I have people who  
23 are quite heavy. I said I like to get you started  
24 before you even get in the door. They get a  
25 hundred stairs or so.

1           MEMBER GOTTLIEB: The problem I think we're  
2 facing here is that you're asking for a rather  
3 substantial variance. There's a lot of protest  
4 against this variance. And now we have a  
5 component that there's a business that will be  
6 operated out of this residence, whether it's  
7 permitted or not, and this is something that we  
8 have to weigh. When there is opposition, we  
9 assume that all these people are not waiting for  
10 their capital interest.

11           CHAIRMAN KEILSON: We'll clearly hear the  
12 applicant.

13           MR. ROSENFELD: I would stipulate that we  
14 should perceive this and go on it as a home  
15 office. If in fact we are then entitled to use it  
16 as a professional office wherein patients or  
17 clients can be seen, that's something that we are  
18 willing to take up with the Board. But as it  
19 exists now, this is, I would offer and stipulate  
20 that this is nothing more than a home office that  
21 happens to have a door.

22           MR. GOLDMAN: Yes, but it's also a home  
23 office for which you're asking a variance.

24           MR. ROSENFELD: No, no, no. We're asking  
25 variances for -- in point of fact, Mr. Goldman,

1 the usage inside does not affect any of the  
2 variances outside. We are not going over any of  
3 the pre-existing encroachment. We're not going  
4 out any further because of an office. The house  
5 is staying within the existing framework.

6 CHAIRMAN KEILSON: No, the building coverage  
7 is.

8 MR. ROSENFELD: The building coverage, but  
9 that's in the front.

10 MS. GOLDNER: Can I just say one thing?

11 MEMBER GOTTLIEB: But if you're going to use  
12 it for a living room, but for a study --

13 MR. ROSENFELD: The fact of the matter is, is  
14 that the two rooms that are in question that the  
15 Board has been harping on are well within the  
16 pre-existing nonconforming use.

17 MR. GOLDMAN: First of all, excuse me, on  
18 behalf of the Board, in defense of the Board, I  
19 take umbrage to the word "harping." This Board  
20 has an obligation to explore.

21 MR. ROSENFELD: I apologize for the use of  
22 the word "harping."

23 MEMBER FEIT: Couple of questions. You have  
24 two computer rooms and two exercise rooms.  
25 Certainly, it seems that overkill and that one

1 exercise room may be for patients or customers or  
2 whatever you want. That's the reason for  
3 expansion. The exercise room and computer room is  
4 a reason to expand the second floor.

5 Why are these needed?

6 MS. GOLDNER: I don't have any clients  
7 working out. That would be way too much insurance  
8 if somebody would fall on a treadmill.

9 MR. ROSENFELD: Why are there two exercise  
10 rooms?

11 MS. GOLDNER: Oh, that I don't know.

12 MR. MACLEOD: The second floor room which is  
13 attached to the master bedroom is, as I said  
14 before, a multipurpose room. It might be used as  
15 perhaps one exercise machine there, but the one in  
16 the basement will be set up more as a family gym.

17 MEMBER FEIT: And there are two computer  
18 rooms, one upstairs and -- one on the first floor,  
19 one on the second.

20 MR. MACLEOD: Most houses have more than one  
21 computer these days.

22 MEMBER FEIT: A more serious question. I  
23 understand, and correct me if I'm wrong, that the  
24 inside of the house is partially or possibly  
25 completely gutted on the first floor. This is

1 before any variances came out.

2 So my first question is, is there a permit  
3 for this demolition, especially if you demolished  
4 the kitchen where there's gas and electric?

5 MS. GOLDNER: The contractor -- again, I know  
6 science; I don't really know too much about this.  
7 Jason Teramo is the contractor and he told me that  
8 he wasn't --

9 MEMBER FEIT: Who is the contractor?

10 MS. GOLDNER: Jason Teramo. And he told me  
11 that he went before whichever Board was  
12 appropriate at the time to get permission before  
13 going into it, because I didn't want him to start  
14 anything.

15 MR. ROSENFELD: Mr. Teramo confirmed to me  
16 that he obtained a demo permit.

17 MEMBER FEIT: Well, we have here the Village  
18 people.

19 MR. RYDER: I do not know of any demolition  
20 permit on record or approvals prior to restarting  
21 two weeks ago. Verbals, I don't know.

22 CHAIRMAN KEILSON: Gerry?

23 MR. CASTRO: What was confirmed on a few  
24 occasions by one of our inspectors was the  
25 demolition of sheetrock on the existing walls

1 which didn't require a demo permit. Nor would any  
2 other house if you're doing that sort of thing.  
3 So there was no work at that time that was going  
4 to require a demo permit to issue.

5 MEMBER FEIT: Well, can I ask what has been  
6 demolished in the house? Has the kitchen been  
7 torn apart?

8 MR. ROSENFELD: Has the kitchen been torn  
9 apart?

10 MS. GOLDNER: I haven't been in there.

11 MEMBER FEIT: So you don't even know what's  
12 been done in the house?

13 MS. GOLDNER: He told me this would just  
14 simplify. Being that if you look at the date of  
15 the first petition that came in, every month I'm  
16 spending a lot of money on rent and insurance here  
17 and insurance there and all over, and it's costing  
18 me a lot of money. So he said that if he can get  
19 permission to start this it could shave off  
20 possibly two weeks of getting started.

21 MEMBER FEIT: But aren't you assuming or that  
22 he's assuming that you will get the variance?

23 MR. ROSENFELD: No. Because there would need  
24 to be -- as my client stated, the house in its  
25 current state is rather uninhabitable. It's

1       rather -- it's rickety and it's old. There would  
2       have to be work done anyway.

3               CHAIRMAN KEILSON: No matter what.

4               MEMBER FEIT: Well, I would like to know if  
5       the kitchen or any gas line or electric have been  
6       affected.

7               MR. ROSENFELD: I'm sure we have a very  
8       capable Building Department. If in fact the gas  
9       lines or electric lines were affected, the Village  
10      would know about it.

11              MEMBER FEIT: Not if they're not in there,  
12      they won't, or the plans were not filed, they  
13      wouldn't.

14              MR. RYDER: If I may, Mr. Chairman.

15              CHAIRMAN KEILSON: Mr. Ryder.

16              MR. RYDER: The Building Department would be  
17      glad to go in and inspect prior to any adjournment  
18      or postponement of this case.

19              CHAIRMAN KEILSON: Fine.

20              Mr. Rosenfeld, anything else you want to add?

21              MS. GOLDNER: The gas line was closed in the  
22      summer. The reason why I moved out was because I  
23      had no gas heat because -- they had oil heat,  
24      actually.

25              CHAIRMAN KEILSON: The Village will check it

1 out. Mr. Rosenfeld.

2 MR. ROSENFELD: There are a number of  
3 residents who have attended tonight. I know that  
4 there are some in opposition. There are also  
5 those people who live on the block, including some  
6 who live in non-Tudor homes who are here to  
7 express support and their I guess just support for  
8 Mrs. Goldner and her petition. They're seated in  
9 the audience. If those of you who are in favor  
10 and here to support Mrs. Goldner's application, if  
11 you could just please rise to be recognized. And  
12 just is there anyone here who would like to simply  
13 put their name on the record and express their  
14 support?

15 MEMBER FEIT: I'd like the addresses, more  
16 importantly.

17 MR. ROSENFELD: And their addresses as well.

18 CHAIRMAN KEILSON: Just identify yourself and  
19 the address.

20 MR. ROSENFELD: Seriously, nothing bad will  
21 happen to you.

22 MEMBER FEIT: We promise.

23 MR. ROSENFELD: There's no audits, there's no  
24 nothing.

25 MR. GOLDMAN: Names and addresses, please.



1 MS. TAUB: Shari Taub, 33 Herrick Drive.

2 MR. ROSENFELD: And where are you in  
3 proximity?

4 MS. TAUB: I live across the street a little  
5 bit further down, but I'm a non-Tudor. I have a  
6 shingle house, but I do live across the street  
7 from Susan Weng who is a speech therapist and  
8 operates a business out of her home.

9 MR. ROSENFELD: I'd just like to reiterate  
10 for the record that the house in the immediate  
11 proximity of the subject house is owned by a  
12 speech therapist who does in fact have a home  
13 office and sees patients that are there on a  
14 regular basis.

15 CHAIRMAN KEILSON: I'm not sure how that  
16 bears.

17 MR. ROSENFELD: It may be precedent in terms  
18 of use.

19 CHAIRMAN KEILSON: All right. Let's just get  
20 the names and addresses.

21 MR. ROSENFELD: Thank you.

22 MS. BODNER: Mariam Bodner, I'm 39 Herrick  
23 Drive. I live in a non-Tudor house.

24 MS. HERSKOVITZ: Hannah Herskovitz,  
25 28 Herrick Drive, also non-Tudor.

1 MEMBER FEIT: That's also across?

2 MS. HERSKOVITZ: It's actually on the same  
3 side, I think three houses. I'm 28.

4 MS. GOLDNER: I'm 22.

5 MS. HERSKOVITZ: Well, actually, our block  
6 has the reputation of being a very nice, friendly  
7 welcoming block, and we're looking forward to --  
8 you know, we called her two times, actually  
9 encouraged her to buy a house on our block, and  
10 the kids got friendly and we're actually looking  
11 forward for her to move. So we want to keep our  
12 reputation of being a nice, friendly, caring  
13 block.

14 MR. BRECHER: Elliot Brecher, 36 Herrick,  
15 same side, 36.

16 CHAIRMAN KEILSON: Anything else,  
17 Mr. Rosenfeld?

18 MR. ROSENFELD: No. Simply, but thank you  
19 very much, I appreciate you're standing up and  
20 being heard. I would simply add that in trying to  
21 accommodate the dissenting neighbors' wishes and  
22 what I perceive to be the Board's concern that it  
23 somehow resemble and maintain its Tudor-style  
24 house, we are necessitated --

25 CHAIRMAN KEILSON: I have a suggestion.

1 Don't preempt. Let's hear what the neighbors have  
2 to say.

3 MR. ROSENFELD: The height we didn't address,  
4 but it's fine.

5 CHAIRMAN KEILSON: Let's hear --

6 MR. ROSENFELD: Let's hear from the  
7 neighbors.

8 CHAIRMAN KEILSON: Maybe it's something that  
9 you haven't imagined.

10 MR. ROSENFELD: Absolutely. This whole thing  
11 is something I haven't imagined.

12 CHAIRMAN KEILSON: Comments from anybody who  
13 would like to come forward and express themselves,  
14 just identify yourself.

15 MR. LEVINE: Mike Levine, 25 Causeway.

16 Chairman, members of the Board, I've lived in  
17 the neighborhood 29 years. I never dreamt I'd be  
18 here. So easy to say yes. Very difficult to say  
19 no. But Ms. Kevelson is here almost 30 years,  
20 Ms. Koenigsberg is here over 40 years, the Kleins  
21 over 20 years. We have a wonderful block.

22 I understand her stress, but you've got to  
23 understand our stress. Several months ago we got  
24 a notice for a variance. My wife called  
25 Mrs. Goldner, said she was winterizing and she

1 needed a letter from us. Here's the letter,  
2 actually walked over, knocked on the door, wanted  
3 to introduce ourselves, put it in the mailbox.

4 About six weeks ago we get the notice about a  
5 variance. Don't respond, don't care about it,  
6 because she's winterizing that thing. Case  
7 closed.

8 Then we get a call from our neighbor who  
9 said, Michael, do you know what they are doing  
10 there? And I said, what? Now I found out what  
11 they're doing. My agita, as well as the rest of  
12 all my neighbors, is directly behind, lovely  
13 backyard, lovely swimming pool. I will now be  
14 living in a sugar bowl. If you look at the thing,  
15 it's being extended, it's being leveled out. No  
16 matter what the architect says, I'll be living in  
17 a sugar bowl. It's wrong.

18 CHAIRMAN KEILSON: Please clarify. I'm not  
19 sure what you mean.

20 MR. GOLDMAN: Explain what you mean by a  
21 sugar bowl.

22 MR. LEVINE: The bottom of a sugar bowl. My  
23 house, my pool, the raising of her house, the  
24 leveling off of her, the sunlight, it's unfair and  
25 it's not right.

1 She was asked at a meeting about two weeks  
2 ago at her own residence by some of the people  
3 there why didn't she build in a cube. The answer  
4 is: I don't want to. It's obviously the case.  
5 She doesn't want to. Kol HaKavod if she gets that  
6 through. But the fact is it's stress on us. We  
7 have a wonderful community. I understand her  
8 cheering section, but they're not affected as we  
9 are affected.

10 MR. GOLDMAN: I think counsel is concerned.  
11 Can you describe the proximity of your home to the  
12 premises.

13 MR. LEVINE: Directly behind.

14 CHAIRMAN KEILSON: Where do you see it  
15 affecting you? That's what I'm trying to  
16 understand. She's only pushing out in one  
17 position.

18 MR. LEVINE: She's also squaring off the  
19 roof, pushing out the sunlight. It's a whole  
20 different atmosphere, whole personality changes.

21 CHAIRMAN KEILSON: Do you recognize the  
22 height will be less than it presently is?

23 MR. LEVINE: No. That's not the way I see  
24 it. You know, it's like a Supreme Court Justice  
25 when asked to describe pornography. He says, I

1 can't describe it; I know it when I see it.

2 There's no question I'm affected. You take a  
3 look what she's doing. She's squaring it off.  
4 It's going to affect me. Just like various people  
5 are affected by other things she's doing.

6 A casual statement: I'm going to have two  
7 bathrooms in the basement. I'm going to see  
8 patients. It's a very casual statement, but it  
9 does affect the way of life for people who have  
10 lived here 30, 40 years, and it's not right.

11 I do not want to say no.

12 MEMBER FEIT: Mr. Levine, your past  
13 occupation I believe is real estate?

14 MR. LEVINE: Yes, it is.

15 MEMBER FEIT: You know buildings.

16 MR. LEVINE: I develop and usually I'm the  
17 guy presenting with Mr. Rosenfeld before the  
18 Planning Board, Zoning Board, et cetera.

19 MEMBER FEIT: So being involved in real  
20 estate, you would be -- would know how different  
21 construction, changes in construction would affect  
22 neighboring properties.

23 MR. LEVINE: The whole personality of the  
24 neighborhood, absolutely, and when you're going  
25 for a variance, this is what we do.

1           MEMBER FEIT: What I'm asking you is based on  
2 your experience in real estate, is it your opinion  
3 and feeling that it will definitely block off the  
4 light into your backyard?

5           MR. LEVINE: Yes, it is.

6           MR. ROSENFELD: If I may just --

7           CHAIRMAN KEILSON: No, no, no.

8           MR. ROSENFELD: No?

9           CHAIRMAN KEILSON: No. Let them all speak  
10 and then we'll discuss each of them.

11          MR. LEVINE: Do you want to see this?

12          MEMBER WILLIAMS: I just want to clarify one  
13 thing. There's 49 feet between the house and the  
14 side.

15          MR. LEVINE: Right now the open areas are all  
16 being squared off there and being pushed out  
17 directly affecting my sunlight. Every neighbor  
18 here has a problem with various parts. This is my  
19 immediate problem. The other immediate problem is  
20 I don't want unhappy neighbors. They don't  
21 deserve it after 40 years.

22          MR. ROSENFELD: I'm sorry, can you repeat  
23 that. I didn't hear that.

24          MR. LEVINE: The other part to what happened  
25 with this --

1 MR. ROSENFELD: I just ask you to repeat who  
2 doesn't deserve.

3 MR. LEVINE: The others neighbors don't  
4 deserve the change of the personality of the  
5 block.

6 CHAIRMAN KEILSON: Mr. Levine, what did you  
7 say the distance from your house to that house  
8 might be? The back of your house.

9 MR. LEVINE: I built my pool 15 feet to the  
10 fence, without a variance.

11 CHAIRMAN KEILSON: The distance.

12 MR. LEVINE: I built my pool 15 feet to the  
13 fence. I did not need a variance. I'm guessing  
14 from the fence they have a pool, 15 feet, so it's  
15 probably 30 feet from my fence to their house.

16 MEMBER GOTTLIEB: Actually, it's almost 50  
17 feet from the fence to the --

18 MR. LEVINE: Twenty-five and twenty-five.

19 MEMBER WILLIAMS: No, 50 feet from their  
20 fence to the property, plus 15 feet to your pool.  
21 From their house to your pool must be 65 feet, so  
22 actually 65 feet from their house to your pool.

23 MR. ROSENFELD: It's 52 feet from the  
24 property line.

25 CHAIRMAN KEILSON: Fifty-two feet from the --



1 MR. ROSENFELD: From the property line.

2 MR. MACLEOD: To the two-story addition on  
3 the back of the house.

4 MR. ROSENFELD: At a legal 30 foot.

5 CHAIRMAN KEILSON: Right. Okay. Is that it?

6 MR. LEVINE: That's my tell all. I wish  
7 Miss Goldner the best.

8 CHAIRMAN KEILSON: Anyone else would like to  
9 express themselves, please step forward and  
10 introduce yourself.

11 MS. KLEIN: Good evening. My name is Annette  
12 Klein. I'm Miss Goldner's neighbor on the  
13 right-hand side.

14 MEMBER ROSEN: Give me one second. Your  
15 address is?

16 MS. KLEIN: 24.

17 MEMBER ROSEN: Lot number 277, okay, thank  
18 you.

19 MS. KLEIN: I have several issues. One issue  
20 that was addressed here before, Miss Goldner plans  
21 to open a business. Right now there is no opening  
22 on the right-hand side. She plans that as a new  
23 entrance that she's putting and my driveway is  
24 right there. That will cause me great hardship.  
25 I don't want people in my driveway constantly. I

1 don't want to live next to a business. I moved to  
2 a residential block, not to Central Avenue or a  
3 business area, and it should be kept residential.  
4 It's a dead-end street, children are playing  
5 there. There shouldn't be traffic coming in and  
6 out constantly.

7 Another issue, I agree with everything that  
8 Mr. Levine had said.

9 Also, according to the plans which I have as  
10 well, on the right-hand side they ask for a  
11 variance on the second floor. That room is not --  
12 it's not just one room that's being built on top  
13 of an existing porch. It is being built out all  
14 the way to the front of the house making it a  
15 complete rectangle on my side.

16 Should I?

17 CHAIRMAN KEILSON: It's being built over an  
18 existing area.

19 MS. KLEIN: No, after that porch, okay, is a  
20 roof that's sloped, and that sloped roof goes all  
21 the way down to the first floor and there's a  
22 chimney there. That means that that -- that that  
23 roof will be abolished and it will become a  
24 second, plus, not really second, and a third  
25 floor, her attic. As you can see in her diagrams

1 here, she's going completely up to the fourth  
2 floor. She's making an attic, an attic, a usable  
3 attic that she mentioned at the meeting that she  
4 held in her house. She wants to make this like a  
5 gaming room for her son with Ping-Pong tables.  
6 I'm sorry, but I see these plans as a four-story  
7 structure, not two or three.

8 She's enclosing. And then also in the front  
9 of her house she's making an entrance. That  
10 entrance has a porch on top and it is going five  
11 feet into the front exceeding. It's going five  
12 feet into the front.

13 CHAIRMAN KEILSON: It's encroaching to the  
14 front, yes.

15 MS. KLEIN: Now, I do not want to live 24  
16 hours in the shade. I want sunlight and I have it  
17 now.

18 What else? Also, and apparently her height  
19 limitation exceeds. She's making, as I  
20 understand, in the middle of the house it's going  
21 to be a square box, and only at each end are  
22 facades of these dormer roofs or dormer -- I'm not  
23 a contractor, so bear with me.

24 MR. GOLDMAN: Reverse gables.

25 MS. KLEIN: Yes. And this is too much house

1 on a small piece of property. She's more than  
2 welcome, if it's up to me, to build an estate, but  
3 it has to be according to the property size, not  
4 the lot size she had. What she wants to build  
5 should be on a half an acre or even an acre lot.  
6 This is not for a lot size 80 by 120. She's  
7 asking for too much, and I don't want to live,  
8 number one, in an -- I want to live in a  
9 residential area, not in a business area.

10 And number two, I want sunlight on the right  
11 side of my house. My dining room is there. I  
12 open the shades, I like to look at the trees, not  
13 a building. She is really building a building, a  
14 mini-building.

15 CHAIRMAN KEILSON: All right.

16 MS. KLEIN: And we only have -- we only have  
17 14 feet and a couple of inches between the two  
18 properties. And now she's opening up a new  
19 entrance on the fourth side of the house. I  
20 really do not want it. I'm being honest and  
21 straightforward. And if I can stop it, please, I  
22 appreciate it.

23 CHAIRMAN KEILSON: Thank you very much.

24 MS. KLEIN: Thank you.

25 CHAIRMAN KEILSON: Anyone else would like to

1 speak to the issue?

2 Mrs. Kevelson.

3 MS. KEVELSON: Rochelle Kevelson,  
4 21 Causeway. I am behind 22 Herrick. I have the  
5 issue about two bathrooms in the basement.

6 MEMBER ROSEN: You're behind and to the left,  
7 right?

8 MS. KEVELSON: Right. I thought you can't  
9 put a bathroom in the basement.

10 MR. GOLDMAN: Louder voice.

11 MS. KEVELSON: I thought that you cannot put  
12 bathrooms in the basement. Does this affect the  
13 sewer lines?

14 CHAIRMAN KEILSON: Mr. Ryder.

15 MR. RYDER: As long as you meet the minimum  
16 requirements for height and means of egress.

17 MS. KEVELSON: Really? Because I was told  
18 and I'm in my house close to 30 years --

19 CHAIRMAN KEILSON: You can share it with the  
20 entire Lawrence Association.

21 MEMBER FEIT: I think it's a question of how  
22 high the sewer line is.

23 MS. KEVELSON: Okay. Also, the driveway in  
24 Miss Goldner's house is on the other side of the  
25 entrance, that extra entrance that she wants to

1 build, and I have the complete view of that  
2 driveway. And unfortunately, a lot of people just  
3 go from that driveway through my backyard to  
4 Causeway and to Broadway, so there's foot traffic.

5 CHAIRMAN KEILSON: Okay.

6 MS. KEVELSON: Thank you.

7 CHAIRMAN KEILSON: Thank you very much. Any  
8 other people like to speak to the issue?

9 MS. KLEIN: Can I say one thing, please. The  
10 other representatives were not able to be here  
11 because they had plans, but they did submit  
12 letters to the Village.

13 CHAIRMAN KEILSON: I think it's important to  
14 note for the record there were a number of  
15 submissions, Mr. Goldman.

16 MR. GOLDMAN: There was one by Rochelle  
17 Stern-Kevelson, who you heard from, dated  
18 February 7th. Bear with me, please.

19 There was an Aaron Philipson of 20 Herrick  
20 Drive who writes a three-paragraph letter; in sum  
21 and substance the relief sought by the petitioner  
22 Goldner should not be granted for the following  
23 reasons. He cites the narrowness of the parcels  
24 and that it would create a narrow alley.

25 There is yet another by Larry and Annette

1 Klein, who we have heard from, of 24 Herrick.

2 And one lengthy letter that is part of the  
3 record, dated January 11th, by Allan and Margaret  
4 Hoffman, 21 Herrick, dated January 11th.

5 MEMBER FEIT: Mr. Rosenfeld, could you just  
6 answer one question that was posed.

7 MR. ROSENFELD: Possibly.

8 MEMBER FEIT: One of the speakers indicated  
9 that at a meeting they were told that they were  
10 going to use the attic as a recreation room for  
11 the children, putting a Ping-Pong table and stuff  
12 like that. You know that seems --

13 MR. ROSENFELD: Mr. Feit, as you are acutely  
14 aware, sworn statements on petitions are what  
15 governs. This petition states no part of the  
16 attic will be used for anything other than  
17 storage.

18 MS. GOLDNER: Could I just make one quick  
19 statement. My son is already -- he just turned  
20 thirteen this weekend; he's already five-six and a  
21 half, almost five-seven. I'm over five-eight; my  
22 ex-husband is over six-two.

23 Now, I mean, you heard that the whole attic  
24 is going to be six feet. I don't think there's  
25 going to be much time for him to be in an attic

1       anyways. It doesn't -- it's going to be used as  
2       storage, cedar closets, you know, storage space.

3               MR. ROSENFELD: On the record, there will be  
4       no game room. This will be used for storage. I  
5       just wanted to address to the extent that I can  
6       that we all -- the people in support, Norma  
7       Oberlander, who lives on the block a few houses  
8       away and also resides in a non-Tudor structure is  
9       in Florida but has expressed her complete support  
10      of the project.

11             I just wanted to address a couple of the  
12      issues raised. The Board itself addressed the  
13      issue that I believe applies to the Kevelsons as  
14      well as the Levines, the distance from the  
15      neighboring property. And it's important to note,  
16      as the Chair noted earlier, that what we are doing  
17      is actually lowering the roof. So if they're  
18      really concerned about shade and sunshine, I think  
19      we are accommodating that. In addition, it's  
20      important to note that I have been informed, just  
21      to address the neighbor, Mrs. Klein --

22             CHAIRMAN KEILSON: Mrs. Klein is the most  
23      immediate neighbor.

24             MR. ROSENFELD: The most immediate neighbor,  
25      there emphatically will not be any fourth floor,



1 nor would that ever be legal by any stretch.

2 In addition, the fact that there is a door on  
3 that side could only be a safety, an additional  
4 safety feature, and I believe, and pardon me if  
5 I'm out of turn, but I believe that it's important  
6 for the Board to note that I have been informed  
7 that the Kleins' house has been actively marketed  
8 for over four years. And I believe that if I was  
9 trying to sell a house having a doorway put right  
10 in front of the property might be considered a  
11 diminished point of sale. So it's important to  
12 know from whereof people speak.

13 But with respect to neighbors who are not in  
14 the immediate neighborhood, it is important to  
15 note, as the architect noted, that every house is  
16 set back some 50 -- over 50 feet from the  
17 premises.

18 MR. MACLEOD: I just wanted to point out that  
19 the house to the right-hand side of this property  
20 is on the south side of the house, and so any sort  
21 of sunlight will actually be -- will never be  
22 restricted from number 24.

23 Number 22 is totally on the north side of the  
24 house.

25 MR. ROSENFELD: Finally, to address an issue

1 that Mrs. Kevelson raised, which I certainly can  
2 appreciate the fact that people will use her house  
3 as a shortcut is something that presumably exists  
4 now, and we would be very happy, because I don't  
5 believe it's in my client's interest to have that  
6 as any kind of a passageway, we would do whatever  
7 the Building Department or the Board required in  
8 terms of putting up a fence, putting up shrubbery,  
9 whatever is necessary to restrict what obviously  
10 is a major concern for the Kevelsons.

11 MEMBER FEIT: Mr. Rosenfeld, is there any  
12 other house on that block which has a porch or an  
13 entrance 20 feet away from the sidewalk as opposed  
14 to the 25 feet that's there?

15 MR. ROSENFELD: Yes. Two houses down,  
16 Dr. Ganger, his house actually is 15 feet off the  
17 curb.

18 MEMBER FEIT: And any other houses?

19 MR. ROSENFELD: I'm not sure. I know that  
20 one for sure. And I do know that there are other  
21 houses on that block that I have retained  
22 variances for that had front-yard setbacks. I  
23 don't recall the exact amount, but I do know that  
24 I have done at least two on that block.

25 MEMBER ROSEN: Where is Ganger?

1 MR. ROSENFELD: What's the address?

2 SPEAKER: 34.

3 MR. ROSENFELD: And, in fact, I'm sorry,  
4 Mr. Ganger, he also is in support of this but is  
5 currently on an airplane headed to the Far East,  
6 but has certainly voiced his support for it.

7 CHAIRMAN KEILSON: Mr. Rosenfeld, I think the  
8 concern, then we're going to hear from the Board  
9 members, I am concerned in terms of the building  
10 coverage, 12.9 percent over without adequate  
11 support for the need. I really haven't heard the  
12 need. The prospective marriage, I understand, but  
13 I'm not sure it's really tied to that type of a  
14 building coverage overage.

15 Surface coverage doesn't bother me; it's two  
16 and a half percent. The left side and right side  
17 don't bother me either because either are  
18 de minimis or preexisting.

19 Front yard certainly bothers me enormously.  
20 We've always been restrictive about encroachment  
21 in the front. I think for the most part the  
22 houses on the block are not forward to that  
23 extent.

24 Okay. I'm very concerned about the business  
25 aspect, and I think we're going to need some sort

1 of submission to deal with whether it's a  
2 permitted use or not a permitted use. I think  
3 it's very relevant to our decision making and a  
4 lot hinges on it in terms of the opposition, and I  
5 could well understand the people living next-door  
6 to a house don't necessarily want it to become a  
7 weigh station for a business. If it's certainly  
8 within the rights to have it, and I don't have  
9 clarification tonight, then I think that objection  
10 will have to be treated accordingly.

11 I don't see that there are issues of sun and  
12 light for the neighbors, truthfully, 50 feet from  
13 the property line. I can't accept that as being a  
14 valid objection, and certainly, the sunlight is  
15 not affected to the Klein house.

16 So that's my general reaction. I'd like to  
17 hear from the other Board members.

18 MEMBER ROSEN: So I raised the issue of the  
19 business. That's the one that concerns me the  
20 most. The other thing that concerns me, and I've  
21 spoken in many hearings about this, when you've  
22 got all of your surrounding neighbors objecting,  
23 not one, not two, but one, two, three, four, five,  
24 six, all of them, there's something that bothers  
25 me about that, that that's one of the standards

1 that we look at is how does it affect the  
2 neighbors and how does it affect the neighborhood,  
3 so those are the two things that concern me.

4 I would need to know, especially since we've  
5 heard that the business aspect is definitely  
6 something that's being considered or maybe more  
7 than considered, it's a definite in terms of the  
8 use of the residence, I would need to know the  
9 legal basis for that.

10 CHAIRMAN KEILSON: Mr. Gottlieb, any  
11 comments?

12 MEMBER GOTTLIEB: I could repeat some of your  
13 comments or I can say -- I'll say this is a very  
14 lovely picture; it's a beautiful rendering. But  
15 understanding that you're really bulking out the  
16 front of this house, it's not the surface or the  
17 building coverage that upsets me as much as the  
18 bulking and the appearance that this is going to  
19 be very large. It doesn't have the setbacks of  
20 the neighboring houses. That's perhaps one of the  
21 biggest issues I have.

22 And of course, there is the issue of using a  
23 business and not approving a variance is almost --  
24 it's almost approving a business. If a business  
25 is allowed and now we're giving you the space to

1 create that business and have that business in  
2 your residence.

3 I did have another question, please. Were  
4 the neighbors informed? I know that there are  
5 some neighbors here for and against. Were all the  
6 neighbors informed that there was a hearing this  
7 evening? Because I thought it was postponed.

8 MR. ROSENFELD: It was but the notice went  
9 out. There may have been rumors or word of mouth  
10 that it was going to be adjourned, but nobody,  
11 neither the architect, nor the Village, nor myself  
12 can be held responsible for that. Notice was  
13 given and it was on the calendar.

14 SPEAKER: That's a lie.

15 CHAIRMAN KEILSON: Please, please, no  
16 comments.

17 Anything further?

18 MEMBER GOTTLIEB: No, that's it.

19 MR. ROSENFELD: May I address?

20 CHAIRMAN KEILSON: Mr. Feit.

21 MEMBER FEIT: I really can't add very much  
22 more than my colleagues have expressed, and I  
23 believe some of my questioning pointed out some of  
24 my concerns.

25 CHAIRMAN KEILSON: Okay, Miss Williams.

1 MEMBER WILLIAMS: Same. They've covered  
2 everything that concerns me.

3 CHAIRMAN KEILSON: Okay.

4 MR. ROSENFELD: I think that we might be able  
5 in the interest of not putting Mrs. Goldner  
6 through this prolonged agony of going back and  
7 finding something else out, I think there might be  
8 -- and that's one of the reasons that the  
9 architect is here. There might be a solution if  
10 the Board were to accept it, of removing the  
11 covered porch or setting that back so that we  
12 obviate, at least partially, the overage issue and  
13 also negate the setback issue.

14 MEMBER WILLIAMS: That would help a lot.

15 CHAIRMAN KEILSON: What about the fundamental  
16 issue about the business though?

17 MEMBER WILLIAMS: That would help one issue.

18 MR. ROSENFELD: Well, I would be willing to  
19 accept, and I think in the interest of due process  
20 for my client and I think the time has arrived for  
21 it, but I would be willing to stipulate that any  
22 of the variances granted will be granted either  
23 with the understanding and the further legal  
24 research that such home office use can be used, or  
25 in case it's not, then she will not see patients

1       there.

2               MEMBER WILLIAMS: But the house is being  
3       built to see patients.

4               MR. ROSENFELD: No, but that room is a study;  
5       that room is currently a study.

6               CHAIRMAN KEILSON: I think you would  
7       reconfigure the house if you didn't have it.

8               MR. GOLDMAN: Right.

9               MR. ROSENFELD: As I say, that room that is a  
10      study is currently a study. The only thing that  
11      might possibly be reconfigured is the doorway.

12              MEMBER WILLIAMS: That's a serious issue.

13              CHAIRMAN KEILSON: I think that's a  
14      fundamental change in what the anticipated use of  
15      the house might be and there may be a  
16      reevaluation, so I wouldn't want to be so flip as  
17      to just make a decision.

18              MR. ROSENFELD: Well, I'm not trying to be  
19      flip at all. I'm trying to achieve an end to  
20      this, and what I'm saying is that within the  
21      context of the existing footprint of the house the  
22      room that is designated as the study currently  
23      exists as a study. I'm willing to further  
24      stipulate that if in fact we're not allowed, my  
25      client is not allowed to see patients or clients



1 at the house, it will not be used to see patients  
2 or clients at the house. It will continue to  
3 remain a study as it is now. So what I'm saying  
4 is --

5 MEMBER WILLIAMS: Without the doorway?  
6 Without the outside door?

7 MR. ROSENFELD: Without the outside door.  
8 It's -- you know, I'd really prefer we don't  
9 adjourn. If you want to reserve, that's fine, but  
10 adjournment is just going to prolong this.

11 CHAIRMAN KEILSON: Either way, I think the  
12 sentiment of the Board is that you're best served  
13 by not having the decision rendered this evening.

14 MR. ROSENFELD: Okay. Well, can I then know  
15 what the Board would like in order to render its  
16 decision. What additional information can we --

17 CHAIRMAN KEILSON: Well, I would say that on  
18 the issue of whether it is acceptable to have the  
19 home office or the use of having patients, on that  
20 we could use some clarification.

21 MR. ROSENFELD: Absolutely.

22 CHAIRMAN KEILSON: And if upon your research  
23 you find that it's not acceptable, you may want to  
24 reconfigure before the next hearing, in which case  
25 it may have significant impact on the types of and

1 the nature of the request that you have.

2 MR. ROSENFELD: All right. Okay. As I say,  
3 I would think the only reconfiguration would be  
4 the doorway because that's an existing part of the  
5 house now.

6 CHAIRMAN KEILSON: Why preempt?

7 MS. GOLDNER: Can I just say something?

8 CHAIRMAN KEILSON: Certainly.

9 MS. GOLDNER: Hi, sorry. I know you all want  
10 to get back home already.

11 CHAIRMAN KEILSON: No, not at all. We love  
12 it here.

13 MR. GOLDMAN: There's nobody rushing this.

14 MS. GOLDNER: No, what I wanted to say is  
15 that most homes -- I mean, and I'm not just saying  
16 this as in generalities, but I'm sure if you look  
17 at whether it's your homes or homes of friends  
18 that you know, most homes these days -- or I mean,  
19 as far back as I remember, on the first floor most  
20 people have some sort of office/study. I know my  
21 parents did. I had in the first house that I  
22 lived in; I have in right now in the rental house  
23 that I'm living here.

24 MEMBER WILLIAMS: You have an office/study  
25 and computer room, all that? That's pretty

1       impressive.

2               MS. GOLDNER:   Fitness is very important.  
3       What I wanted to say is most people have some sort  
4       of place where they sit.   I know right now when my  
5       kids come home from school and I have books all  
6       over and I want to start doing some of my --  
7       whether it's my writing or anything that I do, I  
8       do sit down in a room which would be classified as  
9       an office, regardless if I see anybody there or  
10      not.   If it's a problem for me to see people, I'm  
11      not looking to make waves.   If I do find out that  
12      legally that's a problem, I still would like my  
13      own private space where I can do my work where I  
14      can think by myself without having the constant  
15      foot traffic of people coming to get a cup of  
16      juice or back and forth.

17              CHAIRMAN KEILSON:   You've been here this  
18      evening, you heard the give and take.   I think now  
19      you should understand the tenor of the situation,  
20      okay, and we are strongly urging you to consider  
21      adjourning it for the month.   We will have a  
22      submission on the legal aspects which impact  
23      greatly on this equation, because if for some  
24      reason you can't have the home office and the home  
25      business, that goes a long way towards

1 ameliorating some of the concerns of the  
2 neighbors.

3 MS. GOLDNER: But I would still need my own  
4 room.

5 CHAIRMAN KEILSON: Mrs. Goldner, the art of  
6 listening is very important, and so I'm urging you  
7 to listen to the sentiment that's being expressed  
8 here this evening. I don't think the Board is  
9 ready to render a decision, certainly not a  
10 decision that you will be happy with. So I think  
11 that we should see what Mr. Rosenfeld can provide  
12 to us. And again, if there's not going to be a  
13 home office, I think you may want to reconsider in  
14 terms of how to reduce some of the overage.

15 Are you seeking adjournment, Mr. Rosenfeld?

16 MR. ROSENFELD: Yeah, why not, now that you  
17 mentioned it.

18 MEMBER ROSEN: Well said.

19 MEMBER FEIT: Can you address one other  
20 thing. If, assuming you cannot have an office  
21 there, what is the compelling need for any  
22 alterations?

23 MR. ROSENFELD: For any alterations?

24 MEMBER FEIT: Depending on maybe I'll get  
25 married, maybe they'll move into my house, maybe

1 I'll have 83 children. I don't grant variances on  
2 maybes, you know that.

3 MR. ROSENFELD: Mr. Feit, just keep in mind  
4 that the structure as it exists now is not  
5 habitable. The structure that exists now is  
6 barely habitable.

7 SPEAKER: Why is that?

8 CHAIRMAN KEILSON: Hold it, hold it, hold it.  
9 You can continue that after we adjourn for the  
10 evening.

11 MEMBER FEIT: I want a report also from the  
12 Building Department as far as what work has been  
13 done as far as this thing and if they are not  
14 following Village Code.

15 CHAIRMAN KEILSON: Mr. Rosenfeld, are you  
16 asking for an adjournment?

17 MR. ROSENFELD: Yes, sir.

18 CHAIRMAN KEILSON: The next calendar date is?

19 MEMBER WILLIAMS: March 16th.

20 MR. GOLDMAN: Did we confirm that?

21 MEMBER GOTTLIEB: We did.

22 MEMBER WILLIAMS: Most likely, unless there's  
23 a problem with Gail.

24 CHAIRMAN KEILSON: So we accept his request  
25 for an adjournment, gentlemen and lady.

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1 MR. GOLDMAN: Does that conclude the meeting?

2 CHAIRMAN KEILSON: That concludes the meeting  
3 this evening.

4 MEMBER WILLIAMS: Also, when we get back  
5 together, can we have plans for each of us, clear  
6 plans?

7 MR. ROSENFELD: Sure.

8 MEMBER FEIT: Can we please get them like ten  
9 days in advance, like we're supposed to.

10 MR. ROSENFELD: Absolutely, well enough in  
11 advance.

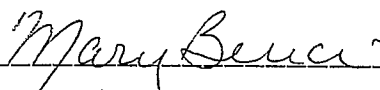
12 (Whereupon, the hearing concluded at  
13 9:55 p.m.)

14 \*\*\*\*\*

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

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MARY BENCI, RPR  
Court Reporter

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