

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
Lawrence, New York5 February 17, 2011
6 7:45 p.m.

7 APPLICATIONS FOR ADJOURNMENT:

8 Amar
359 Central Avenue
Lawrence, New YorkLowy
13 Lakeside Drive West
Lawrence, New York9 Levi
10 270 Ocean Avenue
Lawrence, New YorkAlpert
455 Mistletoe Way
Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman14 MR. ELLIOT FEIT
15 Member16 MR. ELI TENDLER
Member17 MR. MARK SCHRECK
18 Member19 MR. EDWARD GOTTLIEB
Member20 MR. RONALD GOLDMAN, ESQ.
21 Village Attorney22 MR. GERALDO CASTRO
Building Department23 MR. MICHAEL RYDER
24 Building Department25 Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Okay, welcome to the
2 Lawrence Board of Zoning Appeals. I ask you to
3 turn off your cell phones, and please, no talking
4 during the hearing.

5 I'd like to welcome two alternates that are
6 sitting this evening, Mr. Eli Tendler and
7 Mr. Mark Schreck. Thank you for joining us.

8 We have several adjournment requests
9 initially, so we'll just run through those.

10 The first one is the matter of Amar. They're
11 asking for a further adjournment of -- actually,
12 proof of posting first.

13 MR. CASTRO: I offer proof of posting and
14 publication (handing).

15 CHAIRMAN KEILSON: Thank you.

16 So the first matter is Amar. They're asking
17 for a further adjournment.

18 Any objection?

19 MEMBER FEIT: No.

20 MEMBER GOTTLIEB: No objection.

21 CHAIRMAN KEILSON: For.

22 MEMBER SCHRECK: For.

23 CHAIRMAN KEILSON: Very good.

24 The second matter is that of Levi, 270 Ocean
25 Avenue, also asking for an adjournment to the next

1 hearing date.

2 MEMBER FEIT: Okay.

3 MEMBER GOTTLIEB: Fine.

4 MEMBER SCHRECK: For.

5 CHAIRMAN KEILSON: The third one is Lowy from
6 13 Lakeside Drive West, also asking for an
7 adjournment to the next hearing date.

8 MEMBER FEIT: No objection.

9 MEMBER GOTTLIEB: Fine.

10 MEMBER SCHRECK: No objection.

11 MEMBER TENDLER: No objection.

12 CHAIRMAN KEILSON: Lastly, Alpert from
13 455 Mistletoe Way, also asking for an adjournment
14 to the next available date.

15 MEMBER GOTTLIEB: Good idea.

16 (Whereupon, the hearing concluded at
17 7:50 p.m.)

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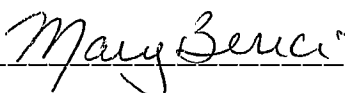
19 Certified that the foregoing is a true and
20 accurate transcript of the original stenographic
21 minutes in this case.

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MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 February 17, 2011
7 7:50 p.m.

8 APPLICATION: Klein
9 34 Auerbach Lane
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 MR. ELI TENDLER
17 Member

18 MR. MARK SCHRECK
19 Member

20 MR. EDWARD GOTTLIEB
21 Member

22 MR. RONALD GOLDMAN, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Okay. Mr. Goldman, do you
2 want to offer a preamble.

3 MR. GOLDMAN: Yes, please.

4 Mr. Chairman, let me just explain to the
5 members of the audience and the applicants, as
6 well as their representatives and any other
7 participants, that the nature of this Board is
8 such that these gentlemen are all volunteers, that
9 they receive the files substantially in advance of
10 the meeting, they go to the scene, the site in
11 most cases, and they review all the details of the
12 application. And whereas they do not confer as a
13 group because of the Open Meetings Law, that's why
14 we're out here tonight, they do as individuals
15 review each and every one of the applications. As
16 a result, what will happen tonight is that they're
17 going to focus on certain salient issues or
18 certain particular issues that might be of some
19 concern to them as individuals, and ultimately as
20 a member of the Board.

21 The reason I'm telling you this is so that
22 you don't think anyone is getting short shrift or
23 that there's been any decision made in advance by
24 virtue of the fact that you're not making the
25 entire pitch and reading your entire application

1 in detail. That being said, they're prepared to
2 answer any of your inquiries, and certainly will,
3 and you can make your applications but certainly
4 within a finite period.

5 Thank you, Mr. Chairman.

6 CHAIRMAN KEILSON: Thank you, Mr. Goldman.

7 The matter of Klein of 34 Auerbach Lane.
8 Will they or their representative please step
9 forward.

10 Welcome, Mr. Rosenfeld.

11 MR. ROSENFELD: Thank you, Mr. Chairman. I
12 appreciate it. I feel awkward that I don't have
13 an adjournment.

14 MR. GOLDMAN: We could arrange that.

15 MR. ROSENFELD: I've done that.
16 Meir Rosenfeld.

17 The application of Sandy Klein of 34 Auerbach
18 Lane is to restore something to the state that it
19 was in some 13 years ago. When my client
20 originally bought this house there was an asphalt
21 driveway on the left side and a gravel parking
22 area on the right. There was no need for
23 Mr. Klein to have the extra parking space; he
24 covered it over and landscaped it.

25 Because of changes in the family situation,

1 it's sort of a melding of several -- of two large
2 families, there are now a number of drivers and a
3 number of vehicles there, and currently they clog
4 up the street.

5 What Mr. Klein's looking to do is to simply
6 regravel. I don't want to say repave, but
7 regravelize that area to allow for some off-street
8 parking and, of course, he has conferred with all
9 the neighbors, and I'd offer proof of letters of
10 support (handing). There's a number of them.

11 Before I do that, I just want to say that the
12 one person who we do not have a letter of support
13 from that would be deemed appropriate is the
14 Abelsons, who are the neighbors immediately
15 adjacent to that property.

16 CHAIRMAN KEILSON: Adjacent on the right?

17 MR. ROSENFELD: Adjacent on the right.

18 CHAIRMAN KEILSON: The most affected.

19 MR. ROSENFELD: The most affected.

20 However, on the record, I am authorized to
21 say that the reason that the Abelsons did not sign
22 is that they are in Florida.

23 However, Mr. Klein spoke with the Abelsons by
24 the telephone and confirmed to me that they said
25 as long as the shrubbery remains intact they have

1 absolutely no problem and they believe it is an
2 enhancement safety-wise to the block. So I make
3 that representation here, and along with those
4 other letters of support.

5 MR. GOLDMAN: Let the record reflect that the
6 applicant has submitted several letters of
7 support. They're all sum and substance the exact
8 same letter but for the addresses, and they come
9 from the residents of 37 Auerbach, which you might
10 choose to spell correctly next time, of
11 4 Hawthorne Lane, 23 Auerbach and 30 Auerbach, and
12 all of which basically say that we are the owners
13 of those respective properties, we endorse the
14 proposed changes that have been submitted before
15 this Board. In fact, the variances, if granted,
16 will greatly enhance the character and aesthetics
17 of our neighborhood. We have no opposition to the
18 Board approving these variances.

19 They're being deemed Applicant's 1 and
20 they're being submitted to the Board for its
21 review and then for attachment to the file.

22 CHAIRMAN KEILSON: Having said that, I think
23 the greatest concern we have is any time a
24 resident wants to cover over grass we feel that's
25 a detriment to the community. So we have to

1 evaluate the nature of the problem that we have
2 here. You have a driveway that accommodates
3 presently at least four cars.

4 MR. ROSENFELD: Well, not easily, because
5 there are some SUVs, and I don't know that it can
6 accommodate four directly. Currently, it
7 accommodates two. However, I do know for a fact
8 that there are some larger vehicles, and I also
9 know that the benefit for the community, forget
10 just for the applicant, the benefit of the
11 community of having Auerbach Lane, which is a busy
12 thoroughfare, less clogged with cars parked on it
13 is certainly a benefit.

14 And given the fact that we are not looking --
15 the only thing -- the only variance we're seeking
16 is one for lot coverage. There's no building
17 coverage issue, there's nothing else, and I would
18 very much hasten to add that this lot coverage is
19 not even of the sort that there's a deck or any
20 structure of any type. From the street level it
21 will remain -- it will remain level ground. And
22 in fact, Mr. Klein chose to put gravel there
23 rather than asphalt to maintain as much as he
24 could of the aesthetics of the neighborhood.
25 Indeed --

1 CHAIRMAN KEILSON: Why did they cover it
2 over?

3 MR. ROSENFELD: It was not necessary. I
4 believe it was not necessary. And from what I
5 understood from Mr. Klein, as he recalls, the
6 people who lived there before had a -- had a
7 junked car there. There was a car that was
8 covered over and it was unsightly. He removed
9 that and removed the vestige of it because it
10 wasn't necessary, and he thereupon went upon doing
11 the landscaping there.

12 MEMBER FEIT: Two questions.

13 MR. ROSENFELD: Yes, sir.

14 MEMBER FEIT: One, would the second curb cut
15 -- can he then put in a circular driveway as of
16 right, as opposed to building out? In other
17 words, would he have to come back for a variance
18 for a circular driveway or --

19 MR. ROSENFELD: Certainly for lot coverage,
20 yes.

21 CHAIRMAN KEILSON: Surface coverage, yes.

22 MEMBER FEIT: What about frontage; do we
23 know?

24 MR. ROSENFELD: No, frontage is never really
25 an issue with circular driveways, but there is a

1 lot of coverage issue.

2 And the fact is that Mr. Klein was granted a
3 variance a number of years ago. I represented
4 him. He replaced a swimming pool and an
5 outbuilding with a tennis court. At that point,
6 if you noticed the petition, the letter says that
7 he's 31 percent over. He's really -- he's really
8 only -- this variance is 360 square feet. That is
9 really relatively minor.

10 The variance, the reason it's 31 percent over
11 is because there's a tennis court there instead of
12 the pool. This home before anybody approached for
13 any variance at all was already over on lot
14 coverage. The swimming pool itself was over on
15 lot coverage. We increased it slightly to get the
16 variance for a tennis court which brought it to
17 whatever -- I believe, if memory serves me
18 correctly, and I can go back, it was over 25
19 percent overage when the house was bought. It was
20 grandfathered in. The tennis court took out the
21 swimming pool and the adjacent structure to it,
22 the accessory structure, and then raised it to
23 approximately 29 percent. This is really about a
24 two percent or two and a half percent overage.

25 CHAIRMAN KEILSON: I don't think the

1 compelling issue is really the surface coverage
2 issue.

3 MEMBER FEIT: I asked about the circular
4 driveway.

5 MR. ROSENFELD: I guess that gets to it. It
6 wouldn't -- he would need to come back for a
7 variance simply because of the surface coverage
8 issue.

9 MEMBER FEIT: And how many -- if I could
10 just, how many drivers --

11 MR. ROSENFELD: There are nine drivers.

12 MEMBER FEIT: -- currently live full-time in
13 the house? We know there are probably children
14 who come to visit a lot. But how many actually
15 live in the house full-time?

16 MR. ROSENFELD: At least four or five. At
17 least four or five. You know, there are some
18 married children, but they come by frequently.
19 Remember, this is a widow and a widower who each
20 had full families, and they recently -- not
21 recently -- they remarried a couple of years ago.

22 MEMBER GOTTLIEB: There's something that you
23 mentioned in your opening statement which is that
24 the neighbor to the right would not mind if the
25 shrubbery does not get removed.

1 MR. ROSENFELD: Right.

2 MEMBER GOTTLIEB: The shrubbery -- shrubs are
3 planted up to the curb line. There would be no
4 visibility for a car pulling out of the driveway.
5 You know, that's a bit of a safety issue.

6 MR. ROSENFELD: Absolutely, absolutely. I
7 actually mentioned that to my client and,
8 obviously, whatever is required safety-wise to
9 either cut back totally from the roots to a
10 certain degree that the Building Department feels
11 comfortable, or to have it slope up or to have it
12 gradually go up, if there were to be some, you
13 know, arborvitae that's low enough, I would assume
14 it would have to be lower than the height of a
15 car.

16 MR. GOLDMAN: Then by definition you'd be
17 impacting on the landscaping that's there.

18 CHAIRMAN KEILSON: It will no longer shield
19 it from the neighbor. The neighbor's driveway is
20 to the right.

21 MEMBER GOTTLIEB: The neighbor's driveway is
22 to the right.

23 MR. ROSENFELD: The neighbor's driveway is
24 directly adjacent to it.

25 MEMBER GOTTLIEB: And speaking of what you

1 said originally is that Auerbach is a known
2 speedway. So you have a speedway and a blind spot
3 and you're putting in a driveway where one is
4 adjacent to another driveway. I don't see that
5 being the issue, that the driveways are just a few
6 feet from each other, about fourteen feet away
7 from each other.

8 CHAIRMAN KEILSON: Have you explored
9 expanding the existing driveway in some way to
10 accommodate another car, let's say, on the --
11 towards the house if you expand --

12 MR. ROSENFELD: That would be -- if you look
13 at the photographs, that would not be possible
14 because there are -- the walkway to the house is
15 there. And I would also just because I happen to
16 know this house, I believe that the outlet for the
17 fuel oil is there as well.

18 You know, the most compelling argument that I
19 can make is that this existed previously. Had --
20 you know, had Mr. Klein not covered it over
21 because he didn't need it we wouldn't be here this
22 evening. He simply is asking to replace a
23 360-square-foot patch of grass with gravel that
24 will not be visible from the street level and will
25 coordinate with the Building Department to ensure

1 the greatest safety and privacy for himself and
2 for the neighbors, with the neighbor with the
3 adjacent shrubbery, I guess.

4 CHAIRMAN KEILSON: The fact that we are
5 restoring something I don't think in and of itself
6 gives license to it because we're concerned about
7 certain dangers involved with the way it's going
8 to be structured. So I think the fact that you
9 eliminated it was, you know, a positive step.
10 That we are restoring it seems to become an open
11 question. We certainly don't want to get into a
12 situation of setting a precedent where everyone
13 with a parking issue wants to pave over his lawn
14 and have multiple driveways.

15 MR. ROSENFELD: Absolutely. And I think,
16 Mr. Chairman, that what I said actually goes to
17 that. It's easily distinguishable the fact that
18 this existed previously from the fact that we
19 wouldn't just let people park on their lawns. We
20 don't let people park on their lawns now. But the
21 fact that at one point cars -- in relatively
22 recent history cars were parked directly where he
23 would like to keep these cars parked now should
24 certainly mitigate the fact that we're not
25 creating a precedent.

1 CHAIRMAN KEILSON: Does anyone here want to
2 speak to the issue, the neighbors or the like?

3 MR. HOFFMAN: I have a question, sir.

4 CHAIRMAN KEILSON: Step up, introduce
5 yourself.

6 MR. HOFFMAN: My name is Alan Hoffman. I've
7 been a resident in the Village of Lawrence in the
8 same location for about 80 years.

9 I wonder, are there any statistics, sir, on
10 how much lawn space has been lost in the last ten
11 or twenty years to driveway space?

12 CHAIRMAN KEILSON: That's for Mr. Ryder from
13 the Building Department.

14 MR. RYDER: We don't have -- that would have
15 to be a lengthy research project to find that
16 information. I don't know that number.

17 CHAIRMAN KEILSON: We haven't had many
18 requests in terms of expanding driveways or the
19 like. This is probably one of the only ones.

20 MEMBER GOTTLIEB: But we have lost a lot of
21 front lawn space certainly over the last 80 years.

22 MR. ROSENFELD: The fact is that when I asked
23 my client, I said why have you not made an
24 application simply for a circular driveway, and he
25 said he doesn't need it. He was fine with leaving

1 -- just having, you know, off-street parking
2 available without destroying the aesthetics of the
3 neighborhood, and he is of the belief that
4 circular driveways are more offensive than just
5 having a car parked in a separate driveway.

6 MR. HOFFMAN: Mr. Chairman, I have another
7 question. Is there a garage?

8 CHAIRMAN KEILSON: There's a two-car garage.

9 MR. ROSENFELD: Yes, there is.

10 MR. HOFFMAN: It's a two-car garage?

11 MR. ROSENFELD: Yes, there is.

12 MR. HOFFMAN: And on the driveway you could
13 put currently four cars. So you can really
14 accommodate six at present.

15 MR. GOLDMAN: Actually, Mr. Hoffman, you have
16 to direct your comments directly to the Board,
17 please.

18 MR. HOFFMAN: I'm sorry. So I just want to
19 make sure my mathematics was correct.

20 CHAIRMAN KEILSON: It's still that way, two
21 and four is six.

22 MR. ROSENFELD: It is. You know, I don't
23 know that we can mandate people to -- I believe
24 that the garage space is utilized for at least one
25 car, and I know that part of it is utilized for

1 storage as well, which I'm sure is the case in
2 many -- in many areas and homes within the area.
3 Despite the fact that there is a garage structure,
4 the fact that there are nine drivers and at least
5 five and perhaps more cars there on a regular
6 basis seems to obviate the question as to whether
7 there's a driveway -- a garage or not.

8 CHAIRMAN KEILSON: I don't know but with all
9 those drivers one could be a valet parker.

10 MR. ROSENFELD: I would assume that that's
11 possible, but I think they're mostly gainfully
12 employed or students.

13 MEMBER FEIT: But the purpose of the garage
14 was for the cars to be parked there. The fact
15 that other people may use it for other purposes
16 doesn't obviate against they're supposed to be
17 using the garages for cars.

18 MR. ROSENFELD: Right, Mr. Feit. I would
19 just say that if a car -- if both garage bays were
20 used and the cars were stacked up in the driveway,
21 it would be very hard to get the automobile of
22 choice out unless it's the first one out. This
23 way we are spreading it out enough, I guess, that
24 everybody can have access to their vehicle without
25 disturbing and moving cars out, reversing them

1 into the street.

2 MR. GOLDMAN: Excuse me, though. You've
3 reversed your argument now. So now we're doing it
4 for convenience?

5 MR. ROSENFELD: Not at all, no.

6 MR. GOLDMAN: You came in with safety.

7 MR. ROSENFELD: It still is.

8 MR. GOLDMAN: But nevertheless, the focus now
9 is one to the extent that one uses their garage in
10 any way they want, that's their business, but if
11 they're coming to say that they need an additional
12 space because they're using their garage for
13 something other than the cars, then one of the --
14 that's one.

15 Two, the fact that one has nine cars and it
16 becomes it's easier, I grant you, but now the
17 question is it's for the accommodation and the
18 ease of an individual whether this Board should
19 make adjustments to the detriment of the entire
20 Village.

21 MR. ROSENFELD: Well, Mr. Goldman, I don't
22 know that there is an evident detriment. And the
23 fact that I mentioned that there is an issue of
24 convenience does not mitigate the fact that there
25 would be less cars parked on the street. As a

1 resident of the block I'm sure you can appreciate
2 the fact that there are -- it's always better to
3 have fewer cars parked on that street.

4 MR. GOLDMAN: The fact that I'm a resident of
5 the block has nothing to do with my judgment in
6 this matter.

7 CHAIRMAN KEILSON: I think, Mr. Rosenfeld, I
8 think a way should be explored to see how you can
9 expand the driveway, some existing driveway in
10 some modest fashion to accommodate -- you know,
11 we're talking about one car at this point based on
12 your own request.

13 MR. ROSENFELD: It's actually not. It's
14 actually -- well, it's actually 360 square feet
15 would be enough.

16 CHAIRMAN KEILSON: We're looking at it as
17 another driveway, another curb cut, another
18 potential for a driveway. We're trying to see if
19 we can accommodate it without exposing the
20 neighborhood to those issues, as well as the idea
21 of paving over lawn or putting gravel on lawn,
22 however you would describe it. So I think perhaps
23 if there is some way to accommodate it with some
24 modification of the existing driveway it might
25 be --

1 MR. ROSENFELD: I mean, just for -- I believe
2 that it would be very unsightly to have a very
3 large driveway on one side where the curb cut
4 would only be for a two-car, and basically, you
5 would have a three-car, a three-width,
6 three-car-width driveway, and it would also be
7 quite uneven with the house.

8 I think that having it -- this on either side
9 of the house makes it for a little more -- it
10 looks better aesthetically. It certainly looks
11 better. And I also believe that it's -- that it's
12 more -- it's more easily economically. I think
13 that if the choice was gravel versus asphalt, I
14 think that it's better for the neighborhood if
15 it's gravel rather than to have a very wide
16 expanse of black asphalt on the left side of the
17 house.

18 MEMBER FEIT: But if you have gravel instead
19 of space --

20 MR. ROSENFELD: Right. And the reason he
21 chose gravel is because that that is more -- that
22 is more aesthetically pleasing and it's not as
23 offensive to the eye. It doesn't break it up as
24 much as if it would be blacktop.

25 CHAIRMAN KEILSON: Okay. I think we're going

1 to go for a vote.

2 MR. GOLDMAN: Well, the Board is conferring.

3 CHAIRMAN KEILSON: Yes, we have, we
4 absolutely have.

5 Mr. Gottlieb.

6 MEMBER GOTTLIEB: This is not an easy
7 decision. I have to say no.

8 CHAIRMAN KEILSON: Mr. Feit.

9 MEMBER FEIT: I agree with Mr. Gottlieb, no.

10 CHAIRMAN KEILSON: Okay, Mr. Tandler.

11 MEMBER TENDLER: I would vote in favor.

12 CHAIRMAN KEILSON: Okay, Mr. Schreck.

13 MEMBER SCHRECK: No.

14 CHAIRMAN KEILSON: And I will vote no as
15 well.

16 MR. GOLDMAN: Let the record reflect by
17 according to name how the vote was done,
18 please.

19 (Whereupon, the hearing concluded at
20 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 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 February 17, 2011
7 8:05 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 Chairman14 MR. ELLIOT FEIT
15 Member16 MR. ELI TENDLER
17 Member18 MR. MARK SCHRECK
19 Member20 MR. EDWARD GOTTLIEB
21 Member22 MR. RONALD GOLDMAN, ESQ.
23 Village Attorney24 MR. GERALDO CASTRO
25 Building DepartmentMR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: I'd like to go to Goldner
2 on Herrick Drive. Would they or their
3 representative step forward.

4 MR. SHTEIERMAN: Good evening.
5 David Shteierman, representing Miss Goldner.

6 MR. GOLDMAN: Sir, do you want to make an
7 application on behalf of your client?

8 MR. SHTEIERMAN: Yeah. We're here on behalf
9 of Miss Goldner to make an application for
10 22 Herrick Drive. We're asking for a variance for
11 a few items.

12 CHAIRMAN KEILSON: Five, I believe.

13 MR. SHTEIERMAN: Five, correct.

14 One is for to exceed the maximum building
15 area. One is to maintain a front yard of
16 23 foot 9. One is to reduce the side-yard
17 requirement. The next one is to reduce the
18 required height and setback ratio. And finally,
19 to maintain aesthetic dormers.

20 The building coverage we're permitted to have
21 2,400 square feet. We're asking for 2,519. We
22 are 119 square feet, 0.92 -- 119.92 square feet
23 above, which is a five percent noncompliance.

24 The front-yard request which is for 23 foot 9
25 is really just for a bay at the second floor.

1 The bulk of the building is set back to 25 feet.
2 There's no usable space inside the bay; it's above
3 a stairwell, and it's really there to maintain a
4 Tudor look which was what was a very strong
5 feeling of the neighbors as they want to maintain
6 a Tudor-style house and this just contributes to
7 that. There's no real advantage to the client for
8 an extra one foot three inches in the front.

9 The side-yard request is primarily for the
10 north side of the house. The south side will have
11 a compliant 15 feet. North side there's a 17-foot
12 portion, 16 foot 10 to be exact, which protrudes
13 down to 13 foot 6. The remainder of the house is
14 set back at 15 feet. As a matter of fact, on
15 each side the first 16 feet approximately of the
16 house on each side is set back to 16 feet on each
17 side. So the house will look narrower from the
18 street.

19 As for the height and setback ratio, the
20 primary, the overall building height complies with
21 30 feet as required. The primary reason for the
22 height and setback ratio variance is when we're
23 protruding into a yard we automatically have that
24 obstruction to the required height and setback.

25 And lastly, the dormers that are not

1 functional, the maximum height in the attic even
2 with the dormers at its highest point is
3 approximately seven foot three inches. The attic
4 will only be used for mechanical space and maybe
5 some storage. There isn't a set stair. The
6 drawings have a stair that's from within a bedroom
7 but it's a ship ladder stair; it's not even a
8 comfortable stair to walk on. It's on large
9 risers and there's a minimal space in the attic.
10 It slopes down to six feet and most of it's even
11 below that.

12 The primary reason that's driving this
13 request for variance is the existing pool. It
14 would be a substantial expense to the client to
15 move that pool. The house that existed on this
16 house -- on this site had a 24.9 foot front yard
17 existing. That house is not there anymore. It's
18 now a vacant lot with a garage and a pool. The
19 location of the pool does not permit us to move
20 the house further back. We are, I believe, about
21 seven feet away from the pool now.

22 MR. GOLDMAN: And you made efforts to do so
23 or you considered that to move the pool?

24 MR. SHTEIERMAN: To move the pool, yes. You
25 know, it would be a substantial cost to the client

1 and that, you know, which really required us to
2 push the house forward.

3 CHAIRMAN KEILSON: Now, is the house going --
4 where will the front of the house be relevant to
5 the neighbors' house?

6 MR. SHTEIERMAN: Okay. The immediate
7 neighbors on each side I do not have a survey of.
8 I did talk to both of the neighbors and they
9 indicated from reading the survey that it was
10 approximately 24 or 25 feet.

11 What I do have though, which I'd like to
12 submit, this is a certified Sandborn map. I'm
13 going to submit it; I have several copies. This
14 is the latest updated copy they have is 1972. It
15 does not have dimensions on it, but just by
16 eyeballing it shows the structures on the entire
17 block and it appears that we're basically in line.
18 I don't know. Again, it's not dimensioned, but it
19 seems to back up my conversation that I had with
20 the neighbors over the phone. They were reading
21 it; they're not professionals. They told me it's
22 approximately 25 feet, and I can submit this.

23 MR. GOLDMAN: So you have one for the file.

24 MR. SHTEIERMAN: There's plenty.

25 MR. GOLDMAN: Let it be known we're going to

1 mark it as Applicant's 1.

2 MEMBER GOTTLIEB: While that's being
3 examined, I'd like to ask you about this while
4 we're on the frontage, and that seems to be an
5 issue for me. The houses immediately left and
6 right and many houses on the block are Tudor
7 style. The immediate houses left and right have a
8 front of the house close to the street and then it
9 steps back, as this house did previously. So it's
10 perhaps 20 feet closer to the curb, and then it
11 steps back and it's another 20 feet further back.
12 This house is not going to have a step-back. It's
13 going to be full face or front on that street.

14 MR. SHTEIERMAN: Right. It has an
15 indentation in the middle.

16 MEMBER GOTTLIEB: Slight.

17 MR. SHTEIERMAN: Right.

18 MEMBER GOTTLIEB: What I'd like to know is
19 where is this house in line with the house left
20 and right. Is it the 24 feet you're proposing?
21 Is it with the front part of these adjoining
22 houses or toward the middle, and the average of
23 what the step-back is or at the step-back?

24 MR. SHTEIERMAN: Well, I'll try and answer
25 that.

1 MR. GOLDMAN: Put on the record that we put
2 in Applicant's 1 and they're reviewing it.

3 MR. SHTEIERMAN: Okay. On the house to the
4 south of our property, which is 24 Herrick Drive,
5 our house seems to be -- if they have a 25-foot
6 yard, it's best, I guess, if you look at the map
7 that I just handed up, the Sandborn map. So the
8 shallowest portion of their front yard is at the
9 line -- you know, we would be straight across.
10 I'm trying to think how to describe this to you.

11 MEMBER GOTTLIEB: Actually, it won't be that
12 difficult. I'm looking at your map. I'm looking
13 at the original house number 22.

14 MR. SHTEIERMAN: Right. We would be about a
15 foot back from this original -- maybe a few inches
16 back. I think it was 24 foot 9.

17 MR. RYDER: Correct.

18 MR. SHTEIERMAN: So we're going to 25 feet
19 for the bulk of the house. And I just want to
20 remind you there is that bay. There is that bay
21 at the second floor in the middle.

22 MEMBER GOTTLIEB: I'm not counting the bay.

23 MR. SHTEIERMAN: This line where you see this
24 house here is about 24 foot 9 inches.

25 MEMBER GOTTLIEB: So we're using the

1 shallowest part of the multistep?

2 MR. SHTEIERMAN: Correct.

3 MEMBER GOTTLIEB: Thank you.

4 MEMBER FEIT: I have a number of questions.

5 First of all, the petition, I must say there's one
6 word I just don't understand. Maybe you could
7 clarify it for me.

8 MR. SHTEIERMAN: I'll try.

9 MEMBER FEIT: In clause, I guess, C, the
10 third page, it says we needed to make a portion of
11 the home slightly wider in order to fit my
12 programatic needs into the house. What does
13 programatic needs mean? I have never seen that
14 term before.

15 MR. SHTEIERMAN: It's a term used quite often
16 in architectural lingo. What I was referring to
17 specifically was the first floor is very -- is
18 where we needed more space in the width. The
19 reason for that being is Miss Goldner does have
20 elderly parents; it's difficult for them to climb
21 stairs. She wanted a bedroom suite where they can
22 stay on the ground floor of the house. That's
23 what I was talking about, programatic needs.

24 MEMBER FEIT: Now, you brought it up. How
25 old are her parents?

1 MR. SHTEIERMAN: Their exact age, I don't
2 know their exact age, but he has had medical
3 issues in the past and that --

4 CHAIRMAN KEILSON: I believe, Mr. Feit, in
5 the past we've never asked those types of
6 questions.

7 MEMBER FEIT: Well, I think I'm going to
8 begin asking them now because every single
9 petition we've been getting seems to say for my
10 elderly parents, and it seems to be a catch
11 phrase. Not aimed specifically at you.

12 MR. SHTEIERMAN: Understood.

13 MEMBER FEIT: But almost every petition we
14 see my elderly parents I have to build, et cetera,
15 et cetera, et cetera, and I think from now on I am
16 going to be asking that question.

17 CHAIRMAN KEILSON: And I'm going to rule you
18 out of order each time, okay.

19 MEMBER FEIT: Well, that's your choice, but
20 I'm entitled to know if they're telling the truth
21 or not. It's a question of whether it's correct
22 or not. I always see the same clause.

23 MEMBER TENDLER: Mr. Feit, would it be a fair
24 consideration irrespective of their current age
25 when somebody's constructing if they want to see

1 that they're building a suite for their parents,
2 God willing, will age nicely and then take
3 advantage and people don't build every single day.

4 MEMBER FEIT: That doesn't bother me as much
5 as constantly hearing this phrase elderly parents.

6 MR. GOLDMAN: Notwithstanding that, you're
7 also alleging now there's a medical consideration
8 as well.

9 MR. SHTEIERMAN: Yes.

10 MEMBER FEIT: There's a medical
11 consideration, absolutely entitled to it.

12 MR. SHTEIERMAN: Thank you.

13 MEMBER FEIT: What bothers me more right now
14 is we have a woman with two children, this we
15 know. Adding a bedroom for the parents, a suite
16 for them; they're entitled to live comfortably. I
17 have upstairs on the second floor four bedrooms
18 plus an exercise room. On the first floor I have
19 what's called the parents' suite. That takes us
20 to five bedrooms.

21 Now, let's go to the basement. The basement
22 has three bedrooms, and if we add the bathrooms I
23 think we come up with five bathrooms. Can you
24 tell me what the need for three bedrooms are in
25 the basement?

1 MR. SHTEIERMAN: We're not asking for a
2 variance for what we're putting in the basement;
3 the space was there. The client would have no
4 problem not building the bedroom. She figured she
5 has that space, she can have a guest suite there.
6 If the protrusion into the side yard would not
7 extend down to the cellar level, she wouldn't
8 care. We have plenty of space there; we don't
9 need it. We're not asking for a variance for any
10 use or any area in the cellar. It was the first
11 floor that primarily drove this application with
12 the upper two floors, I should say.

13 MEMBER FEIT: You are asking, am I correct,
14 for 119, something like that, additional feet, was
15 that the number I remember?

16 MR. SHTEIERMAN: Yes.

17 CHAIRMAN KEILSON: Yes.

18 MEMBER FEIT: What would happen if you would
19 shorten the house widthwise by one foot? Wouldn't
20 that now fit in without having to come for a
21 zoning application?

22 MR. SHTEIERMAN: Okay, we still need a zoning
23 application for the front yard.

24 MEMBER FEIT: Except for the front yard.
25 Let's just talk about everything but the front

1 yard. As far as I'm concerned, like Mr. Gottlieb
2 said, if the front yard is in line with the other
3 houses I really don't have a problem with it.

4 MR. SHTEIERMAN: So the house would have to
5 be approximately two and a half feet narrower in
6 order to fit. The house is 45 foot deep. It
7 would have to be approximately two and a half feet
8 narrower to take off 120 square feet, 119 square
9 feet. That is the space that would make the first
10 floor too narrow to fit all her needs.

11 MEMBER FEIT: What would the width be then of
12 the house?

13 MR. SHTEIERMAN: In the front of the house --

14 MEMBER FEIT: Width we're talking about now.

15 MR. SHTEIERMAN: The width, correct.

16 MR. RYDER: Forty-eight feet.

17 MR. SHTEIERMAN: The total width of the house
18 as proposed here in the front is 48 feet. That
19 is, we're set in, remember, 16 feet on each side
20 for the first approximately 15, 16 feet of the
21 house. Then the house gets wider to the required
22 15, the minimum required 15 feet. So as it is now
23 on the street frontage we're already two feet
24 narrower than zoning permits. They have a 32-foot
25 aggregate side yard as opposed to the required 30.

1 We did that specifically because people expressed
2 concerns that the house might look too big and so
3 on and so forth. Now, don't forget, this house if
4 it were not for the pool could be approximately 14
5 feet longer. We have a 49-foot rear yard instead
6 of the required 30, and that's really being
7 governed by the location of the pool.

8 MEMBER FEIT: Obviously, the choice is the
9 homeowners, whether they want to extend back or go
10 to the cost of a pool, which really is not our
11 concern.

12 MR. SHTEIERMAN: It does create a financial
13 burden, and with past history here this project
14 has gone way over budget for better or for worse.

15 MEMBER FEIT: And just thinking that it can
16 be brought within the required square footage
17 without going over, considering at least my
18 perspective, under the guidelines it doesn't
19 appear to be any benefit that's going to
20 overshadow the needs of the community.

21 MEMBER GOTTLIEB: Mr. Feit, I wanted to
22 correct something that you had said. I was
23 satisfied with the answer as to where the setback
24 was. I was not satisfied with the setback. I
25 just wanted to make that clear. You may have

1 misunderstood me. I was able to map it out on the
2 Sandborn map and able to see exactly where the
3 front lot is. It will certainly be the most bulky
4 closest to the street line house on the block.
5 But I was happy with your answer, that you were
6 able to answer my question. So that could have
7 been misinterpreted.

8 CHAIRMAN KEILSON: Okay.

9 MEMBER GOTTLIEB: I'm done.

10 CHAIRMAN KEILSON: Is there anyone in the
11 audience that would like to express themselves?

12 MR. PHILIPSON: Aaron Philipson, 20 Herrick
13 Drive. I'm the neighbor on the north side.

14 I'm a little bit concerned with a couple of
15 things. One, that as Mr. Gottlieb said, the
16 house, I believe, will dwarf my house and the
17 house on the other side, the Klein's house.

18 And a couple of other things that bother me.
19 One is that we've been back and forth for about a
20 year and a half on this, and I have -- I like
21 Mrs. Goldner, I like her children, I have no
22 problem with them being on the block. But
23 Mrs. Klein who complained a lot about her side and
24 I really didn't complain much, now we're not going
25 out at all on Mrs. Klein's side and now we're

1 coming out on my side, which I think to me is a
2 little bit concerning because if you want me to
3 complain, I'll complain. I don't understand why
4 the house has to go out on that side and is not
5 going out on that side and is going out on my side
6 now.

7 And the other issue is what we talked about
8 at the last meeting that there is no house there
9 now, there's a hole. So I think it kind of came
10 out to me like if we have a hole then we can build
11 the house to code. Since we have a hole we don't
12 need a variance because we have nothing there to
13 variance. There's a hole in the ground.

14 So what I would like to impress upon the
15 Board is that I can't believe that Mrs. Klein
16 (sic) can't build a perfectly nice house for her
17 parents and her children in the hole that's to
18 code.

19 MR. GOLDMAN: Ms. Goldner.

20 CHAIRMAN KEILSON: Thank you. Please.

21 MR. HOFFMAN: Mr. Hoffman again, and my age
22 hasn't changed, last time I checked.

23 At the last meeting of this Board, which I
24 attended, there was a discussion of the Goldner
25 plans, and the Board said to the Goldners at that

1 time you're not refurbishing a house now, you're
2 building a brand-new house, and we don't like --
3 this is the Board's statement -- we don't like the
4 idea of on a new building asking for a variance on
5 new construction. If you wanted a bigger house,
6 you should have bought a bigger property. If you
7 check your records, this is what the Board --

8 CHAIRMAN KEILSON: The records I've read.
9 That's not an accurate statement, but continue.

10 MR. HOFFMAN: Is it close to it?

11 CHAIRMAN KEILSON: There were differences of
12 opinion that evening.

13 MR. HOFFMAN: I see a couple. And my first
14 question is were the Goldners -- well, was
15 Mrs. Goldner listening to the Board? Because here
16 is a new plan, new construction and asking for a
17 variance. All right, that's my first question.

18 The second question about the frontage, this
19 bothers me a bit because I agree with Aaron this
20 would be a monolithic looking structure because
21 it's either asking for a 20 percent variance if
22 you call it 24 feet, or it's close to the 16
23 percent variance if you're going to call it one
24 foot less.

25 CHAIRMAN KEILSON: We don't go by percentages

1 as far as encroachments, we go by the number of
2 feet.

3 MR. HOFFMAN: By feet. Well, whether it's
4 six feet or five feet, all right. The way it's
5 presented it's 23.75, which to me is six feet,
6 which is not the 30 feet, and if I called it six
7 feet that's 20 percent. Six feet to 30 feet is
8 one-fifth, one-fifth is 20 percent.

9 CHAIRMAN KEILSON: I'll reiterate. As far as
10 the encroachment, we speak about number of feet.

11 MR. HOFFMAN: Now, some of the older houses
12 do come out as far as the frontage on the plan.
13 But those houses, Mr. Philipson's house on one
14 side, the Klein house on the other, and my house
15 directly opposite, had deep setbacks. Aaron's
16 house has one very deep setback, the Klein house
17 has a very deep setback, and my house has three
18 deep setbacks. And I think it would be incumbent
19 upon the Board to look at the average frontage
20 setback on my house and on the houses surrounding
21 and then compare to what is being asked for on the
22 building plan.

23 CHAIRMAN KEILSON: Okay.

24 MR. HOFFMAN: I have notes because you get to
25 be old, you get forgetful. I noted as one of the

1 Board members has noted, eight bedrooms, if I
2 include the maid's bedroom. Now, in the cellar
3 there are two bedrooms and then a maid's room
4 which is a bedroom of some sort.

5 On the main floor there's a guest bedroom,
6 and on the second floor there are four bedrooms.
7 That's a total of eight bedrooms.

8 What concerns me was in the previous plans
9 that the Goldners had presented she made arguments
10 about the need for two exercise rooms in the
11 basement. Now, the exercise rooms have turned
12 into bedrooms. And I just wonder if they're being
13 called bedrooms because it removes the question of
14 what do you need two exercise rooms for.

15 I recall those conversations.

16 CHAIRMAN KEILSON: Okay.

17 MR. HOFFMAN: That just raises a question in
18 my mind. I'd like to -- I'm sure you're all aware
19 of it, but I'd like to point out that the appeal
20 on this Board's last ruling is still active, on a
21 different set of plans. So Mrs. Goldner has two
22 sets of plans in the works. There's nothing
23 illegal about that, but it raises questions in my
24 mind about what really does she want? And why?

25 I have a question about on the plan on the

1 Klein side, this would be the south side, there
2 are French windows or doors. I'm not sure if they
3 are French windows or doors. I know that
4 Mrs. Klein was concerned about a side entrance
5 that might be used as a possible --

6 CHAIRMAN KEILSON: But there is none.

7 MR. HOFFMAN: -- business entrance.

8 CHAIRMAN KEILSON: But there is none.

9 MR. HOFFMAN: What's that?

10 CHAIRMAN KEILSON: There is none.

11 MR. HOFFMAN: Do you know if those are French
12 windows or French doors? I couldn't tell from the
13 plans.

14 CHAIRMAN KEILSON: We'll ask the architect.

15 MR. HOFFMAN: If they are French doors, they
16 open directly to stairs which go right down to the
17 basement, and that brings me back to the exercise
18 rooms. Thank you, sir.

19 CHAIRMAN KEILSON: Thank you. Anyone else
20 from the audience?

21 MR. GOLDMAN: Please note there's a letter of
22 opposition.

23 CHAIRMAN KEILSON: I didn't want to note the
24 letter because I didn't want to dignify the
25 letter.

1 MR. GOLDMAN: It's still part of the letter
2 of opposition. You don't have to give the
3 details, but it's part of the record.

4 CHAIRMAN KEILSON: Mr. Shteierman, do you
5 want to comment on any of the questions?

6 MR. SHTEIERMAN: If the Board would like.
7 Before I get to that I have a quick question for
8 Mr. Ryder, if I may.

9 MR. RYDER: Sure.

10 MR. SHTEIERMAN: If you know the answer
11 offhand, that's fine. I believe in the Village of
12 Lawrence if I have a noncomplying side yard I can
13 maintain that line, correct?

14 MR. RYDER: For an existing structure.

15 MR. SHTEIERMAN: For an existing structure
16 I'm talking about. Does that same rule apply to
17 the front yard?

18 MR. RYDER: No, strictly side yard.

19 MR. SHTEIERMAN: It was related to the
20 neighbors' houses. With regard to Mr. Hoffman's
21 remarks, the client has no intention of having
22 more than anything other than what is indicated on
23 the plan here. I cannot speak for previous
24 applications. I was not the architect of record
25 for those applications. And I wasn't present when

1 the conversation took place.

2 On the side of the -- on the south side of
3 the house, those are windows, and in the rear on
4 the east side there is a set of French doors that
5 go out to the pool area.

6 MR. HOFFMAN: No, I was only concerned about
7 the --

8 MR. SHTEIERMAN: There is an entry to the
9 cellar which is intended specifically at that
10 location so that somebody using the pool, if they
11 need a bathroom, they can go downstairs into the
12 cellar and use the facilities, change or use the
13 bathroom. The client has not indicated any
14 intention to me of having anything other than what
15 is on the plans here. As far as what you
16 mentioned --

17 MR. GOLDMAN: Could you please direct your
18 comments to the Board, please.

19 MR. SHTEIERMAN: Sure, I'm sorry.

20 As far as the reason for a variance, again,
21 the pool is what's governing why we have to push
22 the house forward. If the pool wasn't there, that
23 wouldn't be such an issue, and whether or not
24 there is a hole in the ground, as it was quoted,
25 the pool is still there. It is still viable and

1 it would be a substantial expense to the client to
2 move it. That has not changed.

3 CHAIRMAN KEILSON: Okay, thank you.

4 MEMBER GOTTLIEB: To wit, with the pool, is
5 that if the house is 45 and a half feet I think
6 deep, if the house were to be 40 or 42 feet deep
7 you would be within front-yard compliance. So you
8 do have a choice of making the house shorter.

9 MR. SHTEIERMAN: I'm sorry. The house is 45
10 and a half foot deep now, it would have to be five
11 feet shorter. It would have to be 40 feet to
12 comply.

13 MEMBER GOTTLIEB: Did I say that wrong?

14 MR. SHTEIERMAN: I think you said if it was
15 only two or three feet shorter.

16 MEMBER GOTTLIEB: If it was five feet
17 shorter.

18 MR. SHTEIERMAN: Right.

19 MEMBER GOTTLIEB: If the house was five feet
20 shorter, you wouldn't have a front yard. You're
21 saying that you have this problem because the pool
22 was there. But is it absolutely necessary to have
23 a 45-foot deep house? If the house were 40 or 41
24 feet deep --

25 MR. SHTEIERMAN: To meet the client's needs,

1 yes.

2 MEMBER GOTTLIEB: Okay.

3 CHAIRMAN KEILSON: Do you have any estimate
4 of what it would cost to move the pool?

5 MR. SHTEIERMAN: I do.

6 MEMBER FEIT: I'll raise an objection to
7 that. I know you're the Chairman, but cost has no
8 involvement in whether we decide for or against
9 it.

10 CHAIRMAN KEILSON: I'm asking a question.
11 That's all I'm asking.

12 MR. SHTEIERMAN: It would cost about \$73,000.

13 MR. RYDER: What does that entail, to pick it
14 up, excavate?

15 MR. SHTEIERMAN: No, to demolish the pool
16 that's there, backfill and construct a new pool.
17 We have an estimate here from a pool company which
18 I can submit (handing).

19 MR. GOLDMAN: If you're submitting it, we'll
20 put it in as Applicant's 2. I'm handing up a copy
21 to the Board, with the date, and it's being made
22 part of the record.

23 MEMBER FEIT: Did I understand you in saying
24 that as far as you know there is no intention of
25 Mrs. Goldner to use either the main floor guest

1 suite or the basement or the pool for her
2 nutrition business?

3 MR. SHTEIERMAN: That is correct.

4 MEMBER FEIT: And would you agree that if all
5 of a sudden without a change of the law she opened
6 up a nutrition business, the CO should be and
7 could be revoked?

8 MR. SHTEIERMAN: My client is required to
9 abide by the laws of the Village of Lawrence. I
10 don't enforce that; I hope the Village does. I'm
11 not against the Village going and issuing the
12 client a violation or whatever action they have to
13 take if she does something that's not -- that's
14 contrary to the legal C of O of the house.

15 CHAIRMAN KEILSON: And it's certainly not
16 within the purview of this Board to. Okay, let's
17 discuss amongst ourselves.

18 MR. GOLDMAN: There was also a letter of
19 opposition from a resident at 20 -- I'm sorry --
20 of 24 Herrick Drive. There was a letter in
21 opposition which the Board has in its file.

22 CHAIRMAN KEILSON: Ready to vote.
23 Mr. Schreck.

24 MEMBER SCHRECK: For.

25 CHAIRMAN KEILSON: Mr. Tandler.

Goldner - 2/17/11

1 MEMBER TENDLER: For.

2 CHAIRMAN KEILSON: For.

3 MEMBER FEIT: No.

4 MEMBER GOTTLIEB: No.

5 CHAIRMAN KEILSON: Okay. How much time do
6 you need?

7 MR. SHTEIERMAN: Two years.

8 CHAIRMAN KEILSON: Yes.

9 MR. GOLDMAN: And you've noted the vote as
10 per each individual.

11 MR. SHTEIERMAN: Thank you very much.

12 MR. RYDER: Mr. Shteierman, Board of Building
13 Design. The plant elevation will have to go for
14 review and approval to the Board of Building
15 Design.

16 MR. SHTEIERMAN: Thank you. Have a good
17 night.

18 (Whereupon, the hearing concluded at
19 8:35 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 Village Hall
4 196 Central Avenue
5 Lawrence, New York

6 February 17, 2011
7 8:35 p.m.

8 APPLICATION: Hoffman
9 6 Sealy Court
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 MR. ELI TENDLER
17 Member

18 MR. MARK SCHRECK
19 Member

20 MR. EDWARD GOTTLIEB
21 Member

22 MR. RONALD GOLDMAN, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: In the matter of Hoffman,
2 will they or their representative step forward.

3 MR. KAISER: Good evening, Mr. Chairman,
4 members of the Board. My name is Steven Kaiser,
5 and I'm here on behalf of Jason and Sherona
6 Hoffman, 6 Sealy Court in Lawrence, for a variance
7 for a maximum building coverage, front-yard
8 setback, side-yard aggregate and max front-yard
9 height setback in order to construct the
10 additions, which essentially are comprised of a
11 front porch with a roof over and two bedrooms and
12 a bathroom, one of the bedrooms of which is above
13 the porch.

14 The applicants purchased the property
15 approximately three years ago. I can see that
16 this Board is diligent in reviewing it so you know
17 that it's an unusual house with an entrance that's
18 really on the side of the premises, and they're
19 somewhat limited in what they can do with it. And
20 in all honesty, they're really trying to a minimum
21 to meet their needs.

22 Currently, they just had their third child.
23 There's three bedrooms. There is not even one
24 bedroom per child. Mrs. Hoffman had some medical
25 considerations which require her to have long-term

1 help. Additionally, they have parents in Queens
2 and New Jersey who frequently visit and stay there
3 as well. But I would confine the need for this
4 more primarily to the family.

5 What's proposed, as I said, is to basically
6 square out a porch to give them a normal front
7 entrance with bedrooms over which will also
8 increase by about five feet or so the existing
9 playroom and dining room.

10 With respect to lot coverage, which I know is
11 the biggest issue here, the overage is 19 percent.
12 However, the porch itself is approximately eleven
13 percent of the 19.

14 With regard to the side-yard aggregate, the
15 only real change is --

16 CHAIRMAN KEILSON: Can you direct us to where
17 you're referring to. Is it the porch that counts
18 for the eleven percent on the drawing?

19 MR. KAISER: Can I call the architect up?

20 CHAIRMAN KEILSON: Please. It's a very
21 material fact.

22 MR. KUPFERBERG: Eric Kupferberg. I'm the
23 architect from Long Beach.

24 The right side of the house I know there was
25 an issue with the front door. We just got an

1 approval to turn the front door to face the
2 street. The house actually -- Sealy Court I think
3 was cut in after the house was built. The front
4 door faces the right side yard. We turned the
5 front door to face the street because you really
6 can't see it. And that eleven percent --

7 CHAIRMAN KEILSON: Sealy Court was cut in
8 after the house was built?

9 MR. KUPFERBERG: I think it was -- something
10 is really strange with that whole situation with
11 the street and when it was there. There's a house
12 just to the left side that's like a flag lot and
13 the house is about 120 feet back. So I understand
14 that this was part of an estate that was cut up at
15 some point. And if you look at the way the house
16 was constructed and over time it seems like either
17 -- my feeling is that originally the front door
18 was actually on the opposite side of Sealy Court
19 facing the backyard, because based on where the
20 stairs are in the house and certain other issues I
21 really think the house faced backwards.

22 So what we're doing is we're trying to
23 basically present some sort of front yard --
24 frontage for the door. The door is going to be on
25 the right side. We basically just rotated it 90

1 degrees towards Sealy Court, but from the front of
2 the house to that front door we're trying to
3 create a roof overhang there which is about eleven
4 percent of the coverage. If it was just going to
5 be steps going up, we wouldn't have been kicking
6 so much of this 19 percent in. However, because
7 once we put a roof over it, which we need for the
8 weather protection, anything that's covered
9 becomes counted as lot coverage.

10 CHAIRMAN KEILSON: Could you point out on the
11 drawing, if you could step forward so everyone
12 will understand what we're talking about.

13 MR. GOLDMAN: This is off the record,
14 Mr. Chairman.

15 (Whereupon, a discussion was held off the
16 record.)

17 MEMBER TENDLER: You say you're creating a
18 porch with an overhang. Is there new construction
19 on top of that overhang?

20 MR. KUPFERBERG: On a small portion of that,
21 which is -- it's actually half of one of the two
22 bedrooms upstairs.

23 MEMBER FEIT: Which is how much square feet?

24 MR. KUPFERBERG: It works out to be -- hold
25 on a second -- about 140 square feet. So about

1 four or five percent of that.

2 MEMBER FEIT: Would the roof over this porch
3 be such that you can construct on top of it
4 besides this half a bedroom you're talking about?

5 MR. KUPFERBERG: Additionally?

6 MEMBER FEIT: Yes.

7 MR. KUPFERBERG: Structurally not without
8 reinforcing it and rebuilding it, no. And yeah,
9 it's not even the intent to enclose the porch at
10 all. It's just trying to create a path that is
11 identifiable so that when you drive down the
12 street you see a front door and you see a way to
13 get to it.

14 I myself when I first went to the house went
15 to that door. The client actually never even uses
16 that door because it is so hard to see.

17 There is also the issue with the bedrooms.
18 There are only three bedrooms in the house now.
19 They do have three children and, you know, they
20 are looking to just add two more. The way the
21 house was situated and constructed there's no
22 other place to add these bedrooms on the second
23 floor.

24 MEMBER FEIT: How long have they been there?

25 MR. KUPFERBERG: Three years. They just had

1 a child in January.

2 And you know, so I know there was an issue
3 with the two permits that you guys needed to
4 understand. We had filed for a one-bedroom
5 extension back in early October, but because of
6 Design Review Board scheduling, you know, we just
7 got approved last week, and that one bedroom is
8 for their new child and they're hoping to have
9 more children.

10 CHAIRMAN KEILSON: Okay.

11 MEMBER GOTTLIEB: I'm just trying to
12 understand. I have the first floor and the second
13 floor and I'm trying to superimpose one over the
14 other.

15 CHAIRMAN KEILSON: Counsel, do you want to
16 continue? I cut you off, I think.

17 MR. KAISER: That's quite okay.

18 With respect to the side-yard aggregate,
19 which the proposed is 28.15 as opposed to the
20 permitted 30, that's largely due to a change in
21 the roof line on the garage is my understanding.

22 MR. KUPFERBERG: The garage roof has to
23 change. Just one, there's some structural damage
24 there. And we're just creating a small overhang.
25 Right now there's about a three-inch overhang on

1 the eaves on the garage, and I'm just trying to
2 give it about a twelve-inch overhang there just
3 for the aesthetics on that. We're not adding to
4 the size of the garage. We're not changing
5 anything on the width of the garage. We're just
6 putting a new roof on. Again, your zoning laws
7 say and, you know, work from the roof edge, so
8 that's why there's that little change there.

9 The garage essentially is nonconforming. It
10 was there; it's existing. We're trying to keep
11 the foundation of the walls. We're just trying to
12 repair the roof on that and that's why it is about
13 7.15 feet on the garage side. But we're -- other
14 than just rebuilding the roof on that, that's not
15 changing. And on the right side we're sticking to
16 the existing that's already been established on
17 the right side. The only other major issue is the
18 front-yard setback.

19 MR. KAISER: And the front-yard height ratio.

20 MR. KUPFERBERG: Which kicks in the height
21 setback ratio.

22 CHAIRMAN KEILSON: Would you say are minor
23 issues?

24 MR. KAISER: We try to be honest.

25 MR. KUPFERBERG: There's a question of fact

1 here.

2 MR. KAISER: Want me to raise it?

3 MR. KUPFERBERG: I guess I'm rolling, so.

4 MR. KAISER: Go ahead.

5 MEMBER TENDLER: It's not always a good thing
6 to roll.

7 MR. KUPFERBERG: We're not changing the front
8 yard other than a little bit of a roof overhang.
9 The house is set back to about 25 feet, roughly,
10 from the street. There's that ten-foot extra
11 margin that's in your code from measuring from the
12 curb. Now, their property line is at the curb
13 right now. It's a dead-end street. There's the
14 flag lot beyond them and one other house and
15 that's it. On the other side of the street it's
16 all rear yards.

17 MR. RYDER: There's no curbs or sidewalks
18 also which we should mention.

19 MR. KUPFERBERG: Right. And there's also
20 been an issue with maintaining the street as far
21 as the people that live on the street were billed
22 by the Village for maintenance of potholes because
23 there was a question of who actually owns the
24 street or whether it's part of your Village domain
25 or not.

1 MR. KAISER: I was actually going to try to
2 get the letter because there was a letter I think
3 at one point, so I'm told, that the Village said
4 they didn't own the street, and as a result the
5 homeowners on that street were assessed the cost
6 of the repair, but it wasn't in the Building
7 Department file. And I went to administration and
8 they said come back tomorrow, which I said might
9 be a little late for my purposes.

10 But the bottom line is that the extra ten
11 feet the Village has taken the position allegedly
12 that they don't own the street and that the
13 parties of that street have to pay for it. Yet I
14 realize we're dealing with the ten feet. It's a
15 technical argument, but the ten feet might not be
16 as much of an issue given the fact if the Village
17 is taking the position that it doesn't own it.

18 MEMBER TENDLER: Guess you can't shout on
19 that lot, what, you think you own the road.

20 MEMBER FEIT: Who pays for, let's say, snow
21 shoveling? Does the Village take care of it?

22 MS. HOFFMAN: Sherona Hoffman. According to
23 the other tenants, since we're new there for the
24 three years, there are other tenants on the block
25 that had said that there was an agreement made

1 with the Village that they would get plowed once
2 or twice per snow snowstorm or something.

3 CHAIRMAN KEILSON: In the summer.

4 MS. HOFFMAN: Not that you guys were not good
5 to us this year, you were.

6 CHAIRMAN KEILSON: It's not us.

7 MS. HOFFMAN: Whoever it is.

8 CHAIRMAN KEILSON: Mr. Ryder.

9 MR. RYDER: The Village. I'm the Village.

10 MS. HOFFMAN: But it was an argument to
11 getting it plowed. There was an issue of, again,
12 the potholes, which we had to pay out of pocket
13 for. We are allowed to park there overnight.
14 It's public knowledge that the Village does not
15 own our street. So whether the snow plowing I
16 think that was an agreement that they had made --

17 MEMBER FEIT: Well, can you park between two
18 and five in the morning?

19 MS. HOFFMAN: Yes.

20 MEMBER FEIT: You're allowed to?

21 MS. HOFFMAN: Yes.

22 MEMBER FEIT: And the street, as far as you
23 know, was never deeded to the Village?

24 MS. HOFFMAN: As far as I know.

25 MR. GOLDMAN: Don't tell them that. They'll

1 ticket you now.

2 MS. HOFFMAN: I actually brought my tickets
3 there and the Village has dismissed it.

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

6 MEMBER FEIT: Let me ask a legal question.
7 Can they close off the street and not let anybody
8 use it, or does the Village have an easement on
9 it? Mr. Goldman, do you have any idea?

10 MR. GOLDMAN: I have no idea.

11 MS. HOFFMAN: I had actually asked Tom Rizzo
12 this three years ago, and Tom Rizzo said that I
13 can pave the street in gold and put a toll and
14 charge anyone who wants to park on my block.

15 MEMBER FEIT: That's a true private street.

16 MR. RYDER: I would look into that a little
17 bit more.

18 MS. HOFFMAN: And he remembers every word he
19 said.

20 MR. KAISER: We realize it's a technical
21 argument, but we wanted to bring it before the
22 Board because the fact that they've been
23 assessed -- listen, we obviously recognize the
24 right and the jurisdiction of the Village to the
25 ten feet that's in the code, but given the fact

1 that they had to pay for the assessments, it's a
2 fact we wanted to bring before the Board.

3 MR. KUPFERBERG: And the 25 feet that exists
4 right now we're sticking to that. We're really
5 not encroaching other than about an eight-inch
6 overhang.

7 MEMBER SCHRECK: Have the Hoffmans spoken
8 Dr. Zupnick or any of the neighbors?

9 MS. HOFFMAN: I spoke to Dr. Grossman --
10 Mr. Grossman. I spoke to Danny Greenberg.
11 Zupnick I did not because they are our back
12 neighbors; they have nothing to do with our front
13 yard. They literally jump our curb to go into
14 their driveway and that is it. Tomorrow Rizzo
15 will attest to that too. He almost got hit by
16 them.

17 MEMBER FEIT: You actually then, therefore,
18 can take that street and extend it and put all
19 types of grass or whatever you want on it?

20 MS. HOFFMAN: The end people, the people who
21 live at the end --

22 MEMBER FEIT: I'm assuming if everybody
23 wanted to on the block you can turn it into a
24 garden.

25 MS. HOFFMAN: Yes.

1 CHAIRMAN KEILSON: Small.

2 MR. GOLDMAN: Well, before we turn this into
3 a Walmart, please.

4 CHAIRMAN KEILSON: It doesn't appear there's
5 anyone else present tonight that wants to speak to
6 the issue.

7 MR. KUPFERBERG: The impact is pretty small.
8 There are only two houses past that.

9 CHAIRMAN KEILSON: I think we understand it.
10 I think we're ready for a vote.

11 MEMBER GOTTLIEB: For.

12 MEMBER FEIT: For.

13 CHAIRMAN KEILSON: For.

14 MEMBER TENDLER: For.

15 MEMBER SCHRECK: For.

16 MS. HOFFMAN: Thank you.

17 CHAIRMAN KEILSON: You got it. How much time
18 do you need?

19 MR. RYDER: Mr. Kupferberg and Mr. and
20 Mrs. Hoffman, you have to go in front of the Board
21 of Building Design. And the Chairman was asking
22 how long you need for construction. Two years is
23 the standard.

24 MR. KUPFERBERG: It will be less than that.

25 (Whereupon, the hearing concluded at

8:55 p.m.)

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

Mary Benci

MARY BENCI, RPR
Court Reporter