

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

February 12, 2014
7:33 p.m.

APPLICATION: 50 Doughty Boulevard
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MS. ESTHER WILLIAMS
Member

MR. JOEL GANZ
Member

MR. THOMAS V. PANTELIS, ESQ.
Village Attorney

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

50 Doughty Boulevard - 2/12/14

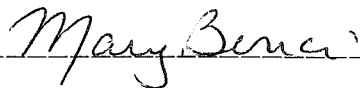
1 never-had-been, okay.

2 (Whereupon, the hearing concluded at

3 7:34 p.m.)

4 *****

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

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9 _____

10 MARY BENCI, RPR
11 Court Reporter
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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 February 18, 2014
7 7:34 p.m.

8 APPLICATION: Stern
9 168 Harborview North
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. MARK SCHRECK
17 Member

18 MS. ESTHER WILLIAMS
19 Member

20 MR. JOEL GANZ
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Eric Stern,
2 Harborview North, asking for extension on their
3 variance, a two-year extension. They've done
4 nothing to date because of the intervention of
5 FEMA regulations attributable to Sandy.

6 Mr. Ryder, can you expand on this so the
7 Board can make a decision.

8 MR. RYDER: Mr. Stern was approved on our
9 level, took his application to the state for a
10 variance to allow a basement in a flood zone, and
11 I believe back and forth it took some time, and
12 now he may be altering his building permit
13 application altogether, or his design I should
14 say.

15 MEMBER SCHRECK: Is he going to have to come
16 back to us to have that approved?

17 MR. RYDER: I believe so.

18 CHAIRMAN KEILSON: No doubt.

19 MR. RYDER: I believe so.

20 CHAIRMAN KEILSON: No doubt. Yeah, it will
21 be a major modification.

22 MR. RYDER: Yeah, the numbers will change for
23 sure.

24 MEMBER WILLIAMS: So that stays within the
25 same application, it's considered the same

1 application because he's asking for an extension,
2 so it's the same application?

3 MR. PANTELIS: Well, you can grant an
4 extension now and it does sound reasonable. If he
5 does change the plans, then he would just come
6 back to the Board for a modification of the prior
7 variance.

8 MEMBER WILLIAMS: Even if it's a dramatic
9 change?

10 MR. PANTELIS: It still could be a
11 modification, I think, unless he was building an
12 entirely new house in a different manner.

13 CHAIRMAN KEILSON: Okay. So as far as the
14 Board is concerned, any objection to giving the
15 two-year extension?

16 (No response.)

17 CHAIRMAN KEILSON: Stern, 168 Harborview
18 North, two-year extension.

19 (Continued on the following page.)
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(Whereupon, the hearing concluded at
7:36 p.m.)

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

_____

MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 February 12, 2014
7 7:36 p.m.8 APPLICATION: Saffra
9 22 Bayberry Road
Lawrence, New York

10 P R E S E N T:

11 MR. LLOYD KEILSON
12 Chairman13 MR. EDWARD GOTTLIEB
14 Member15 MR. MARK SCHRECK
16 Member17 MS. ESTHER WILLIAMS
18 Member19 MR. JOEL GANZ
20 Member21 MR. THOMAS V. PANTELIS, ESQ.
22 Village Attorney23 MR. MICHAEL RYDER
24 Building Department25 Mary Benci, RPR
Court Reporter

1 MR. PANTELIS: I believe we have an
2 adjournment tonight.

3 CHAIRMAN KEILSON: Yes, that's correct. The
4 matter of Saffra, what's the address? I don't
5 have it.

6 MR. PANTELIS: 22 Bayberry Road.

7 CHAIRMAN KEILSON: We have an request for an
8 adjournment to the next available date, which is
9 March. Any objection from the Board? I assume
10 not. So anybody here for the Saffra matter, there
11 is no Saffra matter.

12 (Whereupon, the hearing concluded at 7:37
13 p.m.)

14 *****
15 *****.

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

19
20 Mary Benci

21 MARY BENCI, RPR
22 Official Court Reporter
23
24
25

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 February 12, 2014
7 7:37 p.m.

8 APPLICATION: Gateley
9 264 Causeway
Lawrence, New York

10 P R E S E N T:

11 MR. LLOYD KEILSON
12 Chairman

13 MR. EDWARD GOTTLIEB
14 Member

15 MR. MARK SCHRECK
16 Member

17 MS. ESTHER WILLIAMS
18 Member

19 MR. JOEL GANZ
20 Member

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

23 MR. MICHAEL RYDER
24 Building Department

25 Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Gateley, 264 Causeway.
2 Could they or their representative step forward.

3 MR. COSTELLO: Good evening. My name is
4 Timothy John Costello from Hierarchy Architects.
5 I'm here representing Mr. and Mrs. Gateley.
6 Mr. Gateley is here with us as well.

7 CHAIRMAN KEILSON: It's Gateley, rather than
8 -- fine, thank you.

9 MR. COSTELLO: I brought with me large boards
10 of the very same applications that you have with
11 you. The printed 11 by 17 might be a little
12 small, so I've enlarged it full size if you need
13 to take a closer look. I'll just hold it. If
14 it's all right, I'll just hold it up so you can
15 see. Is this good for you?

16 MR. PANTELIS: Uh-hm.

17 MR. COSTELLO: The essence of the proposal is
18 that the house was, as you know, in the Isle of
19 Wight was severely damaged in the storm, and in
20 order to restore the property and the home to its
21 living condition, in order to meet today's code,
22 FEMA's code requiring it to go up to ten, with the
23 addition of the Village's requirement of two more
24 feet.

25 CHAIRMAN KEILSON: Mr. Ryder, can you please

1 have the fly removed. It's really annoying.

2 MR. COSTELLO: That the original floor -- the
3 original -- we're trying to raise the -- to make
4 the original floor level to meet the FEMA code,
5 which is 12 feet. So raising, in order to achieve
6 that, it's a net increase of three feet to raise
7 the property.

8 Aesthetically, architecturally, nothing will
9 be changed. We're just lifting the house straight
10 up in its same footprint, same design, same floor
11 elevations. The only thing that will be changing
12 is the deck configuration. Obviously, it will
13 have to be ripped off when lifted but back in a
14 new configuration and slightly more forward and
15 towards the street rather than towards the rear
16 property. And to mitigate the idea of this being
17 a skirt apron, if you will, all around, we were
18 going to add a planting berm to soften the
19 transition from the existing grade to the
20 proposed. And that would be -- there's a diagram.

21 So I have all four elevations shown in large
22 plan where I'm indicating the addition of three
23 feet of soil and how it alters the required sky
24 plane setback exposure line to the proposed. And
25 you can see that by raising it increases the angle

1 of incline of the sky plane.

2 I should also -- I'll just back up one
3 second. The existing, the existing house has
4 pre-existently had the same sky plane exposure
5 encroachments. So it was always nonconforming.

6 CHAIRMAN KEILSON: It might be a good idea to
7 take the chart and just go through the requested
8 variances and what has pre-existed and then if
9 there are any differences.

10 MR. COSTELLO: Sure. There are variances
11 requested on all four sides. There's -- what this
12 is trying to demonstrate is there's always a
13 nonconformity in the upper extremity of the house
14 clipping off a gable on all four sides, and the
15 proposed will -- and the proposed lifting will --
16 the proposed lifting will continue to have those
17 same nonconformities just because it's higher the
18 angle of incline.

19 CHAIRMAN KEILSON: Again, use your chart. We
20 all have the chart. Let's knock them off one by
21 one.

22 MR. COSTELLO: So the side yard we have --
23 it's required to have 15 feet. It's
24 pre-existently -- it's really easier to see that
25 in the plan.

1 CHAIRMAN KEILSON: Just use the site. Maybe
2 we don't need to see the plan.

3 MR. COSTELLO: The site over here is 8 foot 4
4 at the front corner.

5 CHAIRMAN KEILSON: What was it previously?

6 MR. COSTELLO: It was previously -- on this
7 particular area because it's slicing on an angle
8 it is 6 foot 3.

9 MEMBER GOTTLIEB: So you're increasing the
10 side yard from six-three to eight-four?

11 MR. COSTELLO: No, I'm sorry, I'm jumping
12 down to the second item, it was pre-existingly
13 8 foot 2, and we are proposing it to be 6 foot 3.
14 That's where --

15 CHAIRMAN KEILSON: Let's go again and in
16 sequence. The first one.

17 MR. COSTELLO: The first one is the side yard
18 is --

19 CHAIRMAN KEILSON: What was it previously?
20 If you know. Mr. Ryder, can you help him out?

21 MR. RYDER: Sure.

22 MR. COSTELLO: It's not filled in on the
23 chart. It's existing, so I'm trying to figure out
24 which part of the existing. It was just labeled
25 as nonconforming.

1 MR. RYDER: Mr. Costello, if I may, on the
2 west side side yard, 15 is required, 8 feet 4
3 inches is proposed, which was legal nonconforming.

4 MR. COSTELLO: Correct.

5 CHAIRMAN KEILSON: What was it previously?
6 If you know.

7 MR. COSTELLO: It's not changing is the
8 answer because it's the same, eight-four.

9 CHAIRMAN KEILSON: That is the winning
10 answer.

11 MR. COSTELLO: It's just lifting straight up.

12 MEMBER GOTTLIEB: That was a trick question.

13 MR. COSTELLO: That's why it says existing
14 because there was no number given.

15 CHAIRMAN KEILSON: Okay, got it. The second
16 one.

17 MR. COSTELLO: The second one is 25 feet is
18 permitted. It's existing at 8 foot 2, and we're
19 proposing 6 foot 3. The reason it's going from
20 8 foot 2 to 6 foot 3 is that currently when you
21 come out the front stoop, it had a nonconforming
22 platform, and you need to have it three by three
23 in order to conform, so that edged over a little
24 bit.

25 Also, because it's on an angle it may seem

1 worse than it is, but it's just the point that is
2 coming out at that edge and measures 6 foot 3.

3 CHAIRMAN KEILSON: So the further
4 encroachment of feet is only at that point?

5 MR. COSTELLO: Only at that point because of
6 having to make the stoop conform.

7 MEMBER GOTTLIEB: It's just the stoop, you're
8 not enlarging the house?

9 MR. COSTELLO: That's correct.

10 CHAIRMAN KEILSON: Good. That's the winning
11 answer.

12 SPEAKER: Excuse me. That's the stoop
13 between the house and the garage?

14 CHAIRMAN KEILSON: Hold it, hold it, hold it.
15 We can't have comments from the audience unless
16 the person identifies themselves, and there will
17 be plenty of opportunity for questions, otherwise
18 it will drive Mary crazy.

19 MR. COSTELLO: The third item is the front
20 yard height/setback ratio where 0.74 is permitted
21 and it's existing nonconforming. And the proposed
22 is 1.85, which is the same as saying 23 percent
23 over.

24 CHAIRMAN KEILSON: What was it previously?

25 MR. COSTELLO: It was previously 0.35.

1 CHAIRMAN KEILSON: No, what was the previous
2 height/setback ratio? If you have it.

3 MR. COSTELLO: Existing and proposed, it was
4 -- it's required to be 0.74. This is the angle of
5 incline that's required. This is what's being
6 proposed (indicating).

7 CHAIRMAN KEILSON: But you don't have the
8 existing; is that what you're saying?

9 MR. COSTELLO: Yes, I didn't do the
10 calculation of it. It's pre-existing
11 nonconforming, so again.

12 CHAIRMAN KEILSON: You understand it would be
13 helpful to us to judge what exists and what is
14 being proposed to be changed.

15 MR. COSTELLO: Right. The existing --

16 CHAIRMAN KEILSON: It's always a valuable
17 piece of information, but if you don't have it,
18 you don't have it.

19 MR. COSTELLO: The existing is graphically
20 portrayed and the north elevation -- the north
21 elevation is here, okay, existing, so it's
22 pre-existing nonconforming.

23 CHAIRMAN KEILSON: Right.

24 MR. COSTELLO: And it's the same pre-existing
25 nonconforming, but just because it's raised up

1 three feet it exacerbates the angle. So the delta
2 of the existing versus the proposed is -- I did
3 not do the math percent calculation.

4 CHAIRMAN KEILSON: All right, moving right
5 along.

6 MR. COSTELLO: The next is the rear yard, 55
7 -- 0.55 is permitted. It's also pre-existing
8 nonconforming. And the proposed is 1.0, which is
9 the same as saying it's 45 percent. So that's
10 this (indicating). That's this angle over here in
11 the rear.

12 MR. PANTELIS: What's the existing? Is that
13 angle shown?

14 MR. COSTELLO: Well, the existing angle is
15 shown here. That's the existing east elevation.
16 This is -- this is the clipped angle right now.

17 MR. PANTELIS: Right.

18 MR. COSTELLO: And the proposed clipped angle
19 is -- so this is the east existing and this is the
20 east proposed (indicating).

21 MEMBER GOTTLIEB: Is the east the rear yard?

22 MR. COSTELLO: East is the rear yard,
23 correct.

24 MEMBER GOTTLIEB: I just want to follow along
25 on my slightly larger plan.

1 CHAIRMAN KEILSON: Okay, let's move to the
2 side yard.

3 MR. COSTELLO: Side yard is 1.5 is permitted.
4 It's pre-existing nonconforming as well, and the
5 proposed is 2.3, which is the same as 53 percent.
6 So that would be the south elevation, and you're
7 seeing the nonconforming there, and so this
8 elevation is the same as that elevation. So this
9 upper extremity of the gable is the same, and this
10 line just moves down from there to there.

11 I would like to point out our previous
12 submission had all these lines in it, but it was
13 deemed confusing, so we took them out to just show
14 you only what was proposed. We had both
15 sandwiched together, so it's now --

16 CHAIRMAN KEILSON: Who did it confuse?

17 MR. COSTELLO: Going back to flipping --

18 CHAIRMAN KEILSON: Because I'm totally
19 confused now.

20 MR. COSTELLO: Going back to flipping, I
21 don't know if it is any more clear now. So that's
22 all four.

23 CHAIRMAN KEILSON: Then we come to the change
24 of grade.

25 MR. COSTELLO: The change of grade, exactly.

1 The elevation currently existing at 4.4 at the
2 average mean grade would go to 7.4 at the average
3 mean grade, adding three feet in total.

4 CHAIRMAN KEILSON: Okay. With the change of
5 grade we're always concerned about spill-off of
6 the water, everything changes.

7 MR. COSTELLO: Yes. To mitigate that
8 concern, right before the edge of the property
9 line, three feet in from the property line would
10 be a reverse culvert to contain any additional
11 runoff that may occur. So it wouldn't run off
12 directly onto the neighbors' property in all
13 directions of property.

14 To point out, the property is very irregular
15 shaped. And the culvert would run three feet in
16 from the property line on all directions,
17 specifically on the east where the neighbors are
18 abutting, and on the west it faces Causeway which
19 is not a concern for the neighbors, but we would
20 still be maintaining that same detail.

21 MEMBER GOTTLIEB: Given that the water table
22 is so high, do you think that will have any impact
23 or are you just doing it --

24 MR. COSTELLO: It's -- it's -- we're doing it
25 to mitigate any potential problem. But yes, it is

1 fairly negligible in regard that the water table
2 is so high in the entire area. Underground dry
3 wells are underperforming at best wherever they're
4 installed but --

5 MEMBER GOTTLIEB: The street tends to be wet
6 all the time.

7 MR. COSTELLO: That is correct. There's
8 global issues on that, why that is occurring,
9 maybe more so now than it has in the past due to
10 some other efforts. The other neighbor has
11 in-filled their property on the other side of
12 Causeway which has exacerbated a little bit of
13 that flooding problem on the street.

14 MR. PANTELIS: Are you changing the footprint
15 of the house at all as part of the reconstruction?

16 MR. COSTELLO: No, we're not. We're not
17 changing the footprint at all.

18 CHAIRMAN KEILSON: Does the applicant live
19 there all year round?

20 MR. GATELEY: Yes.

21 CHAIRMAN KEILSON: So you're living there
22 currently?

23 MR. GATELEY: No, its uninhabitable right
24 now.

25 CHAIRMAN KEILSON: I see.

1 MEMBER GOTTLIEB: You used to live there year
2 round?

3 MR. GATELEY: Yes, yes, yes.

4 CHAIRMAN KEILSON: Okay. Did you have
5 occasion to show the plans to your neighbors?

6 MR. GATELEY: Yes, two of the neighbors are
7 here. They're the ones that are abutting my
8 property. If you would like to hear their
9 comments --

10 CHAIRMAN KEILSON: We'll hear from them
11 momentarily, yes. Any further questions from the
12 Board at this time? Okay, so let's hear from
13 anyone in the audience who would like to comment
14 or question. Any questions or comments from the
15 neighbors? You can step up and just let us know
16 your name and your address.

17 MR. MINNIGAN: Hi. John Minnigan. I live
18 right in back of Mr. Gateley, kind of towards the
19 side. The only real concern I have with this is I
20 think I live kind of like over here, and this
21 property goes this way (indicating).

22 MEMBER SCHRECK: What's your address?

23 MR. MINNIGAN: I'm at 5 Stable Lane.

24 MR. PANTELIS: So you're kind of a triangular
25 property just -- would that be to the north, or

1 are you on this side (indicating)?

2 MR. MINNIGAN: Yeah, I'm right here, right in
3 the back of him. This is my piece right here
4 (indicating).

5 MR. PANTELIS: Oh, I see, okay. Both of
6 those lots?

7 MR. MINNIGAN: No. Mr. Bowden is on the
8 other one.

9 MR. PANTELIS: That would actually be this
10 property here on that.

11 MEMBER WILLIAMS: 23?

12 MR. PANTELIS: I think it's 23, is that
13 correct, lot 23?

14 MR. MINNIGAN: Yeah.

15 CHAIRMAN KEILSON: Okay.

16 MR. MINNIGAN: My only concern with what
17 we're doing, I think Mr. Gateley should be allowed
18 to do what he's doing. He hasn't been in his
19 house for over a year. I have a borderline
20 agreement with Mr. Gateley and when he raises his
21 house he's also going to raise his grade from what
22 I understand. I think he should be able to raise
23 his grade because on Stable Lane the people on the
24 other side of us are also much higher, and when
25 the water does come up it attacks him more than

1 probably most of us. My property kind of comes --
2 it butts up to his and then kind of comes up and
3 goes up another, I don't know, three feet, you
4 know, just the way -- the way it is, and I mean,
5 that's only probably from here maybe a little bit
6 more than that wall, you know, my property. And I
7 would like if he is going to raise his I don't
8 want his water coming onto mine, so I would like
9 to raise mine whatever he is doing to his to keep
10 the water from coming over. If he's going to put
11 a berm up, I'd like to know how my property is
12 going to be protected from his.

13 CHAIRMAN KEILSON: Well, it's not within our
14 purview tonight to permit something on your
15 property.

16 MR. MINNIGAN: Well, if he raises his grade
17 higher than mine, then --

18 CHAIRMAN KEILSON: We have to deal with it.

19 MR. MINNIGAN: Right. Well, I have to deal
20 with it.

21 CHAIRMAN KEILSON: No, we have to deal with
22 it.

23 MR. MINNIGAN: Okay.

24 CHAIRMAN KEILSON: Obviously, it's of
25 concern, so in some fashion we have to make sure

1 that the Village -- Mr. Ryder?

2 MR. RYDER: I was thinking maybe Mr. Gateley
3 berm that property line abutting Mr. Minnigan's.
4 Would you be open to that?

5 MR. GATELEY: Our view is that we're very
6 cognizant and sensitive to our neighbors who are
7 concerned about water runoff. We'll do whatever
8 it takes, whatever is necessary or is requested by
9 the Village to accommodate that.

10 CHAIRMAN KEILSON: Does that satisfy? That's
11 part of the record.

12 MR. PANTELIS: Maybe you might address that,
13 sir.

14 MR. COSTELLO: Sure. Well, currently, the
15 culvert where the property dips down to basically
16 taper -- taper to the existing grade, taper to
17 nothing is where the culvert would be in each
18 case. You can barely see it, but I have that
19 indicated in red where it's negative, it would go
20 down below the current existing grade. And so one
21 of the possibilities would be to taper it down
22 sooner so that it's flatter longer in its
23 adjacency to your property.

24 MR. MINNIGAN: Then where is the water going
25 to go?

1 MR. COSTELLO: It would stay on the Gateleys'
2 property because flat is flat, original is
3 original.

4 CHAIRMAN KEILSON: Okay. Are there any other
5 concerns? We'll address it as part of the
6 decision.

7 MR. MINNIGAN: Well, I'm just saying if he's
8 going to build his up to where that -- where it is
9 over there, I'd rather just build the whole thing
10 up so the water -- there's one problem that
11 nobody's aware of on this Board, is that the front
12 of Mr. Gateley's house there is a drain that's
13 probably over here in the road, okay (indicating).

14 And I've lived in the Village my entire life.
15 I've been here since forever. And Causeway comes
16 down to the end here, and you guys have a drainage
17 ditch that goes out to the bay.

18 Now, when the tide comes up, there's no
19 bulkhead. So the tide comes up and goes in the
20 road. But before it does that, even if we're not
21 going to have a huge flood, you guys put a drain
22 in the road and you ran it out into the bay to
23 take care of the water, which is fine.

24 But without a check valve in that drain, the
25 water doesn't have to be a super high tide. It

1 comes up, floods the road and floods that
2 property. So we're constantly -- we got fish in
3 the road down here; we got all kinds of stuff that
4 goes on. Some people call it Jurassic Park
5 because of everything that comes in.

6 Be that as it may, if they had a check valve
7 in there, without a bulkhead most of the times it
8 would handle the water coming out of there. In a
9 real bad tide, if it was bulkheaded, and that went
10 out, then that would handle most of it. If we get
11 a, you know, a nor'easter or whatever, it is what
12 it is. I mean, we live in a low-lying area and
13 that's what it is.

14 But if Mr. Gateley raises his house, raises
15 his grade, most of that problem will be taken care
16 of. I just don't want if he raises his grade, I
17 don't want it coming down Stable Lane and coming
18 onto my property. That's my concern. But if
19 there was a check valve in this, that would
20 really --

21 MR. PANTELIS: Have you ever brought that to
22 the Village, that issue, to the Board of Trustees?

23 MR. MINNIGAN: I haven't directly.

24 CHAIRMAN KEILSON: So hopefully that will be
25 a good byproduct of tonight's meeting.

1 MR. MINNIGAN: But that's my only concern.
2 If he raises his grade, I'd like to be able to
3 just raise mine. That's my only concern.

4 CHAIRMAN KEILSON: Thank you very much.

5 MR. MINNIGAN: Okay.

6 CHAIRMAN KEILSON: Any other neighbor?
7 Anyone else?

8 MR. BOWDEN: My name is Bill Bowden. And
9 along with my daughter, Jennifer, we live in the
10 house right behind the Gateleys. I second
11 everything that's been said tonight. I don't
12 think we have a serious problem that hasn't been
13 addressed. Mostly because we have a good
14 relationship with the Gateleys and expect that to
15 continue, but not because we have any ability to
16 predict what will happen. It is very low there.
17 We have water in our yard and in our driveway all
18 the time. So even the smallest change in the
19 drainage situation there is a serious concern for
20 us. But I don't think we'll know much about it
21 until later on.

22 I do think that this idea of a check valve
23 makes a great deal of sense. If you were down
24 there, just watch, the water slews in. You would
25 appreciate it. Thank you.

1 CHAIRMAN KEILSON: Thank you very much.

2 Anyone else?

3 (No response.)

4 CHAIRMAN KEILSON: Okay, any other comments
5 from the audience at this point?

6 (No response.)

7 CHAIRMAN KEILSON: Any further questions from
8 the Board?

9 (No response.)

10 CHAIRMAN KEILSON: Okay. So in our
11 consideration of the application, we employ the
12 criteria that are used as far as evaluating the
13 detriment to the community versus any benefit to
14 the applicant. We understand the necessity for
15 this work to be done. They've been out of their
16 house for over a year. So we'll take a vote.

17 I think we want to put the proviso in that as
18 far as the water spill-off or any impact of the
19 change in grade, the Village has to be involved
20 along the process to ensure that there is no
21 impact on the neighbors' property.

22 MR. GATELEY: Agreed.

23 CHAIRMAN KEILSON: I think the sentiment has
24 been expressed that they're willing to do whatever
25 is necessary, and in this case the watchdog will

1 be the Village and the Building Department. So
2 going forward, if it's approved, the neighbors can
3 look to Mr. Ryder with any questions. Because no
4 work will be done without consideration of the
5 impact on the neighbors. Okay.

6 MEMBER GOTTLIEB: Mr. Chairman, is there
7 going to be a basis to know if it's been
8 exacerbated? Given that there is an existing
9 situation, is there a way to determine that this
10 is actually the cause of any future flooding?

11 CHAIRMAN KEILSON: Mr. Ryder.

12 MEMBER GOTTLIEB: Where it's not unduly
13 blamed on the berm or on the raising of the grade
14 when it really might not be the cause. Is there a
15 baseline, for example, we can use that this is
16 acceptable, or what's not acceptable to the
17 neighbors.

18 MR. RYDER: Without a condition the reverse
19 culvert that we're talking about three feet within
20 the east and west property lines are going to
21 divert water to the street line, the street
22 property line where it -- trying to avoid any
23 runoff to the neighboring properties is the goal
24 here. Without a condition of saying if we want to
25 do a three-foot retaining wall or two-foot berm or

1 a reverse culvert, there's nothing for me to
2 enforce. I would like --

3 CHAIRMAN KEILSON: Well, is the Village in a
4 position to bring in the appropriate experts to
5 determine what will be required in order to ensure
6 that there's no negative impact on the neighbors'
7 properties?

8 MEMBER GOTTLIEB: What I'm trying to do is
9 that -- is to see that the Gateleys are not
10 unnecessarily penalized for something that might
11 not necessarily be their fault.

12 CHAIRMAN KEILSON: I understand.
13 Mr. Architect?

14 MR. COSTELLO: If I may, the only empirical
15 evidence we have would be the boring report that
16 would tell you if the water table has shifted.
17 But it may not tell you if the water has moved in
18 any different flow fashion or flow capacity.

19 I did want to point out that the solution
20 that we came up with with the berm and the reverse
21 culvert was after many thought processes. One
22 would be that if the property went all the way to
23 its edge and had a low retaining wall, then the
24 property would be in fact, let's say, flat so the
25 water in theory wouldn't run off anywhere. But we

1 believe that a stone or a wall or brick wall going
2 on all four sides of the perimeter was
3 aesthetically unappealing and not a viable
4 solution either.

5 So we thought it would be the most visually
6 unintrusive and sort of visually kindest and
7 physically kindest to the neighbors to taper it.
8 So to the extent that there's a runoff or a
9 roll-off of water, it's also mitigated a little
10 bit by the fact that there's a certain percolation
11 factor as it's rolling off, so it's still always
12 going down, let's say, so that the amount of water
13 that would end up in this reverse culvert is
14 fairly negligible. It is an increase, to quantify
15 it, but I don't even begin to know how to quantify
16 it per se. There's calculations that we could do,
17 but I don't know if they really would be as
18 measurable in the real world as they would be on
19 paper calculating it.

20 But I just wanted to throw that out that we
21 had thought of other options, and the only thing
22 we could have to quantify it would be the water
23 table if that shifts in terms of saturation. But
24 in terms of surface runoff I think it's just a
25 situation of best practice and the type of soil

1 okay.

2 CHAIRMAN KEILSON: I think that rather than
3 belabor the point, we're not in a position to
4 solve every problem here tonight. So with your
5 blessing, we'd like to shift the burden of
6 ensuring that the sentiments are fulfilled, all
7 right. We have neighbors that are willing to work
8 with each other, which is a nice change. And I
9 think we want to accelerate the process so the
10 applicant can get back in his house. So if we
11 approve the plans subject to anything in terms of
12 spill-off of water that involves your department
13 to address as it comes up. I think -- okay.

14 MR. RYDER: And I think I can work then with
15 the neighbor to discuss possible berming on your
16 property line as well.

17 MR. MINNIGAN: Okay.

18 CHAIRMAN KEILSON: And you wanted to add
19 something?

20 MS. BOWDEN: Yeah, I'm Jennifer Bowden,
21 265 Sage. Absent a satisfactory method to get to
22 your point of measuring how it's doing, would it
23 be helpful after the snow melts to start taking
24 photographs of the areas that flood the most just
25 so you have a visual? You know, this date when it

1 rains four inches, this is what the puddle looks
2 like.

3 CHAIRMAN KEILSON: I think whatever
4 information you can feed to the Building
5 Department would be helpful. My understanding is
6 there will be no snow melting this year.

7 MS. BOWDEN: Probably not. But before they
8 start regrading their property there will be.

9 CHAIRMAN KEILSON: I think in your
10 communication with Mr. Ryder you will find him
11 very receptive and very understanding and he works
12 to satisfy all the constituents.

13 So that being said, Mr. Ganz.

14 MEMBER GANZ: In favor.

15 CHAIRMAN KEILSON: Mr. Schreck.

16 MEMBER SCHRECK: For.

17 CHAIRMAN KEILSON: Mrs. Williams.

18 MEMBER WILLIAMS: For.

19 CHAIRMAN KEILSON: Mr. Gottlieb.

20 MEMBER GOTTLIEB: For.

21 CHAIRMAN KEILSON: And I vote for. And we
22 normally give two years, and hopefully you will
23 have the project done long before then.

24 MR. RYDER: Are you changing the exterior
25 siding, anything of that nature?

Gateley - 2/12/14

1 MR. GATELEY: No.

2 MR. COSTELLO: Same for same. It will be
3 replaced, the lower half.

4 CHAIRMAN KEILSON: Okay. Thank you very
5 much.

6 (Whereupon, the hearing concluded at
7 8:10 p.m.)

8 *****

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 February 12, 2014
7 8:10 p.m.

8 APPLICATION: Henesch
9 107 Harrison Street
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. MARK SCHRECK
17 Member

18 MS. ESTHER WILLIAMS
19 Member

20 MR. JOEL GANZ
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Henesch on Harrison
2 Street.

3 MR. SAVALDI: Good evening. Amiel Savaldi,
4 One Meadow Drive, Woodmere, New York. Yes, good
5 evening.

6 CHAIRMAN KEILSON: Fire away.

7 MR. SAVALDI: I'd like to firsthand --

8 MR. PANTELIS: Just introduce yourself,
9 Amiel.

10 CHAIRMAN KEILSON: He did.

11 MR. SAVALDI: Amiel Savaldi. I'm
12 representing Dr. Henesch and Mrs. Henesch, who are
13 sitting here.

14 CHAIRMAN KEILSON: Very good.

15 MR. SAVALDI: And you have seen the letter
16 that Dr. Henesch wrote?

17 CHAIRMAN KEILSON: Yes. It's been shared
18 with the Board. Everyone has seen it. We studied
19 it.

20 MR. SAVALDI: Very good. So it's -- it's
21 describing very accurately what we're doing.

22 CHAIRMAN KEILSON: I would hope so.

23 MR. SAVALDI: We would like to submit the
24 original letter, and it's signed for the record.

25 MR. PANTELIS: It's okay, we have it. It's

1 been accepted.

2 MR. SAVALDI: I'll just go briefly over what
3 the letter is referring to.

4 MR. PANTELIS: I think what the Board would
5 like probably is for you to take the code relief
6 and just go through the existing and proposed.

7 MEMBER GANZ: Yes.

8 CHAIRMAN KEILSON: I think that would be the
9 most efficient way.

10 MR. PANTELIS: And generically discuss what
11 the net result is.

12 CHAIRMAN KEILSON: Absolutely. Actually, the
13 Board was very taken with the idea of the free
14 radiology consultation. We want to make
15 appointments.

16 MR. HENESCH: Hopefully no one will need it.

17 CHAIRMAN KEILSON: All right, go ahead.

18 MR. SAVALDI: Yes. I'm reading from the code
19 relief; the first item is the building area
20 coverage. The permitted area is 2,340 square
21 feet, existing coverage is 1,900, building area
22 coverage is 1910. We're proposing to add 605 to a
23 total of 2,515 square feet, which is 175 square
24 feet beyond what's permitted, which is seven
25 percent overage.

1 The second item is aggregate side yard. The
2 Village Code requires an aggregate of 30 feet, and
3 no less than 15 feet on each side. We currently
4 have 19 feet at the lowest -- at the narrowest
5 part, which is the existing bay window. It's
6 8 foot 6 on the north side and 10 foot 6 on the
7 south side. So it's 19 feet. We're not proposing
8 to change that. We are maintaining the addition
9 is limited to the back and it's maintaining the
10 same setbacks, so we have the 11 and a half feet
11 on the north and 10 and a half on the south and
12 we're not getting near the minimum of the 19 feet
13 which exists again at the bay window.

14 The next item is the -- is the side yard
15 height ratio. The permitted height ratio is one
16 and a half; we're proposing -- the existing is
17 two. We are maintaining the two, which is half,
18 0.5 above what's permitted.

19 And the last thing is the height of the
20 building, of the house.

21 CHAIRMAN KEILSON: Right.

22 MR. SAVALDI: If you look at -- it's drawing
23 A7 -- sorry, it's A12, with the elevations,
24 drawing elevations, I would like to point your
25 attention to elevation number one, front

1 elevation, and I'd like to point out that what you
2 see from the street remains the same. We're not
3 -- we're not touching anything. There's no effect
4 to the front, and all the work that we're doing is
5 extending to the back and we are maintaining --
6 structurally, we have to maintain the same roof
7 height which you will not see from the front.

8 Going back to the code relief, the permitted
9 elevation is 30 feet, that's at the top of the
10 roof, existing is 32 and 7 inches, which is two
11 and a half feet above, about this much above
12 what's permitted, and that's what we're proposing
13 to add in the back.

14 CHAIRMAN KEILSON: Okay. Do you have letters
15 from the neighbors most effected?

16 MR. SAVALDI: Yes, we do have letters from
17 the neighboring -- from the neighbors. I have the
18 letter here.

19 MR. PANTELIS: Which one is that?

20 CHAIRMAN KEILSON: Just tell us.

21 MR. SAVALDI: I'll point out the ones that
22 are on this list.

23 CHAIRMAN KEILSON: The neighbor to the north
24 and the neighbor to the south, are they --

25 MR. SAVALDI: Yes, okay. So the neighbor --

1 the two neighbors to the north, Eichner and
2 Einhorn, are signed. The immediate neighbor to
3 the south, Fein, is not living in the house and
4 they attempted to --

5 MR. HENESCH: It's a summer home.

6 CHAIRMAN KEILSON: Your name and address for
7 the record.

8 MR. HENESCH: I'm Stephen Henesch. My wife
9 and I are the owners of the house. The Feins --
10 the house, no one lives in the house. It's
11 basically a summer home. The people who live
12 there are the children of the owner. They've
13 lived there since we had moved into the house.
14 They moved out a number of years ago and the house
15 remains dormant the entire year except for a
16 couple of months in the summer.

17 MEMBER SCHRECK: A very good neighbor.

18 MR. SAVALDI: The neighbor to the south of
19 the Feins, Schlossberg, is signed on the letter of
20 consent, and the two neighbors across from the
21 street, Stern and Ross --

22 CHAIRMAN KEILSON: They're not really
23 affected because the --

24 MEMBER WILLIAMS: They're seeing the same
25 thing.

1 MR. SAVALDI: Right. What they're going to
2 see will remain the same. And I'd like to present
3 the letter (handing).

4 MR. PANTELIS: We'll just have that marked.

5 CHAIRMAN KEILSON: Yes.

6 MEMBER GOTTLIEB: Mr. Savaldi, the driveway
7 that currently exists with an eight and a half
8 foot width, can a car pass through there? Are
9 they able to drive cars into the driveway into the
10 garage or is that not used?

11 MR. HENESCH: I didn't -- I missed the end of
12 that.

13 MEMBER WILLIAMS: When you're driving down --

14 MR. SAVALDI: Are you using the driveway?

15 MR. HENESCH: Yes.

16 MEMBER WILLIAMS: Can you pass the bay window
17 with the car?

18 MR. HENESCH: Yes.

19 MEMBER WILLIAMS: It's wide enough?

20 MR. HENESCH: It's remaining unchanged.

21 MEMBER WILLIAMS: The question is whether you
22 can drive past.

23 MS. HENESCH: Yes.

24 MR. HENESCH: Yes.

25 MEMBER GOTTLIEB: I have comments or

1 questions, if you will. The 605-foot addition
2 that you're proposing, 430 you can do by right.
3 It's really just the extra 175 that we're looking
4 at today, correct?

5 MR. SAVALDI: That's correct.

6 MEMBER GOTTLIEB: So I know you have an
7 approval from one neighbor and not from the other.
8 It's a particularly narrow property, 60 feet wide,
9 150 deep, which gives you that added ability to
10 put on extra building coverage. If I'm the
11 next-door neighbor, and one morning I wake up and
12 I see that all of a sudden there's an 18-foot by
13 23 -- 24-foot brick wall, it seems like it might
14 be intrusive because this house is now going to go
15 past the neighbor's existing house. It seems like
16 all the houses right now line up in the rear. So
17 when you walk out and you go onto your deck and
18 you look left and right, you see air and space,
19 and now they're going to see an 18-foot by 24-foot
20 brick wall. Am I assessing this correctly?

21 MR. SAVALDI: Yeah, you see the house being
22 extended. But again, let me point out we maintain
23 the existing lines of the --

24 MEMBER GOTTLIEB: But the existing lines
25 don't appear when you're walking out on your -- if

1 you're the neighbor you walk out on your deck.

2 MS. HENESCH: Can I say something?

3 Gila Henesch. The backs don't all line up. The
4 neighbor that has not signed, their deck, the back
5 of their house is like an L shape, and their deck
6 is -- they don't have a view anyway with their
7 deck, so -- right? Our house extends even now
8 past their house.

9 MEMBER GOTTLIEB: So you're just going to go
10 further past?

11 MR. HENESCH: Their deck -- their deck is
12 enclosed.

13 MEMBER WILLIAMS: If I'm facing your house,
14 Fein is to the left or to the right?

15 MS. HENESCH: Facing to the left.

16 MEMBER WILLIAMS: To the left. This is
17 Fein's house (indicating).

18 MS. HENESCH: It's a U shape, sorry, not an
19 L.

20 MR. HENESCH: Stephen Henesch again. Their
21 house is shaped like an L -- I'm sorry, shaped
22 like a U, and their deck is enclosed by those two
23 sides of the U, so they have no side view from
24 their deck regardless.

25 MR. PANTELIS: Oh, here.

1 MEMBER GOTTLIEB: I am right that it's an
2 18-foot addition, right. I know I saw that
3 somewhere.

4 CHAIRMAN KEILSON: Yes. It's still a very
5 deep yard after that.

6 MR. SAVALDI: Yeah, it's 18 feet on the two
7 sides, but it's really minus the seven feet, so
8 it's really only 11 feet from the most rear wall
9 currently, because if you look at the plot plan,
10 at the drawing A1 --

11 MEMBER GOTTLIEB: Hang on. I'm slow to turn
12 pages.

13 MR. SAVALDI: -- you will see the existing
14 footprint and in the back see the addition with
15 the hash. So you see that at the center of the
16 addition it would be going out only 11 feet, not
17 18.

18 MEMBER GOTTLIEB: Right, it's 11 feet in the
19 middle, but that is stepped in 12 feet from each
20 side.

21 MR. SAVALDI: That's true. But if you look
22 at a straight line, the area that was added -- the
23 distance that it was added was 11 feet.

24 MR. RYDER: Mr. Savaldi, from the rear house
25 line of the new addition, how -- what is the

Henesch - 2/12/14

1 distance from the rear property line to the rear
2 house line? Would it be --

3 MEMBER WILLIAMS: The new?

4 MR. RYDER: The new.

5 MEMBER WILLIAMS: From the deck or from the
6 house line?

7 MR. RYDER: From the house line. Is it
8 60 feet? Is that how I'm reading it?

9 MR. SAVALDI: No, it's 50 feet -- it's 50
10 feet -- 59 feet to where the deck is and then
11 another 12 feet -- no, take it back. It's 59
12 feet. It's 59 feet.

13 MR. RYDER: And 48 to the deck.

14 MR. SAVALDI: Forty-eight to the deck.

15 MR. RYDER: Okay, thank you.

16 CHAIRMAN KEILSON: Any questions? Any
17 comments?

18 In terms of the water concerns, Mr. Ryder,
19 are they putting in any storm water management?

20 MR. RYDER: After lengthy discussions with
21 Mr. Savaldi and the Heneshes and their engineer,
22 the design that is being proposed should be
23 sufficient to retain storm water on this site.

24 CHAIRMAN KEILSON: Okay. So evaluating the
25 benefit to the applicant as against any potential

Henesch - 2/12/14

1 detriment to the neighbors and the community, what
2 say the Board? Let's start with Mr. Gottlieb.

3 MEMBER GOTTLIEB: I say for.

4 CHAIRMAN KEILSON: Mrs. Williams.

5 MEMBER WILLIAMS: For.

6 CHAIRMAN KEILSON: Mr. Schreck.

7 MEMBER SCHRECK: For.

8 CHAIRMAN KEILSON: Mr. Ganz.

9 MEMBER GANZ: For.

10 CHAIRMAN KEILSON: And for it is.

11 MR. SAVALDI: Thank you very much.

12 CHAIRMAN KEILSON: So we're talking about two
13 years.

14 MR. SAVALDI: Two years.

15 CHAIRMAN KEILSON: Board of Building Design
16 at all?

17 MR. RYDER: I do not believe so,

18 Mr. Chairman, no.

19 (Continued on the following page.)
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Henesch - 2/12/14

1 CHAIRMAN KEILSON: Good. All right, so we
2 wish you well.

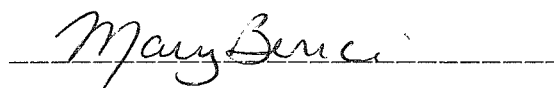
3 MR. HENESCH: Thank you very much.

4 MS. HENESCH: Thank you very much.

5 (Whereupon, the hearing concluded at
6 8:25 p.m.)

7 *****

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

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13 MARY BENCI, RPR
14 Court Reporter
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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 February 12, 2014
7 8:25 p.m.

8 APPLICATION: Silber
9 125 Sutton Place
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. MARK SCHRECK
17 Member

18 MS. ESTHER WILLIAMS
19 Member

20 MR. JOEL GANZ
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

Silber - 2/12/14

1 CHAIRMAN KEILSON: The matter of Silber.

2 MR. CAPOBIANCO: Good evening.

3 John Capobianco, architect, 159 Doughty Boulevard,
4 Inwood.

5 I'm here this evening on behalf of the
6 Silbers, and you know, they're looking to modify
7 the previous variance granted on May, I guess,
8 31st, 2012, and as a severe result of Superstorm
9 Sandy, the rear of the house wouldn't be a good
10 option to construct any addition. So they're
11 trying to scale it down a little bit and just
12 build to the west side of the house instead of to
13 the east side of the house.

14 The proposed addition would be about 37-foot
15 smaller, square foot smaller, which somewhat
16 changes a little bit the amount of overage there
17 is on building coverage. But what I did on this
18 plan, I did a plan here, the area in yellow, the
19 site plan that's on the right side of the drawing
20 is the one that was approved on May 31st of 2012,
21 and the one on the left is the one that we're
22 proposing which is totally constructed on the west
23 side of the house.

24 The purple outlined property, which is
25 immediately to the north, is the property owned by

Silber - 2/12/14

1 the Village of Lawrence which is approximately
2 6,581 square feet. So if you take that property,
3 because it literally appears to be his property,
4 it's been maintained, taken care, landscaped, and
5 planted very nicely all these years, but
6 obviously, if you would add that property to the
7 existing you would have a lot of 22,739 square
8 feet. Hypothetically, if you did a building
9 coverage with that in mind you would be exceeding
10 not the 59 percent that we would be exceeding
11 without that land, we would be up about 34 percent
12 over, because on the 22,739 lot you're allowed to
13 build 3,619 where before it was only 3,054. So
14 the proposed of 4,845, instead of 4,881 would give
15 you approximately a 34 percent overage in lieu of
16 59 or 60 percent.

17 CHAIRMAN KEILSON: How about surface
18 coverage?

19 MR. CAPOBIANCO: That's building coverage.
20 Surface coverage works out to be much better. If
21 you were to take that property you would wind up
22 with almost a required -- you would actually be
23 required -- it would permit you to go up to 6,900
24 and we only have 7,100. So you only have a
25 de minimis amount, a small area of surface

1 coverage. So I mean giving these --

2 MR. PANTELIS: So maybe they should lease it
3 from the Village if the Village doesn't want to
4 sell it.

5 MR. CAPOBIANCO: They tried to bring it, but
6 that didn't work out.

7 MR. PANTELIS: We understand that.

8 MR. CAPOBIANCO: That's the two site plans,
9 the one that was approved in 2012 and the one that
10 we're proposing today.

11 CHAIRMAN KEILSON: What is the condition of
12 the mother or mother-in-law during this period of
13 time?

14 MR. CAPOBIANCO: She's still in pretty bad
15 shape. You know, she has Alzheimer's.

16 CHAIRMAN KEILSON: She's been living with
17 them?

18 MR. CAPOBIANCO: She's living with them.
19 It's very difficult. She has to be in a
20 wheelchair. The plan that we had back in '12 is
21 really modified a little bit, you can see from the
22 floor plan, but we still have the ADA compliance,
23 the handicapped access that she needs also to be
24 on that grade level so that she can be removed
25 from the house and transported to doctors and

1 things like that easier, so the situation is
2 pretty much the same.

3 CHAIRMAN KEILSON: Okay. So essentially,
4 you're coming back to the Board a year and a half
5 later, or whatever the period of time is, and
6 Sandy has intervened and changed circumstances,
7 and that's why you've been unable to follow
8 through on the construction.

9 MR. CAPOBIANCO: That's correct.

10 CHAIRMAN KEILSON: And you're appealing to
11 our emotional feeling to assist in this situation
12 where we have a sick relative and go well beyond
13 the norms and take into consideration the fact
14 that there is this contiguous piece of property
15 which is really lying fallow and being maintained
16 by the applicant.

17 MR. CAPOBIANCO: Yes.

18 CHAIRMAN KEILSON: And on that basis you
19 would like us to --

20 MR. CAPOBIANCO: Modify, yes, to consider.

21 CHAIRMAN KEILSON: Yes, to consider the
22 application and approve it in the same spirit as
23 the last time.

24 MR. CAPOBIANCO: We feel that this would not
25 create any, you know, negative impact to the

1 surroundings because of that property.

2 CHAIRMAN KEILSON: And it would not set a
3 precedent that you would bring up at some later
4 date.

5 MR. PANTELIS: Not Mr. Capobianco.

6 MR. CAPOBIANCO: No, not me. But you would
7 have a side yard of about 55 feet if that property
8 were his. So I mean, you would comply with
9 aggregate, you would comply with side yard,
10 height/setback ratio.

11 CHAIRMAN KEILSON: We assume that the
12 neighbor that didn't object last time would not
13 object this time.

14 MR. CAPOBIANCO: That's correct.

15 CHAIRMAN KEILSON: Presser, I think is the
16 name.

17 MR. CAPOBIANCO: That's correct.

18 CHAIRMAN KEILSON: Not Pressner.

19 MR. CAPOBIANCO: And I understand that we --
20 at least I heard that the Village was somewhat
21 okay with this property being kind of utilized.

22 CHAIRMAN KEILSON: I assume the same
23 sentiment that I had shared at the last meeting,
24 and I found the transcript very eloquently
25 explained that the Mayor had expressed that they

1 were very much supportive because of the manner in
2 which the property has been maintained. So
3 there's been basically a favor to the Village all
4 this time.

5 MR. CAPOBIANCO: That's correct.

6 CHAIRMAN KEILSON: I guess Mr. Schreck is
7 bringing up a topic that we didn't want to
8 discuss, but if for any reason the mother-in-law
9 passes before the work is done, does that change
10 the circumstances?

11 MR. CAPOBIANCO: I mean, it might.

12 MR. PANTELIS: Maybe on a personal level, but
13 we're certainly not granting the variance because
14 of that.

15 CHAIRMAN KEILSON: We know that. We know
16 that. Are there any questions? Without
17 Mr. Henner here we're lacking in a lot of humor.
18 Any questions?

19 (No response.)

20 CHAIRMAN KEILSON: I think we'll take a vote
21 and I think the sentiment will be the same as last
22 time. Mr. Gottlieb.

23 MEMBER GOTTLIEB: I will vote in favor of
24 this.

25 CHAIRMAN KEILSON: Mrs. Williams.

Silber - 2/12/14

1 MEMBER WILLIAMS: For.

2 CHAIRMAN KEILSON: And Mr. Schreck.

3 MEMBER SCHRECK: For.

4 CHAIRMAN KEILSON: And Mr. Ganz.

5 MEMBER GANZ: In favor.

6 CHAIRMAN KEILSON: And I'm still in favor.

7 MR. CAPOBIANCO: Two years, I guess?

8 MR. RYDER: Mr. Capobianco, Board of Building
9 Design.

10 MR. CAPOBIANCO: Board of Building Design.
11 We plan to match the brick on the existing house
12 and so on, so forth.

13 (Whereupon, the hearing concluded at
14 8:33 p.m.)

15 *****

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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