

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 January 30, 2013
7 7:40 p.m.8 APPLICATION: Wolfson
9 203 Lakeside Drive
Lawrence, New York

10 P R E S E N T :

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

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals. We request that you turn off your
4 phones, and please, no side conversation. If you
5 feel the necessity for conversation, please step
6 into the hall.

7 Okay, proof of posting, Mr. Ryder.

8 MR. RYDER: Yes, Mr. Chairman, I offer proof
9 of posting (indicating).

10 CHAIRMAN KEILSON: Okay, thank you very, very
11 much.

12 Mr. Pantelis, would you like to offer the
13 preamble.

14 MR. PANTELIS: Yes, I'll make it a brief one
15 though.

16 Ladies and gentlemen, the Board of Zoning
17 Appeals has certain standards under which it
18 operates pursuant to village law. And we'd like
19 you or your counsel or your architects or if you
20 are representing yourself to try to concisely
21 address the variances that you're requesting with
22 respect to what the code permits, what you're
23 asking for, and to try to state some reasons to
24 support your request.

25 This Board is a very hot Board in the sense

1 that it has inspected each of these properties,
2 it's very familiar with the properties and with
3 the surrounding area, as well as the applications
4 that you've submitted.

5 And with that, Mr. Chairman, I think you have
6 the first case.

7 CHAIRMAN KEILSON: So we'll open the matter
8 of Wolfson on Lakeside Drive South. Would they or
9 their representative please step forward, please
10 identify yourself to the stenographer, our friend
11 Mary.

12 MR. WOLFSON: Daniel Wolfson, 203 Lakeside
13 Drive South, Lawrence, New York 11559.

14 MR. MEISTER: Warren Meister, architect,
15 22 Kendall Drive, New City, New York.

16 MR. WOLFSON: We are requesting to cover an
17 existing porch. The porch has been in existence
18 since the house was built. It goes over by 499
19 feet. We're looking to cover it because it tracks
20 the elements into the house, as well as the family
21 gets -- has gotten stuck in the rain underneath --
22 on the porch without having a covering overhead.

23 MR. MEISTER: Another major reason is that
24 the existing porch because when -- there was an
25 existing porch, and in order to drain it properly

1 we would have to raise the -- to pitch the porch
2 and that would create an issue at the front door
3 where if snow would sit on the porch it possibly
4 could leak into the house. The floors when we
5 were redoing the house were basically shot and we
6 had to re-level this and, unfortunately, the high
7 point was at the front door.

8 CHAIRMAN KEILSON: Okay. So again, what
9 we're looking for is building coverage overage of
10 basically three percent?

11 MR. MEISTER: Yes.

12 CHAIRMAN KEILSON: The front-yard setback a
13 modest 2.778, okay.

14 Any questions from the Board?

15 MEMBER GOTTLIEB: Just so we understand,
16 you're just covering the area that's approximately
17 19.2 by 12.4?

18 MR. MEISTER: Correct.

19 MR. WOLFSON: Yes.

20 MEMBER WILLIAMS: Which exists.

21 MR. WOLFSON: Which existed prior to me
22 purchasing the house.

23 MEMBER GOTTLIEB: How long do you live in the
24 house?

25 MR. WOLFSON: Two weeks.

1 MEMBER GOTTLIEB: A longtime resident.

2 MR. WOLFSON: I am a longtime resident. I
3 grew up here.

4 CHAIRMAN KEILSON: Any other questions from
5 the Board? Any questions or comments from the
6 audience? No, okay.

7 So we're going to the Board for a vote.
8 Basically, we have five criteria in determining
9 whether the --

10 MR. WOLFSON: I'm sorry, I have letters from
11 my neighbors in support.

12 CHAIRMAN KEILSON: Fine, by the way.

13 MR. WOLFSON: Thank you. Eli Halpern and the
14 Zimmers.

15 CHAIRMAN KEILSON: I'm sure they're not
16 affected by this de minimis request.

17 So we're weighing the benefits to the
18 applicant against the detriment to the community
19 and the like and the neighbors. So Mr. Gottlieb.

20 MEMBER GOTTLIEB: I'm going to vote for.

21 CHAIRMAN KEILSON: Mrs. Williams.

22 MEMBER WILLIAMS: For.

23 CHAIRMAN KEILSON: Mr. Schreck.

24 MEMBER SCHRECK: For.

25 CHAIRMAN KEILSON: Mr. Henner.

1 MEMBER HENNER: For.

2 CHAIRMAN KEILSON: And I will vote for.

3 MR. WOLFSON: Thank you.

4 CHAIRMAN KEILSON: How much time do you need?

5 MR. WOLFSON: Can we start construction
6 tomorrow?

7 MEMBER WILLIAMS: Two years.

8 MR. WOLFSON: If I could make a request to
9 repave the street in front of the house now that I
10 got this approval. There's pools of water. It's
11 the worst street in the Village. I think the
12 Mayor has identified it as the worst street in the
13 Village. Thank you very much.

14 (Whereupon, the hearing concluded at
15 7:44 p.m.)

16 *****

17 Certified that the foregoing is a true and
18 accurate transcript of the original stenographic
19 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 January 30, 2013
7 7:44 p.m.

8 APPLICATION:

Weiss
130 Central Avenue
Lawrence, New York

9
10 P R E S E N T:

11 MR. LLOYD KEILSON
12 Chairman

13 MR. EDWARD GOTTLIEB
14 Member

15 MS. ESTHER WILLIAMS
16 Member

17 MR. LESTER HENNER
18 Member

19 MR. MARK SCHRECK
20 Member

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

23 MR. MICHAEL RYDER
24 Building Department

25 Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Weiss
2 on Central Avenue. Give the stenographer your
3 name.

4 MR. SAVALDI: Amiel Savaldi, 1 Meadow Drive,
5 Woodmere, New York. And the owner.

6 MR. WEISS: Weiss, 130 Central Avenue.

7 CHAIRMAN KEILSON: Okay, Mr. Savaldi.

8 MR. SAVALDI: Yes, good evening to the Board.
9 We're here to request a variance for a one-story
10 den that the Weisses want to add to the house.
11 You can see it on drawing A1 in the northwest
12 side; and if you go to drawing A3, that's the
13 floor plan that shows that den area that we're
14 proposing to add. The overall dimension of it is
15 15 foot 3 inches by 17-6. It's really intended so
16 the Weisses' children can be near the kitchen and
17 near the parents when they're down in the kitchen
18 doing homework, et cetera, and that's one space
19 that is missing there.

20 Mr. Weiss spoke to the immediate neighbor on
21 the left, Mr. Alter, Steven Alter, and the
22 neighbor has no objection to the fact that we are
23 coming within seven and a half feet, seven foot
24 five inches. The required side yard is fifteen
25 feet, existing side yard is ten foot and the one

1 corner, the one worst case it's seven foot five.
2 Again, it's going to be only one story, it's in
3 the rear and the neighbor really has no objection
4 to it.

5 MEMBER SCHRECK: Do you have a letter from
6 the neighbor?

7 MR. WEISS: I can get a letter, it's not a
8 problem. I spoke to him verbally and told him on
9 the phone. He just wanted to ensure that there
10 wasn't going to be any air conditioning on the
11 side, and we assured him that it's going to be in
12 the back, that he doesn't have to. There right
13 now are some central air-conditioner boxes there.
14 But he has no problem.

15 MEMBER GOTTLIEB: Where are you moving the
16 air-conditioning units to?

17 MR. SAVALDI: In back of the -- in back of
18 the addition, but we will still consult with the
19 neighbor, immediate neighbor to see to agree on
20 the different places that's agreeable to the
21 neighbor.

22 MEMBER GOTTLIEB: I have a couple of
23 questions. Some of the things that bother me is
24 an 18 percent overage in your surface coverage,
25 eight percent in building area coverage. You have

1 ten feet from your property to the adjoining
2 property. What's the distance from their house to
3 the property line?

4 MR. SAVALDI: I don't have that information.

5 MEMBER GOTTLIEB: Okay.

6 MR. PANTELIS: Mr. Gottlieb, if you look at
7 the radius map, it gives you an idea of the
8 configuration, and maybe Mr. Savaldi using the
9 radius map maybe you can indicate the location of
10 the Alter residence, is that correct, that you're
11 looking at it?

12 MEMBER GOTTLIEB: Actually, I'm looking for
13 the distance between the houses.

14 MR. PANTELIS: Right. Okay, I was just
15 saying maybe he might be able to.

16 MR. SAVALDI: I'm looking for the photograph
17 because I do have a photograph showing that as the
18 Board required to have the photograph looking
19 at --

20 MR. RYDER: (Handing.)

21 MR. SAVALDI: So we have that.

22 MR. PANTELIS: This photograph will give you
23 (indicating).

24 MEMBER GOTTLIEB: I did look at that. So
25 what -- what it didn't tell me and what another

1 point that was rather important to me is that if
2 this house protrudes beyond your neighbor's house,
3 their backyard is now going to be looking upon
4 your extension, your addition. Just the same,
5 your addition will be looking or overlooking into
6 their yard. These are some of the concerns that I
7 have. It's just the nature of the application. I
8 don't think you can tell me otherwise.

9 CHAIRMAN KEILSON: Well, to echo his
10 concerns, a further encroachment on a narrow
11 backyard is something we're not comfortable with,
12 dropping down to seven and a half.

13 MR. SAVALDI: I recognize that. Again, the
14 three points that they said about this is the most
15 important is that the neighbor has no objection,
16 and I think it's a fair request to get it in
17 writing.

18 MR. WEISS: Absolutely, I'll get it in
19 writing. It's not a problem.

20 MR. SAVALDI: The other two points is it is
21 really at one point.

22 CHAIRMAN KEILSON: You know, we have to take
23 into consideration the neighbor is not always
24 there. There will be a new neighbor and he may
25 not be comfortable with the encroachment. The

1 yards themselves are already tight. So you go
2 down from ten four to seven five.

3 MR. WEISS: Obviously, a fence would make a
4 difference; that's not the issue?

5 CHAIRMAN KEILSON: No, that's not the issue.

6 MEMBER WILLIAMS: Can I ask a question?

7 MR. SAVALDI: Yes.

8 MEMBER WILLIAMS: I'm trying to understand
9 what exactly is changing. So I understand the
10 proposed four-story addition here and the proposed
11 patio. Here it says existing patio, here it says
12 proposed. The patio in the back is changing?

13 MR. PANTELIS: Part of it would have to be
14 broken up to put the addition in.

15 MR. WEISS: We're just squaring off the back
16 really.

17 MEMBER WILLIAMS: No, no, that's not what I'm
18 asking you. Is the proposed patio going to be the
19 exact same size as the existing patio? It doesn't
20 look like it.

21 MEMBER GOTTLIEB: What Mrs. Williams is
22 referring to is on page A1 you have a proposed
23 patio, but on A3 it says existing paved patio.

24 MEMBER WILLIAMS: I understand the patio
25 exists. From what I understand from Mr. Pantelis,

1 it has to be destroyed. Can you explain that.

2 MR. SAVALDI: Yes, right. Because when we
3 excavate --

4 MEMBER WILLIAMS: It doesn't sound like it's
5 going to be staying the same size that it is.

6 MR. SAVALDI: It's not, because --

7 MEMBER WILLIAMS: You realize you didn't give
8 that information here. It's a little hard to
9 understand. You see here? It doesn't say how big
10 the patio is coming out, it doesn't. It shows it
11 -- do you see this?

12 MEMBER GOTTLIEB: Uh-hm.

13 MEMBER WILLIAMS: That's question number one.
14 I would love to understand that. This could be
15 coming out 20 feet, two feet, five feet. I have
16 no idea. The next question -- so I understand
17 those two things. So I don't understand them. On
18 A2 -- so you're creating a basement area living
19 space that doesn't exist now, or what is this on
20 A2?

21 MR. SAVALDI: A2 is the -- it's a finished
22 basement. Currently, the basement is finished.

23 MEMBER WILLIAMS: But not used.

24 MR. SAVALDI: No, it is used, but unrelated
25 to the den. It's going to be renovated and just

1 reconfigured and redone.

2 MEMBER WILLIAMS: So the only change in that
3 area is this concrete wall and the stairway going
4 down.

5 MR. SAVALDI: The stairway will be --

6 MEMBER WILLIAMS: From the outside that's the
7 only addition that I'm going to see, correct?

8 MR. SAVALDI: Correct. And you will not see
9 it because it's really behind shrubs and it's
10 really done for safety so you have a second means
11 of egress.

12 MEMBER WILLIAMS: Just to clarify, from the
13 outside of the house the changes that way, one is
14 those stairs which we're not going to see. The
15 second thing is that proposed one-story addition,
16 and the third thing is the proposed patio. Is
17 there anything else that I'm not seeing?

18 MR. SAVALDI: No.

19 MEMBER WILLIAMS: What is this new window
20 well?

21 MR. SAVALDI: The --

22 CHAIRMAN KEILSON: Can we have clarification.

23 MEMBER WILLIAMS: I'm really having a
24 problem. I'm really concerned about the proposed
25 patio. I really have no idea how big that is.

1 CHAIRMAN KEILSON: The additional square
2 footage on the surface area coverage is
3 attributable to what?

4 MR. RYDER: The structure, the new proposed
5 one-story addition, the patio.

6 MR. PANTELIS: Five-foot-ten square feet is
7 the proposed rear patio.

8 MEMBER WILLIAMS: How much?

9 MR. PANTELIS: It's on the chart. 515 square
10 feet is the proposed rear patio.

11 MEMBER WILLIAMS: How big was the original
12 one?

13 MR. SAVALDI: It's about the same area. I
14 don't have the exact area, but it's about the same
15 thing.

16 MEMBER WILLIAMS: So you're not making it
17 bigger?

18 MR. SAVALDI: I'm reconfiguring it. It's 20
19 by 20 now. The doors leading to it are there, as
20 you can see on the photographs in the rear, in the
21 back photographs.

22 CHAIRMAN KEILSON: In the code relief it
23 reads existing. Does that include the patio or
24 doesn't include the patio?

25 MR. SAVALDI: What was the question,

1 Mr. Chairman?

2 CHAIRMAN KEILSON: On the code relief chart
3 where you indicate there's an existing surface
4 area coverage of 4,364, and that you're asking an
5 additional 777.

6 MR. RYDER: What's the square footage of the
7 addition, Mr. Savaldi?

8 MR. SAVALDI: The addition is 515 square feet
9 proposed rear addition. Are you -- the question
10 was about the coverage in the code relief?

11 CHAIRMAN KEILSON: Correct. In other words,
12 you're showing existing at 4,364 and with an
13 additional 777. And the 777 is a byproduct of I
14 assume the addition, the one-story addition of
15 515?

16 MR. SAVALDI: It's a byproduct of the -- of
17 the addition, the den and the patio. That's the
18 total area.

19 CHAIRMAN KEILSON: Okay. Ed, do you have
20 further questions?

21 MEMBER GOTTLIEB: Yeah, we do.

22 MR. SAVALDI: One more thing. If the
23 coverage as we discussed the proposed -- the
24 proposed addition is really it's fifteen -- I gave
25 before the number that the proposed addition of

1 the den is 515 square feet. That was the patio's
2 area, not the addition. The addition is 262. The
3 whole area of the addition which is one story is
4 262. The total area of the additional coverage is
5 777. And if that's -- if the coverage -- the
6 surface coverage which is the really large number
7 if that would be a problem to the Board, the owner
8 is willing to convert some of it to gravel and to
9 reduce that size of the coverage.

10 MEMBER SCHRECK: Is the owner willing to
11 maybe do away with that driveway? I know he
12 didn't create it, but the driveway that exits or
13 enters onto Winchester.

14 MR. SAVALDI: To convert some of it to gravel
15 so it would not be the coverage, and if we reduce
16 800, the total driveway coverage is 1,800 square
17 feet. If we reduce 800, we don't exceed the
18 coverage, the surface coverage.

19 MEMBER SCHRECK: He still has -- where the
20 garage is he should have a driveway.

21 MR. WEISS: Right.

22 MR. SAVALDI: No, convert part of the
23 driveway to gravel.

24 MR. PANTELIS: So you're not saying removing
25 the driveway, but removing the asphalt and turning

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1 it to gravel which then moves it.

2 MR. WEISS: I don't know. Maybe there's an
3 option.

4 MEMBER SCHRECK: Gravel is not surface area
5 anymore?

6 MR. RYDER: I have to look at the definition
7 for surface coverage. I believe it is.

8 MR. SAVALDI: The nature of surface coverage
9 is the -- is the area that can absorb rainfall.

10 MR. PANTELIS: Is it impervious under our
11 code?

12 MR. WEISS: In terms of the biggest issue --

13 MEMBER GOTTLIEB: Two issues that I have,
14 maybe more. The first is 48 percent surface
15 coverage is just too much. The driveway you're
16 asking for more, you're asking for more. That's
17 one issue.

18 The other -- and I don't want to negotiate
19 nor do I want to tell you what to do. But I'm
20 just going to suggest perhaps if you make the
21 extension less invasive and bring it -- you're
22 asking for a seven-and-a-half-foot side yard where
23 it hits that point. If you square it off so that
24 it stays at the existing ten-foot-four and doesn't
25 go any further beyond where the -- where the

1 property line jets in, basically asking you to
2 reduce fifteen feet by seven feet, that would
3 square it off and then you're not so far out into
4 the yard.

5 MR. RYDER: It would be ten by fifteen.

6 MEMBER GOTTLIEB: It's just a suggestion.
7 Obviously, you'll modify it as you may wish to.

8 CHAIRMAN KEILSON: Mr. Savaldi, perhaps,
9 perhaps let's -- we'll take the next matter; you
10 can caucus with your client. I think what we're
11 shooting for is to bring the surface coverage
12 under the 10 percent and the encroachment to keep
13 it at ten-four.

14 MR. WEISS: So we already concurred, we
15 spoke. The question is -- let me use the right
16 term. I meant we conversed.

17 MR. SAVALDI: We're talking as we go along.

18 MR. WEISS: What happens if we just simply,
19 you know, reduce the actual coverage in the back
20 for the extension?

21 MR. SAVALDI: What I was suggesting to you
22 here if I chamfer that corner and keep no less
23 than ten-foot-four so I don't maintain the
24 ten-foot-four and chamfering the northwest corner.

25 MEMBER GOTTLIEB: So the room would

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1 essentially be fourteen by ten.

2 MR. SAVALDI: The room would be a trapezoid,
3 basically. I'm chamfering the northwest corner so
4 it will not go less than ten-foot-four. I would
5 not make it worse, and it's, again, one story.

6 MEMBER WILLIAMS: That solves that problem
7 but it doesn't solve the other.

8 CHAIRMAN KEILSON: And the surface coverage
9 we have to solve.

10 MR. SAVALDI: And the surface coverage we are
11 going to reduce the patio. We'll bring it back.
12 Currently, it's 18 percent, and we can bring it
13 down to 10 percent.

14 MEMBER SCHRECK: The patio or the driveway?

15 MR. SAVALDI: Pardon me?

16 MEMBER SCHRECK: The patio or the driveway?

17 MR. SAVALDI: The surface coverage, the total
18 surface coverage we can do it. If the gravel
19 would be acceptable we can do it. If that's not
20 in the code, we'll reduce the patio.

21 MEMBER SCHRECK: I think grass would be
22 better in this situation where it's quite open to
23 everybody and everybody sees it.

24 MR. SAVALDI: I agree.

25 MR. PANTELIS: You're talking about part of

1 the front driveway.

2 MEMBER SCHRECK: Yes.

3 MR. SAVALDI: So we will reduce the surface
4 coverage overage to 10 percent, from 18 to 10.

5 MR. WEISS: We'll reduce the patio.

6 MR. PANTELIS: We'll keep the hearing open
7 with the understanding they're not going to come
8 back for another presentation, allow the
9 submission of the plan, and the Board can vote on
10 the plan. You don't have an actual plan in front
11 of you that's going to --

12 MR. WEISS: Well, we'll reduce the patio and
13 we'll reduce the extension. That's it.

14 CHAIRMAN KEILSON: Something has to be
15 submitted. We have to vote on something defined.

16 MR. WEISS: We can rewrite it.

17 MR. SAVALDI: I could calculate it and give
18 it to you now, if it's acceptable.

19 CHAIRMAN KEILSON: Fine, do so.

20 MR. SAVALDI: So I'll prepare it. Thank you.

21 MR. PANTELIS: We'll recall your case in a
22 little while.

23 MR. SAVALDI: Thank you.

24 (Whereupon, a recess was taken; the hearing
25 was recalled.)

1 CHAIRMAN KEILSON: Mr. Savaldi, you're back
2 on.

3 MR. SAVALDI: What we did was we chamfered
4 the northwest corner of the proposed den, and we
5 maintained ten-foot-four side yards; no less than
6 that, at least that. And we reduced the --
7 basically eliminated the patio in the back; we
8 left just a small one.

9 And the new numbers for the surface is the
10 proposed additional coverage is 407 square feet,
11 and the total proposed surface coverage is down
12 from 5,141 to 4,771, and that translates to
13 439 square feet overage, 10.1 percent overage on
14 surface.

15 So that's two things that we did, and I can
16 give the Board the code relief, the revised code
17 relief and in eighth-of-an-inch scale drawing of
18 the first floor showing the patio and the change
19 on the floor plan.

20 MEMBER GOTTLIEB: Would you tell me, please,
21 how you reduced the 407 feet, where you took it
22 from.

23 MR. SAVALDI: If you can look at the --

24 MR. RYDER: Amiel, do you think your client
25 can hold it up and you demonstrate. Thank you.

1 MR. SAVALDI: First of all, we chamfered
2 here. It's two feet here and five feet here, and
3 we keep the ten-foot-four here (indicating). The
4 patio was previously going was 20 feet deep, now
5 it's seven-foot-three, and over here we put just
6 pavers connecting these two patios. And we
7 reduced the overage to, as I said, to 439 square
8 feet which is 10.1 percent.

9 MEMBER GOTTLIEB: And the driveway will stay
10 as is?

11 MR. SAVALDI: Yes.

12 CHAIRMAN KEILSON: Thank you very much for
13 being forthcoming, and we'll go to a vote. We'll
14 start with Mr. Gottlieb.

15 MEMBER GOTTLIEB: As amended and repropose,
16 I am in favor of this revised -- this revision.

17 CHAIRMAN KEILSON: Mrs. Williams.

18 MEMBER WILLIAMS: I really appreciate the
19 efforts you made. For.

20 CHAIRMAN KEILSON: Mr. Schreck.

21 MEMBER SCHRECK: For.

22 CHAIRMAN KEILSON: Mr. Henner.

23 MEMBER HENNER: For.

24 CHAIRMAN KEILSON: And I vote for. You have
25 up to two years, if you'd like.

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1 MR. SAVALDI: Thank you very much.

2 MR. WEISS: Thank you. Thank you very much.

3 CHAIRMAN KEILSON: Thank you.

4 (Whereupon, the hearing concluded at
5 8:34 p.m.)

6 *****

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 January 30, 2013
7 8:02 p.m.

8 APPLICATION: Futersak
9 1 Boxwood Lane
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

Futersak - 1/30/13

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

4 MR. BONESSO: Good evening, Mr. Chairman,
5 members of the Board. William Bonesso, Forchelli,
6 Curto, Deegan, Schwartz, Mineo & Terrana,
7 333 Earle Ovington Boulevard, Uniondale, New York,
8 here on behalf of the applicants Jay and Henny
9 Futersak, they are the owners of the property at
10 1 Boxwood Lane in the Village.

11 The property is presently developed with a
12 modest cape that, frankly, the Futersaks and their
13 family have outgrown. They're seeking to
14 construct a more accommodating residence on the
15 property.

16 As they originally began their design
17 process, they were looking to do a renovation and
18 an addition by saving some of the foundation
19 walls. When that was prepared, what they ended up
20 with was an application that required side, rear
21 and front-yard setback variances, as well as a
22 building coverage of approximately 25 percent. We
23 took a look at it. We went and we had a meeting
24 with Mr. Ryder and we determined ways to shave
25 that down.

1 And consequently, what ultimately came about
2 and what's before the Board this evening is a
3 proposed completely new construction. That new
4 construction meets all of the required setbacks
5 and, in fact, exceeds the required setback on the
6 street side on Central Avenue. The building
7 coverage does require a variance as we are at a
8 14.7 percent overage which is about 40 percent
9 less than what was originally designed, but
10 nonetheless it is a 14.7 percent overage.

11 We do have a technical height variance, as
12 well as front and rear yard height to setback
13 ratio variances, and there is a variance also as
14 we are requesting a one-car garage as opposed to
15 the required two-car garage.

16 With regard to the building coverage
17 variance, the applicant, as indicated, has a
18 growing family, he and his wife have four
19 children, ages three and a half to fourteen. They
20 need more bedroom space, they need a larger home.
21 And in addition to that, they have grandparents
22 who visit on a regular basis, come for stays
23 during holidays and other family events.

24 The building coverage, as much as it is a
25 variance, I think it's very important that the

1 applicant is meeting all of the required setbacks
2 and that really does go to preventing the massing
3 concern that typically comes with a building
4 coverage variance. I think building coverage is
5 one way of controlling massing and as well as
6 setbacks, and because we meet all of the setbacks
7 required here I think the argument could be made
8 that on a smaller lot such as this the Village has
9 many areas where their lots are much larger. This
10 is only a quarter-acre lot. The fact that we are
11 over on the building coverage does not have a
12 negative impact on the surrounding properties
13 because of the fact that we will be meeting all of
14 the required setbacks.

15 The proposed layout is one that will
16 accommodate the needs of the family. That layout
17 is also going to one -- to the main reason why
18 they designed a one-car garage. They wanted to
19 maximize their living area and by doing that
20 without adding further building coverage for a
21 two-car garage, they decided on a one-car garage.
22 In order to accommodate for the lost additional
23 parking space they've been able to double the
24 width of the driveway. They were originally
25 proposing just a single-wide driveway. Now it's

1 going to be a 20-foot-wide driveway that can
2 easily accommodate at least four cars off-street.
3 So there won't be a situation where the lack of a
4 two-car garage is forcing cars out on the street.
5 They have the surface coverage leeway to do that.
6 Even with the widened driveway, they will not
7 exceed their surface coverage. So the two kind of
8 run hand in hand in terms of accommodating the
9 needs to maximize their living area and to try to
10 reduce their building coverage as much as
11 possible.

12 With regard to the height, because this is
13 deemed a mixed roof line, proposed dwelling with
14 flat roofs and gabled or pitched roofs, the
15 requirement -- the height requirement is 27 feet.
16 If it were entirely a pitched roof or gabled roof
17 it would be 30 feet. And I would put it to the
18 Board that if you take a look at the plans, and
19 particularly the roof plan, the only portion of
20 the roof that is flat, and it's really technically
21 not flat because there is a slight grade to it for
22 water runoff, but it's deemed to be the flat
23 portion of the roof, it's a small portion which is
24 situated towards the rear of the residence and is
25 invisible to the eye from the street. You would

1 have to be basically above the house looking down
2 to see that there's an actual flat portion of the
3 roof. So as much as -- as much as technically
4 this is a roof that requires -- a dwelling that
5 requires a 27-foot height, it in fact from all
6 four sides will appear totally to be a pitched or
7 gabled roof dwelling and, consequently, the
8 30-foot height that's requested really has no
9 negative impact as far as the intention of the
10 code goes, and then that plays into the
11 height-to-setback ratios as well for both the
12 front and the rear, 10.2 percent and 8.1 percent
13 overages in that regards. Again, if the roof was
14 deemed appropriate at 30 feet, those variances
15 would diminish or be eliminated and even with
16 those -- even with that extra bulk that's in the
17 outer zone, if you will, the encroachment area its
18 roof line, its gable, it's not something that
19 creates massing towards any of the streets.

20 MEMBER GOTTLIEB: Mr. Bonesso.

21 MR. BONESSO: Yes, sir.

22 MEMBER GOTTLIEB: This is new construction,
23 correct?

24 MR. BONESSO: It is, it is.

25 MEMBER GOTTLIEB: Is there a basement plan

1 that's missing?

2 MR. BONESSO: There is not a basement plan.

3 MEMBER GOTTLIEB: Is there a basement in the
4 existing house?

5 MR. BONESSO: There is a basement in the
6 existing house.

7 MR. MEISTER: Excuse me. There's a
8 crawlspace.

9 MR. BONESSO: There's a crawlspace and that's
10 what's intended here.

11 MEMBER GOTTLIEB: Sorry to interrupt your
12 presentation.

13 MR. BONESSO: No, I think I've covered my
14 main points. I'm prepared to answer.

15 CHAIRMAN KEILSON: I think his question leads
16 to why don't you have a basement?

17 MR. BONESSO: I'll let Mr. Meister explain
18 that.

19 MR. MEISTER: A few reasons. Budgetary
20 reasons, for one. The other reason is that
21 there's water below the surface, so to dig deeper
22 would require -- which plays into budget -- an
23 incredible amount of waterproofing.

24 CHAIRMAN KEILSON: Are there basements on
25 that side of the street or on both sides of the

1 street?

2 MR. MEISTER: I'm not sure.

3 MR. BONESSO: Next-door.

4 MR. FUTERSAK: Jay Futersak, 1 Boxwood Lane,
5 Lawrence, New York 11559.

6 Mrs. Kanner I don't believe has one.

7 CHAIRMAN KEILSON: Across the street they do,
8 Klein.

9 MR. FUTERSAK: Klein has. I believe the
10 Samuels family does have; I don't know for
11 certain. Sonnenblick, I don't know. But
12 Mr. Unger does not have one, number seven;
13 Mrs. Cohen does not have one, number eleven.

14 MEMBER WILLIAMS: On your side of the street
15 you're saying nobody has one?

16 MR. FUTERSAK: No, as far as I -- I mean, I
17 haven't been to everybody's house. The
18 Pluchenicks I believe might.

19 MEMBER WILLIAMS: I know the people on the
20 other side who have. I'm talking about your side
21 of the street.

22 MR. FUTERSAK: Martin and Malka Klein do
23 have, that I can tell you.

24 MEMBER SCHRECK: What about Unger?

25 MR. FUTERSAK: Unger does not, number seven

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1 doesn't. Number 1, 3, 5, 7, Weber does not,
2 Mrs. Cohen does not.

3 MEMBER GOTTLIEB: Was there soil testing
4 done, or is this an assumption?

5 MR. MEISTER: Yes. No, we actually did
6 borings.

7 MEMBER GOTTLIEB: You did borings.

8 MR. MEISTER: I don't have the borings with
9 me, but there is --

10 MR. RYDER: I may have them.

11 MR. FUTERSAK: We submitted it.

12 MR. BONESSO: Mr. Meister, in your
13 estimation, what would the additional cost be to
14 do a basement that would be sufficient to
15 accommodate the fact that there is water in this
16 area and to make sure that there's not seepage?

17 MR. MEISTER: For waterproofing you're
18 looking at with dewatering you could spend a
19 hundred fifty to \$200,000.

20 MR. BONESSO: In addition to the cost of
21 what's proposed?

22 MR. MEISTER: In addition, correct. This is
23 an additional cost.

24 MEMBER GOTTLIEB: My concern is that this is
25 new construction. You're asking for a variance on

1 new construction. I'm never -- you know, we
2 obviously are a Board that's here to grant
3 variances for circumstances and for reasons. When
4 you have new construction and it looks like you've
5 got a beautiful house here, however, you could
6 probably accommodate extra bedrooms and you could
7 put in a two-car garage and you can do other
8 things that you're requesting a variance for, here
9 in fact there was a basement. However, you chose
10 not to do a basement because of a financial matter
11 of a certain cost, and for that reason you're
12 asking us to grant a one-car garage and you need a
13 height variance and coverage which you wouldn't --
14 which you may not need if there was a basement,
15 and I think that's where I was going with this.

16 MR. BONESSO: I could indicate to you if the
17 Board felt that it was necessary to do away with
18 the height variance, we could modify the roof line
19 so that we'd have all pitched or all gabled roofs.
20 We can do away with that flat area, and then we
21 would be entitled to a 30-foot height and we would
22 not be requesting a height variance. And that
23 would also affect the front and rear
24 height-to-setback ratio variances that we are
25 seeking. So that is something that we could do.

1 That would bring us down to simply the building
2 coverage and the one-car garage. And as
3 indicated, I think building coverage is obviously
4 a way -- the intent of a building coverage
5 requirement is to prevent massing. But when you
6 are -- I think that comes into play more when you
7 have a very large lot where the setbacks are just
8 not enough to prevent the impact of building an
9 extremely large house on the property. Where you
10 have a 10,000 square-foot parcel like this one and
11 you are meeting all of those setbacks, front, side
12 and rear, the setbacks in and of themselves are
13 sufficient to prevent that massing effect. And as
14 much as we recognize that the strict code
15 requirement puts us over by 14 percent, we don't
16 think it's an impact that significantly affects
17 the surrounding community or the values of
18 surrounding properties.

19 CHAIRMAN KEILSON: Why would you think that
20 neighbors would write in then objecting to it or
21 calling in as well? We have a letter; I'm sure
22 it's been shared with you.

23 MR. BONESSO: No, it has not.

24 MR. FUTERSAK: It has not.

25 MR. RYDER: It came in yesterday. I did not

1 share it with Mr. --

2 MR. BONESSO: I wasn't aware.

3 MR. RYDER: I apologize.

4 CHAIRMAN KEILSON: Can you give him a copy of
5 the letter.

6 MR. RYDER: Yes, I have a copy.

7 MR. PANTELIS: This is an E-mail received by
8 Mr. Ryder -- to Mr. Ryder, received by Mr. Ryder
9 from (handing) --

10 CHAIRMAN KEILSON: Anonymous neighbor.

11 MR. FUTERSAK: Anonymous neighbor?

12 MR. PANTELIS: Yes (handing).

13 MR. BONESSO: Concerned Boxwood resident.

14 Mr. Chairman, I don't know how to respond to an
15 anonymous letter. I don't know what impact there
16 is on this resident because I don't know where
17 this resident lives.

18 MR. FUTERSAK: Time out, time out, time out.

19 MR. BONESSO: I can tell you that -- well,
20 why don't you discuss.

21 MR. FUTERSAK: From number two on the -- for
22 the proceeding reasons it seems that 3 Boxwood
23 Lane, not that it's officially on the market, but
24 the son who this -- I don't know who it came from
25 or didn't come from -- mentioned that the property

1 is available for sale and if he wants me to
2 purchase it, that's one thing, but I'm not looking
3 to -- I'm not looking to overextend my budget with
4 him. That's first of all, and --

5 CHAIRMAN KEILSON: I think you should respond
6 to the objections, not to the suggestions about
7 how you can remediate.

8 MR. FUTERSAK: I just want to make it clear
9 that, first of all, for someone coming in as an
10 anonymous person, I don't know if that can be
11 taken, you know, as validity.

12 CHAIRMAN KEILSON: I've since identified the
13 individual and he lives on the block, so.

14 MR. FUTERSAK: Can you respond? You're not
15 allowed to say who it is?

16 CHAIRMAN KEILSON: I'm allowed to.

17 MR. FUTERSAK: I think if it's someone who is
18 identified --

19 CHAIRMAN KEILSON: I think you should respond
20 to the substance of it. To suggest that the
21 neighbors or the like are not viewing it as a
22 detriment, I just wanted to point out that there
23 was a letter, and we already received a call from
24 another neighbor also objecting. So it's not
25 simple, and you know it's not a simple matter.

1 MR. BONESSO: Well, with regard to the
2 assertions contained herein, the first one being
3 that it will change the desirability of the
4 neighboring properties, I'm not sure on what basis
5 that assertion is made. Clearly, this would be,
6 as the Board has noted, an extremely attractive
7 house. Again, the setbacks will be fully complied
8 with, and in fact exceeded on the Central Avenue
9 side. So it's not going to be a house out of
10 position or a house out of line with the setbacks
11 that are required.

12 The second one says there is a question
13 regarding whether there is another method for this
14 to be achieved without requiring a variance. The
15 simple answer is yes, the neighboring property is
16 available for sale. Had the applicant purchased
17 that property and merged both properties and then
18 sought to construct the house, the only variance
19 which would be required would be the height. That
20 supposes the ability and the -- and/or the desire
21 to actually buy a second house or that it's
22 available or that there could be a meeting of the
23 minds or whatever.

24 Substantial variance request as well as a
25 number of variances requested, this is too

1 substantial. I think the Board is aware that the
2 courts have determined that the mere number
3 associated with the variance does not necessarily
4 make it substantial in the eyes of the law. It's
5 really the impact that the variance will have, and
6 in this case we certainly argue that this will not
7 have a negative impact.

8 With respect to storm water and safety
9 concerns, they question that it would be a
10 detrimental effect to the environmental and
11 physical conditions. Again, we're not putting in
12 a basement which is actually a more appropriate
13 approach from the standpoint of storm water and
14 runoff. And we are -- we are -- as much as we are
15 doubling the size of the driveway to accommodate
16 for the one-car garage, we have the surface
17 coverage to spare, we are still below surface
18 coverage limitation.

19 I will admit the hardship is entirely
20 self-created, but as the Board knows that is not
21 -- that basis alone is not sufficient to deny an
22 application.

23 MEMBER SCHRECK: Mr. Meister, can we go
24 through the size of these bedrooms. I'm just
25 curious.

1 MEMBER GOTTLIEB: You know, let me know what
2 page you're on.

3 MEMBER SCHRECK: I'm looking at A6. I'm
4 looking at bedroom number four. How big is that?

5 MR. MEISTER: Bedroom number four is
6 fifteen-foot-four by ten-foot-eleven.

7 MEMBER SCHRECK: Fifteen by ten. And number
8 five is what, thirteen-eight?

9 MR. MEISTER: Thirteen-eight by -- bedroom
10 number five?

11 MEMBER SCHRECK: Yeah.

12 MR. MEISTER: Is thirteen-eight by
13 fourteen-nine.

14 MR. BONESSO: For the record, the home is
15 proposing a total of six bedrooms on the second
16 floor, a master bedroom, four bedrooms for the
17 four children, and then a guest room as well for
18 visiting grandparents.

19 MEMBER SCHRECK: Will there be a guest room
20 on the main floor?

21 MR. BONESSO: No, there is no guest room on
22 the main floor. And the main floor only has
23 powder rooms. The only full bathrooms are on the
24 second floor.

25 MEMBER WILLIAMS: How many are on the second

1 floor?

2 MR. BONESSO: Bathrooms, I believe five.

3 MEMBER WILLIAMS: Five bathrooms?

4 MR. BONESSO: One, two, three, four, five,
5 yes, there are five full bathrooms.

6 MEMBER SCHRECK: And bedroom number two is
7 eleven-three by -- is that by thirteen?

8 MR. MEISTER: Yes.

9 MR. BONESSO: Yeah, eleven-three by thirteen.
10 Bedroom four is ten by fifteen-nine. And then the
11 master is seventeen by almost twenty.

12 MEMBER GOTTLIEB: Mr. Bonesso, or actually
13 Mr. Meister, what is the depth of the house, on
14 average?

15 MR. MEISTER: When you say depth, front to
16 back?

17 MEMBER GOTTLIEB: From front to back, but I
18 made it depth as opposed to width.

19 MR. MEISTER: 49 is the widest, and the
20 narrowest is probably about 40.

21 MEMBER GOTTLIEB: So from 40 to 49. The
22 overage, that's 14.7 percent. I just didn't bring
23 my math with me. You are about 400 feet over in
24 building coverage?

25 CHAIRMAN KEILSON: 365.

1 MR. PANTELIS: 366, according to the
2 advertising.

3 CHAIRMAN KEILSON: Okay.

4 MR. BONESSO: Yes, it's under 400, so it's
5 about 360, somewhere.

6 MEMBER GOTTLIEB: In an effort to move this
7 along and possibly satisfy some criticism of my
8 own, you're 14 and a half percent over. If you
9 could make the house a little bit narrower, like
10 two feet narrower, that would -- or two feet on
11 one side, two feet on the other, at an average
12 depth of even 40 feet, I think you would be
13 removing half of what you're asking for or close
14 to bringing it down to about eight percent. Is
15 that something that can be done?

16 MR. BONESSO: We did -- we did take a look at
17 reducing the -- at reducing the building coverage.
18 We tried to get it down. We were not able to get
19 it down to eight percent. I think the most we
20 were able to bring it down to was --

21 MR. FUTERSAK: 14.7. These houses -- the
22 house -- houses were built in 1961, the current
23 structure. They were all built as far as -- we
24 purchased the house in 2002. And we're living on
25 the ground level with three bedrooms, two

1 bathrooms and an upstairs level that's kind of
2 useless. It's really a playroom for the kids. So
3 it's extremely tight. We've tried to minimize the
4 plan in every which way we can and tried to cut
5 down as much as we could, but this is really
6 giving us the basic -- it's necessity. It's not
7 really luxuries. In fact, if we were going for
8 more, we wanted more, we would ask for a two-car
9 garage, but we're prepared to actually just have
10 that as recreational area.

11 MEMBER WILLIAMS: One second. Five bedrooms
12 -- six bedrooms and five bathrooms is not what we
13 call basic. Let's be really -- basic for most
14 people. I'm sorry, go ahead. Just a comment, go
15 ahead.

16 MR. FUTERSAK: Comment well taken.

17 CHAIRMAN KEILSON: The issue is it's new
18 construction. You want to do away with a garage.
19 You don't want to do a basement. You can't have
20 it all, you know. That's the issue.

21 MEMBER GOTTLIEB: And look, we live in the
22 neighborhood. We know there's a need for larger
23 houses, but when I go down your street, for
24 example, it looks like all the houses are rather
25 modest and they're all rather unpretentious and

1 quiet, and that's no disregard for what you're
2 trying to do. But when you talk about changing
3 the character of the neighborhood it starts with
4 one house and the next house and it keeps going
5 and then the street looks a little bit lopsided,
6 the houses don't look -- they don't have to look
7 alike. You have a really big house followed by a
8 one-story ranch and that's the rest of the street.

9 MR. FUTERSAK: The difference as far as
10 changing the character of the block and area, I
11 tend to disagree. Fulton was another house
12 recently went up which you're aware of because you
13 do live in the area. That could change the
14 character of the area. The proposed rendering and
15 schematic that -- I don't know if you saw, does
16 not change the character. We did bring it along
17 so you could see it. But it definitely does not
18 change the character. In fact, it could only add
19 to the character of the block and to the area.

20 MEMBER GOTTLIEB: A8?

21 MR. MEISTER: We have a --

22 MR. BONESSO: Mr. Meister prepared a
23 rendering.

24 MR. MEISTER: -- 3D perspective of the house.

25 MR. BONESSO: Do you want to submit that?

1 MR. MEISTER: Give it to Mr. Pantelis, if you
2 will.

3 MR. PANTELIS: Want to pass these up to the
4 Board.

5 CHAIRMAN KEILSON: Yes, let's circulate the
6 renderings.

7 I think you were better off before the
8 rendering.

9 MR. MEISTER: This house -- there's a house
10 directly across the street on the other side of
11 Boxwood that has a similar type of massing.

12 MEMBER WILLIAMS: It doesn't have the same --
13 it's a bigger property and there are fewer houses
14 on the street, but that's irrelevant. Just tell
15 me, this is Central Avenue (indicating)?

16 MR. MEISTER: That's Central Avenue.

17 MEMBER WILLIAMS: This is the entrance to the
18 house here?

19 MR. MEISTER: Correct.

20 MEMBER WILLIAMS: On Boxwood.

21 MEMBER GOTTLIEB: It seems a little bit
22 different than what's submitted on A8. You've got
23 some eyelash dormers, eyelid dormers. Of course,
24 the 3D shows better. Perhaps it was a
25 modification.

1 MR. MEISTER: The only difference is the
2 location of that round window.

3 MEMBER GOTTLIEB: The one on the third -- the
4 upper level?

5 MR. MEISTER: On the far right side.
6 Actually, that window and the window in the powder
7 room. The height, that's it.

8 MEMBER SCHRECK: This attic -- this is an
9 attic space on the third?

10 MR. MEISTER: No. You mean livable attic?

11 MEMBER SCHRECK: Can somebody inhabit the
12 attic here?

13 MR. MEISTER: No.

14 MR. BONESSO: No, they're proposing a
15 pull-down.

16 MR. MEISTER: Proposing a pull-down
17 staircase.

18 MEMBER WILLIAMS: What's the height on the
19 attic?

20 MR. MEISTER: In certain places it's below
21 five feet. Some places it's around seven feet.

22 MEMBER WILLIAMS: Okay, that's not livable.

23 MEMBER GOTTLIEB: It's a beautiful picture,
24 but I'm looking at what appears to be a very
25 massive house, very nice house, but quite large,

1 quite bulky.

2 MR. MEISTER: Well, again, that's -- that's
3 relative. The --

4 MEMBER GOTTLIEB: It's all subjective for
5 those that are --

6 MR. MEISTER: Well, I mean, but the A8 is the
7 accurate representation.

8 MEMBER GOTTLIEB: Except for those windows on
9 what appears to be the attic.

10 MR. MEISTER: The height might.

11 MEMBER GOTTLIEB: Is there attic windows
12 there? I think they're called eyelash dormers.

13 MR. MEISTER: Oh, yeah, those are strictly
14 decorative.

15 MEMBER GOTTLIEB: I don't see them here.

16 MR. MEISTER: You can't see them because of
17 the pitch of the roof.

18 MEMBER GOTTLIEB: Got it. That's what I was
19 looking for.

20 CHAIRMAN KEILSON: I think Mr. Gottlieb made
21 a very good recommendation. Any other comments?

22 MEMBER SCHRECK: It's a beautiful house. I
23 just think the one-car garage looks a little
24 ridiculous with a house as magnificent as this.

25 MR. FUTERSAK: We're utilizing it for --

1 MEMBER SCHRECK: I understand, I understand.

2 CHAIRMAN KEILSON: Okay. Is there anyone in
3 the audience who wants to speak to the matter?

4 MR. PANTELIS: Can we go off the record for a
5 moment?

6 MR. FUTERSAK: Can I have a moment,
7 Mr. Chairman.

8 CHAIRMAN KEILSON: Sure.

9 MR. BONESSO: May we take a few moments
10 outside?

11 CHAIRMAN KEILSON: Yes. I'll have Weiss come
12 back.

13 (Whereupon, a recess was taken; the hearing
14 was recalled.)

15 CHAIRMAN KEILSON: We're back on the record.

16 MR. BONESSO: Mr. Chairman, thank you for
17 your patience. We did have a chance to speak. As
18 we're looking at it now, we've identified a way to
19 bring the building coverage variance down to
20 approximately 11.2 percent. And in addition to
21 that, what we could do is make a modification to
22 the garage to make -- create a two-car garage; it
23 would be 18 feet wide by 20 feet deep, instead of
24 the required 20 feet by 20, but it would present a
25 two-car garage door, it would have the appearance

1 of a typical two-car garage, so we would be
2 providing it. Albeit slightly smaller than
3 required, it would be a two-car garage and we
4 would also be reducing the building coverage to
5 approximately 11.2 percent.

6 MEMBER GOTTLIEB: Can you tell me what you're
7 giving up to accomplish the 11.2 percent, please.

8 MR. BONESSO: Mr. Meister described it as
9 we're basically taking out sections interior and
10 pushing the house.

11 MEMBER GOTTLIEB: So you're narrowing down
12 the house?

13 MR. MEISTER: Narrowing down the house and
14 making the house a little bit smaller.

15 MR. BONESSO: We'll be increasing the
16 side-yard setbacks slightly to make the house less
17 wide.

18 MR. MEISTER: What we can do is we can pull
19 the house away from Central, or I could pull the
20 house away from the neighbor's property, I mean,
21 either way.

22 MEMBER GOTTLIEB: You didn't have a side-yard
23 problem so it didn't matter which way, I guess.

24 MR. MEISTER: I don't have a side-yard
25 problem either way. As far as the height issue,

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1 that -- I can bring the -- do all pitched roofs,
2 so that would disappear. And I could get a
3 two-car garage at 18 feet.

4 CHAIRMAN KEILSON: Okay. How do we reduce
5 this to writing? Because it's a little more
6 complicated than just --

7 MR. PANTELIS: Yes.

8 MR. BONESSO: I think if you want to do what
9 was suggested on the other plan. If you want to
10 close the hearing and then we will submit plans
11 for the Board's review and consideration and
12 approval, we would.

13 MR. FUTERSAK: Why can't we write it up and
14 write up an order? Can we write up a stipulation,
15 or it doesn't work that way? I don't know, first
16 time here.

17 MR. PANTELIS: Well, we don't have
18 dimensions.

19 MR. BONESSO: Yeah, Mr. Meister has to
20 actually do the calculations.

21 MR. FUTERSAK: Whatever you say, Bill.

22 MEMBER WILLIAMS: What happens if you wrote
23 it up and you come back and say it doesn't work?

24 MR. FUTERSAK: The architect will write it.

25 MEMBER WILLIAMS: In five minutes?

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1 MR. MEISTER: No, I would need to --

2 MEMBER WILLIAMS: I imagine he's going to
3 need more time than that.

4 MR. PANTELIS: I think the Board can indicate
5 if it's within those parameters to be satisfied
6 with that, to give the applicant guidance on that.

7 MR. FUTERSAK: Appreciate that.

8 MEMBER GOTTLIEB: Just so I understand, the
9 variances are maximum coverage we're going to use
10 percentage is going to come down to 11.2 percent.

11 MR. BONESSO: Correct.

12 MEMBER GOTTLIEB: The front yard height back
13 ratio still maintains at the 10.2 overage?

14 MR. BONESSO: Well, if we're changing the
15 roof to a fully pitched roof, that will change and
16 be reduced, if not eliminated.

17 MEMBER GOTTLIEB: So reducing or eliminating
18 the height/setback ratio to the front.

19 MR. BONESSO: Also eliminating the height
20 variance.

21 MEMBER GOTTLIEB: The rear-yard height
22 setback, would that change also because you're
23 reducing the depth?

24 MR. BONESSO: That would also change.

25 MR. MEISTER: Again, with 30 feet and 27 feet

1 the angle is different.

2 MEMBER GOTTLIEB: Yeah. The garage being
3 18 feet, that's fine.

4 MR. PANTELIS: Two-car garage with the
5 modified dimensions.

6 MEMBER GOTTLIEB: Two-car garage 18-feet wide
7 versus the proposed 10 and 20. And the height is
8 no longer going to be an issue. It's no longer a
9 mixed roof; it's a traditional pitched roof.

10 So with all these conditions that I just set
11 forth in front of you, I am in favor of this
12 application.

13 CHAIRMAN KEILSON: Mrs. Williams.

14 MEMBER WILLIAMS: Obviously, after somebody
15 sees the actual plans, I'm in favor.

16 CHAIRMAN KEILSON: Mr. Schreck.

17 MEMBER SCHRECK: I'm in favor as well.

18 CHAIRMAN KEILSON: Mr. Henner.

19 MEMBER HENNER: I'm in favor too.

20 CHAIRMAN KEILSON: And I as well.

21 MR. FUTERSAK: Thank you.

22 CHAIRMAN KEILSON: What's the timetable on
23 this? How do we do this?

24 MR. BONESSO: Mr. Meister, how long will you
25 need to send it in?

1 MR. MEISTER: I need a week.

2 MR. RYDER: I guess I'm the one who is
3 writing all this down. Plans what we just
4 discussed, the numbers that were agreed upon are
5 granted. Then we'll eliminate the other
6 variances. Upon receipt, then I can do a --

7 MR. PANTELIS: I think what would be best is
8 that if the Board, at least even if it's by
9 transmittal, sees at least the cover sheet with
10 the new calculations.

11 MR. MEISTER: Can I send to all PDF for your
12 E-mail, via E-mail?

13 MEMBER GOTTLIEB: Works for me.

14 MR. RYDER: We prefer it.

15 MR. PANTELIS: Send it to Mr. Ryder and he
16 will transfer it.

17 CHAIRMAN KEILSON: Mr. Ryder will circulate
18 it.

19 MR. MEISTER: Okay.

20 MR. RYDER: Two years and Board of Building
21 Design review.

22 MR. MEISTER: Okay.

23 MR. BONESSO: Thank you again for your
24 patience and your cooperation.

25 MEMBER GOTTLIEB: Good luck with the house.

1 MR. FUTERSAK: Thank you, appreciate it.
2 Appreciate your time.

3 (Whereupon, the hearing concluded at
4 8:47 p.m.)

5 *****

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

9
10 Mary Benci

11 MARY BENCI, RPR
12 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 January 30, 2013
7 8:47 p.m.

8 APPLICATION: Marx
9 5 and 7 Keewaydin Road
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Marx, will they or their
2 representative please step forward.

3 MR. GOLDMAN: Ronald Goldman. Good evening,
4 Mr. Chairman and members of the Board. I want to
5 thank you on behalf of my clients for the
6 attention that I know you've already given to this
7 matter, and that I'm certain you'll give to this
8 this evening as well.

9 I'm here representing the Marx family,
10 Mr. and Mrs. Marx, their son is here as well. I'm
11 also accompanied by Warren Schiffman, who is their
12 architect, and Yasni Tischler (phonetic)who is
13 the director of development of this project, and
14 others as well. All of whom are familiar with the
15 application, as are you.

16 I know this is a hot Board. I know that you
17 have pretty much a sense of what it is you're
18 looking for. I also know what it is that you're
19 not looking for and your approach to this kind of
20 an application. Clearly, there's a concern that
21 you're going to use the word "massive" and you're
22 going to use the word "large," et cetera. And to
23 the extent that that may be the applicable words
24 in the case of other applications that have been
25 before this Board, I would suggest to you that

1 this particular one is unique for an extraordinary
2 number of reasons.

3 I suggest to you to please consider the
4 following: First of all, it's a unique situation.
5 That's not my terminology for it. That was what
6 was determined by this Board of Zoning and Appeals
7 sitting with other members as well, but sitting as
8 the Board for the Village back in 2007. That term
9 "unique situation" was applied to this
10 application. When I say this application, because
11 but for certain differences and certain nuances
12 it's essentially the same application that was
13 presented to that Board and granted to that Board
14 back in 2007.

15 And not without any particular order, if you
16 will, this is unique on a whole bunch of fronts.
17 I mention that because I know that this Board is
18 concerned about setting a precedent, about
19 deviating from the numbers that were arbitrarily
20 set, not by this Board, but by the Trustees, the
21 fact that on a two-lot -- a two-lot owner is at a
22 disadvantage in certain ways rather than a single
23 lot owner. All these things are stuff that you've
24 inherited, nevertheless you have to live with, and
25 yet on a case-by-case basis you might have to step

1 away and say, you know what, I hear what you're
2 saying, but in this particular case we can in fact
3 -- what's the word I'm thinking of -- grant a
4 variance, grant relief because that's exactly what
5 you're here to do.

6 I suggest to you the following situation, and
7 again, it's not in any particular order, but it's
8 all germane. The first thing is that this
9 particular application is unique because of its
10 physical situation. As was noted in the 2007
11 application, this is what they referred to as the
12 Marx valley where because of the way in which the
13 property is situated there is a depression, if you
14 will, and thus when they build it, even if they
15 wanted to maintain the height of other buildings
16 in the area, they would have to be 32 foot, rather
17 than the 30 because of the depression by virtue of
18 the topography of the land. That was a given, and
19 that was cited by the Board as one of the things
20 that makes this unique.

21 Why is it relevant? Because we're asking as
22 one of the variances we're asking for a height
23 variance to make it 32 foot. But in making it
24 32 foot leaves it at 30 feet and certainly doesn't
25 dwarf or overwhelm any of the other properties in

1 the environment.

2 It's also unique because of where it's
3 located. It's on a beautiful block, Narragansett,
4 but it's a cul-de-sac, and not just a regular old
5 cul-de-sac --

6 MR. RYDER: Keewaydin.

7 MR. GOLDMAN: Keewaydin, I'm sorry. I was
8 thinking about another case.

9 CHAIRMAN KEILSON: The other client.

10 MR. GOLDMAN: The other client. The bottom
11 line here is that the nature of the cul-de-sac is
12 such that that bubble compromises the whole front
13 yardage and the whole front-yard setback. And as
14 it was noted in 2007, and you have that transcript
15 in front of you, but for that peculiarity of the
16 cul-de-sac, even that application is not
17 outrageous, nor would it not be granted. Nor
18 would it perhaps in some situations even be
19 necessary.

20 Now, you could argue, well, you could
21 restrict -- and they discussed that at that time
22 to make a straight line across. But that, of
23 course, would compromise Keewaydin and that
24 wouldn't be a good idea. Nevertheless, it's
25 germane to this application, but it's unique to

1 this particular application.

2 More on a dramatic level is the fact that
3 this is a combination of two lots. This is not
4 one lot trying to squeeze a house into it. This
5 is two separate lots that were purchased with the
6 idea of taking two -- I don't want to say
7 ramshackle, because, thank God, nothing in
8 Lawrence is ramshackle, but certainly two homes
9 that demolishing them would not be adverse to the
10 interests of the community, and taking those two
11 homes and combining one, is combining that lot
12 into a beautiful home that could accommodate
13 everyone, and in so doing not impose on any side
14 yards, not impose on the backward, and only the
15 front yard, but only for the reasons I cited
16 because of the peculiarity of Keewaydin.

17 It's two lots, so you could have two lots
18 that are two teeny weeny little lots, and now you
19 could have one semi-tiny lot, but that's not the
20 case in this particular situation. When you
21 combine the two lots you have 29,000 square feet.
22 Twenty-eight something, 29,000 square feet. When
23 you complete this construction, if you permit it,
24 you will be occupying only 23 percent of that lot.
25 So to the extent that the law and the numbers, if

1 you will, are applied to it, there's a certain
2 reality. There's something as -- not to quote the
3 Secretary of State, but what difference does it
4 make? The bottom line here is it makes a big
5 difference because in reality you're putting one
6 house on a lot that can certainly accommodate it,
7 and you're not taking advantage of that lot and
8 making it overwhelming. You're not massing on
9 that lot. You're not creating a massive entity on
10 it.

11 It's unique for another reason as well.
12 Currently, there are two houses on it. Well,
13 there had been two houses; now there's one. One
14 was demolished. But in reality, you could in fact
15 create two houses on these two lots, if you will.
16 And were you to do that, you -- and were those
17 houses to be granted variances, not extraordinary
18 variances, but ones that you might be inclined to
19 grant even eight percent, seven percent, nine, not
20 even the twelve or thirteen or fourteen or fifteen
21 that people will frequently ask for, but were you
22 to grant those variances on those two new
23 structures, you would be pretty much comparable to
24 that which is being built or being suggested for
25 this one, one house.

1 Furthermore, if you were to have the two
2 houses which they could build as of right, you
3 would certainly have additional curb cuts, you
4 would have additional traffic, you would have
5 additional burden on the community by virtue of
6 having two houses, two families, rather than the
7 one.

8 Now, if I can continue, essentially what
9 we're talking here is almost -- I don't want to
10 dramatize it, but it's almost a victim of
11 statutory interpretation in terms of what's being
12 put out and what's being required and what's being
13 allowed. And again, it's a -- given the time of
14 when the statute was passed that you're truly
15 operating under, but which we're asking you to
16 give a variance from, at that time the nature of
17 the community was such that there was a
18 frightening -- there was a concern about
19 overbuilding on smaller lots and then taking
20 larger lots and ruining the entire atmosphere.

21 Here, this structure would be consistent with
22 Keewaydin. It wouldn't be out of character with
23 the other homes that are on that block. It
24 certainly wouldn't impose because there's no
25 side-yard variance, no backyard variance,

1 et cetera, et cetera, being sought. So it
2 wouldn't compromise anyone. It's also at the end
3 of the block so it's not as if it's dwarfing
4 anything or anyone.

5 It's an interesting and, again, a unique
6 situation by virtue of the nature of the
7 particular lot and plot as it's laid out. Rather
8 than the traditional center-hall colonial that
9 allows you to come in and keeps going towards a
10 depth and there is space behind space behind
11 space, here it runs from side to side, from left
12 to right, if you will. It's almost kind of like a
13 hybrid ranch, if you will. And so what's
14 happening here is instead of going in toward the
15 depth of the property it has to run from side to
16 side. And that has certain implications.

17 One of those implications is the fact that
18 when you're looking at it you have no choice but
19 to build it wide. The second implication,
20 however, is that in order to build it and make it
21 usable, there has to be what's called circulation
22 space, which for those of us who are laymen are
23 essentially corridors and halls. This particular
24 property as it would have to be utilized will have
25 an additional 1,200 feet of circulation space

1 because of the nature of the way it's built. Now,
2 obviously, every house has halls and every house
3 has corridors, but this one in order to make it
4 viable for the people living within it has to have
5 this additional approximately 1,200 square foot of
6 circulation space. No way to avoid that.

7 Now, you might say, well, maybe there is a
8 way to avoid that. Maybe there is a way to avoid
9 this whole entire application. That's what also
10 makes it unique. These folks have lived in the
11 community for I believe it's fourteen, sixteen
12 years. In the course of that time they have
13 employed the services of I think it's four plus
14 architects or five in trying to come up with ways
15 to utilize this space appropriately. And they
16 haven't been able -- no one's been able to do it
17 but for this particular plan. They've even
18 considered the idea of making a circular kind of
19 arrangement in the house; it's just not viable.

20 So when you talk about a unique situation and
21 you say, well, what are your alternatives? What
22 are your alternatives? Two houses? Not a good
23 idea for the community. An alternative plan in
24 terms of the house itself, not a good idea.

25 The issue, too, and the origin of these

1 statutes that you're considering in terms of the
2 overage and the huge number that sort of emerges
3 from this application in terms of surface
4 coverage, building coverage in particular, it
5 comes about because there was a desire to preserve
6 the green grass, that the bigger the lot, you
7 didn't want people to come in and take essentially
8 gimongous lots that were essentially landscaped,
9 natural landscaped, and fill it up with building.
10 That's not happening here. There's a preservation
11 of well over 57 percent of the 29,000 square feet
12 that's going to remain green.

13 Even the parking space that you see on the
14 left-hand side of the application is going to be
15 through utilizing a new porous substance that's
16 the state of the art in terms of maintaining the
17 greenery.

18 There's a concern for neighbors in terms of
19 the foliage and the retention of the landscaping.
20 So from that perspective, that which the
21 application is concerned about, in terms of the
22 overage and 68 percent and this huge, frightening
23 number, it might be frightening but it may not be
24 applicable and certainly not in this unique
25 situation.

1 But what also makes this a unique situation
2 is that it ain't a new one. You've ruled on this
3 before. The issues that came up before in terms
4 of overage, of substantial overage, of considering
5 the peculiarities of the cul-de-sac and the Marx
6 valley, as we call it, this is all stuff that's
7 been considered. A Board comparable to your own
8 ruled in favor of this application. But for
9 circumstances that were essentially beyond the
10 control of the applicant, this would have been
11 built and it would not be before you. And it
12 would not have compromised the community because
13 apparently back in 2007 your peers, if you will,
14 agreed that it wouldn't and granted it.

15 Now, there's a -- there's a small difference
16 between the 2007 application in terms of the
17 square footage and this one, but that's done in
18 order to preserve the backyard and make it better
19 for the backyard resident who lives behind them.
20 So essentially what has happened is that they've
21 taken something that was granted to them and they
22 have improved upon it.

23 But also what makes it unique --

24 CHAIRMAN KEILSON: Are you winding down?

25 MR. GOLDMAN: No, I'm not winding down. This

1 is a matter that is of great concern to the Board.

2 CHAIRMAN KEILSON: Then I'm going to start
3 interrupting you and deal with the issues.

4 MR. GOLDMAN: Well, I would respectfully ask
5 that you not.

6 CHAIRMAN KEILSON: I'm sorry, I won't
7 remember all the details.

8 MR. GOLDMAN: I have confidence in the
9 Chairman.

10 CHAIRMAN KEILSON: I understand, but I don't.
11 Okay, I don't.

12 MR. GOLDMAN: Well, I have only then a few
13 more issues.

14 CHAIRMAN KEILSON: Please.

15 MR. GOLDMAN: And I'd like to create a
16 complete record here and I might not remember the
17 positions --

18 CHAIRMAN KEILSON: Nevertheless, I won't
19 remember, and then I'll have to ask you to repeat
20 everything again and we'll have to sit down and
21 listen to the entire repetition. If you're
22 heading toward the conclusion, fine; if not, then
23 I'd like to start getting to some of the things
24 you raised which I may not remember.

25 CHAIRMAN KEILSON: Well, if I may, I'd like

1 to finish.

2 CHAIRMAN KEILSON: Please.

3 MR. GOLDMAN: And I will speed it up in
4 deference to the reporter.

5 What makes this unique too is the fact that
6 you've seen anonymous letters, non-anonymous
7 letters of opposition in other matters. In this
8 particular case there's support from the
9 neighbors. The neighbors are here. The people
10 who are most effectively impacted and dramatically
11 impacted, assuming there is any kind of impact,
12 are here to be supportive of it. It's their
13 community, it's their neighborhood, it's their
14 block, and if it wasn't consistent and supportive
15 of what they want as a neighbor and in a
16 neighborhood they would be here to tell you.

17 I would note too that there's one individual
18 who is not here who doesn't want to remain
19 anonymous, Dr. Abittan, who is the adjacent
20 neighbor and he's supportive of it as well.

21 I am winding down.

22 CHAIRMAN KEILSON: Good.

23 MR. GOLDMAN: Obviously, in terms of need,
24 we've indicated the need. The need is, is that
25 there's an expanding family, there's as recently

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1 as this past week one of the parents of the owners
2 was stricken with a heart attack. That was
3 addressed and there's a substantial likelihood
4 that he and other members of the family may be
5 coming to be with the Marxes. And part of this
6 house is designed in such a way to accommodate
7 elderly parents. Not only, thank God, young and
8 vibrant families that are expanding and need the
9 rooms as well when they visit, and which they
10 will, but elderly as well. And one of them is to
11 accommodate not only the elderly people
12 themselves, but their support people.

13 If there's any issues about environment,
14 that's been addressed back in 2007, but certainly
15 now here tonight as well.

16 I'm not going to go over at this juncture,
17 because the Chairman wants to move along, where
18 the 712 and the statute is being addressed on each
19 and every point. The only thing I would end with
20 and it's important because in all of the years
21 that I've appeared before you I've done you a
22 disservice because the phraseology of the statute
23 says that they're asking you to balance the
24 benefit to the applicant, and we've never, at
25 least in my experience, really defined the word

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1 benefit as the legislature uses it. But the
2 benefit is anything that's continuing to improve
3 the space. It doesn't have to be a desperate
4 need, it doesn't have to be a hysterical desire,
5 but anything that benefits the applicant and
6 doesn't serve to the detriment of the community.
7 And by detriment it uses the words health, safety,
8 and welfare of the neighbors and neighborhood.

9 And in this particular case the Board in 2007
10 recognized that it doesn't compromise health,
11 safety and welfare, and while there may be a
12 deference into setting a precedent or to the
13 statute, in this particular case it's so unique
14 that you would not be setting any kind of a
15 precedent but simply making a beautiful area even
16 more beautiful and allowing a family to enjoy
17 their property and use it to the way in which they
18 wish to use it.

19 I have more to add, Mr. Chairman, but I'll
20 defer to you in terms of questions.

21 CHAIRMAN KEILSON: Thank you so much. I
22 think in listening to your presentation that one
23 could be confused to think that we're ruling on
24 the 2007 request. And notwithstanding the fact
25 that you termed the differences nuances, I think

1 one would have to concede that there are dramatic
2 differences between the 2007 request and the 2013
3 request and we're not here to rule on the 2007
4 request. There are significant differences in
5 building coverage; there's dramatic differences in
6 surface coverage. Where there was no excess
7 surface coverage in 2007, today there's 26 percent
8 overage. The front yard went from 25 feet in
9 terms of encroachment, down to 17. The front
10 yard, the ratios are dramatic, so there's a
11 tremendous bulk up since 2007, and I think really
12 that's what we are here to decide and discuss
13 tonight's application and not the 2007
14 application. If we were here to discuss 2007,
15 that would be something else, but that's not
16 tonight's discussion.

17 MR. GOLDMAN: I'm not suggesting it. If I
18 might just respond so that I don't forget.

19 CHAIRMAN KEILSON: I'm not asking you to
20 respond.

21 MR. GOLDMAN: Well, I might forget.

22 CHAIRMAN KEILSON: Take notes. I think you
23 should take notes, okay.

24 I think we have to sit here and rule on
25 tonight's application. Tonight's application is

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1 excessive in many, many areas, and that's where
2 the Board has to be concerned, okay.

3 MEMBER GOTTLIEB: At what point can I jump
4 in?

5 MR. PANTELIS: Just as a matter of law, the
6 2007 application was not pursued, extensions of
7 time were not obtained and, therefore, in effect
8 you have a nullity, you're not able to base your
9 application in any way upon a 2007 application.

10 MR. GOLDMAN: We're not suggesting that, nor
11 that we would. Nor have we indicated that we're
12 relying on it. Nevertheless, common sense demands
13 that one certainly defer to the reasoning and the
14 approach taken by a prior Board; and certainly,
15 there is no reason to think that that prior Board
16 cared any less about the Village and its residents
17 than this one currently does.

18 CHAIRMAN KEILSON: We who sat on that Board
19 that evening may have looked at it differently
20 because the numbers were dramatically different.

21 MR. GOLDMAN: Let me just correct you.

22 CHAIRMAN KEILSON: Don't interrupt me,
23 Mr. Goldman. Okay, don't interrupt me.

24 MR. GOLDMAN: I didn't intend to interrupt
25 you.

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1 CHAIRMAN KEILSON: Good. We have a
2 dramatically different presentation tonight and
3 that's the one we should be addressing, not the
4 reasoning of 2007 because it's not relevant any
5 longer because the numbers are dramatically
6 different, okay, and so we have to look at it as
7 it appears tonight.

8 MR. GOLDMAN: More than happy to do so.

9 CHAIRMAN KEILSON: Mr. Marx would like to go
10 on the record.

11 MR. MARX: My name is David Marx. I'm the
12 resident of 7 Keewaydin Road. I just want to
13 point out the surface coverage in 2012 was 11,121
14 square feet. The surface coverage in 2007 was
15 11,509 square feet.

16 CHAIRMAN KEILSON: Mr. Ryder, that's not what
17 you gave us.

18 MR. RYDER: Okay. I just went off
19 documentation. Again, it's from six years ago and
20 I'm bringing it to the Board from a review.

21 MEMBER GOTTLIEB: Not that's it's relevant
22 but it is noted because, again, we're not looking
23 at 2007.

24 MR. GOLDMAN: I understand that.

25 MEMBER GOTTLIEB: This is a new day. There

1 are new Board members and we're considering this
2 as the 2013 request.

3 MR. GOLDMAN: And we're more than happy to
4 stand on the current application, obviously.

5 MEMBER GOTTLIEB: You made an eloquent and
6 absolutely beautiful presentation, but the fact is
7 I have numbers and papers in front of me which
8 portrays a little different situation. You used
9 such words as unique, special circumstance and
10 beautiful, but I'm looking at I think something
11 which is a 20,000-square-foot house, although I
12 really need to check the numbers on that, but I
13 just multiplied that.

14 MR. MARX: The first and second floor are
15 less than 13,000 --

16 MEMBER GOTTLIEB: It looks like you have a
17 livable lower level. Very finished.

18 MR. MARX: That's not important.

19 MEMBER GOTTLIEB: It may not be important to
20 you, but the fact is that we're looking at -- when
21 you look at the whole picture, it's a 21,000-foot
22 house, sitting on a lot of 28,000 feet.

23 MR. MARX: 29,000.

24 MEMBER GOTTLIEB: 29,000, duly corrected;
25 28,908, I think.

1 MR. GOLDMAN: Right.

2 MEMBER GOTTLIEB: I think we take a lot into
3 consideration. The fact is this is -- to use not
4 words like unique and special circumstances, this
5 is massive. This is huge. This is -- this is 68
6 percent beyond. This is not you're asking for 15
7 percent and we're going to see if we can
8 negotiate, which we don't do. This is -- which we
9 never do. This is 68 percent overage, all right.
10 We're leaving the percentages aside for now.

11 I did some minor calculations, and I
12 understand when you have two lots you're being
13 penalized. Your base lot your given for building
14 area, for argument sake, your given 17 percent on
15 your base lot, and for the excess lot you're only
16 given 8 percent. I thought I would come up with
17 something and be generous and do the entire lot at
18 17 percent instead of partially at 17, partially
19 at 8, and that gives you a building coverage
20 allowance of 4,914 feet, which is still you're
21 asking for about 50 percent more than that.

22 MR. MARX: Mr. Gottlieb, can I just address
23 one thing? I don't think my attorney properly
24 stated one fact. My hallways -- I just want to
25 make sure you fully comprehend the uniqueness of

1 the site.

2 MEMBER GOTTLIEB: He expressed the flow.

3 MR. MARX: The hallway -- because the house
4 is set back so because of the cul-de-sac and I
5 bump up against the rear yard right away, the
6 house has a depth of 35 feet, 35 feet. So it's a
7 lineal house. I have close to 2,000 square feet
8 just of hallways on the first floor because there
9 has to be an entire lineal hallway across the
10 entire first floor, which a normal house would not
11 have, but I only have a depth of 35 feet. So what
12 ends up happening is that whereas my attorney said
13 I have 1,200 square feet of hallways. He
14 anticipated 1,200 extra than a normal situation
15 wouldn't have. If you took the normal 4,000
16 square feet that would normally be allowed on this
17 lot --

18 MEMBER GOTTLIEB: Your house would be
19 hallways.

20 MR. MARX: Exactly. I have 2,000 square feet
21 of hallways. We've tried so hard to make this
22 work any which way. It doesn't work because we
23 have 2,000 square feet of hallway on the first
24 floor. We have a unique situation. The house is
25 pushed all the way back up to the rear yard. We

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1 have this bar that we're left with.

2 MEMBER SCHRECK: Mr. Marx, you're talking
3 about a 17-by-17-foot laundry room.

4 MR. MARX: That's in the basement. I'll take
5 it away. That's the basement. Only because I
6 want to make sure you understand that the basement
7 ended up to be bigger because the first floor had
8 to be larger. We just fit things in the basement.
9 That's basement.

10 Yes, we added an indoor pool in the basement.

11 MR. GOLDMAN: And there's no way to change
12 the status of that first floor. There's been
13 extensive efforts to do so. Thirty-four foot is
14 the depth and that's the best you can do.

15 MR. PANTELIS: Mr. Goldman, you were talking
16 about the uniqueness of it, and in a sense hasn't
17 the applicant created that uniqueness by seeking
18 to combine two lots which when you look at the
19 configuration of it on the radius map and even on
20 the aerial photographs that configuration is now
21 out of character with the area, and the design
22 that you're forced to -- or let's say follow or to
23 create to make up for that configuration is
24 creating some of that difficulty that you're
25 referring to with long hallways and not enough

1 depth with the lot?

2 MR. MARX: If you come down Causeway --

3 MR. PANTELIS: I'm asking because Mr. Goldman
4 had sort of cited the legal standards that we're
5 supposed to look at, and you did refer to
6 uniqueness, but I think that's a self-created --
7 really a self-created hardship in that sense.

8 MR. GOLDMAN: Well, first of all, it would
9 not be binding that it is in fact self-created.
10 That's obviously.

11 The second thing is that what it's doing is
12 it's in response to the situation as they found
13 it. Now, to say that, well, they bought a double
14 lot and they've got to live with it, to that
15 extent, you know, this is a quality-of-life issue.
16 Before we talked a small lot that they were
17 overbuilding. Now we're talking about trying to
18 accommodate on a visual and aesthetic and a
19 practical level by having two lots.

20 MR. PANTELIS: I'm not sure you've answered
21 the question, but a follow-up question then with
22 maybe your architect, whoever prepared this, it's
23 a very nice diagram but it is rather instructive.
24 What is the average footprint of these houses that
25 you depicted that surround the subject property?

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1 MR. MARX: I could answer that. If you look
2 to the side where Dr. Abittan is building a new
3 house, he's, I believe -- no, sort of on an angle.

4 MR. GOLDMAN: Back, Michael, further back.

5 MR. MARX: I believe he has a house that's
6 approved over 5,000 square feet, I believe.

7 MR. RYDER: I'm sorry, this is Abittan's
8 house on Juniper Circle.

9 MR. MARX: He has approved plans there.

10 MR. RYDER: This is the one with the
11 foundation.

12 MR. MARX: Right, but he's building also in
13 back of me. He has approved plans to build over
14 5,000 square feet. That was a variance that was
15 approved around the same time as mine.

16 MR. RYDER: I'm sorry, sir.

17 MEMBER WILLIAMS: If he didn't build, it's
18 not happening because it doesn't matter because
19 it's five years ago.

20 MR. MARX: He said it's happening.

21 MR. GOLDMAN: The truth of the matter is --

22 MR. MARX: If you go down Causeway all the
23 houses are large houses.

24 CHAIRMAN KEILSON: Yeah, but they're not
25 encroaching to the front yard. The height/setback

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1 ratio is just --

2 MR. MARX: The encroachment on the front yard
3 is minimal. As a matter of fact, the two side
4 yards are all 20-foot side-yards. As opposed to
5 if you put two houses there they would be 15-foot
6 side yards. And the rear yard is greater than --

7 CHAIRMAN KEILSON: The front height/setback
8 ratio is so dramatically offensive at 0.94 as
9 compared to the 0.63 that's permitted and was
10 requested by you previously. So, obviously, the
11 house in 2007 would have, you know, served your
12 purposes. That which you had submitted.

13 MR. MARX: We brought down -- I understand
14 from the house in '07 to here we were out back.
15 We were encroaching on the rear yard, now we're
16 not anymore. Can I --

17 CHAIRMAN KEILSON: I have that.

18 MR. MARX: I have a diagram for you which
19 shows the capacity. We've brought down the degree
20 of encroachment on any front or rear yards. We
21 brought it down by 500 feet.

22 CHAIRMAN KEILSON: No, the front yard -- the
23 front yard increased.

24 MR. MARX: We did that to accommodate the
25 rear yard.

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1 CHAIRMAN KEILSON: But the front yard is the
2 most overwhelming part of it.

3 MR. GOLDMAN: Overwhelming though to whom?
4 It doesn't overwhelm any adjoining properties.
5 It's a cul-de-sac. It doesn't overwhelm the
6 across-the-street neighbor because that party
7 isn't there. In terms of the detriment to anyone
8 else, forgetting the benefit here, it may be
9 there, but what's the detriment? It hasn't -- it
10 doesn't impact anyone's else's air, heat, light.

11 MR. MARX: My neighbors are all --

12 MR. GOLDMAN: The neighbors are here who
13 would be impacted, and they're not fly-by-night
14 neighbors who don't care because they're selling
15 or whatever it may be.

16 CHAIRMAN KEILSON: As you know, we don't only
17 discuss the immediate neighbors, we talk about the
18 neighborhood and precedent in terms of --

19 MR. GOLDMAN: That is exactly why we
20 suggested, Mr. Chairman, why you don't have to be
21 frightened. One, this Board is not bound by
22 precedent, and I don't mean frightened in a
23 disrespectful fashion. One doesn't have to be
24 frightened of setting a precedent here because it
25 is in fact a unique set of circumstances with that

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1 cul-de-sac. Should we make an application to the
2 Village to cut the straight line across? But for
3 that cul-de-sac you wouldn't have that
4 encroachment in the front.

5 And what is it encroaching toward? It's not
6 getting any closer towards anyone's house; it's
7 simply getting closer, if you will, to the
8 cul-de-sac, and it doesn't impact negatively.

9 MR. MARX: We have a study done showing the
10 cul-de-sac filled in, and that encroachment on the
11 front yard would not be an encroachment. So
12 visually, I don't believe it's encroaching on the
13 front yard.

14 CHAIRMAN KEILSON: Visually, it will be,
15 because of the height/setback ratio, and that's
16 how we judge it. Are you on the record or --

17 MR. GOLDMAN: Excuse me one second. I'm
18 sorry.

19 MR. MARX: The point is if you view the
20 height/setback ratio from the street as opposed
21 from the end of the cul-de-sac, but if you view it
22 from the street as it should be, I think you would
23 find that the height/setback ratio meets with the
24 criteria. Do you understand when you start from
25 the end of the cul-de-sac, from the indentation of

1 the cul-de-sac, and you create an angle to
2 determine the height/setback ratio, yes, it's more
3 dramatic. But if you set it back from an
4 artificial line where the street should be without
5 the cul-de-sac, I don't think you'd find that I'm
6 in any encroachment on the height --
7 height/setback ratio.

8 MR. GOLDMAN: I think the architect would
9 also want to address this issue and has additional
10 documentation.

11 MR. SCHIFFMAN: My name is Warren Schiffman,
12 S-C-H-I-F-F-M-A-N. I'm the principal of DSM
13 Design which prepared these drawings for Mr. Marx.
14 We were requested by Mr. Ryder to prepare a height
15 ratio.

16 MR. RYDER: Site plan.

17 MR. SCHIFFMAN: Site plan and, actually,
18 elevations that it shows on all sides what the
19 ratios are and how we satisfied most of them, if
20 not all of them. So we prepared nine plans which
21 we would like to submit for your review --

22 CHAIRMAN KEILSON: Please.

23 MR. SCHIFFMAN: -- in answer to your
24 questions, okay.

25 MR. PANTELIS: Now, is this different from

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1 the A200 that we have on ours?

2 MR. SCHIFFMAN: Yes, it was prepared in
3 addition.

4 MR. GOLDMAN: Theoretically, it says A200 but
5 it should be A200A, or Applicant's 1.

6 MR. SCHIFFMAN: You called my office.

7 MR. RYDER: Yes, I did.

8 MR. SCHIFFMAN: And you spoke to me, I
9 believe.

10 MR. RYDER: Gerry Castro from my office
11 called you.

12 MR. SCHIFFMAN: These are the drawings that
13 we prepared at his request.

14 MR. RYDER: Which was directed from me, so
15 yes. Thank you.

16 MR. SCHIFFMAN: I'm sorry I couldn't get them
17 to you faster, but I was collecting them as I
18 walked out of my office. Here's another one, if
19 you wish.

20 MEMBER SCHRECK: Mr. Schiffman, how many
21 square feet is this home?

22 MR. SCHIFFMAN: Beg your pardon?

23 MEMBER SCHRECK: How many square feet is this
24 home?

25 MR. SCHIFFMAN: On ground or total? As we

1 understand it, now comes the point that I want to
2 make, this is a 6,000-square-foot house on the
3 ground coverage on a 28,000-square-foot lot.
4 That's what it amounts to. The remainder of the
5 area of this house is on the second floor, or the
6 non-countable, so to speak spaces, are in the
7 basement where we moved a lot of the stuff that we
8 couldn't get above grade.

9 And the overage we're asking for -- the
10 excess space we are asking for is pretty much
11 caused by the fact that we squeezed a narrow house
12 onto a very long lot with a cul-de-sac in the
13 front. From an architectural standpoint it
14 becomes very, very difficult. We were able to
15 satisfy most of the requirements in 32-foot
16 height, and we've tried to explain because we have
17 all the grades on the surrounding lots. This lot
18 is two-foot lower. We should be able to get 32
19 feet because we're not higher than anybody else.
20 The second thing is that -- how can I explain
21 this?

22 All the setbacks on all sides of the house,
23 except to the front by the cul-de-sac, are
24 perfectly legal. We have met the requirements of
25 the Zoning Board or the zoning laws as they are

1 currently constituted. The major part of the
2 house if we had to move the house around to get it
3 to work, to be very candid about it. I have been
4 working on this house for twelve years off and on,
5 okay, and I think that at this point in time I am
6 so familiar with this piece of property I can tell
7 you what the grade is in the middle of the site
8 down there. So as far as I'm concerned --

9 MR. RYDER: Mr. Schiffman, with that comment,
10 can you tell me the elevation from the rear
11 property line to the front property?

12 MR. SCHIFFMAN: 21 to 17. Did I do that
13 well?

14 MR. RYDER: Right on queue, I appreciate
15 that.

16 MR. SCHIFFMAN: Wait, can I just -- I'm
17 sorry, it's 16 feet in the lowest corner.

18 MR. GOLDMAN: The idea of the two-foot
19 difference understates the situation.

20 MR. RYDER: So it slopes from the front --

21 MR. SCHIFFMAN: It slopes from the back to
22 the front and in fact in increments. Remember, at
23 the rear of the property it's about 21. Our
24 neighbors are at 22 and 23. We have surveys that
25 show this.

1 MR. GOLDMAN: That's correct. They've been
2 made part of the record.

3 MR. SCHIFFMAN: And the photographs that we
4 have we'll show you what it looks like a berm.
5 But in reality it's the elevation at the back of
6 the house where it goes up and goes parallel to
7 the houses around us, okay. Because of the fact
8 that the site is sloped, let me deal with that
9 first, we took a mean elevation for the house to
10 measure the height. The height -- the house is
11 set back so far. That's where you measure the
12 height of the house. But the 32 feet we did, I
13 have to admit in some respects were aesthetics,
14 because we needed to get the slope of the house so
15 we could put the lower things in.

16 The only portion of the house -- I'm shaking
17 my finger at you and I shouldn't be, I'm terribly
18 sorry, gentlemen and lady. I talk with my hands.

19 The middle portion of the house is 32 feet.
20 So about maybe a third of the lot, of the length
21 of the lot. Everything else around it is lower.
22 So what we're really asking you for a variance on
23 the 32 foot of the center of the house. Nothing
24 else is higher.

25 MR. GOLDMAN: And of course, the issue too

1 becomes the impact on anybody which in fact there
2 is none.

3 MEMBER HENNER: Can I ask you something? I
4 have been listening. And without speaking for
5 anybody else here, the problem I've got is that
6 you've had the benefit of going last, to the
7 extent it's a benefit. But you've heard the Board
8 on lot smaller properties and lots smaller -- you
9 don't have to fight over -- do you want to fight
10 over who is going to interrupt me? Go ahead. Go
11 ahead. But go ahead, that's okay.

12 Lot smaller properties, you heard the Board,
13 I don't want to use the word negotiate them,
14 object to lot overages that if you added up all
15 the other overages wouldn't even come close to
16 yours. Do me a favor, let me just finish. I feel
17 like I can't get the rest of the sentence out.

18 You've got to -- you know, you can't
19 realistically think you're going to come to a
20 Zoning Board in 2013 with a 68.4 percent overage
21 and say that the property is unique. Everybody
22 thinks their place is unique. Granted, you have a
23 cul-de-sac, but it's not like you bought the
24 property and then the Village of Lawrence built a
25 cul-de-sac and screwed you -- and surprised you.

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1 Okay, you bought into the cul-de-sac, okay. When
2 you bought the property, you knew the zoning
3 business or somebody checked it out for you, I
4 assume. You're not an unprepared fellow.

5 So I'd like to hear something to try to
6 convince me. I can't speak for anybody else why,
7 you know, something -- you know, I don't want to
8 refer to 2007, but if you've got a 57.5 percent
9 overage in 2007, count yourself lucky, and why
10 come in for another -- for another 10 percent on
11 top of that? It's like -- it's like it would be
12 so inconsistent for this Board to go and grant
13 this kind of an overage, and you could say it's
14 not a precedent, it's not this, not that. But
15 there are plenty of people out there who could say
16 look what you just did for Marx, okay, just as you
17 might say -- well, you said Dr. -- the
18 dermatologist that you mentioned, Dr. Abittan,
19 what's his name. You know what I'm saying. And
20 you're sitting here going, well, look what you did
21 for Abittan, he has this. Why should -- the
22 people up next are going to come and say you did a
23 68.4 for Marx, I just need a 72.7, and my property
24 is unique, it's a circle with a rectangle and a
25 trapezoid. And that's my question. How do you

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1 expect us to go and grant this? Show us. You're
2 not doing anything to convince. Capiche?

3 MR. MARX: Let me ask you starting backwards.
4 I didn't say you gave it to Abittan, you should
5 give it to me. That's not what I said. You asked
6 me a question, or I was asked a question how do I
7 compare in context to other houses that are in the
8 neighborhood. I would never say something like
9 that. So I was just comparing myself contextually
10 to other houses; that's first of all.

11 Second of all, if you're comparing me, which
12 I would also never do, compare me to any of the
13 applicants, and if you look at what some of the
14 other applicants tonight, there was almost 38
15 percentage of their lot. I want to put it in
16 perspective for you.

17 We're arguing for me fully as of right 4,000
18 square feet. We're arguing over about 2,000
19 square feet. To put it in perspective, 2,000
20 square feet over close to 30,000 square feet. I'm
21 at 23 percent lot coverage, okay. I believe the
22 zoning is wrong. I mean, I don't know if I'm
23 entitled to say that. I believe the zoning for
24 larger lots is wrong.

25 CHAIRMAN KEILSON: You're entitled.

1 MR. MARX: I should be entitled to this as of
2 right, I believe, based on contextually what other
3 houses are being given on their lot sizes based on
4 percentage of square footage based on lot size.
5 So that coupled together with the uniqueness of my
6 site, that's what I need to make a house work
7 because I'm 34 feet deep. I don't want to have
8 2,000 square feet of hallways.

9 MEMBER HENNER: How deep is your pool?

10 MR. MARX: My pool? I'll answer your
11 question.

12 MEMBER HENNER: You're supposed to say which
13 one?

14 MR. MARX: If I remove one, would that --

15 MEMBER HENNER: You know what, it's an
16 interesting question, you know, which one would
17 you remove?

18 MR. MARX: I would have to remove the outdoor
19 one.

20 MEMBER GOTTLIEB: The indoor --

21 MR. GOLDMAN: It's in the basement.

22 MR. MARX: It's in the basement, and I don't
23 think it affects anybody.

24 MR. GOLDMAN: It doesn't impact.

25 MR. MARX: And my outdoor pool is within all

1 the guidelines, within all the setback guidelines.
2 I'm not asking for any variance on that.

3 MR. SCHIFFMAN: It's about 20 feet wide.

4 MR. MARX: Do you want me to make that
5 narrower?

6 MR. SCHIFFMAN: It's in the setback
7 requirements on all sides.

8 MEMBER HENNER: I'm trying to create a
9 certain environment so that it looks like it's
10 closer to within what the Board has done for
11 priors and that it can be for futures, as opposed
12 to creating -- this is a unique request. I don't
13 think anyone asks for 68 percent.

14 MR. MARX: If I were to remove the outdoor
15 pool, would that create a better environment?

16 MEMBER SCHRECK: It's a start.

17 MR. PANTELIS: Building coverage is the most
18 significant variance.

19 MR. GOLDMAN: Look --

20 MR. MARX: The building coverage, again, in
21 the perspective of 2,000 square feet of over
22 29,000 square feet.

23 MR. GOLDMAN: If I might make a suggestion to
24 the Board. What I mean by unique is that what has
25 happened here is that we've all, myself included

1 when I was part of the Board's staff, if you will,
2 is that you're not looking at it -- you're looking
3 at the standard that they want you to use in order
4 to decide whether the benefit to the applicant
5 outweighs the detriment to the neighbors.

6 CHAIRMAN KEILSON: The community.

7 MR. GOLDMAN: Well, oddly enough, it does say
8 welfare or neighborhood or community, okay. So
9 now the issue is --

10 CHAIRMAN KEILSON: It's a nuance.

11 MR. GOLDMAN: -- whether there's -- well, to
12 be candid, isn't it a question of nuance? Isn't
13 it a question that all these standards are said,
14 you don't know what's to the detriment of the
15 community. You don't really know what's the
16 detriment. Let me give you suggestions, and then
17 a statute provides you with the standard.

18 CHAIRMAN KEILSON: Criteria.

19 MR. GOLDMAN: With the criteria. But the
20 criteria is only there to reach a conclusion, that
21 but for this criteria you would be using your own
22 common sense. Now, thus far the negative to the
23 community is that somebody else will try to use
24 this to bootstrap, to do something that on their
25 independent standing would be a detriment to the

1 community. But in and of it, this application as
2 it stands before you right now gives a benefit as
3 it's defined by the legislature in terms of
4 improving the quality -- improving the quality of
5 the space, and it's to the detriment of whom? The
6 neighbors are here, whom we haven't heard from.
7 There was a neighbor who has some concerns and
8 legitimately so; they've been addressed. There
9 are other neighbors that are here. Now, the broad
10 community -- the broad community isn't impacted by
11 this. It doesn't change the nature of the
12 community. There are houses much bigger within
13 the community.

14 CHAIRMAN KEILSON: No, no, no, no, please.

15 MR. PANTELIS: Please, you're making some
16 statements which I don't think are really
17 supportive. The character of the area is what I
18 was specifically asking you to respond to before,
19 and I had one response from Mr. Marx that
20 basically referred to the Abittan residence. So
21 what is the character of the area as it is
22 established in terms of (A), either lot sizes
23 and/or the sizes of houses that are within the
24 area? And how does this measure against those
25 houses?

1 MR. GOLDMAN: Against those houses on that
2 block this is different to some extent in terms of
3 its design because of the way it has to be built,
4 but in terms of the space, in terms of the
5 largeness, this isn't a block with little row
6 houses. This isn't a block with small lots.

7 CHAIRMAN KEILSON: Mr. Pantelis, are you
8 speaking only of the block?

9 MR. PANTELIS: No, I'm speaking of the
10 character of the area which is at least within
11 several hundred feet. It's not just the adjacent
12 houses.

13 MR. GOLDMAN: I appreciate that. But for
14 example, there's a gentleman here whose house is
15 on Causeway, that's the one behind it. It too is
16 a comparable home in terms of its size and majesty
17 and beauty. The Abittan residence that's under
18 construction, or whatever is going to happen to
19 it, is a large structure. This is the surrounding
20 area.

21 CHAIRMAN KEILSON: In terms of the impact, a
22 large structure by itself is not the definition.
23 We have definitions by height/setback ratio.
24 That's a definition.

25 MR. GOLDMAN: Correct.

1 CHAIRMAN KEILSON: We have it in terms of
2 encroachments in the front yard, that's a
3 definition.

4 MR. GOLDMAN: But the purpose of it -- excuse
5 me. But the purpose of those is in order to have
6 an impact on neighbors. If it encroaches, if you
7 have a regular block and you have a front-yard
8 encroachment so that people can't look down the
9 block, or it compromises the homes across the
10 street, but this front-yard encroachment doesn't
11 do that to anyone, anyone.

12 CHAIRMAN KEILSON: It bears on the character
13 of the neighborhood.

14 MR. MARX: I'm in line -- we looked at the
15 neighborhood. The neighbors wanted to see I'm in
16 line with the neighbors and their frontage.

17 CHAIRMAN KEILSON: At this point we'll hear
18 from the neighbors.

19 MR. GOLDMAN: Okay.

20 CHAIRMAN KEILSON: At this time I'm going to
21 hear from the neighbors. The gentleman up front,
22 please stand up over here and just give your name
23 and address.

24 MR. HOROWITZ: Murray Horowitz, 71 Causeway.
25 I say Causeway because somebody said that house is

1 comparable to mine. It is.

2 I just have one question. So because I'm a
3 layman when it comes to this type of thing, the
4 house is structural, it looks beautiful and
5 everything else. What is the square footage above
6 ground that's proposed? That's my question.

7 MR. MARX: 6,900 square feet.

8 MR. HOROWITZ: That's my question. In other
9 words --

10 CHAIRMAN KEILSON: That's not how it works.
11 Direct your question to me and I'll get it
12 answered for you.

13 MR. HOROWITZ: I'm asking what's the square
14 footage of the property, the actual -- in other
15 words, what's sitting on the ground up?

16 MEMBER GOTTLIEB: Which is called building
17 coverage. What you want to know is building
18 coverage.

19 MR. HOROWITZ: That's the square footage,
20 building coverage.

21 MEMBER GOTTLIEB: 6,926 square feet. Before
22 you sit down -- before you sit down, I wanted to
23 ask you what size plot your house sits on because
24 it's comparable.

25 MR. HOROWITZ: 44,000 square feet.

1 MEMBER GOTTLIEB: So you're sitting on 44,000
2 square feet.

3 MR. HOROWITZ: The size of the property is
4 44,000 square feet.

5 MR. PANTELIS: What is the size of your
6 house, approximately?

7 MR. HOROWITZ: I think we're talking --

8 MEMBER GOTTLIEB: It's comparable.

9 MR. HOROWITZ: The house is probably about
10 6,000, in that range.

11 MEMBER HENNER: He's 66. You're 60, so you
12 need a bigger house.

13 MR. HOROWITZ: I'll see you in shul.

14 CHAIRMAN KEILSON: Okay. Any other
15 neighbors? Mr. Brecher.

16 MR. BRECHER: Hal Brecher. This is a unique
17 situation for me as well because I'm talking here
18 not only for myself but for my wife, which is
19 unusual. And my wife Wendy Brecher is here, we
20 are at 3 Keewaydin Road, and I have a few points
21 to make if you'll bear with me for a minute.

22 First of all, I do appreciate the fact that
23 we're in a Village that has a Zoning Board. I
24 think just your presence and deliberation prevents
25 excesses from taking place, so I take this meeting

1 very seriously.

2 MEMBER GOTTLIEB: Thank you.

3 MR. BRECHER: We are next-door neighbors, and
4 we are friends with the Marxes. So no secret
5 about that.

6 However, I don't think I would have a
7 different opinion if this was strangers moving in
8 from a different neighborhood looking to build a
9 house like this. The first question that came up
10 when I got the letter, I saw the 17-foot setback
11 and I started picturing the house moving forward
12 all the way up to the street. I thought I was
13 going to be like in Flatbush over here where you
14 drive down the block and you're 17 feet from the
15 house. And I asked Mr. Marx to explain to me how
16 that worked. I thought there would be no sunlight
17 coming in my direction.

18 The reality is that the house is basically
19 sited within line or almost identically within
20 line to my house and to my neighbor's house next
21 to me, to the Frisch house. It's not moving
22 forward at all. There's one small portion at the
23 end by the cul-de-sac which is 17 feet, but it
24 clearly doesn't impact me. I don't believe it
25 impacts any of the other neighbors. I appreciate

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1 the fact that he's building on a double lot
2 because he's honoring a 20-foot side -- what's the
3 word -- setback? Side-yard setback, instead of a
4 15-foot, and I have neighbors that are even closer
5 than that on the other side, so I appreciate that.

6 There's no question it's a large house. You
7 can call it a massive house if you'd like. I
8 don't know how to define that, but there's no
9 question it's a large house. And I've got to be
10 honest with you, I have no problem with it. So
11 there's a large house. It doesn't impact me. It
12 doesn't impact any of the other neighbors.

13 Many of the neighbors have called me on the
14 block anonymously and have said to me what's your
15 position on it, because we want to honor your
16 position, we have no problem with it, but you're
17 the next-door neighbor, you're the one affected,
18 what would you like us to do and us to say? And
19 my response was, don't follow my direction in
20 terms of how you feel, but if you want to know if
21 you need to support me, I am fine with it. But I
22 encouraged them to come, to speak up, to call, to
23 write letters if they feel they have a problem
24 with it. I don't believe any of them have a
25 problem with it.

1 This block does have large houses. I'm not
2 an applicant here so I could say the Frisch house
3 is a nice sized house, comes across as a nice
4 sized house on a much smaller lot, the same lot
5 size as mine. The Scharf house is a nice sized
6 house. I'm sure there will be other houses built
7 over time which are nice sized. I don't think it
8 affects the block in any way. It doesn't affect
9 me as a neighbor. I don't have any problem with a
10 neighbor having a nice sized house.

11 He explained to me, he showed me the fact
12 that the hallways are so long and how much space
13 it takes up, and I appreciate the fact that he
14 does need extra square footage just to handle that
15 so that he's not going back and encroaching. Last
16 time he wasn't as comfortable going back because
17 he felt that the rear-yard setback was being, you
18 know, pushed in.

19 I've got to tell you one other fact, because
20 in case you're thinking about this and, Esther, I
21 want you to hear this comment as well. I know
22 Esther for many years, I would say over 25 years,
23 and I know Lloyd for many years as well. I could
24 have picked up the phone at any point and called
25 either one of you to give you my whisper in the

1 ear anonymous reaction to this so that I'm not
2 embarrassed in front of our friends and our
3 neighbors.

4 CHAIRMAN KEILSON: So it wasn't you that I
5 got the call from?

6 MR. BRECHER: And the reality is I didn't
7 call you, and the reason I didn't call is
8 because --

9 CHAIRMAN KEILSON: I think because Mr. Marx,
10 Sr., actually called me.

11 MR. BRECHER: I didn't call you. Please
12 don't interrupt me.

13 CHAIRMAN KEILSON: Touché.

14 MR. BRECHER: Now, I'm all thrown off, I have
15 to start again. When I got the first letter --
16 see, I just want to conclude with that point, that
17 I didn't call you because it's not just me
18 standing in front of friends embarrassed to, you
19 know, to contest what they're doing. I'm standing
20 here because I truly believe it doesn't impact me,
21 it doesn't impact any of the other neighbors on
22 the block. You know, I don't say it's much ado
23 about nothing because I understand your
24 responsibilities and you're taking it seriously,
25 and I appreciate that. But in a sense so they're

1 building a slightly bigger house or a bigger house
2 than you'd like. I have heard the testimony here.
3 I'm not passing judgement. But if you look at it
4 in terms of the square footage, if it would have
5 been two separate lots how much square footage he
6 could have built. If you look at that 17-foot
7 setback by the cul-de-sac in one location, one
8 small location how that affects it, you know, I'm
9 done. Thank you.

10 CHAIRMAN KEILSON: Thank you.

11 MR. GOLDMAN: I like Mr. Brecher.

12 MEMBER HENNER: He's your best witness right
13 now. Did you mark that down? He's your best
14 witness.

15 MR. BRECHER: I've done this before.

16 CHAIRMAN KEILSON: Expert neighbor witness.
17 Okay, any other comments from the audience?

18 The Board is going to caucus.

19 Let's take a recess for five minutes.

20 There's a legal question you want to discuss. So
21 we're going to go into the executive conference
22 room.

23 (Whereupon, a recess was taken.)

24 CHAIRMAN KEILSON: All right, let's go back
25 on the record, please. Mr. Goldman.

1 MR. GOLDMAN: With the Board's permission, we
2 would like to take into consideration some of the
3 concerns of the Board. We would note, too, that
4 we'd like to perhaps make some adjustments and,
5 therefore, with the Board's permission we would
6 respectfully ask for an adjournment of this
7 matter. I understand that your next meeting is
8 February the 27th. We respectfully ask to be
9 placed on the calendar for that date, unless for
10 some reason it's not viable, but nevertheless we
11 will make efforts to adjust things, perhaps
12 conference it with the Building Department, and
13 come up with what we hope will be a satisfactory
14 solution.

15 MR. PANTELIS: This will be a continuation of
16 the hearing; therefore, since we're placing it on
17 the calendar it's not necessary to send out
18 notices again.

19 MR. GOLDMAN: We thank the Board on behalf of
20 my client and the neighbors as well. We thank the
21 Board for its consideration. I would note too
22 that it's 10:15; the Board indulged us with
23 extensive off-the-record and we appreciate that
24 courtesy.

25 CHAIRMAN KEILSON: All right, thank you very

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1 much.

2 MR. PANTELIS: Thank you very much,
3 Mr. Goldman. We're officially -- do we have any
4 other matters before the Board at this time?

5 CHAIRMAN KEILSON: No, we can adjourn. We
6 adjourn.

7 MR. GOLDMAN: You have all the photos, right,
8 as part of the record?

9 MEMBER GOTTLIEB: We're going to keep our
10 packet.

11 MR. GOLDMAN: All right, fine, please do
12 that.

13 (Whereupon, the hearing concluded at
14 10:15 p.m.)

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

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Mary Benci

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MARY BENCI, RPR
Official Court Reporter

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