

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
Lawrence, New York

5 July 14, 2010
6 7:45 p.m.

7 APPLICATIONS FOR ADJOURNMENT:

8 Amar
9 357 Central Avenue
Lawrence, New York

10 Blavis
40 Stevens
Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. ELLIOT FEIT
15 Member

16 MS. ESTHER WILLIAMS
Member

17 MR. J. PHILIP ROSEN
18 Member

19 MR. EDWARD GOTTLIEB
Member

20 MR. RONALD GOLDMAN, ESQ.
Attorney for the Board of Appeals

21 MR. GERALDO CASTRO
22 Building Department

23 MR. MICHAEL RYDER
24 Building Department

25 Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals. I'd ask you to turn off your cell
4 phones, please.

5 Mr. Ryder, do we have proof of posting?

6 MR. RYDER: Yes, we have an affidavit stating
7 that posting was completed. I have proof of it.

8 CHAIRMAN KEILSON: Do we have proof of
9 posting?

10 MR. RYDER: We do, Mr. Chairman, but we seem
11 to have misplaced it. We have it.

12 CHAIRMAN KEILSON: I'll accept you at your
13 word.

14 MR. GOLDMAN: I will serve on his behalf.

15 CHAIRMAN KEILSON: Yes.

16 We have two matters that are seeking
17 adjournment. The first matter is Amar. Is there
18 anyone here representing Amar? Their request is
19 to postpone the hearing to the next session
20 regarding the property at 357 Central Avenue,
21 Lawrence.

22 Any objections?

23 MEMBER FEIT: No.

24 CHAIRMAN KEILSON: Everybody for?

25 MEMBER GOTTLIEB: Yes.

1 MEMBER WILLIAMS: Yes.

2 CHAIRMAN KEILSON: The next date will be
3 September 15th.

4 The matter of Blavis of 40 Stevens Place, are
5 they or their representative present? If not,
6 I'll read into the record their letter, which is
7 to confirm that based on their rabbi's advice they
8 are withdrawing their petition for the July BZA
9 meeting and would like to be put on the schedule
10 for the August meeting. There will be no August
11 meeting, but September. That's all. Everybody
12 for?

13 MEMBER FEIT: Yes.

14 MEMBER GOTTLIEB: Yes.

15 MEMBER WILLIAMS: Yes.

16 CHAIRMAN KEILSON: Yes.

17 MR. RYDER: Mr. Chairman, here, we have proof
18 of posting.

19 CHAIRMAN KEILSON: Thank you. I had no
20 doubt.

21 Mr. Goldman, do you want to speak about the
22 very hot Board in the very hot room.

23 MR. GOLDMAN: Yes, please.

24 One, we want to apologize to the public and
25 to the Board; it's usually much neater, but there

1 was a slight accident in the court clerk office,
2 and so much of the equipment was transferred here,
3 and so we apologize for what appears to be
4 somewhat less than usually perfectly neat.

5 More to the point, tonight is the meeting of
6 the Board of Zoning and Appeals. These are all
7 volunteer members, non-salaried members of the
8 community. I'm explaining to you folks in the
9 audience that this is what we call a hot Board,
10 not because there's a lack of air conditioning,
11 but because what they do is they're provided a
12 copy of each of your applications in advance.
13 They don't collectively review it, because there's
14 the Open Meetings Law, but as individuals they
15 review each and every one of the applications,
16 they make site visits as well.

17 So what happens is when they come here
18 tonight they hone in on certain specific issues.
19 The reason I'm telling you this is that we don't
20 want you to think that anyone is getting short
21 shrift here and that you're not being permitted to
22 make a very long-winded presentation or a detailed
23 presentation, because that's not necessary.

24 What you may find is that they're going to
25 focus in on specific issues, address those issues,

1 confer collectively in the front here and in
2 public, and then render a decision in those cases.

3 So that having been said, Mr. Chairman, I
4 would also ask all of you, we run this as a pretty
5 organized operation, so we ask for no private
6 conversations, no comments from the audience
7 unless called upon by the Chair. All comments are
8 to be addressed to the Chair and to the Board.
9 And, of course, all cell phones should be turned
10 off in advance of them going off.

11 CHAIRMAN KEILSON: Also, in light of the fact
12 we have so many guests here tonight, I will just
13 introduce who is present.

14 Mr. Goldman is the attorney for the Board of
15 Zoning Appeals.

16 Mr. Ryder is the head of the Building
17 Department.

18 MR. RYDER: Good evening.

19 CHAIRMAN KEILSON: Mr. Castro is a member of
20 the Building Department.

21 Mary is our trustworthy stenographer.

22 And the members of the panel, you could see
23 their names and who they are.

24 MR. GOLDMAN: Except for Mr. Rosen.

25 CHAIRMAN KEILSON: Except for Mr. Rosen who

1 is hiding behind the computer.

2 (Whereupon, the hearing concluded at

3 7:50 p.m.)

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

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9 Mary Benci

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

2 BOARD OF APPEALS

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

6 July 14, 2010
7 7:50 p.m.

8 APPLICATION: Schwartz
9 45 Briarwood Lane
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. ELLIOT FEIT
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. J. PHILIP ROSEN
19 Member

20 MR. EDWARD GOTTLIEB
21 Member

22 MR. RONALD GOLDMAN, ESQ.
23 Attorney for the Board of Appeals

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The first matter of this
2 evening is Schwartz, 45 Briarwood. Would they or
3 their representative please step forward.

4 MR. CAPOBIANCO: Good evening. John
5 Capobianco, architect, 159 Doughty Boulevard,
6 Inwood.

7 I'm here representing the Schwartzes.
8 Mr. Schwartz is unable to attend; however, his two
9 children are in the audience to stand up for their
10 father. He had minor surgery today and so he
11 couldn't attend tonight's meeting.

12 However, this was a board that I put together
13 today to show the Board that the variances that
14 we're seeking is an encroachment into the two
15 required setbacks for a recreational structure. I
16 wanted to show this because they are minor in
17 nature, because of the angle that the tennis court
18 is placed. It's placed for a couple of reasons,
19 to salvage a couple of big trees that were on the
20 property, and also to give the right angle for a
21 tennis court so that the sun doesn't play havoc on
22 the players when they throw the ball up to serve,
23 and things like that, so the orientation of the
24 court to the sun is properly addressed.

25 The area in yellow which is a small portion

1 of the -- I would call it the north side of the
2 tennis court, is encroaching into the 20-foot
3 setback. And on the east side it's a very small
4 little triangular area, probably less than 100
5 square feet which is encroaching at a very, you
6 know, small point at the east property line. So
7 that, you know, in all parts it's just a very
8 small area of the tennis court that is encroaching
9 into that required setback.

10 The property is a very large piece of
11 property, 73,000 plus square feet, and we meet the
12 required surface coverage for, you know, the
13 Building Department's requirements, and also
14 building coverage. So you know, we're seeking
15 relief on those two items this evening so that we
16 can, you know, proceed with the project.

17 The north, the east and the west side of the
18 property lines will be bordered by a buffer zone
19 of landscaping and planting, and I was also
20 informed by Mr. Schwartz that the adjoining
21 neighbor had seen the application, reviewed the
22 site plan and is okay with it. There's no
23 document. He didn't sign a document; he just
24 verbally gave an okay. And that's basically it.

25 CHAIRMAN KEILSON: I have difficulty in light

1 of the fact that it's such a large parcel that you
2 can't accommodate and work within the bounds of
3 what is building by right.

4 MR. CAPOBIANCO: Well, you can. You can turn
5 the court, but it would probably project too far
6 into the back of the house, and at this side you
7 already have a swimming pool and a garage.

8 CHAIRMAN KEILSON: Why would it project too
9 far into the --

10 MR. CAPOBIANCO: Well, because what happens
11 is that when you turn it sideways the orientation
12 is not perfect for a tennis court in terms of the
13 sun exposure. And also what happens --

14 CHAIRMAN KEILSON: Maybe we'll adjust the
15 sun.

16 MR. CAPOBIANCO: Pardon me, we could adjust
17 the sun? We could try.

18 CHAIRMAN KEILSON: I think you're going to a
19 great extent.

20 MR. CAPOBIANCO: Pardon me?

21 CHAIRMAN KEILSON: I think just that you're
22 going -- you're creating a tennis court which is a
23 structure which is pretty much an elective, and to
24 have an encroachment on such a large parcel I
25 don't see the justification.

1 MR. CAPOBIANCO: But, you see the
2 encroachment is such a minor portion of the tennis
3 court. If you look at it, I shaded this area in
4 yellow. It's just like such a small minor factor
5 of the tennis court. Most of that north side has
6 over a 20-foot setback. It's just a small portion
7 that's under 20, it goes to ten. But if you were
8 to straighten the tennis court, the length of it
9 would encroach into the house. You could see that
10 you have 120 feet.

11 CHAIRMAN KEILSON: Why can't you straighten
12 it and move it down?

13 MR. CAPOBIANCO: Because the length of the
14 tennis court would encroach into the rear yard of
15 the house. It would be right on top of the house;
16 what you see here, this view of the house
17 (indicating). See, what happens, look, when you
18 put it on an angle, it also helps shorten the
19 length north and south, so it fits in that piece
20 of property that he took the house down on.

21 MEMBER GOTTLIEB: What I'm having a problem
22 with is that it appears to me you'd rather
23 encroach on your neighbors buffer than move it
24 closer to your own home and inconvenience
25 yourself. I see that you can orient it straight

1 along Waverly and it would go a little bit into
2 the, I guess into these different lots; that's why
3 they're squared off and such. It would project
4 slightly into the existing home plot and it would
5 fit in there fine without any variance needed.

6 MR. CAPOBIANCO: Yeah, I think that in terms
7 of the orientation of the court relative to the
8 front which is on Waverly also, that having the
9 court this far set back makes a better situation
10 with regard to the front yard.

11 In addition to that, I think that there's so
12 much property on that parcel as it is that angling
13 it doesn't really create any adverse effect to
14 anything or to the neighbors. I don't see --
15 because it's on ground. It's really grass and
16 color.

17 MEMBER GOTTLIEB: What is the material?

18 MR. CAPOBIANCO: It's going to be a synthetic
19 material. It's not grass. It's not a grass
20 court. It's going to be green.

21 MEMBER GOTTLIEB: Is it porous, is it
22 asphalt?

23 MR. CAPOBIANCO: He's vacillating back and
24 forth between the both. It might be that court
25 that has the drainage, you know, where it seeps

1 through. It's like a --

2 CHAIRMAN KEILSON: Porous.

3 MR. CAPOBIANCO: Yeah, it's like a porous
4 court.

5 MR. GOLDMAN: Is there a plan for lighting?

6 MR. CAPOBIANCO: Well, he's not putting any
7 lights for outdoor or night play, no. He's going
8 to have, you know, just standard day play on this
9 court. There will be no night playing.

10 CHAIRMAN KEILSON: I have to imagine at some
11 point they might be interested in lighting which
12 may bear on the neighbors again, the orientation
13 of the court.

14 MR. CAPOBIANCO: I asked him about it, and
15 he says he is not interested in playing at
16 night.

17 CHAIRMAN KEILSON: But the kids are.

18 MR. CAPOBIANCO: The kids are interested in
19 playing at night?

20 MR. GOLDMAN: That could be a condition of
21 the variance to preclude a reapplication.

22 MEMBER FEIT: Let me ask you a technical
23 question, a legal question: Have these properties
24 all been merged together by the Board of --
25 Planning Board, by the Planning Board, or are they

1 still considered two separate lots?

2 MR. CAPOBIANCO: You know, that's a good
3 question. I mean, we're showing them as one lot
4 for the purposes of calculating the surface
5 coverage, but I think it has to be made into one
6 lot legally.

7 MEMBER FEIT: I don't think you can do that
8 until it's been merged into one lot. You have to
9 treat each lot individually, you know, coming from
10 the Planning Board up to the Zoning Board. I feel
11 sorry, but Mike, maybe you can take it.

12 MR. RYDER: Yes. If I may, the Planning
13 Board will handle subdivisions. In this case this
14 is a land merger.

15 MEMBER FEIT: No, I was told that -- when we
16 were on the Planning Board we handled land mergers
17 as well as land subdivisions. In fact, one sticks
18 in my mind when there was a house with his back
19 door neighbor when they were switching properties
20 to even out the line. The house was on Broadway.

21 MR. GOLDMAN: If I might interrupt, I believe
22 this is one owner.

23 MEMBER FEIT: You might remember it,
24 Mr. Capobianco.

25 MR. CAPOBIANCO: I know.

1 MR. GOLDMAN: It's the one owner, and we
2 believe it merges.

3 MEMBER WILLIAMS: I think it merges
4 automatically.

5 MR. RYDER: If it's conforming.

6 MR. CAPOBIANCO: You say it wouldn't work as
7 separate properties. It has to be one property.

8 MEMBER FEIT: No, I know, but I'm asking a
9 technical question, that's all.

10 MR. CAPOBIANCO: Okay. Well, certainly, we'd
11 have to make certain that the deed would be done
12 as one deed and one property with 45 Central, and
13 that would have to be -- if it has to be a
14 condition, we'll make it a condition, but I would
15 assume it's, you know, going to be one property.
16 If it hasn't been done already. I'm not sure. I
17 have to ask him. I know the house is down, it's
18 gone.

19 MEMBER FEIT: I just didn't want to have a
20 technical problem.

21 MR. CAPOBIANCO: No, I agree. I agree.

22 MEMBER GOTTLIEB: The side-yard setback
23 requirement is 20 feet and the rear yard is 15
24 feet?

25 MR. CAPOBIANCO: The rear yard is -- the

1 front yard is 25. I kept it 25 off Waverly.

2 MEMBER GOTTLIEB: No, the rear yard.

3 MR. CAPOBIANCO: It's 20 feet also. You
4 know, it's funny because it's two fronts. You
5 know, you have two street sides.

6 MR. RYDER: It's a through lot.

7 MR. CAPOBIANCO: Yeah, it's a through lot,
8 and, you know, I just treated that street side
9 like a front, and I didn't really -- I know it has
10 to be behind the house, the tennis court, but in
11 this case, you know, what is front and what is
12 rear? I know the Village of Lawrence that you
13 could choose. I think it's the narrower of the
14 two fronts on the corner, but when you have a
15 through lot I don't know if they're both fronts or
16 one is designated the rear.

17 MEMBER WILLIAMS: I have a question to ask
18 you, just out of pure curiosity. If you would
19 turn -- just humor me. If you would turn it this
20 way (indicating).

21 MR. CAPOBIANCO: That way (indicating).

22 MEMBER WILLIAMS: Parallel to Waverly.

23 MR. CAPOBIANCO: To Waverly. It would

24 encroach --

25 MEMBER WILLIAMS: Hold on. And you would

1 have the proper setback to the left.

2 MR. CAPOBIANCO: Right.

3 MEMBER WILLIAMS: How far would this side be
4 from the house? If you are flipping it this way,
5 parallel to Waverly, right, you're leaving the
6 proper setback on the side over here.

7 MR. GOLDMAN: On the left.

8 MR. CAPOBIANCO: On the left side, yeah.

9 MEMBER WILLIAMS: Over here. You're leaving
10 the proper setback here (indicating). How far
11 will it be from the house?

12 MR. CAPOBIANCO: From the house it would be
13 approximately ten feet.

14 MEMBER WILLIAMS: If you did that.

15 MR. CAPOBIANCO: Yes. That's why it's a
16 little close. Because you have 132 less 2, 112 and
17 125 is the court length, or 115 is a shorter court
18 length, but the proper court length is 125.

19 MEMBER WILLIAMS: So if you made it 115 you'd
20 have 20 feet.

21 MR. CAPOBIANCO: You would have to run back,
22 you know, and get the ball.

23 MEMBER WILLIAMS: You would have 20 feet.

24 I'm just asking.

25 MR. CAPOBIANCO: Yeah, it would be too tight.

1 It would be very close to the house.

2 MEMBER ROSEN: Isn't it 115 now?

3 MR. CAPOBIANCO: It's 115 now.

4 CHAIRMAN KEILSON: Any other questions from
5 the Board?

6 MEMBER GOTTLIEB: Just regarding
7 Mrs. William's comments, you're saying that if you
8 orientate parallel to Waverly it's going to be too
9 close to the existing multi-walled -- it looks
10 like a breakfast room.

11 MR. CAPOBIANCO: Yeah.

12 MEMBER GOTTLIEB: And if you brought it
13 further, I'll call it down, because I don't know
14 the orientation north, south. If you brought it
15 further toward Waverly, still 25 feet off Waverly,
16 is that still going to be so close to that side of
17 the house?

18 MR. CAPOBIANCO: It would be, yeah. I'm
19 going to show you. Just let me draw it.

20 MEMBER GOTTLIEB: If you don't want to write
21 on your board.

22 MR. CAPOBIANCO: Well, it's hard to show you
23 unless I draw it. You know, if you have the 120,
24 it would be -- this width would be here, and it
25 would be that width here (indicating). So you

1 could see if I hold the setback, you see where my
2 finger is, this left finger, it's going to be
3 right at the corner where that octagon is.

4 MEMBER GOTTLIEB: I understand.

5 MR. CAPOBIANCO: Right at the corner where
6 the octagon is.

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

9 Something you want to bring to our attention?

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

12 CHAIRMAN KEILSON: We're going to vote then.
13 Mr. Gottlieb.

14 MEMBER GOTTLIEB: I have to say no.

15 CHAIRMAN KEILSON: Mr. Feit.

16 MEMBER FEIT: No.

17 CHAIRMAN KEILSON: No.

18 MEMBER WILLIAMS: I think there's a better
19 option here, no.

20 MEMBER ROSEN: I vote yes.

21 CHAIRMAN KEILSON: Okay.

22 MR. GOLDMAN: Let the record reflect -- did
23 you vote, Mr. Chairman?

24 CHAIRMAN KEILSON: Yes, I voted no.

25 MR. GOLDMAN: No. So it's four nos.

Schwartz - 7/14/10

1 CHAIRMAN KEILSON: After a conversation after
2 evaluating the five criteria that we normally use
3 in the balancing, we have found that the equity is
4 such that we should deny and decline the
5 application.

6 (Whereupon, the hearing concluded at
7 8:00 p.m.)

8 *****

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

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

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 July 14, 2010
7 8:25 p.m.8 APPLICATION: Bayberry, LLC
9 35 Bayberry Road
Lawrence, New York

10 P R E S E N T:

11 MR. LLOYD KEILSON
12 Chairman13 MR. ELLIOT FEIT
14 Member15 MS. ESTHER WILLIAMS
16 Member17 MR. J. PHILIP ROSEN
18 Member19 MR. EDWARD GOTTLIEB
20 Member21 MR. RONALD GOLDMAN, ESQ.
22 Attorney for the Board of Appeals23 MR. GERALDO CASTRO
24 Building Department25 MR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: We'll go on to the next
2 matter intermittently, Bayberry, LLC.

3 Please identify yourself.

4 MR. LENHART: Good evening. Gary Lenhart,
5 CMC Design Architects, One East Sunrise Highway,
6 Freeport, New York.

7 MR. GOLDMAN: I have to ask you to please
8 speak up a bit.

9 MR. LENHART: Yes, sir.

10 CHAIRMAN KEILSON: We're quite hot and we
11 heard you last time. So you can move along
12 quickly.

13 MR. LENHART: Okay. As you pointed out, I
14 was here last month and began to make a
15 presentation for this case. This case involved a
16 proposed enlargement to a house resulting in
17 excess floor area and side-yard and rear-yard
18 setback issues. The primary cause of the problems
19 originated with shortly after the purchase of the
20 property by Mr. and Mrs. Weiss due to health
21 conditions that became apparent to Mr. Weiss. The
22 result of the health problems forced them to plan
23 a master bedroom on the first floor instead of
24 utilizing the master bedroom that is currently in
25 place on the second floor. In our efforts to

1 design that, we ended up with excess floor area
2 beyond what is allowable.

3 We have, since our last meeting and
4 consulting with the family, we've reduced the size
5 of the proposed enlargements. We originally had
6 635 square feet in excess, which represented 23.8
7 percent overage. We've reduced it to 535 square
8 feet, about a hundred square foot reduction, and
9 it's down to 19.8 percent.

10 Since the filing of these plans and the
11 public legal notice, we've made a further
12 reduction, albeit minor, but we've reduced the
13 total overage to 506 square feet, or 18.9 percent.

14 CHAIRMAN KEILSON: Does that change every six
15 hours or --

16 MR. LENHART: The primary reductions occurred
17 in reducing the breakfast room and in reducing the
18 proposed closet for the master bedroom. The
19 current arrangement on the second floor that they
20 were originally planning to utilize had a master
21 bedroom closet of 20 feet -- I'm sorry --
22 thirteen-three by fifteen was existing, and we
23 will propose thirteen feet eleven by seven foot
24 ten. So it's a substantially smaller closet
25 space.

1 Mr. Harold Weiss -- Schertz, rather,
2 contacted many of the neighbors, particularly the
3 immediate neighbors, to discuss with them the
4 plans for these alterations, and he could speak as
5 to what he heard from the neighbors.

6 MR. SCHERTZ: Harold Schertz, 88 Margaret
7 Avenue, Lawrence New York 11559.

8 I had the opportunity over the past few days
9 to speak with the surrounding neighbors adjacent
10 to the north, the south, the east and the west
11 buttressing the rear of the property, south of the
12 property, as well as to the north of the property,
13 showing them the plans and asking for their
14 opinions and their concerns as to what was going
15 on at the previous hear -- at the previous
16 meeting.

17 The neighbor had brought up the issue of not
18 -- of complaints of issues and height and,
19 unfortunately, never received the original
20 petition because he had a wrong address -- he had
21 his wrong address listed. That has been corrected
22 and he has received the new plans. He was showed
23 them. He told me, and I can represent to the
24 Board, that he completely acquiesces to our
25 current design, to the design of the bedroom,

1 master bedroom suite, and the enlargement of the
2 kitchen area.

3 The primary reason for moving the bedroom was
4 for the health of Mr. Weiss who, unfortunately,
5 due to a severe heart condition that has become
6 worse, unfortunately, was not -- has not been able
7 to climb stairs. And that was the primary reason
8 for doing that. He cannot walk long distances.
9 He's here this evening. Long distances are done
10 by wheelchair, which we are -- in our design we
11 have accommodated to have wheelchair accessibility
12 throughout the master bedroom suite, as well as
13 the kitchen -- and as well as the back kitchen
14 area.

15 CHAIRMAN KEILSON: Okay. Can you summarize
16 what we're requesting tonight.

17 MR. LENHART: Yes. What we are requesting is
18 a -- we have plans that have already been filed
19 with an overage of 19.8 percent.

20 CHAIRMAN KEILSON: No, what are we requesting
21 tonight?

22 MR. LENHART: Tonight what we are requesting
23 is revised plans that would bring the overage to
24 18.9 percent.

25 CHAIRMAN KEILSON: 506 feet over.

1 MR. LENHART: 506.6 square feet in excess.

2 CHAIRMAN KEILSON: As far as the building
3 coverage.

4 MR. LENHART: That's the building coverage.
5 The rear-yard setback is changed from 23.6 feet to
6 24 feet, still under the 40-foot requirement. The
7 side-yard setback --

8 CHAIRMAN KEILSON: Slowly, slowly, slowly.
9 You're not requesting anything on the rear-yard
10 setback?

11 MEMBER ROSEN: Because it's within.

12 CHAIRMAN KEILSON: Right.

13 MR. GOLDMAN: Or you are?

14 MR. LENHART: Yes. There had been a
15 rear-yard variance granted for the deck. The deck
16 is remaining unchanged, but now we're building the
17 structure almost up as far as the deck. The deck
18 had a setback of 19.2 feet. The building now will
19 be 24 feet, so it does not extend as far as the
20 deck did.

21 CHAIRMAN KEILSON: So you're not encroaching
22 any further than you presently are?

23 MR. LENHART: Absolutely not.

24 CHAIRMAN KEILSON: Next.

25 MR. LENHART: With regard to the side yard,

1 the side yard is reduced to a 13.6 foot side yard
2 and a 28.5 foot aggregate instead of the 35 foot
3 aggregate required.

4 CHAIRMAN KEILSON: So you're encroaching how
5 much further?

6 MR. LENHART: We're encroaching -- actually,
7 the original house had a side yard of 17.9 --

8 CHAIRMAN KEILSON: No, on the existing, the
9 existing. There's existing a Florida sun room,
10 correct?

11 MR. LENHART: Yes, and that was 17.6 feet.
12 We are now at 13.6, so four feet.

13 CHAIRMAN KEILSON: Four feet you're
14 additionally moving to the right.

15 MR. LENHART: Correct. And we are actually
16 aligned with the existing exterior wall of the sun
17 room. We're not going any further than that, but
18 the property line cuts in as it comes forward and
19 as a result the side-yard setback narrows.

20 MEMBER WILLIAMS: The house is not coming
21 further out from the line?

22 MR. LENHART: That's correct.

23 MEMBER WILLIAMS: And you spoke to this
24 neighbor that's on that side?

25 MR. SCHERTZ: We've met with the neighbor,

1 and the neighbor has walked in and seen the
2 revised plans. I don't think the Board members
3 have --

4 MEMBER ROSEN: Who is that neighbor?

5 MR. LENHART: Mr. Chimone Gladney.

6 MEMBER WILLIAMS: We met him last time.

7 MR. SCHERTZ: No, you met last time Mr. Mark
8 Brown.

9 MR. GOLDMAN: Mr. Chairman, there is an
10 exhibit that's being offered. Can you just
11 identify what it is we're doing.

12 MR. SCHERTZ: Yes. What you have in front of
13 you is a submission of four drawings; a plot plan,
14 first-floor plan, front right side elevation, and
15 a rear elevation and second-floor plan of the
16 house. It's a somewhat reduced version of what
17 had been previously submitted. However, this now
18 includes the further reductions that I spoke of.

19 MR. GOLDMAN: So let me just interrupt. The
20 record should reflect that a copy of Applicant's
21 number 1 is being made part of the record and the
22 copies are being submitted to the Board (handing).

23 MEMBER FEIT: Let me ask you a question. I'm
24 very sensitive to wheelchair accessibility. Could
25 the upstairs rooms and master bedrooms have been

1 made by themselves wheelchair-accessible, or would
2 the walls have to have been pushed out on the
3 second floor?

4 MEMBER WILLIAMS: How would he get there?

5 MR. LENHART: I'm not sure I follow you.

6 MEMBER WILLIAMS: Yeah, but how will he get
7 there?

8 MEMBER FEIT: No, no. I'll get one to the
9 other. On the second floor, could the bedroom be
10 made wheelchair-accessible without any alteration
11 of the walls, moving them out?

12 MR. LENHART: No. The exterior walls
13 wouldn't have to be modified. The doorways would
14 all be modified, so we'd have to modify the --

15 MEMBER FEIT: There would be enough room in
16 the master bedroom on the second floor for it to
17 be wheelchair-accessible the way it is now besides
18 the door?

19 MR. LENHART: Well, yes, yes.

20 MEMBER FEIT: So I'm just going to go back to
21 one question I asked last time, and if need be let
22 it be reiterated. I want to make sure I
23 understood. Why can't all this be done by just
24 putting in an elevator?

25 MR. SCHERTZ: If I may just answer that

1 question. My mother is claustrophobic and she
2 cannot walk into a tiny elevator that would be
3 installed in a home. It would not be possible.

4 MEMBER ROSEN: Isn't it very expensive?

5 MEMBER WILLIAMS: I'm not comfortable making
6 an elevator a requirement of your day-to-day
7 living. It's one thing to do it as an accessory
8 or something, but if someone is required to have
9 an elevator for their day-to-day lives.

10 CHAIRMAN KEILSON: And this Board is known to
11 be a compassionate Board and on other occasions
12 when we've had that request and we've dealt with
13 that in an appropriate manner. I don't think
14 we're concerned about setting a precedent here. I
15 think the question is whether the request is the
16 minimal that can be done under the circumstances,
17 and I think an effort has been made to reduce it
18 to an appropriate size to accommodate them.

19 MR. LENHART: Yes, sir.

20 MEMBER FEIT: And you're putting in the plans
21 or the new plans, so you're also putting in a
22 cryon dry well to try and alleviate the water
23 problem?

24 MR. SCHERTZ: Storm Track.

25 MEMBER ROSEN: I thought that was very

1 impressive since the last time.

2 MEMBER WILLIAMS: I did also. I think it's
3 very neighborly and I like that.

4 CHAIRMAN KEILSON: Is there anyone in the
5 audience who would like to speak to this matter?

6 Okay, are there any further questions from
7 the Board?

8 MR. GOLDMAN: Let the record reflect the
9 Board is conferring.

10 CHAIRMAN KEILSON: Mr. Gottlieb.

11 MEMBER GOTTLIEB: Two comments. You're the
12 son?

13 MR. SCHERTZ: Yes, sir.

14 MEMBER GOTTLIEB: It's my understanding that
15 should at some time the house be sold that the --
16 or should you decide to, you cannot build a second
17 floor above this new structure. You cannot.

18 MR. SCHERTZ: I don't think you can build a
19 second story there.

20 MEMBER GOTTLIEB: I just want to be clear
21 that you understand that, and you may or may not
22 choose to pass that on to the next buyer that they
23 can't assume that they can build over by right
24 what you are building on the first floor.

25 And you're the architect?

1 MR. LENHART: Yes.

2 MEMBER GOTTLIEB: There was some rumor that
3 we approve things under 20 percent, and you
4 conveniently came in at 19.6. I just want to let
5 you know --

6 MEMBER WILLIAMS: 18.9.

7 MEMBER GOTTLIEB: Originally, you wanted to
8 go even further. But the fact is we consider the
9 merit of the individual application and not the
10 percentages. I just wanted to make that clear.

11 MR. LENHART: No, in response to the last
12 meeting, I had a long meeting with the client, and
13 not without some friction trying to reduce the
14 size of the extensions as much as we possibly
15 could, and to get another six inches taken off of
16 the breakfast room was quite a struggle, but they
17 succumbed.

18 CHAIRMAN KEILSON: Good judgment prevailed.

19 MEMBER FEIT: You're not planning to put in a
20 tennis court?

21 MR. LENHART: No tennis court, but it will be
22 handicapped-accessible.

23 MR. GOLDMAN: The Board is conferring.

24 CHAIRMAN KEILSON: In evaluating the
25 application based upon the five criteria in

1 balancing the equity to the neighbors and the
2 applicant, let's take a vote.

3 Mr. Rosen.

4 MEMBER ROSEN: Definitely, yes.

5 CHAIRMAN KEILSON: Miss Williams.

6 MEMBER WILLIAMS: For.

7 CHAIRMAN KEILSON: Mr. Feit.

8 MEMBER FEIT: For.

9 CHAIRMAN KEILSON: Mr. Gottlieb.

10 MEMBER GOTTLIEB: Yes.

11 CHAIRMAN KEILSON: And for.

12 MEMBER WILLIAMS: I just want to say how much
13 I appreciate the fact that you took everything
14 into account and really did make your best effort
15 to make it work.

16 MR. SCHERTZ: Thank you.

17 MR. LENHART: Thank you.

18 MR. GOLDMAN: How much time do you need?

19 MEMBER FEIT: Two years.

20 CHAIRMAN KEILSON: Take two years.

21 MR. GOLDMAN: Well, two years is the maximum.
22 So people understand, before you would have to
23 come back and reapply, so it's not a question of
24 two years to just do it. Also, you have to go
25 before the Board of Building Design as well. You

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understand that as well.

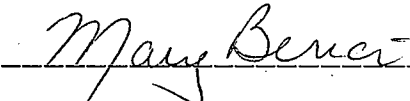
MR. SCHERTZ: I understand that.

MR. RYDER: We'll be talking.

MR. SCHERTZ: Right, we will be.

(Whereupon, the hearing concluded at
8:40 p.m.)

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



MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 July 14, 2010
7 8:00 p.m.8 APPLICATION: Englander
9 163 Harborview North
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman14 MR. ELLIOT FEIT
15 Member16 MS. ESTHER WILLIAMS
17 Member18 MR. J. PHILIP ROSEN
19 Member20 MR. EDWARD GOTTLIEB
21 Member22 MR. RONALD GOLDMAN, ESQ.
23 Attorney for Board of Appeals24 MR. GERALDO CASTRO
25 Building DepartmentMR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is the
2 matter of Englander, 163 Harborview North. Please
3 introduce yourself.

4 MR. ENGLANDER: David Englander,
5 163 Harborview North, Lawrence, New York. This is
6 my wife, Michelle.

7 We're requesting a bump-out in the rear back
8 of the first floor.

9 MR. GOLDMAN: Could you just talk louder.

10 MR. ENGLANDER: We're requesting a bump-out
11 on the rear of the house of the first floor with a
12 porch above it. We're also requesting a pool with
13 a side setback of five feet and we're requesting a
14 variance for five extra feet giving us the setback
15 of ten feet, and a rear setback as well of five
16 feet giving us a setback of 15 feet from the rear.

17 The requests for the rear setback of the pool
18 is based on the distance from the rear of the
19 house to the pool right now is approximately about
20 eight feet. We also have columns that come down
21 in the back of the house which take away part of
22 that area, about four feet worth, so it gives us
23 only about four feet between the pool and the rear
24 of the house which doesn't leave any safe
25 passageway to go behind the pool. So we were

1 requesting shifting it over five feet into that
2 area.

3 The five feet to the side that we're
4 requesting when we're building out this porch and
5 this rear in the house it's going to then fall
6 very close as well to the patio. And we're trying
7 to keep a safe distance as possible for the pool
8 from the house for the children and to keep as
9 much area as possible for the kids to be able to
10 still have a yard to play in.

11 CHAIRMAN KEILSON: Okay. So let's just
12 summarize the requests. We're talking about
13 building area coverage of 7.8 percent over. Let's
14 see, it's 2,911 minus 211 square feet. On surface
15 area we're discussing a request for 14.8 percent
16 over, or 715 square feet. We're talking about a
17 rear setback which you're permitted to have 20;
18 you're looking for 15. And then the side-yard
19 setback where you're allowed to have 15, you're
20 looking for ten.

21 MR. ENGLANDER: Correct.

22 CHAIRMAN KEILSON: Mrs. Williams wants to
23 lead off.

24 MEMBER WILLIAMS: I'm having a bit of a
25 problem here because I think there's excavation --

1 I'm not quite sure of the course of events here.
2 If I understand correctly, please stop me at any
3 point when I'm not correct, you had a plan for a
4 pool that was within right, correct?

5 MR. ENGLANDER: Correct, yes.

6 MEMBER WILLIAMS: You had a permit to put in
7 that pool. You began to put in that pool. Then
8 you realized what you just said to me. Except
9 from what I see, the pool is not where it was
10 meant to be. Help me here.

11 MR. ENGLANDER: The pool is where it was
12 meant to be.

13 MEMBER WILLIAMS: Yeah?

14 MR. ENGLANDER: The pool, other than the
15 steel part, the pool -- you see the hole in the
16 ground over there?

17 MEMBER WILLIAMS: Yeah.

18 MR. ENGLANDER: The back of that hole is
19 actually where the steel would be distanced from
20 the house. We shifted it over just to see exactly
21 how much feet we would possibly need to possibly
22 walk through and get the safe passageway.

23 MEMBER WILLIAMS: That's not the
24 construction, that's just a piece of metal?

25 MR. ENGLANDER: Right. That's not the

1 construction.

2 MEMBER WILLIAMS: To see where you would like
3 it to be?

4 MR. ENGLANDER: Right. Because when we did
5 dig, figuring eight feet was more than enough, I
6 didn't establish that when we had those pillars,
7 those columns coming down, which was about three,
8 four feet from the house, that it would leave such
9 a small space.

10 In fact, after it happened, I called right
11 away; I think Mike and Gerry both came down to see
12 the property. I think Mike felt as well that it
13 was unusually unsafe for the house at that point.

14 CHAIRMAN KEILSON: Just cite as to your
15 opinion.

16 MR. ENGLANDER: I'm sorry, I'm sorry. I felt
17 that it was that way and, you know, they felt that
18 maybe it should be something that we should
19 discuss with the Zoning Board and try to see if we
20 could possibly move it slightly further away from
21 the house.

22 MEMBER WILLIAMS: For some reason our
23 calculations were different than the four feet. I
24 just want to make sure I'm correct on that.

25 Mike, Gerry, one of you said it's seven.

1 MR. RYDER: From the construction and the
2 setback discrepancy to the setback to the columns.

3 MEMBER WILLIAMS: To the columns are the
4 problem, the confusion?

5 MR. RYDER: The column is the issue.

6 MEMBER WILLIAMS: That's the three feet.

7 MR. RYDER: Correct.

8 MEMBER GOTTLIEB: Did you have a pool
9 contractor that went over this with you prior to?

10 MR. ENGLANDER: I had a pool contractor that
11 we hired. We said we had this set of drawings
12 that were made by, I guess, the engineer for the
13 pool contractor, and he didn't -- he didn't feel
14 -- at that moment he didn't tell us anything about
15 it being too close to the house. He didn't give
16 us his feelings on the location or whatnot. He
17 just went ahead and said, okay, this is where you
18 want the pool, this is, you know, it was fine.
19 That was what we got the permit for, and he went
20 ahead. I mean, as a pool builder I don't know if
21 it's his place necessarily to tell us what is safe
22 and what's not safe.

23 CHAIRMAN KEILSON: Excuse me.

24 MEMBER WILLIAMS: So the excavation was
25 started?

1 MR. ENGLANDER: The excavation had been
2 started, yes.

3 MEMBER WILLIAMS: It was started in the
4 original location?

5 MR. ENGLANDER: Yes, in the original
6 location, yes, that's what we have there.

7 MEMBER WILLIAMS: There's no excavation in
8 the new location?

9 MR. ENGLANDER: No, there's no excavation in
10 the new location.

11 CHAIRMAN KEILSON: So you're suggesting that
12 the pool contractor prepared a pool that was
13 unsafe?

14 MR. ENGLANDER: I am suggesting that in his
15 knowledge when it was also considered eight feet
16 from the rear of the house I guess he felt it was
17 safe. The same way that we didn't realize that
18 those ballasters, those pillars were coming down,
19 you know, was something that was not foreseen.

20 MR. GOLDMAN: Are you still using him?

21 MR. ENGLANDER: Yes, I am still using him.

22 MR. GOLDMAN: What is the name of the
23 contractor, for the record?

24 MR. ENGLANDER: Defiance Contracting.

25 MEMBER WILLIAMS: It's a little disturbing

1 because had this been presented, I'm not sure you
2 would have gotten the permit or the variance, so
3 it's a little bit complicated.

4 MR. ENGLANDER: Well, the permit we received.

5 MEMBER WILLIAMS: Well, no, because you
6 wouldn't have been able to get a permit had you
7 presented this initially. You would have had to
8 come to us right away. In other words, let's say
9 from the start you had come and said I want this
10 much, I need this situation. You had come to Mike
11 and said I need eight feet or whatever feet you're
12 asking for. He would have said I can't give it to
13 you and you have to go to the Board of Zoning.
14 And we would have been presented with a situation
15 of whether to let you have a pool or not.
16 Instead, you have something very mush-mosh going
17 on here.

18 CHAIRMAN KEILSON: It's a legal phrase.

19 MEMBER WILLIAMS: That's about as best as I
20 could describe it.

21 CHAIRMAN KEILSON: Very well.

22 MR. ENGLANDER: I'm not -- I mean, I'm not
23 quite certain exactly where you're coming from,
24 because like all I'm saying is when we started to
25 dig, we did not take those ballasters into

1 account, and I never thought of taking it into
2 account.

3 MEMBER WILLIAMS: It's odd.

4 MR. ENGLANDER: I have eight feet or 8.6 feet
5 to the house. I figured that would be more than
6 enough.

7 MEMBER WILLIAMS: You're not hearing that
8 this is slightly odd?

9 MR. ENGLANDER: Let me tell you something. I
10 wanted the pool as quick and as early as possible,
11 okay. And if I felt that that pool can remain
12 there, I would have kept it and I would have done
13 it right away. As soon as I saw that, I said now
14 we have to stop. So I would have loved to have
15 the whole pool for the summer. It would have been
16 great; we would have enjoyed it. We actually
17 didn't go away because we thought we were going to
18 have this pool in.

19 MEMBER FEIT: Again, I'm a little confused
20 about one thing, among others. You're saying that
21 if you had put the pool in where your pool company
22 said it was and where the hole is now, you would
23 not have needed any variances?

24 MR. ENGLANDER: Correct.

25 MEMBER FEIT: Now, you're moving the pool or

1 asking to move the pool out a little bit.

2 MR. ENGLANDER: Correct.

3 MEMBER FEIT: How do we then come to such a
4 building area and surface coverage all of a sudden
5 rear its ugly head if all we're doing is asking
6 for a rear-yard or a side-yard variance? I don't
7 quite understand how now shifting the pool creates
8 a building and surface coverage issue.

9 MR. RYDER: The addition to the house.

10 MEMBER FEIT: Well, were you planning to do
11 an addition to the house besides the pool?

12 MR. ENGLANDER: Yeah, that's in the requests
13 as well. We're doing, as I stated at the
14 beginning, we're doing a bump-out of the first
15 floor of the rear.

16 MEMBER FEIT: But weren't you planning to do
17 that initially?

18 MR. ENGLANDER: Yes.

19 MEMBER FEIT: So then wouldn't you have had
20 to come to us for a building and surface area
21 coverage irrespective of where the pool itself?
22 That's what I'm trying to understand.

23 MR. ENGLANDER: I was not planning to do the
24 bump-out or the porch this year. It was later
25 told to me that if I am going to come in front of

1 the Board to ask for a variance, it would be in my
2 best benefit and it would be the proper way to
3 then bring everything in front of the Board at one
4 time.

5 CHAIRMAN KEILSON: That's correct.
6 Procedurally, we prefer to do it all at one time.

7 MEMBER WILLIAMS: So in other words, once you
8 were coming for a variance, you figured let me
9 make the whole package and present it as is.

10 MR. ENGLANDER: Right, that's exactly why I
11 did it. Otherwise, I was planning on putting a
12 nice pool in the summer and that was it. And
13 maybe next year or whenever would be the right
14 time.

15 CHAIRMAN KEILSON: Mr. Gottlieb, I can't
16 believe you're speechless.

17 MEMBER WILLIAMS: Is it possible to remove
18 those? Are those columns decorative?

19 MR. ENGLANDER: No, they're steel columns to
20 hold up the structure.

21 MEMBER FEIT: They're bearing columns.

22 MEMBER WILLIAMS: You don't want to take them
23 down.

24 MR. ENGLANDER: I mean, I want to tell you if
25 it wasn't really because of a real safety issue I

1 wouldn't request this from you. But if you came,
2 I mean you can see on the pictures it's a very
3 narrow area to walk through the back of the pool.
4 I had pools growing up my whole life and it's just
5 something that wouldn't be the right thing.

6 MEMBER WILLIAMS: So it becomes nine feet of
7 a walkway instead of four feet.

8 MR. ENGLANDER: Right.

9 MEMBER GOTTLIEB: I think that we understand
10 mistakes can be made and, obviously, you're coming
11 before us to try and get it fixed. I always have
12 an issue of bringing a pool closer than necessary
13 to a neighbor's property. Is there any other way
14 to orient the pool, such as instead of you having
15 it running the depth of the house, running the
16 width of the house, turning it sideways so you can
17 work within that?

18 MR. ENGLANDER: Did you see the diagrams I
19 did on the amended petition?

20 MEMBER GOTTLIEB: Actually, I did.

21 MR. ENGLANDER: And actually, I made three
22 other diagrams going in the other directions, and
23 each diagram there ended up to be another reason
24 of why it really was not beneficial; one for the
25 property, one for us, one for the kids playing,

1 for safety. There were so many different reasons
2 that it just didn't fit properly in the yard.

3 MEMBER GOTTLIEB: Essentially, what it is, is
4 there is just not enough room for everything you
5 want to accomplish. You want to have a play area,
6 you want to have a patio, you want to have a
7 little more room in the back of the house, and you
8 want to have a pool. Something's got to give, and
9 what I don't like to do is taking from the
10 neighbor's -- it may not be the property, but it's
11 the air and noise space.

12 MR. ENGLANDER: It happens to be in the back
13 of the home in the rear area. The people behind
14 us currently have their own pool as well, and the
15 distance from their yard till their back door is
16 probably close to about between 40 and 50 feet,
17 and I'm still leaving 15 feet from where we are.
18 They happen to be an older couple; they don't
19 really even live there during the week. They only
20 come in on weekends. And I really don't feel that
21 those five feet should invade their privacy in any
22 way or take away from their enjoyment of their
23 yard.

24 MEMBER WILLIAMS: Just for the record, we
25 always have to assume that someone may sell their

1 house and that the people who buy that next house
2 might have different circumstances. So it's not
3 simply this elderly couple that Mr. Gottlieb was
4 referring to, just for the record.

5 MR. ENGLANDER: I understand, but it happens
6 to be also their yard is about three feet above my
7 yard. So it's really not even the same level. So
8 those five feet when you calculate it by the
9 actual distance that you'd have to travel upwards
10 to get to them gives you extra footage as well.

11 MEMBER GOTTLIEB: Is there a retaining wall
12 at the end of the yard?

13 MR. ENGLANDER: Yes, there is. There's about
14 a three-foot, three-and-a-half-foot retaining
15 wall, if not more.

16 CHAIRMAN KEILSON: We have some room on the
17 side yard perhaps. You're down to ten feet.

18 MR. ENGLANDER: Right.

19 CHAIRMAN KEILSON: And the --

20 MR. ENGLANDER: The side yard, you know, if I
21 can't get the full five feet and I have to take a
22 little bit less there, I could definitely give up.

23 CHAIRMAN KEILSON: We're not negotiating.

24 MR. ENGLANDER: You know, but listen, it's
25 also a safety issue. It's also an issue that I

1 want to leave as much property as I can for the
2 kids to play and to be further away from the
3 house. It definitely would be beneficial for us.

4 MEMBER WILLIAMS: But it's not necessarily
5 beneficial for your neighbors.

6 MR. ENGLANDER: My neighbors, we're best
7 friends with them. They just built a house.
8 They're a young couple. He actually wanted to be
9 here tonight but he had a baseball game.

10 CHAIRMAN KEILSON: Priorities.

11 MEMBER GOTTLIEB: Priorities.

12 MR. ENGLANDER: You know, he's ready to jump
13 in from his second floor, but he's more than happy
14 to write a letter, if necessary, or you know, you
15 know, he approves of it, both of them. Their kids
16 play with each other all the time. Even for
17 himself, he would like it to be as safe as
18 possible as well.

19 MEMBER GOTTLIEB: Of course, you understand
20 if you made the pool 13 by 31 instead of 18 by 36
21 you would be within the guidelines and you
22 wouldn't really have to appear before us.

23 MR. ENGLANDER: But, thank God, considering
24 the size of my family and the amount of people
25 that we will have coming to the pool, you know, I

1 didn't want to make it a bathtub; I wanted to make
2 it a nice swimming area for them.

3 CHAIRMAN KEILSON: With that many people
4 you're going to have a lot of noise.

5 MR. ENGLANDER: As you see, I don't speak so
6 loud as it is; my kids are the same.

7 MEMBER ROSEN: Thirteen by 31 is a pretty big
8 bathtub.

9 MR. ENGLANDER: You know, growing up, I grew
10 up with a pool 20 by 40; you know, it's what I'm
11 accustomed to. It's also a nice size pool at 36
12 to do laps. For health reasons I'm not able to do
13 many other exercises other than bicycling, Precor
14 and swimming.

15 CHAIRMAN KEILSON: Okay. I think we have a
16 side-yard issue, and I think we have a surface
17 area coverage issue. So I think that's what we
18 should be discussing. The rear yard I'm less
19 concerned.

20 MEMBER FEIT: It's there.

21 CHAIRMAN KEILSON: I believe the side yard --

22 MEMBER GOTTLIEB: Well, the side yard is
23 obviously closer. There's a retaining wall to the
24 rear yard. There's a degree in which there's some
25 leverage. But should we go back to the enclosed

1 room below. How massive it is.

2 CHAIRMAN KEILSON: How large is the cabana?

3 MR. ENGLANDER: I don't know the exact size,
4 but I'm pretty certain the porch is about 16 or 17
5 by about 22, I think. I don't know the exact
6 dimensions.

7 MR. RYDER: Twenty by twelve.

8 MEMBER GOTTLIEB: Twenty by twelve?

9 MR. RYDER: Twenty by twelve.

10 MEMBER GOTTLIEB: Twenty by twelve is only
11 240 square feet. So why is our coverage going up?

12 MR. RYDER: And the bump-out for the doors.

13 MEMBER GOTTLIEB: Okay. Surface coverage is
14 up by 211 feet --

15 MR. RYDER: 211 feet, taking inside
16 dimensions as well.

17 MEMBER GOTTLIEB: So Mike, while you're
18 discussing this, where is the 715 coming from if
19 the pool is the same size as it was and the --

20 CHAIRMAN KEILSON: Surface area is what's
21 creating the overage.

22 MEMBER GOTTLIEB: There's a 500-foot
23 difference.

24 MR. RYDER: The patio is 332 next to the
25 pool.

1 MEMBER GOTTLIEB: So the patio is larger than
2 originally planned?

3 MR. RYDER: The existing patio is 1,053.
4 That's being removed and the new patio around the
5 pool is 332.

6 MEMBER FEIT: What was it before?

7 MR. RYDER: 1,053, 1,053.

8 MEMBER FEIT: 1,500 or is it 1,053?

9 MR. RYDER: Fifty-three, fifty-three.

10 MEMBER FEIT: And the new?

11 MR. RYDER: 332.

12 MEMBER FEIT: So it's smaller? So we should
13 be losing square footage, not picking it up. We
14 should have lost about say 700 square feet.

15 MEMBER WILLIAMS: He has a room and a patio.

16 MR. RYDER: The 383 is the square footage for
17 the rear addition. 332 is for the patio. Six --
18 yeah, that's accurate.

19 MEMBER FEIT: It still comes out to about 700
20 and before it was 1,000 plus.

21 CHAIRMAN KEILSON: There's a discrepancy
22 between the zoning chart and the code relief
23 request. Where does that fit in?

24 MEMBER WILLIAMS: What you just added is 715,
25 Mike.

1 CHAIRMAN KEILSON: The zoning chart reads
2 that the proposed surface area coverage is 5,141,
3 and the summary sheet is 5,541, which is fairly
4 significant. Actually, the rejection letter reads
5 5,541. So is the zoning chart incorrect on the
6 plans, I assume? Since our Building Department
7 never makes a mistake.

8 MR. RYDER: I'm going to ask for assistance
9 from my Inspector Geraldo Castro.

10 MR. CASTRO: Let me see the plans.

11 MR. RYDER: (Handing.)

12 MR. CASTRO: I believe the discrepancy is in
13 the driveway. I spoke to him. When the architect
14 drew the plans, he drew it off a preliminary
15 driveway and it's not the actual that is there.

16 MEMBER WILLIAMS: 5,541 is correct?

17 MR. CASTRO: 5,541 is correct, yes.

18 MEMBER WILLIAMS: It would be nice if it was
19 less for them.

20 CHAIRMAN KEILSON: So I think we need my
21 colleagues to speak up.

22 MEMBER WILLIAMS: Where is the pool equipment
23 in this picture?

24 MR. CASTRO: Originally --

25 MEMBER WILLIAMS: Do you know where it's

1 going to be?

2 MR. ENGLANDER: Originally, it was going to
3 be against the house, but we moved it to the rear
4 side of the pool right now.

5 MEMBER WILLIAMS: That's closer to the
6 neighbors?

7 MR. ENGLANDER: Yeah, I guess, sort of in the
8 corner, close to the pool.

9 MEMBER WILLIAMS: Near the neighbor who likes
10 you?

11 MR. ENGLANDER: The neighbor who doesn't even
12 know us.

13 MEMBER WILLIAMS: What?

14 MR. ENGLANDER: The neighbors who are never
15 there really, actually.

16 MEMBER GOTTLIEB: The rear neighbor.

17 MR. ENGLANDER: Yes.

18 MEMBER GOTTLIEB: So the pool equipment is
19 how many feet; you have 15 feet or five feet?

20 MR. ENGLANDER: Away from the actual --

21 MEMBER GOTTLIEB: Property line.

22 MR. ENGLANDER: -- property line area? I
23 think it went just another three feet or four feet
24 back. I think that's where he placed it.

25 MEMBER GOTTLIEB: Three feet back, I'm sorry,

1 beyond the pool?

2 MR. ENGLANDER: I think three feet beyond the
3 pool.

4 MEMBER WILLIAMS: Even closer to him?

5 MR. ENGLANDER: Yeah, I think so. I think
6 that's where he placed it. Is that correct?

7 MR. RYDER: Yes.

8 MEMBER WILLIAMS: How far is it from the
9 neighbor's line, Mike?

10 MR. RYDER: It's closer than the 15 on the
11 rear and closer on the side.

12 MEMBER FEIT: Mike, on these views, these
13 seem to show over here twelve feet from here to
14 here, where in the code relief it says ten feet,
15 you know.

16 CHAIRMAN KEILSON: What generation is this
17 (handling)?

18 MEMBER WILLIAMS: First, second?

19 MR. RYDER: That came in with the petition.

20 MR. ENGLANDER: That came in with the
21 petition. So that would be the one then that the
22 architect, I assume, made, John MacLeod.

23 CHAIRMAN KEILSON: We are further confused
24 because you have twelve on the sides, sixteen on
25 the rear, which is not what you're asking for.

1 MR. ENGLANDER: So I don't know if that's
2 correct then. That's the one that came in with
3 the petition?

4 MEMBER WILLIAMS: It's going to be very
5 difficult to vote on this with this information.

6 MR. ENGLANDER: No, I don't understand why
7 you have --

8 CHAIRMAN KEILSON: I have a suggestion.

9 MR. GOLDMAN: Where is Mr. MacLeod or the
10 pool guy?

11 CHAIRMAN KEILSON: We can take the next
12 matter while you straighten out what the facts and
13 figures are. And just understand the sentiment is
14 that there are issues on the side for sure, and
15 then on the surface area coverage in total. So if
16 you can look at it and determine what the real
17 request is, and then maybe Mr. Castro will even
18 help you.

19 MR. GOLDMAN: Do you have a copy of your own
20 application with you?

21 MR. ENGLANDER: No, I didn't bring papers
22 with me.

23 MR. GOLDMAN: With the Board's permission,
24 perhaps you should look at what you submitted and
25 go about to what's most accurate.

1 CHAIRMAN KEILSON: The reality is if it
2 wasn't a pool for the summer we'd probably say
3 we'll see you in September.

4 MR. ENGLANDER: Maybe I can gain what's left
5 of it.

6 MEMBER FEIT: I don't even think it can be
7 completed by September, but you know, no matter
8 what you do, we're fiddling around with that,
9 we're fiddling around with the numbers just
10 looking at the plans, at the code relief and
11 everything else and that beautiful picture in
12 color, I don't know what the true measurements are
13 from anyplace. Personally, I would like to see an
14 updated plan showing exact footage and dimensions.
15 I can't be sure of anything on --

16 MR. ENGLANDER: I think the only thing that
17 we're missing here is just what you're saying, the
18 dimension of the pool and how close to the side
19 that he has that.

20 MEMBER WILLIAMS: No, I'd like to really hear
21 everything, honestly. I'd like to vote on
22 something that I understand. I'd like to know
23 exactly how many feet the equipment is from the
24 side in the back. I'd like to know exactly what
25 the distance, exactly what the coverage is. I'd

1 like -- when I vote I'd really like to have that
2 information. It's in your best interest that we
3 do.

4 MR. ENGLANDER: I think that I can go over
5 that with Gerry now and give you those numbers.

6 (Whereupon, a recess was taken; the
7 application was recalled.)

8 MR. GOLDMAN: Come to order, folks. We're
9 ready to reconvene.

10 CHAIRMAN KEILSON: Ladies and gentlemen, we'd
11 like to recall Englander. Mr. Englander.

12 MR. ENGLANDER: Yes.

13 CHAIRMAN KEILSON: The feeling of the Board
14 is that they just don't have enough definition in
15 terms of what's going on here.

16 MR. ENGLANDER: Okay.

17 CHAIRMAN KEILSON: Let me finish. And it's
18 their recommendation that it be put over, and we'd
19 even be willing to have a separate special meeting
20 as soon as notice can be given, so you can bring
21 down the architect or whomever is required in
22 order that we have a very clear defined
23 understanding of what is going on back there.

24 MR. ENGLANDER: If I may, the only -- the
25 only pieces of paper that were incorrect was the

1 last chart that was brought out by the town that
2 was obsolete. All the other numbers are correct;
3 the 5,541, the 14.8 percent. Everything is as
4 it's supposed to be. The pool equipment is going
5 on the -- against the wall in the rear of the
6 house slightly away from the pool, which is in A3;
7 you can see that. I mean, it's not on there, but
8 we just drew it out for you. But all the other
9 dimensions, everything that you're seeing here is
10 exactly as it is supposed to be.

11 CHAIRMAN KEILSON: The issue is that there is
12 discomfort also with the excess in terms of
13 surface area coverage, so that has to be analyzed
14 as to what constitutes the excess and to see what
15 can be done. So it has to be dealt with in some
16 fashion.

17 MR. ENGLANDER: But I don't think -- meaning
18 in the plans that you have, the 5,541 of the
19 surface coverage, I think it was 14.8 percent,
20 that is what we have down.

21 CHAIRMAN KEILSON: Right, 700 feet over.

22 MR. ENGLANDER: That is what we have down.
23 That's what was proposed to the Board in the last
24 few weeks.

25 CHAIRMAN KEILSON: What I'm expressing to you

1 is there is discomfort with that excess, the
2 excess excess, and it has to be analyzed as to
3 what it represents and to be modified to make it
4 more acceptable. The general feeling is that the
5 backyard is being overbuilt.

6 MEMBER GOTTLIEB: May I say something?

7 CHAIRMAN KEILSON: Please.

8 MEMBER GOTTLIEB: I'm afraid that if you ask
9 us to vote tonight you won't be satisfied with the
10 answer, so we're giving you an opportunity to
11 clarify some of what we consider to be maybe not
12 that your numbers are incorrect, but so we can
13 better understand the surface overage and if the
14 distance to the side-yard neighbor can be
15 increased. But the fact is that I realize that
16 you want -- we all realize that you want to get on
17 with this and you would like to have your pool
18 sometime soon. Mr. Keilson has generously offered
19 our services at a special meeting next month to
20 accommodate your needs. You would be the only
21 issue on the Board. You might not be, but we
22 would accommodate a special August meeting.

23 MEMBER FEIT: Also, I would like to know if
24 you centered the pool a little bit more towards
25 the center, wouldn't that basically eliminate or

1 greatly reduce the side-yard variance you need?
 2 And I don't see by -- at least preliminarily, I
 3 have to speak to an expert also, I don't see any
 4 problem with it being too close to your house or
 5 deck by centering it a little bit more.

6 MR. ENGLANDER: When you say centering --
 7 when you say centering a little bit more, you're
 8 saying not to encroach those extra five feet?

9 MEMBER FEIT: If you're looking at the pool
 10 from the house, moving it a little bit more to the
 11 left.

12 MR. ENGLANDER: You mean to keep it at the
 13 15 feet as opposed to -- as opposed to the --

14 MEMBER FEIT: Yes, yeah. I don't see that
 15 you're taking anything away from the house, danger
 16 or safety, anything, by shifting the pool over
 17 five feet. It looks like it's going to be the
 18 exact same thing.

19 MR. ENGLANDER: May I ask about the rear
 20 setback. Is your feeling of the need for there --
 21 I mean, do you see there clearly there isn't
 22 enough space?

23 CHAIRMAN KEILSON: I think there's less
 24 resistance on the rear-yard setback. I think
 25 there's great concern about the side yard.

Englander - 7/14/10

1 There's great concern about the surface area
2 coverage.

3 MR. ENGLANDER: May I make a suggestion?
4 Would it be possible if I spoke with my wife about
5 possibly maybe even forgetting that side setback
6 because of the desire to get on with the project
7 and to have some of the summer left with the pool.
8 Would we be able to withdraw that and be able to
9 get the rear?

10 CHAIRMAN KEILSON: Well, you can withdraw the
11 variance request for the side yard, move it over
12 the necessary five feet, and then again, you have
13 to deal with the surface area coverage question.

14 MR. ENGLANDER: Well, what we're doing here
15 is the pool and the extension of the house, which
16 the extension of the house --

17 CHAIRMAN KEILSON: And the patio, I guess,
18 contributes to that.

19 MEMBER GOTTLIEB: By moving the pool over
20 five feet you're going to reduce the patio
21 therefore reducing your surface area coverage.

22 CHAIRMAN KEILSON: Again, that's why I'm
23 saying it needs definition.

24 MR. ENGLANDER: No, what I was saying was
25 just not moving the pool the five feet closer to

1 the other side to make it ten feet, and leave it
2 at the 15 feet, but move it back five feet so it
3 is further from the house.

4 CHAIRMAN KEILSON: I have a further
5 suggestion. If you don't want to wait till
6 August, hopefully this matter of Eisenberg will be
7 done before August, so if you want to hang around
8 till it's concluded, and by that time you will
9 have ample time to sit with a ruler and a
10 calculator that I will give you and you can
11 analyze how to come closer to what we think might
12 be the goal. Fair enough?

13 MR. ENGLANDER: Okay, definitely.

14 CHAIRMAN KEILSON: Give him a set of plans
15 and a pad.

16 MEMBER WILLIAMS: Do you want mine?

17 MR. GOLDMAN: If you have a folder.

18 MEMBER WILLIAMS: You can give it to me
19 later.

20 MR. GOLDMAN: Make sure that it's an updated
21 one.

22 (Whereupon, a recess was taken; the
23 application was recalled.)

24 CHAIRMAN KEILSON: Is Mr. Englander still
25 here.

1 MR. ENGLANDER: Yes.

2 CHAIRMAN KEILSON: Mr. Englander, where were
3 we?

4 MR. ENGLANDER: We'll make it quick.
5 Basically, I know your concern was mainly the
6 surface coverage at this point. I spoke it over
7 with my wife.

8 CHAIRMAN KEILSON: There were two issues.
9 When we last convened --

10 MEMBER FEIT: The side yard you agreed to
11 shift over, right?

12 MR. ENGLANDER: The side yard, yeah, we will
13 leave, unless, of course, you want to throw in
14 eighteen inches. But the most important thing,
15 obviously, is that rear setback we spoke about.
16 You were very concerned about the surface
17 coverage. What I was proposing to do -- what we
18 were proposing to do was to take the patio area
19 around the pool that is currently 332 square feet
20 and drop that down to 190 square feet. That's
21 almost 40 percent less of patio area, and it would
22 take down the current request of 14.8 percent down
23 to 11.87 percent.

24 CHAIRMAN KEILSON: So how many square feet in
25 surface area are you going to be over?

1 MR. ENGLANDER: It would then go down to --
2 I'll tell you right now.

3 CHAIRMAN KEILSON: Instead of the 711.

4 MR. ENGLANDER: We will be 5,399 minus 4,826.

5 CHAIRMAN KEILSON: Again.

6 MR. ENGLANDER: 575 square feet.

7 MEMBER GOTTLIEB: That's the surface overage?

8 MR. ENGLANDER: That would be the surface
9 overage. It would go to 5,399, and the permitted
10 is 4,826.

11 MEMBER GOTTLIEB: Can you just tell me how
12 you got that number, how you were able to figure
13 that out?

14 MR. ENGLANDER: Which number?

15 MEMBER GOTTLIEB: How you got the reduction.

16 MR. ENGLANDER: What I was requesting was the
17 5,541. What I changed was the patio area, which
18 is currently proposed at 332 square feet, and I
19 took that down, I shaved it down to 190 square
20 feet.

21 MEMBER GOTTLIEB: I'm curious, how were you
22 able to figure that out?

23 MR. ENGLANDER: How did I figure it out?

24 MEMBER GOTTLIEB: Yeah.

25 MR. ENGLANDER: I figured out that it would

1 be somewhat of about a twelve by eighteen or
2 eleven and a half by eighteen patio or twelve by
3 seventeen, and that would be a pretty significant
4 amount of space for a patio area.

5 MEMBER WILLIAMS: What is it now?

6 MR. ENGLANDER: Now it seems to have been
7 much bigger. It was closer to about I think 24 by
8 about 20 something. So it was very huge.

9 MEMBER WILLIAMS: But the pool is moving
10 also? Is that going to move the pool closer to
11 the house?

12 MEMBER GOTTLIEB: That's how he's saving some
13 of it, by moving over five foot.

14 MEMBER WILLIAMS: Is the pool moving?

15 MR. ENGLANDER: The pool won't.

16 CHAIRMAN KEILSON: Let's just summarize.
17 You're looking for the rear-yard setback as
18 requested.

19 MR. ENGLANDER: Right.

20 CHAIRMAN KEILSON: No side-yard setback,
21 okay. The surface area coverage that you've just
22 described, 575 over. Building area coverage as
23 requested of 7.8 percent, 2,911, no change in that
24 regard. And the pool equipment is actually moving
25 underneath the --

1 MR. ENGLANDER: The house.

2 CHAIRMAN KEILSON: So there's no request
3 there.

4 MR. ENGLANDER: No request there at all.

5 CHAIRMAN KEILSON: That's where we're up to.

6 MR. GOLDMAN: There was no one who opposed
7 this, right?

8 MR. ENGLANDER: No. In fact, my side-yard
9 people were more than happy to let us have it.

10 MEMBER FEIT: Can we get an opinion from your
11 wife if she opposes it, or your children.

12 MR. ENGLANDER: She's asking also for the
13 eighteen inches on the side.

14 CHAIRMAN KEILSON: We have a quorum without
15 Mr. Rosen, and the hour is late, so we're going to
16 vote.

17 MEMBER FEIT: The record is clear about what
18 we're talking about?

19 CHAIRMAN KEILSON: Is Mr. Rosen out there?

20 Mr. Rosen, if I just may summarize again for
21 your purposes.

22 MEMBER ROSEN: Please.

23 CHAIRMAN KEILSON: No side-yard setback
24 issue. Rear-yard setback as he requested. The
25 surface area coverage excess is 575. The building

1 area coverage is as requested, whatever the number
2 was, 9.8 percent, whatever the number is.

3 MEMBER FEIT: 7.8.

4 CHAIRMAN KEILSON: And those are the
5 requests.

6 MEMBER WILLIAMS: I have one last question to
7 understand one last time. The pool is now going
8 to be where the metal thing is where it started
9 with? I just want to know.

10 MR. ENGLANDER: The pool is currently right
11 now 15 feet off the side yard. I was requesting
12 to move it five feet even further towards the side
13 yard.

14 MEMBER WILLIAMS: So it's going to stay now
15 where the excavation is?

16 MR. ENGLANDER: Where the excavation is.

17 MEMBER WILLIAMS: I'm ready to vote.

18 CHAIRMAN KEILSON: Very good. Mr. Rosen.

19 MEMBER ROSEN: No, no, you have to start down
20 there.

21 CHAIRMAN KEILSON: Mr. Gottlieb.

22 MEMBER GOTTLIEB: I think Mr. Rosen should go
23 first.

24 MEMBER WILLIAMS: I'll go first.

25 CHAIRMAN KEILSON: Mrs. Williams.

Englander - 7/14/10

1 MEMBER WILLIAMS: I vote for.

2 CHAIRMAN KEILSON: Mr. Feit.

3 MEMBER FEIT: For.

4 CHAIRMAN KEILSON: Mr. Gottlieb.

5 MEMBER GOTTLIEB: For.

6 CHAIRMAN KEILSON: Mr. Rosen.

7 MEMBER ROSEN: For.

8 CHAIRMAN KEILSON: And Mr. Keilson, for.

9 MR. ENGLANDER: Thank you so much.

10 MR. GOLDMAN: And we did it so fast for you.

11 MEMBER FEIT: How much time do you need? You
12 have to go to Building Design.

13 MR. ENGLANDER: Do we have to go to Building
14 Design for the pool even though we didn't end up
15 really changing anything because that was already
16 approved by the Building Design?

17 MR. RYDER: With the pool, the patio and the
18 pavers and really they're going to approve the
19 type of pavers.

20 MR. ENGLANDER: Well, I gave that in to them
21 already. I'm not changing any of that.

22 MR. RYDER: You had the hearing.

23 MR. ENGLANDER: Yeah, that was approved
24 already.

25 MR. RYDER: The addition will have to go.

1 The pool was approved already.

2 MR. ENGLANDER: My wife is concerned that she
3 didn't hear you --

4 MR. GOLDMAN: Mr. Chairman, we're still on
5 the record. There's inquiries that are being
6 made. This is important for them because I don't
7 want the Board of Building Design or anybody else
8 for there to be an issue.

9 What's the question, please?

10 MR. ENGLANDER: No, my wife just wanted --

11 MS. ENGLANDER: I just didn't hear in the
12 conversation anything about the porch, and I just
13 wanted to make sure that was included.

14 CHAIRMAN KEILSON: What deck? You never
15 mentioned a deck.

16 MEMBER WILLIAMS: It stays the way it was on
17 the plan.

18 MR. ENGLANDER: Thank you very much.

19 (Whereupon, the hearing concluded at
20 10:10 p.m.)

21 *****

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24

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1 Certified that the foregoing is a true and
2 accurate transcript of the original stenographic
3 minutes in this case.
4

5 Mary Benci

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

2 BOARD OF APPEALS

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

6 July 14, 2010
7 8:50 p.m.

8 APPLICATION: Eisenberg
9 3 Copperbeech Lane
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. ELLIOT FEIT
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. J. PHILIP ROSEN
19 Member

20 MR. EDWARD GOTTLIEB
21 Member

22 MR. RONALD GOLDMAN, ESQ.
23 Attorney for the Board of Appeals

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: We come to the main
2 attraction, Eisenberg. Would they or their
3 representative please step forward.

4 MR. HOCH: Usually the room empties out when
5 you get to the last item on the calendar. We're
6 not so lucky tonight.

7 Ben Hoch, H-O-C-H, on behalf of the
8 petitioners, Mr. and Mrs. Jeffrey Eisenberg, here
9 tonight for a proposal on a new structure at
10 3 Copperbeech Lane.

11 Copperbeech is a cul-de-sac, as I'm sure you
12 will hear often this evening, with a middle
13 island, and the home is on this middle island
14 where there are currently three structures. The
15 petitioners' home is at the northern portion of
16 the island.

17 There are several variances that we are
18 seeking for the construction of this new existing
19 structure, and one of which we will be withdrawing
20 this evening, hopefully, making this --

21 MR. GOLDMAN: Can I just ask you to speak
22 louder since there is a great many people in the
23 back room.

24 MR. HOCH: There is a building area coverage
25 request for an overage of 4.7 percent. There is a

1 rear-yard setback. We are requesting seven feet
2 six inches, which is the existing rear yard line
3 of the existing home. So that's not changing.
4 There is a front-yard setback request for an
5 encroachment of one foot off the 25 feet merely
6 for the steps to the front door. The remaining
7 structure will be behind the 25-foot line or
8 beyond.

9 CHAIRMAN KEILSON: That's on the west, west
10 front yard?

11 MR. HOCH: That is on the west front yard,
12 yes.

13 We had originally requested a height variance
14 for the turret on the rounded study. We are
15 withdrawing that. We will drop that height down
16 to 27 feet.

17 MR. GOLDMAN: Is the turret going --

18 MR. HOCH: Yes, the entire structure,
19 including the turret, will be 27 feet, so we will
20 not need that request.

21 MR. GOLDMAN: Just so we're clear, is the
22 turret staying but not so high?

23 MR. HOCH: The turret is staying but it will
24 be at 27 feet. It will be pitched at 27 feet. We
25 are not requesting a surface coverage area

1 coverage, and there is a rear height setback
2 request as a result of the rear-yard setback
3 request.

4 If you take a look at page A1 of the plans
5 that we submitted --

6 MEMBER FEIT: Wait a minute. Hold on a
7 second.

8 CHAIRMAN KEILSON: The garage.

9 MEMBER FEIT: The garage.

10 MR. HOCH: I'm sorry, yes, and a one-car
11 garage. Yes, thank you, Mr. Feit.

12 In order to -- in an attempt to reduce the
13 structure while keeping many of the needs that the
14 petitioners believe they have for interior space,
15 as well as trying to reduce it, and as a result of
16 the concerns raised by the neighbors both in some
17 discussions that the petitioners had with some of
18 them, as well as the objections that were raised
19 in the several letters that were sent to the
20 Board, we are requesting a one-car garage that
21 would in effect enable the petitioners and the
22 architect to reduce the size of the structure not
23 only on the first floor, reducing building area
24 coverage from an overage above 13 percent down to
25 the four percent, but it also reduced the second

1 story so there are now only five bedrooms on the
2 second story, not six.

3 The petitioners are seeking to build a new
4 home as a result of the fact that this home is 31
5 years old and in need of significant renovation
6 and upgrades to electrical and plumbing, new roof
7 and the like. They have four children. And
8 Mr. Eisenberg's mother has been spending
9 additional time with them recently. And the
10 intention when this project is complete is that
11 she will be moving in with the family; hence, the
12 need for a bedroom on the first floor as she is a
13 little bit older, and getting up the steps will be
14 difficult for her.

15 If you take a look at page A1 on the plans,
16 what we tried to do is superimpose the new
17 structure above the existing structure, so as you
18 see the rear-yard setback is not only exactly
19 where it is for the breakfast room, but most of
20 the rear-yard setback will actually be a little
21 further. It will be eleven feet six inches on the
22 southwest side, and it will be -- although it's
23 not listed here, the architect tells me that it
24 will be about 16 feet on the southeast side of the
25 property.

1 As I stated, no front-yard setbacks, despite
2 the fact that we have the three front yards except
3 for the first set of steps.

4 The bump-out of the structure on the northern
5 part of the property where the rounded study
6 exists goes into the driveway somewhat, but it
7 will not go beyond where the existing driveway is.
8 So that now that we have a circular driveway in
9 front of the new structure there will actually be
10 an opportunity to plant additional shrubbery to
11 create more frontage so that when parties enter
12 the cul-de-sac they will be looking at more
13 shrubbery than they even do today because right
14 now there is a driveway more north to the
15 property; it will now be moved towards the south.
16 It will be a circular driveway so that they don't
17 have to be backing out of the driveway and blocked
18 by the shrubbery there existing. It will be a
19 little safer because it will be easier to see the
20 street in entering and exiting, as well as for
21 parties who are driving down the street to see
22 parties exiting from the driveway in front of the
23 home.

24 I know that there's been a significant amount
25 of concern raised, as you can see by the number of

1 people here. We have really tried to address many
2 of the concerns that were listed in the letters
3 that were sent. Like I said, we tried to reduce
4 the overall size of the house so that now the
5 building area coverage overage is 4.7 percent. We
6 did do that by reducing it to a one-car garage and
7 removing the second story above that second car
8 garage so that the second story will now be
9 smaller as well so that the overall structure with
10 the reduced height of three feet that had been
11 originally requested will not make the structure
12 overall imposing to those either entering the
13 cul-de-sac looking at it or walking around the
14 block and taking a stroll.

15 As I stated, we will have at least 44 feet of
16 frontage for shrubbery before you even get to the
17 driveway. The frond-yard setback on the east is
18 not necessary. And you know, we did think that
19 the one-car garage, although we know that the
20 Board many times especially with new construction
21 is loathe to give that kind of variance, but we
22 really did think that in this situation in trying
23 to weigh the concerns with the neighbors on size
24 and the needs, especially with Mr. Eisenberg's
25 mother coming in, we needed that extra room on the

1 first floor to build a bedroom, that it would be
2 an appropriate compromise that we could get the
3 one-car garage variance from the Board today.

4 And so we think that, you know, given that an
5 orthodox family needs a nice dining room for
6 weekends and holidays. Currently, the family
7 needs to use what is the living room as a dining
8 room because the current dining room is way too
9 small. The current kitchen is not large enough
10 for a modern functional kosher kitchen, so we do
11 need bump-outs. They do need that extra space on
12 the first floor, and like I said, it is very
13 important to the Eisenbergs for their mother
14 coming to live with them to have that additional
15 bedroom on the first floor.

16 With that, if the Board has any questions for
17 me, we also have our architect, Mr. Meister, here,
18 if you have any questions for him; otherwise, I
19 will turn the floor over to anyone else from the
20 audience who wants to speak and I can respond to
21 them afterwards.

22 CHAIRMAN KEILSON: I'd just like to
23 reconfirm, when you come into Copperbeech right
24 now, as you come into Copperbeech you see a
25 beautiful forest looking island. What will one

1 see when they come into Copperbeech?

2 MR. HOCH: Well, that will essentially be --
3 the house will be somewhat closer to the north
4 because we are extending the house to the north.
5 I mean, it's a fact. But there will be -- those
6 trees will stay. The shrubbery will -- you know,
7 I don't know if that exact shrubbery will stay
8 because it's old and when you do construction and
9 put up fencing that may die. We will put up the
10 same or similar shrubbery so that when persons are
11 coming into the cul-de-sac they will see exactly
12 what they see today. As a matter of fact, because
13 we have that extra frontage because the driveway
14 is moving towards the south, that it will actually
15 even be additional.

16 CHAIRMAN KEILSON: On the east side you're
17 currently shrouded from the neighbors also with
18 shrubbery and trees.

19 MR. HOCH: Again, that will all stay. All
20 that will stay. The Eisenbergs, that portion of
21 the yard for the most part will be the yard for
22 their children to play. So they will want the
23 privacy and they will also want the safety of
24 maintaining the shrubbery there. There will be a
25 patio on the other side of the house for a sukkah

1 MR. HOCH: Just one -- I'm sorry, two,
2 because there's the driveway and then there's a
3 walkway to the curb from the front door. So there
4 are two cuts in the driveway.

5 MEMBER WILLIAMS: But that's not a car cut.

6 MR. HOCH: No, not a car cut. There's one
7 car cut, and there will be three car cuts.

8 MEMBER WILLIAMS: Now there's one car cut,
9 and then there will be three car cuts.

10 MR. HOCH: Yes.

11 CHAIRMAN KEILSON: Do you know what the
12 present height of the building is?

13 MR. HOCH: Yes, 26 feet 9 inches. We will be
14 adding three inches of height.

15 MEMBER WILLIAMS: Another question. You have
16 a family room. What size, approximately?

17 MR. HOCH: The family room is -- I think it's
18 approximately 20 feet.

19 MEMBER WILLIAMS: I don't need the exact.

20 MEMBER ROSEN: It just doesn't say it on the
21 plans.

22 MR. HOCH: It's 20 feet long at its longest
23 point. All the rooms are angled because the house
24 has to be somewhat angled.

25 MEMBER WILLIAMS: We have a study that's over

1 15 feet in diameter.

2 MR. MEISTER: That's out, so you're going to
3 lose a foot.

4 MEMBER WILLIAMS: Okay.

5 MR. MEISTER: So the interior dimension is
6 14.

7 CHAIRMAN KEILSON: State your name for the
8 record.

9 MR. MEISTER: I'm sorry. I'm Warren Meister,
10 M-E-I-S-T-E-R. I'm the architect.

11 MEMBER WILLIAMS: And then there's a living
12 room that's 18 something feet, and then there's a
13 -- so we have three kind of publicly used rooms,
14 whatever you call them.

15 MR. HOCH: Yes.

16 MR. MEISTER: Yes.

17 MR. GOLDMAN: Communal.

18 MEMBER WILLIAMS: Three.

19 MR. HOCH: Yes.

20 CHAIRMAN KEILSON: But understand, overall
21 they are only 120 feet over in total building
22 coverage.

23 MEMBER WILLIAMS: The building coverage
24 doesn't bother me. I'm most disturbed by the
25 garage. To me, that's the biggest thing, and the

1 cuts do disturb me. I don't know how anyone else
2 feels about them.

3 MEMBER FEIT: The fathers of this Village
4 have passed the rules that there are two-car
5 garages. Quite frankly, they expect the garages
6 to be used. The fact that some residents feel
7 that they don't have to use it is their business.
8 But as far as the Village is concerned, they want
9 two-car garages so the cars are not visible. And
10 with a property this size, and this is a very
11 large property, there is absolutely no excuse for
12 not having a two-car garage. Even if you relocate
13 the location of the garage someplace else
14 entirely, make it a free-standing garage, I don't
15 care, but just to cut back on garage space.

16 MR. HOCH: The issue with the two-car garage,
17 that increases the building area coverage. We
18 were trying to reduce building area because it
19 sounded like the complaints were on the overall
20 size of the structure.

21 MEMBER WILLIAMS: I'd like to make a
22 statement based on that. I'm not going to accuse
23 you of this, but I think there's a perception out
24 there. The perception seems to be I'll come with
25 this ridiculous crazy big request, and then we'll

1 negotiate and I'll get what I wanted. And I don't
2 think people realize that it tends to work against
3 them because when you do come in with this
4 ridiculous crazy big request, this is what
5 happens.

6 MR. HOCH: I understand.

7 MEMBER WILLIAMS: And then when you come back
8 with requests that are reasonable or closer to
9 reasonable --

10 MEMBER ROSEN: It doesn't filter through.

11 MR. HOCH: I under -- well taken.

12 MEMBER WILLIAMS: I just wanted to put that
13 out there.

14 MR. HOCH: Very well taken. But what
15 happened here is those plans were submitted. When
16 we saw the reaction, we immediately pulled it.
17 It's not like we came to the Board, tried to
18 present it. We immediately pulled it.

19 MEMBER WILLIAMS: I just wanted to put that
20 out there.

21 MR. HOCH: We modified it on several
22 locations. We had people down at the house
23 measuring with tape measures.

24 MEMBER WILLIAMS: My point is that people
25 think that it's in their best interest and it's

1 really not.

2 MR. HOCH: Very well taken. Ms. Williams,
3 you don't know me, but --

4 MEMBER WILLIAMS: I just wanted to put that
5 out there.

6 MR. HOCH: I understand that very well. That
7 was why we pulled the request as opposed to ever
8 trying to argue before the Board.

9 MEMBER WILLIAMS: Because, honestly, besides
10 the issue of the garage, which I think is a
11 serious issue, your requests otherwise are not
12 beyond what we would reasonably see.

13 MR. HOCH: I understand. Frankly, that's
14 what we are trying to get to. We understand the
15 perception. But again, that was why we never came
16 before the Board; we pulled it. We did modify it
17 once, saw it wasn't enough, and we pulled it
18 again.

19 CHAIRMAN KEILSON: I think it's also worth
20 also noting for the record, Mrs. Williams, that
21 Mr. Ryder and I have initiated a meeting with a
22 group of architects that have done work in the
23 Village previously to heighten their awareness
24 of the fact that we don't suffer well the fact
25 that they come in with what's considered to be

1 overzealous plans. So we are having that
2 meeting probably in another two weeks with the
3 architects.

4 MR. MEISTER: Can I just say something?

5 CHAIRMAN KEILSON: No. At the appropriate
6 time. To that specific end, to that specific end,
7 now, Mr. Meister, what would you like to say?

8 MR. MEISTER: I'll be there.

9 MEMBER FEIT: You know, if you just extend
10 the garage, the patio -- eliminate the patio, that
11 solves the whole two-car garage problem.

12 MR. MEISTER: Then we have a square footage
13 problem for the building.

14 MEMBER FEIT: What do you mean, for the
15 patio?

16 CHAIRMAN KEILSON: No, building coverage. It
17 increases the building coverage.

18 MEMBER WILLIAMS: What did you want to say?

19 MEMBER FEIT: But minimal, it increases it
20 minimally.

21 MR. MEISTER: It increases it. It increases
22 it by almost --

23 MR. HOCH: If you're adding 10 by 20, it's
24 200 square feet. So you're doubling your building
25 area encroachment.

1 MR. GOLDMAN: The garage that you are
2 currently building, how wide is it?

3 MR. MEISTER: What do you mean?

4 MR. GOLDMAN: The garage.

5 MEMBER GOTTLIEB: What is the dimension?

6 MR. HOCH: Whatever the minimum size for the
7 one-car garage.

8 MR. MEISTER: It's 10 feet wide by 20 feet
9 long interior dimension.

10 MR. HOCH: That's also a Village requirement.

11 MEMBER WILLIAMS: Did you want to say
12 something?

13 MR. MEISTER: No, no, no. I was about to say
14 something, but we'll take it up at the other
15 meeting.

16 MEMBER GOTTLIEB: Mr. Hoch, it seems to us,
17 obviously, you have an unusually shaped piece of
18 property. It's a nice sized piece of property.
19 It's unusually shaped, and it's also in a very
20 unusual location that it's at the entrance and the
21 exit of this beautiful cul-de-sac as you call it.
22 And as much as I would like to, we can't
23 accommodate what everybody wants, and I understand
24 you have scaled back quite a bit. In the
25 Copperbeech area every house has got at least a

1 two-car garage. I didn't notice any threes, but
2 there are certainly no one-car garages. I do have
3 an issue with setting a precedent that we allow
4 one-car garages. Of course, you don't have to use
5 it. We can't force you to use it. But you do
6 have existing three living areas; you have a
7 study, a living room, a family room and a guest
8 room and dining room and kitchen and patio.

9 MEMBER FEIT: Library.

10 MEMBER GOTTLIEB: We're missing a library.
11 Okay. I'm just suggesting if there's a way for
12 you to incorporate a second garage there, that
13 would make quite a difference because everything
14 else, you've reduced the height variance request,
15 you're over by a hundred and something feet, 122
16 feet, I think, which is rather small.

17 CHAIRMAN KEILSON: 123, yeah.

18 MR. HOCH: What are the dimensions necessary
19 for a two-car garage? Does it have to be 20 feet
20 wide or 18 feet wide?

21 MR. RYDER: No, 20 by 20.

22 MR. HOCH: Because if we -- if we only do a
23 one story at that piece of the property and extend
24 that out, that will add to building area coverage
25 but it won't add to the overall bulkiness of the

1 structure because it will only be one story. We
2 can move the patio. We have more than enough room
3 to move the patio closer to the rear yard line.
4 That's just surface and we won't be over surface
5 area coverage anyway, I don't believe, but maybe
6 minor. We have to do that calculation. But then
7 we could bump out the garage on a one-story basis,
8 will not build a bedroom over it, and I think that
9 -- I think that would solve that. Again, we are
10 in a unique situation. We are trying to come up
11 with a unique solution.

12 CHAIRMAN KEILSON: Any other questions from
13 the Board?

14 MEMBER GOTTLIEB: Would you describe that
15 again.

16 MR. HOCH: What I was suggesting is we would
17 widen the garage necessary on the first floor to
18 make a two-car garage, but we would not build
19 above the garage on that second, on the second
20 floor.

21 MR. GOLDMAN: And you would widen it by
22 pushing the patio.

23 MR. HOCH: And we would push the patio back.

24 MR. MEISTER: As a matter of fact, if you
25 take a look at the second-floor plan, we're not

1 over a portion of the garage anyway currently. So
2 we would -- this roof area, one-story roof would
3 get slightly larger.

4 MEMBER WILLIAMS: I want to ask one question.
5 On these cutouts that didn't exist before because
6 they put in a circular drive, what is exactly
7 opposite there; is that a home or what, or is that
8 a driveway?

9 MR. MEISTER: No.

10 MEMBER WILLIAMS: There's nothing. It was
11 just a simple question. Someone brought up
12 reverberations of safety issues.

13 MR. HOCH: If I can explain that. I mean,
14 I'm sure the person wrote that in the letter.
15 Originally, on the original set of plans that were
16 submitted there was a driveway proposed because we
17 had put the entrance on the north side of the
18 property from east to west. That's gone.

19 MEMBER WILLIAMS: So the way it is now, no
20 one is backing up right up into someone else's
21 driveway across Copperbeech East, is it?

22 MR. MEISTER: No.

23 MEMBER WILLIAMS: They're backing into this
24 land?

25 MR. MEISTER: Right.

1 MEMBER WILLIAMS: That's just a safety issue.

2 CHAIRMAN KEILSON: Any further questions?

3 Mr. Rosen?

4 We're going to open it to the floor. People

5 who would like to comment, if you'd like to

6 comment, please step up, identify yourself.

7 Please step forward, thank you. Identify who

8 you are and your address.

9 MS. SAFFRA: Martha Saffra, 8 Copperbeech
10 Lane.

11 CHAIRMAN KEILSON: All comments should come
12 here.

13 MS. SAFFRA: I'd like to know, being that
14 it's such a large edifice that's going to be built
15 and it's zoned for C1, which is three front yards,
16 that there will be several air-conditioning unit
17 compressors. I'd like to know where these
18 compressors are going to be.

19 CHAIRMAN KEILSON: We'd be happy to tell you.

20 By the way, I don't think there's any
21 restriction on air conditioners today, is there,
22 Mr. Ryder, as to placement?

23 MR. RYDER: The Board of Building Design
24 approval, that's as to placement.

25 CHAIRMAN KEILSON: Mr. Meister, could you let

1 us know where the air-conditioning units are
2 planned for.

3 MR. MEISTER: We're not sure yet. We could,
4 if you want, put them on the roof.

5 CHAIRMAN KEILSON: Okay, so it's undefined,
6 and it's really not within our purview.

7 MEMBER GOTTLIEB: That has been done. It has
8 been done.

9 MEMBER WILLIAMS: I think the Board of
10 Building Design will work that out with you.

11 MR. MEISTER: Another thing we could do,
12 we're also looking into actually going to a
13 geothermal system where there wouldn't be any
14 compressors on the outside. There would be
15 actually a chiller in the inside and there would
16 be no boilers.

17 MEMBER WILLIAMS: Have you done that before?
18 That's exciting.

19 MR. MEISTER: What?

20 MEMBER WILLIAMS: Have you ever done that
21 before?

22 MR. MEISTER: About ten times.

23 MEMBER WILLIAMS: That's exciting.

24 MR. MEISTER: Yeah. And so we're going to
25 look into that. I mean, it's more money, but

1 there are taxes.

2 CHAIRMAN KEILSON: Anything further?

3 MS. SAFFRA: Also, because of the narrow
4 between where the proposed building is to be and
5 where east and west, it sort of narrows down to
6 the corner, if there is going to be a dumpster,
7 where would that be placed and how would that
8 affect the traffic?

9 CHAIRMAN KEILSON: Mr. Ryder.

10 MR. GOLDMAN: You mean during the
11 construction?

12 MS. SAFFRA: During construction.

13 CHAIRMAN KEILSON: That's a Building
14 Department question.

15 MR. RYDER: The dumpster is not permitted in
16 the street, so that's one.

17 Secondly, it will be on the property entirely
18 and not on Village property. Where they're going
19 to locate it, we could do preference. We can take
20 in the neighbors' concerns and make sure that it's
21 in an area that doesn't impact anybody negatively.

22 MS. SAFFRA: Okay, that's it.

23 MR. HOCH: We'd be happy to put it wherever
24 they want us to.

25 CHAIRMAN KEILSON: Thank you. Please.

1 MS. LANDAU: Janet Landau. I'm at number 7,
2 right across, directly opposite.

3 Mr. Eisenberg never came to me, never
4 discussed anything with me. And I'm not against
5 enlarging a property. Ten houses on the street
6 have been enlarged around the perimeter quite
7 effectively without any complaints, as far as I
8 know.

9 I've lived in the street since 1968. I saw
10 the previous demolition of the island. I know
11 what's involved. I'm not easily convinced that
12 shrubbery, which will take another hundred years
13 because I have watched it in the last 40 years
14 regrow, will cover up the tower.

15 And if I had to beg one thing, it's get rid
16 of the German tower. I do not want to look out of
17 my front door and see this turret. Right now I
18 have a lot of greenery. We live in the front of
19 the house all the time, and what I'm going to see
20 is a flat large stucco building, no trees. In
21 spite of the statement that there will be
22 shrubbery and it's going to cause a really
23 undesirable change in the environment of this --
24 of this area. Coming in, I am not convinced that
25 the tower will not just hit us in the face.

1 And I did send everybody a letter and I did
2 say most of what I needed to say in that letter.
3 I hope you had a moment to look at it.

4 CHAIRMAN KEILSON: We received your letter
5 and we've read it and we discussed it, yes.

6 MR. GOLDMAN: It's made part of the record.

7 MS. LANDAU: The house is very large. The
8 rooms are enormous. And I figured that with a
9 small adjustment this house could be built very
10 easily within code. I'm not sure why they --

11 CHAIRMAN KEILSON: Well, they're only at
12 present 120 square feet over.

13 MEMBER ROSEN: It is mostly within code.

14 MS. LANDAU: If it's mostly within code,
15 fine, but to say that you can't make a second
16 garage that's where I figure that it would come
17 from. And I'm pleased to see that the height of
18 the roof was decreased, because we saw that the
19 plans -- on the plans we did not see these changes
20 that have been expressed this evening.

21 But my concern is for everybody in the
22 street, the environment, what it looks like when
23 you come in. It's been very peaceful. Other
24 people like to come in and walk around the block,
25 and I'd like some of it saved. That's really what

1 I'm saying, but if I had one request, please get
2 rid of that tower.

3 CHAIRMAN KEILSON: Okay.

4 MS. LANDAU: I know that other people have
5 something to say, so that's what I'd like to say.

6 CHAIRMAN KEILSON: Thank you very much.

7 MEMBER FEIT: Can I just point out for
8 informational purposes, any variances granted by
9 this Board is subject to shrubbery and to a
10 complete planning program which has to be approved
11 by the Building Department with consultation of
12 the neighbors. So you're not going to get --

13 CHAIRMAN KEILSON: No, no, Mr. Feit. Please.

14 MEMBER FEIT: With the Building Department.

15 CHAIRMAN KEILSON: We can make it subject to
16 the approval of the Building Department.

17 Yes, please. Anyone else from the audience
18 who would like to express themselves? Don't be
19 shy. Last opportunity.

20 Please introduce yourself.

21 MR. DAVID SAFFRA: David Saffra, son of
22 Martha Saffra, who resides at 8 Copperbeech.

23 Good evening, everyone. I want to thank you
24 for taking the time. It's been a long night; I'll
25 try to keep it very brief.

1 It was heartening to see that the concept of
2 trying to get closer to reasonable is taking
3 place, but the one issue that we still need to
4 look at is this is a self-created issue by the
5 petitioner. This is a petition for a new
6 building, not an existing building, but a new
7 building, and any time you have a new building
8 there is no need to go outside the guides of the
9 zoning laws. You should be able to work within
10 the guides of the zoning law.

11 That being the case, the fact that you're
12 saying it's a mere overage of 120 square feet,
13 it's still 120 square feet over what they're
14 entitled to pursuant to the zoning laws. So just
15 as a point of fact, I'm just curious how with a
16 new application for a new building, because this
17 is what it is, why they can't conform to the
18 zoning laws as is.

19 CHAIRMAN KEILSON: Procedurally, we have
20 observed the rule either with new construction
21 that we are guided by the criteria that is set
22 forth by statute. The statute criteria don't
23 distinguish between new construction or old
24 construction. So we judge by the five criteria,
25 which I think you've captured or your mother's

1 captured in some of her letters. I think
2 everybody is familiar with this, but as a general
3 statement the benefit of the requested variance to
4 the applicant as opposed to the detriment it will
5 cause to the health, safety and welfare of the
6 neighbors. So we have a balancing test of five
7 criteria to which it's subjected to, and I think
8 your acknowledgement of the fact that they have
9 made the effort, they've been chastised
10 accordingly in terms of reducing it, and I think
11 we will evaluate it as to whether the 120 square
12 feet of the overage really in any way violates
13 these criteria. But as a general policy, this
14 Board does not absolutely divide itself that new
15 construction has to abide by the zoning
16 regulation.

17 MR. DAVID SAFFRA: Understood. With that
18 though, it's also the issue regarding what you
19 mentioned, the surface area, the coverage issue.
20 It's still unclear to me as a layperson looking at
21 this what exactly the maximum square footage
22 allowed is, what the requests are, because in
23 between the first petition, which was ultimately
24 withdrawn, there are three different sets of
25 numbers.

1 In this second petition, which was in the
2 notice there was only one set of numbers given of
3 11,848 square feet in area with the maximum
4 building area coverage 2,625. I'm still unclear
5 as to are those the accurate numbers or not? I'm
6 not presuming that someone --

7 CHAIRMAN KEILSON: I'd be happy to clarify.
8 They're permitted 2,625 square feet; they've
9 proposed 2,747 square feet. There's no request
10 for anything on surface area coverage. They're
11 building within rights on surface area coverage.
12 It's building area coverage and then the setbacks,
13 and the setbacks that they're observing are
14 identical with the house as it exists today except
15 on the west side with the steps.

16 MR. DAVID SAFFRA: And on the east side.

17 CHAIRMAN KEILSON: Not on the east side.
18 Only on the west side. The west side is different
19 than it exists today. The east side has no
20 problem, and the south side, I guess, has 7.6
21 which is existing today as well. So vis-à-vis
22 the Saffra residence it's not encroaching any
23 further.

24 MR. DAVID SAFFRA: Understood. I appreciate
25 the clarification.

1 The other -- the other issue which was
2 mentioned before, I won't beat the dead horse with
3 the dead tower, is regarding the concept of the
4 tower because in the balancing test, which is what
5 the whole idea of what the Zoning Board does,
6 looking at does it change the character of the
7 community or not. If you look at the cul-de-sac
8 as a whole, and I'm sure all of you have been in
9 that cul-de-sac at one point or another, the style
10 of the houses there are more or less uniform. You
11 have on one end high ranches or ranches, you have
12 colonials on the other side. Nowhere though do
13 you have a house that would look like the
14 petitioners' residence, and yes, beauty is in the
15 eye of the beholder. I understand there is a
16 separate zoning -- as a matter of fact, there's a
17 separate --

18 CHAIRMAN KEILSON: Building Design.

19 MR. DAVID SAFFRA: -- Building Design that
20 will deal with the issue. But nonetheless, when
21 looking at the factors that you're looking at in
22 reaching a balancing test, this is something that
23 should be addressed, and at least from my point of
24 view just voiced as far as anyone coming into the
25 cul-de-sac. Remember just the way the house is

1 situated, because this is a unique lot, they're
2 going to be faced with that edifice, that
3 structure, that tower, that spiral, call it
4 whatever you want, but your point of vision is
5 going to be drawn to it. Even if there's going to
6 be shrubbery in the front, the fact is the
7 shrubbery is not going to be 27 feet high.

8 CHAIRMAN KEILSON: So you're point is correct
9 that the Board of Building Design is one that
10 passes on this type of aspect. They've reduced
11 the height from 30 feet to 27 feet, so they're
12 building appropriately. So it's really not within
13 our criteria to really comment on whether the
14 turret is nice or not nice, and I think that would
15 be straying from, you know, our purview.

16 MR. DAVID SAFFRA: Okay. Those are my
17 comments for this evening.

18 CHAIRMAN KEILSON: Thank you very much.
19 Please step forward.

20 MR. NORMAN SAFFRA: Hi. My name is Norman
21 Saffra, Martha Saffra's other son.

22 Miss Williams noted correctly that the
23 petitioner is requesting now additional curb cuts.
24 As a visitor to the cul-de-sac, I'm quite
25 concerned about the safety of car traffic.

1 Currently, the petitioners' driveway is on
2 one side. Now, there will be traffic, additional
3 traffic on both sides.

4 The cul-de-sac, I believe, is a two-way
5 street on either side. Miss Williams correctly
6 noted this may be a safety issue of having
7 driveways on both sides, especially with the
8 shrubbery, we're talking about a potential blind
9 spot or a blind driveway. While it may not pull
10 into somebody else's property, a blind driveway is
11 a potential safety issue. I just wanted to raise
12 that for the Board to consider.

13 CHAIRMAN KEILSON: I think, Mr. Rosen, you
14 wanted to comment on that?

15 MEMBER ROSEN: Yeah. I'm not sure whether
16 there's anything worse in terms of my driveway. I
17 think it might be better as opposed to worse.

18 MEMBER GOTTLIEB: I think that we have to
19 point out that we're not having more vehicle
20 maneuvers. We're just changing the location.
21 We're not increasing the traffic flow by
22 three-fold by putting in more curb cuts; we're
23 just making it more accessible.

24 MEMBER WILLIAMS: Exactly what Mr. Gottlieb
25 is saying, that wasn't my concern that there were

1 more cars. I just wanted to make sure that two
2 cars weren't coming into each other. The fact is
3 there aren't going to be more or less cars for
4 this property because of the extra curb cuts. So
5 that wasn't my concern.

6 CHAIRMAN KEILSON: Is there anybody else in
7 the audience who would like to speak to the
8 matter?

9 MS. VITUCCI: Anita Vitucci, V-I-T-U-C-C-I,
10 Copperbeech.

11 MR. GOLDMAN: What's the address, please?
12 I'm sorry.

13 MS. VITUCCI: Ten.

14 CHAIRMAN KEILSON: Okay, we've identified
15 your home.

16 MS. VITUCCI: Okay. Right now I see trees
17 and shrubbery. Where will this curb cut be for
18 the new garage? Will that be right in front of my
19 house, and will they have to move the fire hydrant
20 and the streetlight?

21 CHAIRMAN KEILSON: Are there any other
22 questions?

23 MS. VITUCCI: That's it.

24 CHAIRMAN KEILSON: Mr. Meister, can you
25 respond or get clarification where this is

1 vis-à-vis the Vitucci residence?

2 MR. MEISTER: It will be right near there,
3 yes.

4 MS. VITUCCI: Well, we know it's going to be
5 near, but is it going to be in front of my door,
6 in front of my window?

7 MR. GOLDMAN: One at a time, please.

8 CHAIRMAN KEILSON: We'll get that clarified,
9 thank you.

10 MS. VITUCCI: One more thing.

11 CHAIRMAN KEILSON: Please.

12 MS. VITUCCI: With the two curb cuts that
13 we're going to have now in the front, they said
14 they're going to put up --

15 CHAIRMAN KEILSON: The circular driveway.

16 MS. VITUCCI: The circular driveway, will
17 that be where the existing driveway is on the west
18 going out now to the east? Or will that be in the
19 same position?

20 CHAIRMAN KEILSON: No, it will actually be
21 set back further.

22 MS. VITUCCI: It will be further?

23 CHAIRMAN KEILSON: Yes.

24 MS. VITUCCI: Okay.

25 MEMBER GOTTLIEB: There won't be a

1 pass-through from one street to the next. Is that
2 what you're asking?

3 MS. VITUCCI: Well, there will be a
4 pass-through. You're going to have a cut from the
5 west to the east.

6 CHAIRMAN KEILSON: No, no, no.

7 MR. HOCH: That's gone.

8 MS. VITUCCI: Oh, I didn't know that was
9 gone. I missed that.

10 CHAIRMAN KEILSON: I think it's worth showing
11 you the drawing, if you don't mind.

12 MS. VITUCCI: Okay.

13 CHAIRMAN KEILSON: Anybody else?

14 MS. LANDAU: Janet Landau, L-A-N-D-A-U.

15 Number 3 Copperbeech -- 7 Copperbeech.

16 There's no one to discuss the seven and a
17 half feet which in the petition said 8.8 feet, I
18 believe, between the petitioners' property and the
19 rear which is supposed to be 30 feet. Nobody has
20 raised that issue. I think it's outrageous.

21 CHAIRMAN KEILSON: It's an existing. It's an
22 existing condition.

23 MS. LANDAU: Well, does that really have a
24 bearing?

25 CHAIRMAN KEILSON: It certainly does.

1 MS. LANDAU: It does, okay.

2 MEMBER WILLIAMS: How long has that been that
3 way?

4 MS. LANDAU: Since 1980.

5 MEMBER WILLIAMS: Thirty years.

6 MS. LANDAU: I watched them go up.

7 MEMBER WILLIAMS: For 30 years that's the way
8 it's been. It's unfair to punish them.

9 CHAIRMAN KEILSON: We'd like to hear from the
10 neighbor most affected. I assume if we haven't
11 heard from them it's not a concern.

12 MS. LANDAU: It's gone down. It's now seven
13 and a half feet and in the petition it said 8.8.
14 In the plans we had --

15 CHAIRMAN KEILSON: No, the existing is seven
16 foot six inches and the proposed is seven foot
17 six.

18 MS. LANDAU: All right, proposed is only
19 seven.

20 CHAIRMAN KEILSON: Seven foot six.

21 MS. LANDAU: The petition that we got that I
22 have in my pile of stuff here it said eight feet
23 something.

24 MR. HOCH: A previous --

25 CHAIRMAN KEILSON: Let me just clarify. The

1 existing condition is seven foot six inches and
2 the proposed is seven foot six inches.

3 MS. LANDAU: Okay, okay, and just a comment.
4 I would like to see somebody spell the name of the
5 street correctly. Mr. Eisenberg, the architect,
6 no one yet has spelled it correctly. And I think
7 if they live on this street they should know how
8 to spell it.

9 CHAIRMAN KEILSON: Thank you very much, okay.

10 MEMBER GOTTLIEB: I have a question for
11 Mr. Meister.

12 CHAIRMAN KEILSON: Any other comments from
13 the audience?

14 MR. GALLER: Jeffrey Galler, 18 Copperbeech
15 Lane, G-A-L-L-E-R.

16 MR. GOLDMAN: And the address, please.

17 MR. GALLER: 18 Copperbeech Lane.

18 I'm speaking with great reluctance because
19 it's difficult to speak against the aspirations of
20 a good neighbor and a good friend. However, all
21 of us on the street have very grave concerns about
22 this construction. I'm not going to rehash the
23 very serious issues raised in Mrs. Landau's letter
24 and Mrs. Saffra's letter; they very articulately
25 expressed some of our concerns.

1 I would like, however, to point out two
2 specific things that worry me especially. One is
3 that what may seem to you like a very minor
4 variance grant because of the unique triangular
5 shape of this property and because of its unique
6 position at the head, like an arrow right at the
7 beginning of the street, this minor variance is
8 really exponentially much more serious than it
9 seems on paper, and I hope you take that into
10 consideration before just giving a blank stamp as
11 to what seems like a minor alteration but is
12 really a massive change. If this house would be
13 in any other position on the block, it wouldn't be
14 quite as serious as it is over here. I hope
15 you've all visited the block. It's a very
16 delicate, fragile spot on the block,
17 unfortunately, for my neighbor.

18 The other thing I'd like to raise is this:
19 What is going to be his rear yard is our front
20 yard on East Copperbeech Lane. The street on
21 Copperbeech Lane there's no sidewalks; it's a very
22 narrow street to start with. My concern is that
23 the construction, as I understand it, is going to
24 make walking down my street feel like walking down
25 a very dark, dingy tenement alleyway. Now, the

1 benign description that --

2 CHAIRMAN KEILSON: Why do you say that?

3 MR. GALLER: Because it's going to be higher
4 and closer to the property line than it is right
5 now, significantly.

6 CHAIRMAN KEILSON: Well, high it's not. You
7 heard testimony that currently it's 26/9 currently
8 and going to 27. That's three inches higher.

9 MR. GALLER: What is the current height?

10 CHAIRMAN KEILSON: Twenty-six nine.

11 MR. GALLER: On the border of Copperbeech
12 Lane -- of East Copperbeech, what is the current
13 height?

14 MR. HOCH: The peak of the roof is at 26/9.

15 CHAIRMAN KEILSON: It's not encroaching any
16 further towards the sidewalk.

17 MR. GALLER: The diagram that I have shows a
18 significant change. Is this correct over here,
19 the yellow is the existing?

20 CHAIRMAN KEILSON: I've been through so many
21 generations of maps. Mr. Goldman.

22 MR. GOLDMAN: This is the right one, right?

23 MR. RYDER: Uh-hm.

24 CHAIRMAN KEILSON: So how does that
25 correspond to what you have?

1 MR. GOLDMAN: Is yours dated in any way?

2 MR. GALLER: The inner dotted line is the
3 existing building. The shaded area is the
4 proposed change. That's a massive expansion onto
5 the side of East Copperbeeche Lane. There's just
6 one point at which the existing house stays the
7 same.

8 CHAIRMAN KEILSON: Okay.

9 MR. GALLER: That entire massive shaded area
10 is a huge change. It's not a small benign change
11 at all. And as you stated in the letter that you
12 sent out to us, the side spacing or what's rear
13 spacing for him should be 30 feet, it's going to
14 go to eight feet eight inches. One or two, five
15 feet everyone can understand, you know, everyone
16 has the right to do what they want, but in your
17 letter to us you're pointing out that the normal
18 variance, normal accepted spacing of 30 feet is
19 going to be eight feet.

20 MEMBER FEIT: That's rear yard.

21 MR. GALLER: The rear yard is my front yard,
22 Elliot.

23 MEMBER FEIT: No, I know where you live,
24 obviously. What I'm trying to see is that --
25 well, let me ask the applicant, from the edge of

1 the house --

2 CHAIRMAN KEILSON: Let him finish his
3 comments.

4 MEMBER FEIT: Okay, go ahead.

5 CHAIRMAN KEILSON: Anything else?

6 MR. GALLER: I think I'm done. I just want
7 to make sure that you see the diagram, if I'm
8 correct in interpreting it the way I see it, that
9 the inner is the existing, the larger shaded area
10 is massive expansion closer to the curb and closer
11 to the street that's already very narrow.

12 MEMBER FEIT: Can I just ask the applicant --

13 MR. GALLER: Thank you.

14 MEMBER FEIT: -- what is the distance from
15 the proposed east side of the house to
16 East Copperbeech Lane?

17 MR. HOCH: You want to know what the
18 front-yard setback is there?

19 MEMBER FEIT: Yeah, I guess that's considered
20 the front yard.

21 MR. HOCH: It's 26 feet eleven and a half
22 inches.

23 MEMBER FEIT: Now, the rear height setback
24 ratio, does that apply to the front, what you call
25 the front yard?

1 MR. HOCH: No. There are no height setback
2 ratio issues on the front yards.

3 MEMBER FEIT: So it's about 27 feet to the
4 non-sidewalk, to the gutter.

5 MR. HOCH: Right. To the property line.
6 There is another three feet that is owned by the
7 Village to the curb.

8 MEMBER GOTTLIEB: So the 26 eleven and a half
9 is not to be the cobblestone curb.

10 MR. HOCH: No.

11 MEMBER GOTTLIEB: It's to three feet in
12 there.

13 MR. HOCH: Correct.

14 MR. MEISTER: It's actually closer to five
15 and a half feet.

16 MEMBER GOTTLIEB: It's actually 30 feet to
17 the curb line.

18 MR. HOCH: Yes.

19 MR. MEISTER: This is about five and a half,
20 six feet between the property line and the --
21 that's Village property, this buffer that wraps
22 around.

23 MR. HOCH: Usually it's three but here it's
24 five.

25 MEMBER GOTTLIEB: Many of our attorneys don't

1 know the answer. So thank you.

2 CHAIRMAN KEILSON: So there is no
3 encroachment on the east side.

4 MR. HOCH: No.

5 CHAIRMAN KEILSON: Mr. Galler, do you
6 understand that?

7 MR. GALLER: I do not.

8 CHAIRMAN KEILSON: Even with that massive
9 construction as you depicted it, there is no
10 encroachment.

11 MR. GALLER: Is your letter correct, the
12 legal notice where you say rear-yard setback of
13 not less than 30 feet, requested rear-yard setback
14 is eight feet eight inches?

15 MEMBER FEIT: The rear yard is the other
16 side, the west side, not the east side.

17 MR. HOCH: The south side.

18 CHAIRMAN KEILSON: The south side. That's
19 referring to this side. On your side they're
20 within right, they're building within right.

21 MR. GALLER: Okay. But do you see the
22 massive change over there?

23 MEMBER GOTTLIEB: Yeah.

24 MR. GALLER: So my other point, please take
25 into consideration that what seems like a minor

1 total square footage change is exponentially
2 magnified because of the unique shape of the
3 property and the narrowness of our streets.

4 CHAIRMAN KEILSON: We understand.

5 MR. GALLER: Thank you.

6 CHAIRMAN KEILSON: Anybody else?

7 MR. HAMBURGER: My name is Jerome Hamburger,
8 and I live at 12 Copperbeech Lane, and we will be
9 affected by the driveways across, the additional
10 driveways.

11 Anybody that lives on this little circular
12 location knows darn well how dangerous it is right
13 now to get out of our block. There are no traffic
14 lights. This is not your department, but there
15 are no traffic lights for three blocks in one
16 direction, and I believe three blocks in the other
17 direction.

18 Auerbach and Copperbeech hit Broadway if you
19 look at it exactly at the same point. To set a
20 precedent to allow a larger house to be built on
21 that spot where the exits right now are so darn
22 dangerous where there have been accidents in the
23 past, I think you people should consider as one of
24 the major problems, because if that precedent of
25 allowing just a little bit of give-away on the

1 land right now is carried forward onto other areas
2 the amount of traffic going out of that place and
3 any of you folks if you just stand there and try,
4 see if you can get out. My wife, we pray every
5 time, and usually make a right-hand turn. There
6 used to be a time that at least you had a few
7 inches, but they've now got a traffic area in that
8 place in that block and you never know whether the
9 car coming in from Auerbach is going to come in
10 front of you or which way he's going.

11 So I would take into consideration that this
12 block right now is at its capacity and to open up
13 the window to increase the capacity -- I'm not
14 going to be there that much more; I'm an old man.

15 CHAIRMAN KEILSON: So give birth control to
16 the street?

17 MR. HAMBURGER: Let me put it this way. In
18 my case it's not necessary.

19 MEMBER WILLIAMS: I understand what you're
20 saying completely, and as a matter of fact I
21 remember when I was doing a carpool coming in
22 and out of Copperbeech and Auerbach, and you're a
23 hundred percent right on that. I'm just not
24 quite sure how the construction really affects
25 that.

1 MR. HAMBURGER: It just sets a precedent.

2 MEMBER WILLIAMS: Like I said, they're not
3 putting three families with three more people.
4 It's the same family in the same structure.

5 MR. HAMBURGER: No, no, my point is you're
6 setting a precedent: Should houses be larger on
7 that block, and that's the question.

8 MEMBER WILLIAMS: I'm not sure how that
9 affects the problem on Copperbeech and Auerbach.

10 MR. HAMBURGER: The specific one right now
11 with the exception of precedents.

12 MEMBER ROSEN: I think your complaint should
13 go to the Village of Lawrence about that turn
14 there. There should be something done about it.

15 CHAIRMAN KEILSON: They have over the years.

16 MR. GOLDMAN: They have over the years.

17 MR. HAMBURGER: I went to the meeting at the
18 time and there was a big discussion on it and it
19 was amazing how little anybody knew about the
20 traffic laws in the State of New York.

21 MEMBER FEIT: I don't think Broadway is a
22 Village road; I think it's a county.

23 MR. HAMBURGER: It's a county road, that's
24 correct.

25 MEMBER FEIT: I mean, to me, this is the

1 worst intersection or corner in the entire Village
2 of Lawrence. I mean, I've been going there over
3 30 years, and the Village put in the stripes on
4 Auerbach and everything else, but you know, it's
5 like spitting in the wind trying to speak to the
6 county to put some type of a three-way light
7 there. I think we all agree that that corner is
8 horrendous.

9 But this house itself, you know, if they just
10 cut back, let's say, a one foot by one foot on one
11 room, we're not talking about anything. That's a
12 hundred and some odd feet that they're asking;
13 it's nothing.

14 MR. HAMBURGER: Again, I grant you, I had
15 this discussion with folks and I said this is
16 silly for you people. The tower, you don't need
17 it. I mean, well, okay. And apparently, whatever
18 happened that was dropped. Nobody wants to get
19 into an argument over there. These are people
20 that we're living with. What I see this thing is
21 as a long-range change, and if it's okay for Joe,
22 it will be okay for Sally.

23 MEMBER FEIT: Can I ask you a question?

24 MR. HAMBURGER: Of course.

25 MEMBER FEIT: How long have you been living

1 on the block?

2 MR. HAMBURGER: About 27 years.

3 MEMBER FEIT: Was that before or after this
4 middle island was developed?

5 MR. HAMBURGER: I came in after the middle
6 island, so I'm not familiar with it.

7 MEMBER FEIT: To those people who were there,
8 were these same arguments raised when the middle
9 island was sold to a private individual who built
10 these houses? I know Miss Landau has been there a
11 long time.

12 MS. LANDAU: Do you want me to come up and
13 tell you?

14 I'm on the block the very longest. I am on
15 the block the very longest, since 1968, and I know
16 that nobody wanted me to talk about this, but it
17 was owned by three people in the street and there
18 were three people who owned that green in the
19 street, and it was beautifully kept. Fortunately,
20 my three children in my three-bedroom house, which
21 I am still in, were able to play and really enjoy
22 it.

23 In 1980, the three owners decided to sell.
24 And I canvassed everybody on that street to put in
25 money to make it everlasting green because it was

1 so gorgeous. We had wildlife, we had rare trees;
2 and everything was uprooted, and it broke my heart
3 to see that excavation. I will tell you it was
4 devastating for me and my family. So it was sold.
5 And I watched the three houses go up, but at
6 least those three houses fitted very nicely into
7 the foliage. The materials used, the brown
8 stucco, the brown shingle, it blended very nicely
9 with the foliage, and although we lost the trees,
10 over the last 40 years, over the last 30 years it
11 has grown so that we now have a lot more foliage
12 there.

13 So that's the history for that piece, and I'd
14 like to see some of it retained. And I think to
15 put up an enormous structure like this it will be
16 the final demise of the entrance and the view and
17 everything else. That's what I think.

18 So if you've got any other questions about
19 that, that tells you the story. But I'm not
20 against extension.

21 CHAIRMAN KEILSON: Thank you. Okay, thank
22 you.

23 Mr. Hoch, I guess the question that's been
24 raised by some of the Board members is a concern
25 regarding the disappearing garage. Is there

1 anything that we can do to accommodate these
2 concerns?

3 MR. HOCH: Well, what I was suggesting was
4 winding up the garage to a two-car garage but only
5 on a one-story basis. That would add though
6 another 200 square feet of building area coverage
7 on one -- just on the one level though. We would
8 not build above that extended portion of the
9 garage. Or we can make it an eighteen foot, if
10 you want to give us a variance down to eighteen or
11 sixteen. You know, we're open. Again, the
12 reduction of the garage was an attempt to shrink
13 the building area coverage, so we're open to
14 making it larger than 10 by 20 if you want it.

15 MR. GOLDMAN: May I approach the Board for a
16 moment?

17 CHAIRMAN KEILSON: Please.

18 (Whereupon, a discussion was held off the
19 record.)

20 CHAIRMAN KEILSON: All right, back on the
21 record. Mr. Hoch.

22 MR. HOCH: The hour is late. We've been
23 asked to make some decisions on changes. It can't
24 be made on the dime at this late hour. We would
25 request an adjournment of the hearing for the

1 petitioners to re-evaluate the plans, see what
2 they might want to do, and we would ask for the
3 September date. We don't need the August date
4 given it's the summer. I don't think those
5 decisions will be made by August, so we would need
6 more time.

7 CHAIRMAN KEILSON: The September date is
8 September 15th. Any objection?

9 MEMBER GOTTLIEB: Fine.

10 CHAIRMAN KEILSON: So it will be adjourned.
11 Your matter will be adjourned until September
12 15th.

13 MR. GOLDMAN: You might want to just explain
14 to the audience, in other words, the matter is
15 being reconsidered. So they understand what the
16 import is.

17 CHAIRMAN KEILSON: The matter is being
18 adjourned to September 15th, as the applicant has
19 to rethink in terms of some decisions that have to
20 be made regarding the various possible changes
21 that have been requested by the Board. It's very
22 much in flux and before there's a hearing there
23 will be a new application.

24 MR. GOLDMAN: That's right.

25 CHAIRMAN KEILSON: An updated application

1 will be submitted so that --

2 MR. GOLDMAN: But let us make it clear though
3 -- I don't mean to speak for the Board, but if
4 there is a new application -- but it's important
5 that the people understand that if there's a new
6 application and there's changes in that which
7 you're requesting that those changes would be made
8 known to the neighbors and the public.

9 MR. HOCH: Absolutely.

10 MR. DAVID SAFFRA: Does that mean that the
11 requests to be made tonight is still open for
12 debate since it's a whole new application?

13 CHAIRMAN KEILSON: Certainly you can modify
14 it in any area that you want.

15 MEMBER FEIT: And then it's open.

16 MEMBER WILLIAMS: If you want to come back
17 and say the same thing, yes, you can. See you all
18 back September 15th. Hopefully, they heard you
19 and they will address some of your concerns. That
20 was the purpose of the meeting.

21 (Whereupon, the hearing concluded at
22 10:00 p.m.)

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1 Certified that the foregoing is a true and
2 accurate transcript of the original stenographic
3 minutes in this case.
4

5 Mary Benci

6 MARY BENCI, RPR
7 Court Reporter
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