

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 July 22, 2015
7 7:39 p.m.

8 APPLICATION: Rubin
9 6 Holly Lane
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. MARK SCHRECK
17 Member

18 MS. ESTHER WILLIAMS
19 Member

20 MR. DANIEL HILLER
21 Member

22 MR. KENNETH A. GRAY, ESQ.
23 Village Attorney

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Rubin,
2 6 Holly Lane. Would they or their representative
3 step forward. Please identify yourself for the
4 stenographer.

5 MR. O'CONNELL: My name is Todd O'Connell,
6 doing business at 1200 Veterans Highway,
7 Hauppauge, New York, architect for the Rubins.

8 Thank you, Chairman, members of the Board.
9 I'm representing Mr. Rubin, who is here with us
10 this evening. His request is for relief into the
11 rear yard. The rear-yard requirement is 30 feet;
12 we're requesting almost 21 feet as the remaining
13 rear yard.

14 A couple of comments about this particular
15 property. The house is set back 47 feet as it's a
16 cul-de-sac. Because of the width of the house,
17 the house was forced when it was constructed to be
18 set very, very far back on the property, which
19 doesn't give much space to the rear yard available
20 to do any kind of expansion to the home.

21 Also, as far as the lot itself, it is
22 somewhat irregular in shape, so more than half of
23 the addition actually conforms. I've kind of
24 documented in red the area that projects into the
25 30-foot rear yard. It's this triangular portion

1 which is only one story. And the need is very
2 specific, that, you know, he has a family of six,
3 and there's times where he has ten, eleven people
4 for an extended period of time staying in his
5 house. And as you probably all know, the hub of
6 the house is usually the kitchen. That's where
7 everybody congregates. That's where a lot of
8 people, you know, tend to go when you're
9 entertaining. You know, so the size of the
10 kitchen is imperative for their -- you know, for
11 not only their everyday needs, but those times
12 where they need that additional space. So we felt
13 it was, you know, the most practical solution.
14 There's no other place that we could expand this
15 home to put the kitchen without, you know,
16 redesigning the house as a whole. The kitchen is
17 in the back now, so the most logical thing to do
18 is to expand the kitchen to the rear.

19 CHAIRMAN KEILSON: How many years are they in
20 the house?

21 MR. O'CONNELL: Twenty years they have owned
22 the house, so their kids are, you know, growing.
23 They're hoping to have their grandchildren come
24 back with their kids and, you know, so ten to
25 eleven could very quickly grow to be more than ten

1 to -- you know.

2 CHAIRMAN KEILSON: Have there been any prior
3 variances on this property?

4 MR. O'CONNELL: Not that the Rubins applied
5 for, and there doesn't appear that there would
6 have been based on the house as it sits on the
7 property.

8 CHAIRMAN KEILSON: So we're discussing a
9 rear-yard setback issue due to the unusual shape
10 of the lot being a flag lot.

11 Mr. Gottlieb.

12 MEMBER GOTTLIEB: So I have a question,
13 actually. In terms of the 21-foot request for the
14 rear yard, it's only at one particular point?

15 MR. O'CONNELL: Correct.

16 MEMBER GOTTLIEB: It's not throughout the
17 entire flat, straight lane. It's just a 190-foot
18 angle and then it sets back to a normal distance.

19 MR. O'CONNELL: Correct.

20 MEMBER GOTTLIEB: My question is that in
21 regards to surface coverage, you have a building
22 area proposed of about 2,100 feet and you have
23 surface at 2,524 square feet. The difference is
24 only 433 feet, and I'm thinking about a driveway
25 and a possible deck and it doesn't seem to add up.

1 I just want to see if I've miscalculated, or
2 433 feet for a house like this for additional
3 surface coverage over the building seems rather
4 low, and when I looked at the driveway that was
5 about 660 square feet.

6 MR. O'CONNELL: Okay, all right. I follow
7 what you're saying. I think the surface area when
8 I wrote the additional was encompassing just the
9 area of new work, so I could understand your
10 point, and I would have to calculate the driveway
11 area. I'm not too sure that was calculated in.

12 MEMBER GOTTLIEB: I think unless I'm off by a
13 lot, you still have an extra 2,000 feet. I just
14 want to make sure there's not a surface variance
15 required. I'm not just looking to charge you for
16 a couple of square foot difference.

17 MR. O'CONNELL: Absolutely.

18 CHAIRMAN KEILSON: Ask the Building
19 Department.

20 MEMBER GOTTLIEB: Building Department?

21 MR. RYDER: The Building Department, usually
22 there's a breakdown for surface coverage, and
23 that --

24 MEMBER GOTTLIEB: Driveway, patio?

25 MR. RYDER: Correct. And that wasn't

1 provided, and not having it we probably looked at
2 the survey and we took it off the survey and did
3 our own calculation.

4 CHAIRMAN KEILSON: Will it have any impact on
5 zoning?

6 MR. RYDER: No, no, it's still under.

7 MEMBER GOTTLIEB: I just wanted it to be
8 right.

9 MR. O'CONNELL: I understand.

10 MEMBER GOTTLIEB: Some people know that I
11 just look for it to be right.

12 MR. O'CONNELL: There's nothing wrong with
13 that. Nothing wrong with being right.

14 CHAIRMAN KEILSON: Okay. Any other questions
15 on the part of the Board? Is there anyone in the
16 audience that wants to speak to the matter?

17 (No response.)

18 CHAIRMAN KEILSON: Okay. So the Zoning Board
19 is bid to weigh the benefit of the variances to
20 the applicant as opposed to any detriment to the
21 neighborhood and the neighbors. So having taken
22 the normal five criteria into consideration, we'll
23 vote.

24 Mr. Schreck.

25 MEMBER SCHRECK: I'm going to vote for.

1 CHAIRMAN KEILSON: Mr. Gottlieb.

2 MEMBER GOTTLIEB: For.

3 CHAIRMAN KEILSON: Mrs. Williams.

4 MEMBER WILLIAMS: For.

5 CHAIRMAN KEILSON: Mr. Hiller.

6 MEMBER HILLER: For.

7 CHAIRMAN KEILSON: And I vote for as well.

8 You'll have two years. Adequate?

9 MR. O'CONNELL: Yes, sir.

10 CHAIRMAN KEILSON: Board of Building Design,
11 Mr. Ryder?

12 MR. RYDER: No, not necessary.

13 CHAIRMAN KEILSON: Not necessary.

14 MR. O'CONNELL: Thank you very much. Have
15 great evening.

16 CHAIRMAN KEILSON: Thank you.

17 (Whereupon, the hearing concluded at
18 7:45 p.m.)


19 *****

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

23

24

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MARY BENCI, RPR
Court Reporter

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5 Village Hall
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9 July 22, 2015
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11 APPLICATION: Feiner
12 243 Juniper Circle East
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14 P R E S E N T:

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1 CHAIRMAN KEILSON: The next matter is Feiner
2 of 243 Juniper Circle East. Would they or their
3 representative step up. Please provide your name
4 and address for the stenographer.

5 MR. YOON: My name is Young Yoon with
6 Pereiras Architects, 579 Willow Avenue,
7 Cedarhurst, New York 11516.

8 The owners Feiner are seeking relief from
9 Section 212-12.1 for the building area coverage,
10 requesting an overage of 180 square feet, that's
11 seven percent. Also for a minimum side-yard
12 setback of 15 feet, requesting a side-yard setback
13 of 9 feet 10 inches.

14 CHAIRMAN KEILSON: By the way, I believe the
15 calculation isn't correct. It's eight percent,
16 according to my calculation, but again, that may
17 just be intellectual curiosity, so but continue.

18 MR. YOON: Okay. For the aggregate setback
19 of 30 feet, requesting an aggregate of 27 feet.
20 For the maximum side yard height/setback ratio of
21 1.5, requesting a height/setback ratio of 2.54.
22 The current home is existing nonconforming. The
23 new additions are not encroaching into the side
24 yard further than what is currently existing. The
25 side yard height/setback ratio is also existing

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1 nonconforming. But they're asking -- the existing
2 is 1.81, and they're requesting 2.54.

3 The existing home doesn't --

4 CHAIRMAN KEILSON: Your code relief template
5 reads 1.6. I hate to be difficult.

6 MR. RYDER: It was included with the
7 petition.

8 MR. YOON: Well, no, we're asking for 1.6.
9 The existing non --

10 CHAIRMAN KEILSON: You're asking for 2.54.

11 MR. YOON: I'm sorry. The difference, I
12 believe -- the existing height setback
13 nonconforming we had it at 1.81, but --

14 CHAIRMAN KEILSON: Mr. Ryder, do you have the
15 plans?

16 MR. RYDER: Permitted is 1.5, existing is
17 1.6. Proposed is 2.54 for a 1.04 overage.

18 CHAIRMAN KEILSON: Or 40 percent over.

19 MR. YOON: Okay. The --

20 CHAIRMAN KEILSON: Is your client living in
21 the house presently?

22 MR. YOON: Yes.

23 CHAIRMAN KEILSON: How long have they lived
24 there?

25 MR. YOON: Three years.

1 CHAIRMAN KEILSON: Okay.

2 MR. YOON: The home currently does not
3 provide enough space for their family. The family
4 is continuing to grow.

5 CHAIRMAN KEILSON: How large is the family?

6 MR. YOON: They have four children, and mom
7 and dad, I guess, right.

8 CHAIRMAN KEILSON: Apparently. Otherwise, we
9 would have a different curiosity.

10 MR. YOON: They'd like to continue to stay in
11 the neighborhood. The neighborhood is nice. The
12 street is very quiet, it's safe for the children.
13 And they'd like to provide extra bedrooms for the
14 children, and a standard living room, dining,
15 kitchen.

16 CHAIRMAN KEILSON: How many bedrooms are they
17 asking for?

18 MR. YOON: I believe --

19 MEMBER GOTTLIEB: Seven bedrooms, four and a
20 half baths.

21 CHAIRMAN KEILSON: Mr. Gottlieb counted
22 seven.

23 MR. YOON: Yes, that's correct. And you
24 know, and they want to create spaces that are
25 reasonable and comfortable in size. And we feel

1 that the proposed dimension for each space was
2 kept at a minimum. So we're coming in front of
3 you to ask relief.

4 CHAIRMAN KEILSON: I guess our greatest
5 concern is the side yard height/setback ratio on
6 the right side of 2.54, which is 40 percent over.
7 Now, if my recollection is correct, is that house
8 Scharf on the right side? Somebody introduce
9 themself for the record. Care to volunteer? Are
10 you the husband or the wife?

11 MR. FEINER: Yes, sure.

12 CHAIRMAN KEILSON: Step up. Let her know who
13 you are.

14 MR. FEINER: Nathan Feiner.

15 CHAIRMAN KEILSON: Okay. So the neighbor to
16 the right is the Scharf residence?

17 MR. FEINER: Yes.

18 CHAIRMAN KEILSON: Is that occupied at all?

19 MR. FEINER: It's rented by Nayman.

20 CHAIRMAN KEILSON: Oh, it is, okay. That's a
21 temporary thing till they get their work done.

22 MR. RYDER: Correct.

23 CHAIRMAN KEILSON: If Mr. Ryder allows it.

24 MR. RYDER: We're getting there,

25 Mr. Chairman.

1 MEMBER GOTTLIEB: So Mr. Chairman, I think
2 you're referring to the bulk, that you're talking
3 about going from a one-story building, even though
4 you have the same side yard, that now it's going
5 to be a two-story building, and it's going to be
6 deeper which will affect the light, air and
7 quality of space between the houses, if I'm
8 reading you correctly.

9 CHAIRMAN KEILSON: You read my mind. How
10 much deeper is the proposed residence as opposed
11 to the current?

12 MR. YOON: The current -- I apologize. The
13 proposed addition is 19 feet 3 and a half inches,
14 and the existing would be 38 -- 39 feet.

15 MEMBER GOTTLIEB: Say it again, please. No,
16 you're on the wrong side of the house. Sorry to
17 interrupt you, but the house that's currently --
18 the side of the house that's one story, according
19 to the -- right, according to the survey, it's
20 showing 35 to 36 feet, and you're adding 19 more
21 feet on that side of the house.

22 MR. YOON: We're adding 19. We're adding
23 19 feet towards the back, and then they're doing
24 the second-floor addition on the entire right side
25 of the house.

1 MEMBER GOTTLIEB: Right.

2 MR. YOON: And I'd like to make a correction.
3 There's actually six bedrooms. The front center
4 room is actually a laundry room.

5 MEMBER HILLER: What is the apparent third
6 story here with the dormered -- with the dormers?

7 MR. YOON: So right now there's not a huge
8 basement so they'd like to use the third story for
9 mostly storage. They're not going to finish it.
10 It's going to remain empty.

11 CHAIRMAN KEILSON: What's the height?

12 MR. YOON: It would be seven feet.

13 MR. RYDER: Just to be clear, the third floor
14 if they were to come forward and then use it for
15 habitable space that it would need a variance.
16 The third floor shall be used for only storage,
17 unheated and not air conditioned.

18 MR. GRAY: It would have to be sprinklered.

19 MR. RYDER: Correct, that's New York State.

20 MEMBER HILLER: How high is the attic floor?

21 MR. YOON: Seven feet.

22 MEMBER GOTTLIEB: To go back to my prior
23 comment, it's seven, with six on the second floor,
24 one on the first floor. These are your drawings,
25 so I'm just reading off.

1 MR. YOON: Oh, that's correct. I apologize.

2 MEMBER GOTTLIEB: It's okay.

3 MR. RYDER: One more question, Mr. Chairman,
4 if I may.

5 CHAIRMAN KEILSON: Please.

6 MR. RYDER: Access to the storage area is
7 from where on the second floor?

8 MR. YOON: The stairs would continue to wrap
9 up and go up the stairs.

10 MR. RYDER: Thank you.

11 MEMBER WILLIAMS: Seven foot is?

12 MEMBER GOTTLIEB: Seven foot is the ridge of
13 the attic or the average height?

14 MR. YOON: Would be the average height.

15 MEMBER SCHRECK: What are the plans for the
16 attic?

17 MR. YOON: I'm sorry?

18 MEMBER SCHRECK: What are the plans for the
19 attic?

20 MR. YOON: They're not finishing it, no
21 sheetrock, just going to leave it open and use it
22 strictly for storage.

23 CHAIRMAN KEILSON: For how many months?

24 MEMBER WILLIAMS: When you come up on the
25 steps to the attic that's the center part of the

1 room, what's the height there, do you know?

2 MR. YOON: That's what I was saying was the
3 seven feet.

4 MEMBER WILLIAMS: That's seven feet, okay.

5 MEMBER HILLER: You said there's no basement?

6 MR. YOON: The basement is very minimal.

7 MEMBER WILLIAMS: It's mostly crawlspace.

8 MR. YOON: It's mostly crawlspace and slab on
9 grade. The basement would be just a small portion
10 here.

11 CHAIRMAN KEILSON: There's a problem with the
12 bulk. It's impacting the height/setback ratio and
13 that's our problem. I'd love to say yes, but the
14 streetscape is your worst indictment.

15 MR. YOON: The difficulty of that portion,
16 why we're encroaching so much is because this was
17 a split level and you're climbing -- there's this
18 upper -- where the master bedroom is and where the
19 bedroom -- the guest bedroom on that first floor
20 is is up higher than the rest of the house, and in
21 order to do the master bedroom addition over that,
22 you know, that was part of the reason why that
23 side of the house is, you know, way beyond what's
24 allowed for the height/setback ratio.

25 CHAIRMAN KEILSON: What's the encroachment on

1 the right?

2 MEMBER GOTTLIEB: The distance is nine and a
3 half feet I believe.

4 CHAIRMAN KEILSON: Nine and a half feet is
5 going to run --

6 MEMBER GOTTLIEB: From a single story 36 to a
7 two story 55 feet.

8 CHAIRMAN KEILSON: You're creating a Wailing
9 Wall.

10 MEMBER GOTTLIEB: The frontage is only
11 71 feet which is what creates -- it's only 71-foot
12 frontage which creates difficulty which is why we
13 have a problem with the height/setback ratio.

14 MR. YOON: I do have letters here that I'd
15 like to --

16 CHAIRMAN KEILSON: By all means.

17 MR. YOON: The neighboring houses where they
18 have no objections (handing).

19 MR. RYDER: Any of the Board members like to
20 see it (handing)?

21 MEMBER GOTTLIEB: I speak for myself and
22 would like to give you an option to come back with
23 something more modest that doesn't have such an
24 encroachment. But that's up to you and I only
25 speak for myself.

1 MS. FEINER: Can I speak for one second?

2 CHAIRMAN KEILSON: By all means. Introduce
3 yourself.

4 MS. FEINER: I'm Shira Feiner. I live in the
5 house presently. We were renting the house for
6 three years and we just bought it from the Scharfs
7 because we became very close with them. We
8 actually bought a different house on Juniper which
9 we went into escrow which we did not buy
10 206 Juniper because we fell in love with exactly
11 where we were.

12 Our backyard neighbor is the Scharfs. The
13 right side is Nayman which is the Scharfs' rental.
14 I went through all of this with David Scharf; he
15 was totally okay with this. When you look at the
16 house from the front, it goes like this
17 (indicating), so I wanted to make it even,
18 otherwise, it will never look right aesthetically
19 if I have to go in a few feet on the right side.
20 And the house is already existing and to tear it
21 down is just too expensive. So I needed to keep
22 the existing sides. So if I can't -- at least in
23 the front I should be able to go over and match it
24 up, so when I look in the front of my house I
25 don't see a house that has like a few feet in. It

1 will never have that right look.

2 CHAIRMAN KEILSON: We're not unsympathetic to
3 your situation. We have to look at the broader
4 picture of the entire neighborhood. Would it be
5 that Mr. Scharf who sold you the house would sell
6 the next house, and that a neighbor would not be
7 as understanding.

8 MS. FEINER: If he sells it, I told him that
9 I'm buying it.

10 CHAIRMAN KEILSON: Maybe he'll sell you a
11 piece of his property so that it won't encroach as
12 much.

13 MS. FEINER: So what about if just in the
14 front we're on top of the garage, at least be able
15 from the front to aesthetically match the front.
16 And then the den that's in the back, I'll go in in
17 the den, so the back of the house will go in, so
18 it's not all the way deep.

19 MEMBER GOTTLIEB: You're understanding the
20 difficulty that you have a 55-foot,
21 two-and-a-half-story wall.

22 MS. FEINER: No, I do understand. That's
23 what I'm saying. At least from the front that
24 little bedroom that's going there on top of the
25 garage, at least make it even from the front so

1 it's one square, and in the back I'll take my den
2 in a few feet. I'll shorten the den so the back
3 will go in. Can I do that? Otherwise, the house
4 will never look normal.

5 CHAIRMAN KEILSON: You can't afford our
6 architectural fees. I think you have to work with
7 your architect and caucus.

8 MS. FEINER: But the house in the front will
9 never look --

10 CHAIRMAN KEILSON: Let me finish. You'll
11 caucus with him, and we'll be happy to rehear you
12 later on tonight. See what you can come up with.
13 There's a long calendar, a lot of people, and we
14 can't stand here and negotiate.

15 MS. FEINER: But the problem is the right
16 side of Scharf.

17 CHAIRMAN KEILSON: I think your architect
18 understands, okay.

19 (Whereupon, a recess was taken and the
20 application was recalled.)

21 CHAIRMAN KEILSON: Back to Feiner.

22 MR. YOON: Good evening again.

23 I spoke to my client, and we are proposing
24 two things. The first thing is on the second
25 floor towards the second -- towards the addition

1 on the back, they're willing to cut the house back
2 on the addition portion that which is roughly five
3 feet four inches and bring it to the setback line,
4 which will help towards the height/setback ratio
5 and also the volume. And the second --

6 MR. GRAY: What's the length of that cut? So
7 it's five feet four inches.

8 MR. YOON: By 19 feet three and a half
9 inches.

10 MR. GRAY: Thank you.

11 MEMBER GOTTLIEB: That's on the second floor
12 only?

13 MR. YOON: Yes. And then the second thing,
14 where the master bedroom is they'll lower the roof
15 and that would give them an 8-foot ceiling height
16 in that master bedroom which would help towards
17 the height/setback, and that would bring that down
18 to 2.2, which would continue all the way around
19 towards the back, and then this is indicating that
20 five foot four cutback as well (indicating).

21 CHAIRMAN KEILSON: So if you were going to
22 amend your code relief, can you please tell us
23 what we're talking about. Building area coverage
24 now is?

25 MR. YOON: Building area coverage would

1 remain the same.

2 CHAIRMAN KEILSON: Okay. So what is the
3 effect? You just did side yard and height/setback
4 ratio?

5 MR. YOON: The height/setback ratio, yes.

6 CHAIRMAN KEILSON: Instead of 2.54 it would
7 be 2.2?

8 MR. YOON: Yes.

9 MEMBER GOTTLIEB: No, it's staying the same.
10 Just in the rear portion it's going to be less,
11 right? You're leaving the height in the front the
12 same. It's just in the back 19 feet.

13 MR. YOON: It would be where that bumps out
14 and that would be reduced down. That master
15 bedroom, that whole master bedroom, that's the
16 reason why this was -- the bump-out occurred in
17 the first place, the height/setback ratio, and
18 we're proposing to lower that whole roof down to
19 eight feet ceiling height, and in doing so it
20 would give them a 2.2, and that reduces it around
21 the entire --

22 MR. RYDER: Continuous from front to back.

23 MR. YOON: Continuous from front to back. I
24 wanted to be clear on that.

25 MEMBER GOTTLIEB: Are we clear?

1 MR. RYDER: Clear.

2 MEMBER GOTTLIEB: Am I clear? Did you lower
3 the height of the roof? Or just step back the --

4 MR. RYDER: He did lower the height of the
5 roof. He lowered the interior height -- Mr. Yoon,
6 you can explain it best.

7 MR. YOON: Lowering the interior ceiling
8 height allows us to bring the roof inward, and in
9 doing so that brings it from 2.4, correct, what he
10 just indicated.

11 MR. RYDER: (Indicating.)

12 MR. YOON: So it's literally taking this
13 whole dormer and just dropping it and changing it
14 and sloping it back (indicating).

15 MEMBER GOTTLIEB: What else?

16 CHAIRMAN KEILSON: While you're there.

17 MEMBER GOTTLIEB: I think it's a start. I
18 really can't tell.

19 MEMBER WILLIAMS: So you're 0.7 over as
20 opposed to 1.04; is that correct?

21 MR. YOON: Correct.

22 MS. FELDER: Can I speak for a moment? I'm
23 Essie Felder. I'm a designer on the project,
24 along with Mr. Yoon, the architect.

25 The current house is very left heavy, as you

1 have seen from the photos or passing by. We're
2 trying to balance out this house, at the same time
3 giving the family enough space to support bedrooms
4 and living space. That's from the exterior.

5 The side yard on the left we're not touching.
6 The side yard on the right is really a continuous
7 line of what was pre-existing. So our addition is
8 really the encroachment on the right side. So we
9 felt that by bringing in at least the second floor
10 on that side we're, you know, relieving some
11 square footage of the house and relieving the
12 neighbor of some other encroachments, especially
13 windows on that side which maybe are a little --
14 someone could complain about, but right now we
15 have no complaints. The current rental, the
16 current owner has no complaints. And yes, one day
17 soon somebody may buy it and possibly it will
18 become an issue, but I think to us that was a fair
19 compromise in moving that important location
20 inward.

21 MEMBER GOTTLIEB: So we gave up five feet in
22 the master bedroom bathroom; is that correct?

23 MR. YOON: Correct.

24 MS. FELDER: Which is the new addition, which
25 is the entire length of the new addition.

1 MEMBER GOTTLIEB: Is it the entire length of
2 the addition? You're taking off the bedroom also?

3 MR. YOON: We're taking it off the closet as
4 well.

5 MEMBER GOTTLIEB: The closet in the bathroom,
6 but you're not taking it off of the front, right?

7 MR. YOON: The master bedroom is within the
8 existing footprint.

9 MR. RYDER: What's the proposed ceiling
10 height?

11 MS. FELDER: It was eight six.

12 MR. RYDER: Eight six, and you're dropping
13 to?

14 MR. YOON: It was actually 9 feet, and we
15 dropped it a foot.

16 MS. FELDER: The pitch of the roof is where
17 we're going to be -- we have to create a better --

18 MR. RYDER: So the framing drops.

19 MR. YOON: Everything, the plate, the
20 framing, the rafters, everything drops.

21 MR. RYDER: Okay.

22 MEMBER HILLER: Is the roof going to be lower
23 by a foot?

24 MS. FELDER: It's really the pitch.

25 MEMBER HILLER: Because if you're lowering

1 the ceiling in the bedroom upstairs, why isn't the
2 roof coming down a foot?

3 MS. FELDER: And go into the bathroom?

4 MEMBER HILLER: No, just angle in. Why do
5 you need that extra height? Why do you need the
6 extra height?

7 MR. YOON: If I may, that portion of the
8 house, which is the master bedroom -- this house
9 is a split level, and it's that portion, that
10 split-level portion where we are lowering the
11 roof. So by doing that, and that's why it's
12 wrapping around that split level. That raised
13 portion of the house is the part where we're
14 lowering the roof.

15 MS. FELDER: It will almost look roofless if
16 we bring it in and drop it. So aesthetically it
17 will look pleasing and not like a box.

18 CHAIRMAN KEILSON: The suggestion has been
19 made that perhaps we're having a special meeting
20 on the 18th, possibly.

21 MR. RYDER: Correct.

22 CHAIRMAN KEILSON: That perhaps you can come
23 back with a new drawing so that we can have a full
24 appreciation. Unless there's some urgency for
25 tonight, if we can come back in three weeks.

1 MS. FELDER: I'm going to speak for the
2 Feiners, whose house is actually falling apart day
3 by day. The air conditioning is gone. All of the
4 gutters are gone. The roof is falling apart. I
5 hear this every single day because this has been a
6 very long process in getting us on to this
7 meeting. Although they're going to be moving out
8 into a rental of some sort, they have to move out
9 literally any second because putting money into a
10 new air-conditioning system in the house is really
11 throwing money out the window. It's crazy.

12 MS. FEINER: No, I could even speak for
13 myself. Like two weeks ago the air conditioning
14 totally blew. The gutters fell down. You could
15 drive by the house, it's falling apart. I moved
16 in to my mother's, she was thrilled. I can't move
17 in there without a plan.

18 CHAIRMAN KEILSON: Indoor swimming pool.

19 MS. FEINER: She does, all the way in the
20 back. I don't want to like beg or whatever. I
21 never did this before but I've got to get out of
22 this house.

23 CHAIRMAN KEILSON: Anything else?

24 MS. FEINER: I just have to get out of this
25 house. It's falling apart. I love my location.

1 I could not leave where I was and I couldn't knock
2 it down right now, so this is what we're dealing.
3 And I don't think it's such a big house. I feel
4 like I'm not even getting everything I want.

5 CHAIRMAN KEILSON: You're spoiled living on
6 Causeway.

7 MS. FEINER: I never lived there.

8 MS. FELDER: But also, it's the quality of
9 life in an area where there are young children to
10 play with is much greater.

11 CHAIRMAN KEILSON: I hear it.

12 MEMBER HILLER: Let's go. Should I start?

13 CHAIRMAN KEILSON: Yeah, sure.

14 MEMBER HILLER: I'll vote for.

15 CHAIRMAN KEILSON: Anybody else in the
16 audience who wants to speak to the issue?

17 MEMBER GOTTLIEB: He's going to have to
18 redraw them anyway.

19 CHAIRMAN KEILSON: Let's go in some sequence.
20 We're evaluating based on the statutory criteria,
21 and we're going to let everybody speak their own
22 minds. Mr. Hiller.

23 MEMBER HILLER: I'll vote for.

24 CHAIRMAN KEILSON: Mrs. Williams.

25 MEMBER WILLIAMS: I appreciate the effort you

1 made to make it less massive. I vote for.

2 CHAIRMAN KEILSON: Obviously, I'll qualify
3 this. We need very specific information because
4 we're voting on something that's a little bit
5 nonspecific, okay. So you'll need a new set of
6 plans, and we're assuming that whatever you are
7 doing is going to result in a diminishment in
8 terms of height/setback ratios.

9 Mr. Schreck.

10 MEMBER SCHRECK: I'm going to vote for.

11 CHAIRMAN KEILSON: I'm sorry, I skipped
12 Mr. Gottlieb.

13 MEMBER GOTTLIEB: Don't do that. Because I
14 can't understand at this point exactly what you're
15 reducing it by. It was quite a large proposal and
16 understanding Ms. Felder's comments, but you just
17 submitted the application in June and we're here
18 the following month, so it's not as if you waited
19 a year, that you've been waiting a year to get to
20 this Board. Anyway, because I really don't
21 understand what is being proposed, I cannot vote
22 for it.

23 CHAIRMAN KEILSON: You're abstaining or
24 against it?

25 MEMBER GOTTLIEB: I'm voting against it by

Feiner - 7/22/15

1 not voting for it. I'm not abstaining.

2 CHAIRMAN KEILSON: Mr. Schreck.

3 MEMBER SCHRECK: I'm voting for.

4 CHAIRMAN KEILSON: And I will vote for as
5 well.

6 MEMBER WILLIAMS: I want to clarify my vote.
7 The understanding is the new plans will come to
8 the Village and they give a stamp of approval that
9 this was exactly what we discussed tonight.

10 MR. YOON: Absolutely.

11 MS. FELDER: Absolutely. Thank you very much
12 for your time.

13 MR. YOON: Thank you.

14 MR. RYDER: Two years, and Board of Building
15 Design review.

16 (Whereupon, the hearing concluded at
17 9:40 p.m.)

18 *****


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

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MARY BENCI, RPR
Court Reporter

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

July 22, 2015
8:00 p.m.

APPLICATION: Wolf
20 Beechwood Drive
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MS. ESTHER WILLIAMS
Member

MR. DANIEL HILLER
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Wolf on
2 Beechwood Drive.

3 MR. YOON: I'm representing Wolf.

4 CHAIRMAN KEILSON: So we have building
5 coverage excess de minimis, right, 13 feet?

6 MR. YOON: 13.2 square feet. 0. -- that's
7 0.5 overage.

8 CHAIRMAN KEILSON: Right.

9 MR. YOON: And requesting a side-yard setback
10 of 10 feet 5 inches which is existing
11 nonconforming.

12 CHAIRMAN KEILSON: Right.

13 MR. YOON: And the aggregate of 20 feet 5
14 inches which is also --

15 CHAIRMAN KEILSON: Same as existing.

16 MR. YOON: Exactly.

17 CHAIRMAN KEILSON: Okay. Any questions from
18 the Board? Unless you want to expand on your
19 presentation.

20 MR. YOON: I think this is --

21 CHAIRMAN KEILSON: I think it speaks for
22 itself, right?

23 MR. YOON: I think it's de minimis.

24 MR. RYDER: Oh, there's that word.

25 CHAIRMAN KEILSON: There is that meaningful

1 word.

2 MR. YOON: Yes.

3 CHAIRMAN KEILSON: Any questions from the
4 Board?

5 MEMBER WILLIAMS: No, not on this one.

6 CHAIRMAN KEILSON: Anyone from the audience
7 want to speak on this matter?

8 (No response.)

9 CHAIRMAN KEILSON: I think that the Zoning
10 Board recognizes the benefit to the applicant as
11 opposed to any potential detriment to the
12 community is de minimis.

13 MEMBER GOTTLIEB: May I ask a question?

14 CHAIRMAN KEILSON: Mr. Gottlieb, ask a
15 question.

16 MEMBER GOTTLIEB: What's the family size
17 here?

18 MR. YOON: Off the top of my head, I want to
19 say two children. I don't remember exactly, but I
20 believe they currently have two children.

21 MEMBER GOTTLIEB: How long have they been
22 living there?

23 MR. YOON: They recently bought it, so about
24 a year. They're currently living there now.

25 CHAIRMAN KEILSON: Okay. Mr. Hiller.

1 MEMBER HILLER: For.

2 CHAIRMAN KEILSON: Mrs. Williams.

3 MEMBER WILLIAMS: For.

4 CHAIRMAN KEILSON: Mr. Gottlieb.

5 MEMBER GOTTLIEB: For.

6 CHAIRMAN KEILSON: And Mr. Schreck.

7 MEMBER SCHRECK: For.

8 CHAIRMAN KEILSON: And I vote for. Two
9 years, okay.

10 MR. YOON: Thank you very much.

11 CHAIRMAN KEILSON: Fantastic.

12 MEMBER WILLIAMS: Board of Building Design?

13 MR. RYDER: Yes, Board of Building Design.

14 CHAIRMAN KEILSON: Board of Building Design.
15 (Whereupon, the hearing concluded at

16 8:04 p.m.)

17 *****

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

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MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 July 22, 2015
7 8:04 p.m.

8 APPLICATION: 24 Herrick Drive LLC
9 24 Herrick Drive
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. MARK SCHRECK
17 Member

18 MS. ESTHER WILLIAMS
19 Member

20 MR. DANIEL HILLER
21 Member

22 MR. KENNETH A. GRAY, ESQ.
23 Village Attorney

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

24 Herrick Drive LLC - 7/22/15

1 CHAIRMAN KEILSON: The next matter 24 Herrick
2 Drive LLC. Let her know who you are.

3 MR. PERL: I'm Howard Perl, and I'm with
4 24 Herrick Drive.

5 CHAIRMAN KEILSON: Okay.

6 MR. PERL: So I've never done this before, so
7 you'll have to excuse me.

8 MEMBER GOTTLIEB: We're going to help you
9 along.

10 MR. PERL: I'd appreciate that.

11 CHAIRMAN KEILSON: We'll let you vote as
12 well.

13 MEMBER GOTTLIEB: Trust us, we'll help you.

14 MR. PERL: We're seeking relief from a couple
15 of -- from a couple of --

16 CHAIRMAN KEILSON: Well, not a couple, four.

17 MR. PERL: Four, right.

18 CHAIRMAN KEILSON: Four variances.

19 MR. PERL: Four variances. We want to extend
20 the front of the house to even it out in order to
21 make the first floor a little bit larger, and add
22 a study on the first floor. The house is a
23 relatively small house. We're not looking --
24 we're not -- we're still going to be 500 square
25 feet below what we're allowed to cover

1 building-wise on the property. So we're not
2 looking for anything dramatic in that sense.

3 CHAIRMAN KEILSON: Right, you want to even
4 out the front.

5 MR. PERL: We want to even out the front and
6 it will be -- and so that's two variances because
7 you're filling in the front quadrant, so to say,
8 so you need the front and the side of the house to
9 be even and those are two of the variances.

10 The third, the third variance is -- I wasn't
11 even looking for it, but because there's an
12 existing attic in the house, I was advised that
13 it's probably a good idea to have it made kosher,
14 so to say, because it's there. And maybe
15 somewhere down the line someone is going to say
16 why is there an attic there. I don't understand
17 exactly, but that's what we were advised to do.

18 CHAIRMAN KEILSON: Mr. Ryder, does it need to
19 be sprinklered?

20 MR. RYDER: No.

21 CHAIRMAN KEILSON: Okay.

22 MR. PERL: And then we want to put a small
23 pool in the backyard, and the way we'd like to
24 position the pool in order to keep it somewhat off
25 the back of the house, both for aesthetics, safety

1 and privacy reasons, we positioned it between the
2 garage -- the existing garage that's on the --
3 that's on the property and the existing garage
4 that's on the right side of the property. We
5 thought it would fit in nicely over there, but
6 then we're too far -- we're too close to the rear
7 of the property. And that's the -- that's the --
8 that's the fourth and the final variance that
9 we're looking for.

10 CHAIRMAN KEILSON: Okay.

11 MR. PERL: Any questions?

12 MEMBER SCHRECK: Isn't that a very small area
13 there for a pool?

14 MR. PERL: Yeah. Well, they're not looking
15 for anything crazy. They just want to be able
16 to --

17 CHAIRMAN KEILSON: Swim.

18 MR. PERL: -- you know, swim a little. The
19 house is going to be for my dad and his wife.
20 They're -- it's going to be a two-bedroom, small
21 home, so they're not looking to do anything --

22 MEMBER GOTTLIEB: How long do you own the
23 house?

24 MR. PERL: I think we own it a year.

25 MEMBER GOTTLIEB: Who was the prior owner?

24 Herrick Drive LLC - 7/22/15

1 MR. PERL: Mr. Klein and Mrs. Klein.

2 MEMBER GOTTLIEB: Yes, they were very
3 familiar with this Board. In fact, I was
4 wondering where all your neighbors are because the
5 other application next to you seemed to bring out
6 all the neighbors.

7 MR. PERL: Right, right. As a matter of
8 fact, I have a letter. You mentioned neighbors.
9 I have a letter from one of the neighbors saying
10 that, you know, they're cool with everything that
11 we're --

12 MEMBER WILLIAMS: Which neighbor do you have
13 the letter from?

14 MR. PERL: Mrs. Goldner, to the left facing
15 the house.

16 CHAIRMAN KEILSON: To the left.

17 MR. PERL: I made copies if any anybody wants
18 it.

19 MEMBER HILLER: What happened to the
20 neighbors to the right and in back?

21 MR. PERL: To the right is a very old woman.
22 I tried knocking once or twice. I understand
23 she's trying to sell the house. Sometimes she
24 lives there, sometimes she doesn't, I don't know.
25 The guy in the back, again, I visited there, I

1 knocked on the door, no response. He got my
2 letters, you know, I mailed them out.

3 CHAIRMAN KEILSON: The issue is the pool.

4 MR. PERL: Right.

5 CHAIRMAN KEILSON: You recognize that. We
6 have never given this type of encroachment for a
7 pool.

8 MR. PERL: Right. So if you look at the lot,
9 I mean, we positioned it like 9 foot 3. If the
10 Board would be happy and we move it a couple of
11 feet more towards our house, away from the lot
12 line, we could live with that too.

13 CHAIRMAN KEILSON: The Board is never happy.

14 MR. PERL: Okay.

15 CHAIRMAN KEILSON: So the issue really is the
16 encroachments and do you want to discuss possibly
17 reorienting the pool.

18 MR. PERL: Right. So if we reor --

19 CHAIRMAN KEILSON: Can you do a different
20 direction?

21 MR. RYDER: I discussed this with Mr. Perl.

22 MR. PERL: Right. Reorientation will still
23 make the back of it be 20 feet from the back.

24 CHAIRMAN KEILSON: 20 feet?

25 MR. PERL: I think that's the law, right?

1 MR. RYDER: 20 is, right, correct.

2 MR. PERL: So you're starting at 20 and then
3 you don't really have any -- you know, much room
4 left. If the garage -- maybe if the garage wasn't
5 -- the garage is there, you know, I would shift it
6 to the left, but the garage is there, so --

7 MR. RYDER: You'll have 20 feet of grass area
8 after the pool.

9 MR. PERL: Right.

10 MEMBER HILLER: Or does it include decking
11 also? You know, with the decking here you're
12 three feet from your neighbor's yard.

13 MR. PERL: Right. So we figured --

14 MEMBER HILLER: So you're not really quite
15 the footage that you say.

16 MR. PERL: So we could do it on the rear
17 side. We could do a smaller deck maybe, and a
18 larger deck on our side.

19 MEMBER HILLER: I know you want to keep your
20 grass area.

21 MR. PERL: Right. I'm trying to figure that
22 out.

23 MEMBER HILLER: However, your pool, it's
24 unprecedented. It's unprecedented to have a pool
25 this close to a neighbor, and I remember that the

1 decking counts as well. Decking is part of -- is
2 like surface coverage.

3 MR. RYDER: Yes.

4 MEMBER HILLER: And there's supposed to be
5 between I believe at least 15 feet or 20 feet
6 between the end of a solid decking and the
7 neighbor's yard.

8 MR. RYDER: To the side yard, correct.

9 MEMBER HILLER: What about to the rear yard?

10 MR. RYDER: To the rear yard, well, for an
11 accessory structure if it's raised, yes. If it's
12 on grade, there's no setback.

13 MEMBER HILLER: There's no setback.

14 MEMBER WILLIAMS: Is this on grade?

15 MR. RYDER: This is on grade.

16 MR. PERL: It's not an above-ground pool.
17 It's an in-ground.

18 MEMBER WILLIAMS: So it only counts for the
19 pool.

20 MEMBER HILLER: It's very close.

21 MEMBER WILLIAMS: So you're saying that we
22 only count from the back of the pool?

23 MEMBER GOTTLIEB: It doesn't count for
24 surface. The pool is still nine feet off the
25 property line.

1 MR. RYDER: Yes.

2 MEMBER WILLIAMS: But that would be three
3 feet if the deck was raised.

4 MR. PERL: I'm happy to come back, but maybe
5 the Board can give me some guidance, like if we do
6 a few more feet maybe that would satisfy the
7 Board.

8 MEMBER HILLER: It's not just a few more
9 feet.

10 MEMBER WILLIAMS: Two feet is not going to
11 make much of a difference.

12 MR. PERL: Three feet.

13 MEMBER WILLIAMS: No.

14 MEMBER HILLER: You're way off.

15 MR. PERL: We're not trying to build a
16 monstrosity over here. In the scope of the whole
17 thing, we're just trying to --

18 MEMBER WILLIAMS: If you say eighteen, that
19 would be different.

20 CHAIRMAN KEILSON: It's not going to be
21 property if we accommodate a pool.

22 MR. PERL: Right, I know that, I know.

23 CHAIRMAN KEILSON: That's the issue we're
24 trying to help you out with.

25 MR. PERL: I appreciate it.

1 MR. RYDER: I'd like to touch on the Board of
2 Trustees is exploring the idea of putting a
3 moratorium on pools, the pools that are in the
4 flood zone. I know your house is not in a flood
5 zone, because it's an issue with drainage.

6 MR. PERL: Okay. We're putting in dry wells,
7 and like I said, we're still -- we could have
8 built 500 square feet bigger, which is 25, 30
9 percent more, and we're not.

10 CHAIRMAN KEILSON: We'll give you a plaque.

11 MR. PERL: Well, in the interests of cutting
12 down on surface coverage.

13 MEMBER WILLIAMS: We understand that the pool
14 is important to you.

15 MEMBER HILLER: We're sympathetic to that.
16 You have to understand there will be people coming
17 after you asking for similar things, and we can't
18 grant everyone this kind of setback. So you're
19 going to have to make the move, not us. You're
20 going to have to make a substantial move.

21 MR. PERL: Okay. So I will come back with a
22 substantial move.

23 MEMBER HILLER: Fair enough.

24 MEMBER WILLIAMS: Fair enough.

25 MR. PERL: But in the meantime I want to

1 start building on August 4th, so can we do the
2 variances --

3 CHAIRMAN KEILSON: Perhaps you can caucus
4 tonight and come up with it. It's not that
5 complicated.

6 MR. RYDER: The discussion that I had with
7 Mr. Perl is that he would like to withdraw,
8 correct me if I'm wrong, the pool part of the
9 application and file that separately down the
10 road.

11 MEMBER GOTTLIEB: So that will be a separate
12 application?

13 CHAIRMAN KEILSON: I would urge you to do
14 that.

15 MR. PERL: Let me speak to my advisers.

16 CHAIRMAN KEILSON: We're here for the
17 duration.

18 MR. PERL: And my architect is here.

19 MEMBER HILLER: Mr. Perl, you're going to
20 have to sacrifice some of your maddening desires.

21 MEMBER GOTTLIEB: Mr. Perl, I had a question
22 about the library. Is that a two-story library or
23 is that two libraries?

24 MR. PERL: No, it's two stories. We don't
25 need a bedroom on top of it.

1 MEMBER GOTTLIEB: It's an atrium type
2 library?

3 MR. PERL: I don't know if we'll use the full
4 height. It might be a 14-foot ceiling or a
5 13-foot ceiling, but the point is there is no
6 bedroom on top.

7 MEMBER GOTTLIEB: I was just curious. I
8 couldn't tell from the plan if it was two
9 libraries one on top of the other, or one library
10 of two-story height.

11 MR. PERL: There's extra volume up there. I
12 don't know how they're going to use it. The
13 architect will figure something out nice, windows,
14 something.

15 CHAIRMAN KEILSON: No doubt. So we'll
16 continue when you come back.

17 MR. PERL: Thank you.

18 (Whereupon, a recess was taken, and the
19 application was recalled.)

20 CHAIRMAN KEILSON: The matter of Perl.

21 MR. PERL: I'll try and make this very brief.

22 MR. GRAY: Too late.

23 MR. PERL: We went outside with our
24 architect. We fooled around with this. Turning
25 the pool to kind of -- well, turning it

1 perpendicular to the rear and taking what's
2 already a very tiny swimming pool of 28 feet in
3 length, we would go shorter, but beyond that it's
4 going to be a hot tub, not a pool. So if you turn
5 it the other way, you're practically in the -- and
6 sticking by the setbacks, that doesn't help. So
7 we have to remain in this direction, parallel to
8 the rear of the property.

9 That being said, I'm asking the Board to give
10 me as much of the setback. I'm at nine right now.
11 We propose to go to another four feet, to 13 feet,
12 if that would please the Board. The pool would be
13 approximately like that; that's what we could do.
14 The garage being here doesn't allow us to work
15 with this area. Going the other direction doesn't
16 help. It's got to be here, and we're going to
17 build it. We're going to put bushes. We're going
18 to put a solid fence. We'll do everything to
19 protect the rear. The sides have solid cement
20 walls on both sides because we have a garage here
21 and a garage right here. So it's -- that's all
22 we're asking for.

23 CHAIRMAN KEILSON: What are you doing on the
24 side yard?

25 MR. PERL: I'm sorry?

1 CHAIRMAN KEILSON: What are you doing on the
2 side yard?

3 MR. PERL: The side yard we're three feet
4 from the garage. We can't go any closer and still
5 allow someone to walk by.

6 MEMBER GOTTLIEB: It's not your garage that
7 we're worried about. It's the other side.

8 MR. PERL: Oh, that garage? That garage
9 we're ten or -- eleven feet.

10 MR. GRAY: Ten six.

11 CHAIRMAN KEILSON: Ten six right now.

12 MR. PERL: No, wait a minute. I'm not
13 wearing my reading glasses. I think it's a seven.
14 Ten foot seven.

15 MEMBER HILLER: Ten seven.

16 MR. RYDER: There's no change regarding that
17 side from the original?

18 MR. PERL: Correct.

19 MEMBER GOTTLIEB: What's required on that
20 side?

21 MR. PERL: Fifteen.

22 MR. GRAY: Fifteen.

23 MR. PERL: Again, just like we have a garage
24 right here, they have a garage right there.

25 MEMBER HILLER: Why did you pick four feet?

1 MR. PERL: Why did I pick four feet?

2 MEMBER HILLER: You have about 14 feet.

3 MR. PERL: Where?

4 MEMBER HILLER: Between your -- if you moved
5 the pool down closer to the house, how many feet
6 do you have over there between where the pool is
7 now and your house?

8 MR. PERL: There I think is 16.

9 MEMBER HILLER: Nineteen feet, right? I was
10 just judging from the end.

11 MEMBER WILLIAMS: No, 20.

12 MEMBER HILLER: I was judging from the end of
13 the thing. You have close to 20 feet. Why did
14 you pick four feet?

15 MR. PERL: Why? Because we wanted to for a
16 number of reasons. If there are little kids, what
17 have you, we want it gated in. We want to try and
18 keep it somewhat away from the house. It's not --
19 we don't want it right outside the patio. It's
20 private over there. You have a cement wall
21 there. We wanted to keep it there, and not -- you
22 know, it looks nice. It fits well back there. So
23 I'm asking for another four feet, is 13 feet.

24 MEMBER GOTTLIEB: See, as you move your pool
25 further closer to the house, it's no longer

1 shielded by -- it's not completely shielded by the
2 garage. Now it's more open space.

3 MR. PERL: Right.

4 MEMBER GOTTLIEB: Which brings back the fact
5 that you no longer have a concrete wall on the --

6 MR. PERL: Right.

7 MEMBER GOTTLIEB: -- on the southern side of
8 the pool.

9 MR. PERL: So I'm trying to compromise and,
10 you know, work with what we have over here. I
11 know that you said that you don't -- not everybody
12 deserves a pool, but my --

13 CHAIRMAN KEILSON: Everybody deserves a pool.

14 MEMBER WILLIAMS: Everybody deserves a pool.

15 MR. PERL: But it's my father.

16 CHAIRMAN KEILSON: Not every property can
17 accommodate a pool.

18 MR. PERL: Okay. So we're trying our best
19 over here.

20 CHAIRMAN KEILSON: We are as well.

21 MR. PERL: I appreciate it.

22 MEMBER GOTTLIEB: Does the resident wish to
23 speak.

24 MR. PERL: My father? Yeah, sure, go ahead.
25 Do you want to say anything?

1 MR. GRAY: State your name and address for
2 the record.

3 MR. SHELDON PERL: My name is Sheldon Perl,
4 and right now I'm currently living in Borough
5 Park, 501 117th Avenue, and hopefully --

6 CHAIRMAN KEILSON: Do you have a pool in
7 Borough Park?

8 MR. SHELDON PERL: In Borough Park we don't
9 have such a committee. Everybody does what they
10 wants.

11 MR. RYDER: I've heard that.

12 MR. SHELDON PERL: So we are trying our best,
13 really.

14 CHAIRMAN KEILSON: We are as well.

15 MR. PERL: I have an architect here, if you
16 want to hear from the architect.

17 MEMBER GOTTLIEB: I just thought maybe
18 Mr. Perl, Sr., would wish to add.

19 MR. PERL: Do you want to add anything? No.

20 MR. SHELDON PERL: No, there's nothing to
21 add.

22 MR. PERL: It's very small.

23 MR. SHELDON PERL: The truth of the matter is
24 that my wife needs the pool for health reasons.
25 And my wife needs the pool for health reasons, and

1 therefore, we are really -- I don't really need
2 the pool in the position, but she needs it very
3 badly for health reasons, and that's what it is.

4 MEMBER SCHRECK: Your neighbor has a pool
5 though, don't they?

6 MR. SHELDON PERL: Pardon?

7 MEMBER SCHRECK: Goldner, doesn't Goldner
8 have a pool, your neighbor?

9 MR. PERL: She's fifty years younger.

10 MR. SHELDON PERL: On the one side.

11 MR. GRAY: Can I ask, what was the size of
12 the proposed pool?

13 MR. PERL: 14 by 28; it's a relatively small
14 swimming pool.

15 MR. GRAY: So the back of the house to the
16 rear property line, is that 43 feet away?

17 MR. PERL: It's 50 feet from the breakfast
18 room.

19 MEMBER HILLER: Your parents are going to be
20 living there?

21 MR. PERL: My father and his wife. My mother
22 passed away a few years ago.

23 MEMBER HILLER: I had the same situation.
24 You'll have children, I assume, who will come over
25 and use the pool?

1 MR. PERL: My father's wife has a lot of
2 grandchildren. I'm an only child.

3 MEMBER HILLER: But there's not a danger of
4 constant children. One of our reservations is
5 your proximity to your back neighbor. You're
6 stuck on that four feet?

7 MR. PERL: I'm doing nine plus four, so I'm
8 at 13.

9 MEMBER HILLER: I know. I meant you're stuck
10 on those extra four feet?

11 MR. PERL: I don't know what to say.

12 MEMBER HILLER: How important is the pool to
13 you?

14 MR. PERL: To my father's wife it's
15 important.

16 MEMBER HILLER: I sympathize.

17 MR. PERL: In the scope of things to me --

18 MEMBER HILLER: I sympathize with that. We'd
19 like to help you.

20 MR. PERL: Can we go to fifteen and call it a
21 day?

22 CHAIRMAN KEILSON: Do I hear 15?

23 MR. RYDER: Going once, going twice.

24 MR. PERL: Or we can stand here all night.

25 CHAIRMAN KEILSON: So the proposal on the

1 table is the 15 from the rear and the same with
2 the 10 foot 6 to the side.

3 MR. PERL: Correct.

4 MEMBER WILLIAMS: Yes.

5 MEMBER GOTTLIEB: That will be sufficient
6 screening from the pool to the neighbor's
7 driveway?

8 MR. PERL: Yeah. We're going to build --
9 it's going to be beautifully landscaped with
10 bushes and a fence. The architect is Larry
11 sitting there. He did my house. I have a very
12 nice house on Lawrence Avenue.

13 CHAIRMAN KEILSON: The chateau on Lawrence
14 Avenue.

15 MR. PERL: There you go. It will be very
16 nicely put together when it is finished.

17 MR. GRAY: Can I ask, is the applicant asking
18 to amend the application so that he's only
19 requesting relief on the 20-foot rear-yard
20 requirement for the swimming pool to make it
21 15 feet for the swimming pool?

22 MR. PERL: Correct.

23 MR. GRAY: Therefore only asking for five
24 feet of relief from the code; is that correct?

25 MR. PERL: Correct.

1 CHAIRMAN KEILSON: And the side-yard request
2 remains at?

3 MR. GRAY: 10 feet 6 inches.

4 CHAIRMAN KEILSON: 10 feet 6. Because the
5 neurologist needs the pool.

6 MR. PERL: Right, there you go.

7 MR. GRAY: Take a vote.

8 CHAIRMAN KEILSON: Okay, we're going to take
9 a vote. Mr. Schreck.

10 MEMBER SCHRECK: I'm very simple. I don't
11 think that a pool is appropriate for this lot size
12 and I'm going to have to vote no.

13 CHAIRMAN KEILSON: Lose your membership in
14 the pool club. Mr. Gottlieb.

15 MEMBER GOTTLIEB: I wish you took the pool
16 off the table and made it really easy. You know
17 what, I'm going to reluctantly vote for it, even
18 though I just don't think it's enough size, but
19 you have no children there, it's just two adults
20 living in the house. I don't think it's going to
21 create much of a nuisance.

22 CHAIRMAN KEILSON: Mrs. Williams.

23 MEMBER WILLIAMS: For.

24 CHAIRMAN KEILSON: Mr. Hiller.

25 MEMBER HILLER: For.

1 MEMBER WILLIAMS: I like the neurologist.

2 CHAIRMAN KEILSON: He made it subject to no
3 pool parties.

4 MR. PERL: We're not having pool parties.

5 MEMBER GOTTLIEB: He's not invited at all.

6 CHAIRMAN KEILSON: I vote for. Good luck
7 with it.

8 MR. PERL: Have a good night, everybody.

9 MR. RYDER: Mr. Perl, Mr. Chairman, two
10 years?

11 MR. PERL: The house in Brooklyn is sold and
12 they have to be out in twelve months, so.

13 MR. RYDER: We're going to give you --

14 MR. PERL: Two years should be fine.

15 MR. RYDER: Two years and Board of Building
16 Design.

17 MR. GRAY: We need a revised set of plans to
18 show -- reflect the amendment of the location of
19 the pool, please.

20 MR. PERL: Fine, fine.

21 MR. RYDER: I can't process to the Board of
22 Building Design until I get that revised plan.

23 MR. PERL: Will do. Good night, thank you.

24 (Whereupon, the hearing concluded at
25 9:33 p.m.)

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

Mary Benci

MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 July 22, 2015
8:13 p.m.

7 APPLICATION: Schlossberg
8 77 Muriel Avenue
9 Lawrence, New York

10 P R E S E N T:

11 MR. LLOYD KEILSON
12 Chairman

13 MR. EDWARD GOTTLIEB
14 Member

15 MR. MARK SCHRECK
16 Member

17 MS. ESTHER WILLIAMS
18 Member

19 MR. DANIEL HILLER
20 Member

21 MR. KENNETH A. GRAY, ESQ.
22 Village Attorney

23 MR. MICHAEL RYDER
24 Building Department

25 Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Schlossberg.
2 Mr. Macleod.

3 MR. MACLEOD: Mr. Keilson, members of the
4 Board, John Macleod, 595 Park Avenue, Huntington,
5 New York 11743.

6 Good evening, members of the Board. We are
7 returning to see with you the Schlossberg project.
8 We were in front of you two months ago, and you
9 had requested us to reduce the scope of the
10 variances, and we've attempted to do that and we'd
11 like to --

12 CHAIRMAN KEILSON: Well, you haven't
13 attempted, you've done it.

14 MR. MACLEOD: We have reduced the width of
15 the house by over three feet, and that three-foot
16 reduction has actually affected four of the
17 variances and reduced the overages of those
18 variances.

19 CHAIRMAN KEILSON: That's very impressive.

20 MR. MACLEOD: I would be happy to describe
21 those to you.

22 CHAIRMAN KEILSON: We will as well.

23 MR. MACLEOD: So the reduction was 3.4 feet
24 on the left side of the house. So we removed a
25 portion of the house and gave the greater side

1 yard towards the neighbor to the left.

2 CHAIRMAN KEILSON: Mr. Macleod, I can't hear
3 over the noise outside. Can you just ask them to
4 -- okay.

5 MR. MACLEOD: So the house was reduced by
6 3.4 feet on the left-hand side through its full
7 depth, and that has increased the left-side
8 setback from a previous 10.9 to 14.3. We are
9 currently as a result of that 5.7 overage in the
10 request for which would normally be a 20 foot-side
11 yard. I point out that the original is 10.9 and
12 that we have decreased it by 3.4 feet. Sorry,
13 increased it by 3.4 feet to 14.3. In doing this
14 we've reduced the square foot building coverage of
15 the house from 3,885 to 3,728, and we now have an
16 overage of 185 square feet, which represents 5.22
17 percent overage, as opposed to what we were
18 showing you previously, which was 9.6 percent. So
19 we've reduced it by almost four and a half
20 percent.

21 Also as a reduction of the square -- of the
22 side of the house where we've reduced the size of
23 the house by 3.4 feet, the height/setback ratio on
24 that side of the house has changed quite
25 dramatically. We were requesting 2.22 on the

1 left-hand side of the house; we are now proposing
2 1.69. So where as we were 1.12 over our
3 permitted, we are now only 0.59, and actually we
4 are less than the existing, which is 1.92.

5 CHAIRMAN KEILSON: We can all read this, so
6 just move it along.

7 MR. MACLEOD: Yes. So also this reduction on
8 that side has also increased the aggregate side
9 yard from 27 feet to 30.4 feet. We suggest that
10 the height of the building which remains at
11 30 foot 6 is still a reasonable height for this
12 street. The average up and down the street within
13 the neighborhood houses that are illustrated on
14 the street elevation is 32.6 feet. So we're
15 actually two feet less than the average height of
16 the surrounding houses.

17 The right-hand side of the house was not
18 changed. We're still at 16.1 feet, which is
19 matching the existing.

20 CHAIRMAN KEILSON: Okay. Anything else you
21 want to add?

22 MR. MACLEOD: Only to reiterate that the
23 Schlossbergs are long-time residents of the
24 Village, and they're building this house to suit
25 their growing family needs, and we suggest that we

1 are only providing an improvement to this property
2 with this proposed house and no detriment to the
3 neighborhood in any fashion.

4 CHAIRMAN KEILSON: Okay.

5 MEMBER HILLER: The other houses on the block
6 that average 32 feet, they are pre-existing or
7 they were given variances to get to that height?

8 MR. MACLEOD: I believe they're pre-existing.
9 Perhaps one of them might have been. It's fairly
10 new. If you look on page A11 of the drawings, you
11 will see the footprint of all of the neighboring
12 houses, as well as the street elevation accurately
13 drawn to scale and dimension. The subject house
14 is the second from the left. If you look on the
15 bottom line you will see the streetscape showing
16 the existing house, which I think you might agree
17 looks out of character with the rest of the street
18 at this point.

19 MEMBER GOTTLIEB: What you're not showing are
20 the houses across the street. You're just showing
21 one side of the street, correct?

22 MR. MACLEOD: That is correct, yes. That is
23 what's requested.

24 CHAIRMAN KEILSON: What would we observe if
25 we were looking across the street?

1 MR. MACLEOD: You would observe also various
2 tall houses. They're all two-story houses of
3 various ages and vintage.

4 MEMBER GOTTLIEB: I'm not going to challenge
5 you, but I've seen some shorter houses on the
6 other side of the street, some of the more newer
7 houses, meaning built in the fifties or sixties.

8 CHAIRMAN KEILSON: Mrs. Williams?
9 Mr. Hiller?

10 MEMBER HILLER: First of all, I wanted to
11 thank you because I think you did a good job in
12 listening to the Board and trying to do a good job
13 in reducing the size of the house. My main
14 objection would have been the height, but I am
15 enlightened by your diagram.

16 MR. MACLEOD: Thank you.

17 MEMBER HILLER: Thank you.

18 MEMBER WILLIAMS: I also appreciate the
19 effort that they made.

20 MEMBER GOTTLIEB: Any letters of support from
21 neighbors?

22 MR. MACLEOD: We had submitted those at the
23 first appearance.

24 MEMBER GOTTLIEB: Okay.

25 CHAIRMAN KEILSON: Maybe they'll object by

1 your reduction of the size of the house.

2 MR. MACLEOD: Well, we do not have any
3 further letters to present at this time.

4 MS. SCHLOSSBERG: I have another letter.

5 MR. SCHLOSSBERG: It's the same letter as
6 last time. It's all of the neighbors that are
7 touching.

8 CHAIRMAN KEILSON: Is there anyone in the
9 audience who wants to speak to the matter, any
10 other neighbors?

11 (No response.)

12 CHAIRMAN KEILSON: Okay. I think the
13 sentiment of the Board is warranted. I think
14 you've heard the cry of the Board and you
15 responded appropriately, and I think there's
16 compelling evidence that it would not be out of
17 character. And I think the benefit to the
18 applicant certainly exceeds any detriment to the
19 neighborhood.

20 And we will vote on that basis. So starting
21 with Mr. Schreck.

22 MEMBER SCHRECK: I'm going to vote for.

23 CHAIRMAN KEILSON: Mr. Gottlieb.

24 MEMBER GOTTLIEB: I'll vote along with
25 Mr. Schreck and vote for.

Schlossberg - 7/22/15

1 CHAIRMAN KEILSON: Mrs. Williams.

2 MEMBER WILLIAMS: For.

3 CHAIRMAN KEILSON: Mr. Hiller.

4 MEMBER HILLER: For.

5 CHAIRMAN KEILSON: And I too. So you have
6 two years, or more?

7 MR. MACLEOD: Two years, and thank you very
8 much for that vote. We also have an ongoing
9 variance where we appeared in front of you two
10 years ago, almost two years ago, for the site
11 changes, and that is expiring in September. So
12 we'd like to ask that be extended to run with
13 this.

14 MR. GRAY: We can address it here on the
15 record and ask him to follow up with the writing.

16 CHAIRMAN KEILSON: So the answer is to --

17 MR. MACLEOD: We request an extension of our
18 first variance for the site changes.

19 CHAIRMAN KEILSON: I don't think it would be
20 an issue from our perspective. Any issue?

21 MEMBER SCHRECK: No.

22 CHAIRMAN KEILSON: We're conforming it in
23 time with the other.

24 MR. GRAY: Can you just send in a letter
25 request.

Schlossberg - 7/22/15

1 MR. MACLEOD: Yes, we will follow that up
2 with a written request.

3 CHAIRMAN KEILSON: Board of Building Design,
4 Mr. Ryder?

5 MR. RYDER: Board of Building Design, yes,
6 Mr. Chairman.

7 Mr. Macleod, it's expiring at the same time
8 so it will run concurrent.

9 MR. MACLEOD: Latch them together. Thank
10 you. Thank you very much, appreciate it.

11 CHAIRMAN KEILSON: Good luck with your
12 project.

13 MR. SCHLOSSBERG: Thank you very much.
14 (Whereupon, the hearing concluded at
15 8:24 p.m.)

16 *****

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

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MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3
4
5 Village Hall
6 196 Central Avenue
7 Lawrence, New York

8
9 July 22, 2015
10 8:24 p.m.

11
12 APPLICATION: Mesivta Ateres Yaakov of Greater
13 Long Island
14 131 Washington Avenue
15 Lawrence, New York

16 P R E S E N T:

17 MR. LLOYD KEILSON
18 Chairman

19 MR. EDWARD GOTTLIEB
20 Member

21 MR. MARK SCHRECK
22 Member

23 MS. ESTHER WILLIAMS
24 Member

25 MR. DANIEL HILLER
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Let's discuss the
2 adjournment on MAY.

3 MR. HOPKINS: Surely, at your convenience.

4 CHAIRMAN KEILSON: Right now it's convenient.

5 So I think we all understand -- we all
6 understand there's been a request by somebody
7 allegedly representing neighbors, either she's
8 acting as an attorney or acting as a neighbor, who
9 has requested an adjournment in the MAY matter,
10 and the basis is a letter that she submitted,
11 which I do not have in front of me, which suggests
12 that she had gone to the Building Department
13 seeking certain information which was not
14 available in the file, and I'm not unsympathetic
15 to that issue that she has. Normally, if it was
16 just a specious adjournment for whatever
17 calculated reason, we would think otherwise, but I
18 think in light of the fact that the Building
19 Department was not able to provide the information
20 necessary to her, I think there's a real issue.
21 You can speak to that.

22 MR. HOPKINS: Thank you, Mr. Keilson.

23 Michael Hopkins from the firm of Hopkins &
24 Kopilow, for the applicants.

25 I became aware of it relatively late in the

1 equation. Mr. Gray was kind enough to give me a
2 heads up on it initially.

3 For the record, I do oppose it, but I do
4 understand the logic that you're employing if it's
5 going to be adjourned. I finally looked at the
6 letter as well, and I think the woman who signed
7 the letter has appeared, as you know, at both of
8 the prior hearings.

9 CHAIRMAN KEILSON: Yes.

10 MR. HOPKINS: Was speaking for the better
11 part of an hour between the two of the hearings,
12 that there were many people who are neighbors,
13 purportedly neighbors, at both of the hearings,
14 all of whom had their say or had their say through
15 her. My understanding is that she is an attorney
16 in the State of New York at the present time, but
17 in the record she does not identify herself as an
18 attorney, nor does she make the statement that
19 she's appearing on behalf of these people as an
20 attorney. She's just appearing in the same
21 fashion that she did the two prior times.

22 CHAIRMAN KEILSON: Right.

23 MR. HOPKINS: I really believe that the --
24 and I don't mean to be obtuse, that everything
25 that she said at the second hearing was a

1 repetition literally of what she said at the first
2 hearing and nothing new was forthcoming
3 whatsoever. I also point out that she was present
4 at the first hearing when the expert testimony
5 from Mr. Eschbacher and Mr. Nelson were presented
6 to the Board. So it's not as though she's coming
7 into this purer than Cesar's wife, that she didn't
8 have any information or understanding of what was
9 going on. So for the record, I will object, and
10 I'll just leave it at that.

11 If you should adjourn it, however, I really
12 don't know what date my clients would be
13 available, and I don't know if you want me to
14 bring my experts back.

15 CHAIRMAN KEILSON: I don't think it's
16 necessary to bring back the experts.

17 MEMBER GOTTLIEB: Maybe the clients would
18 want to be here.

19 CHAIRMAN KEILSON: The clients I think would
20 certainly want to be here.

21 MR. HOPKINS: I think it's critical.

22 CHAIRMAN KEILSON: So we would like to
23 propose that we have a special meeting on this
24 matter before the next date, that's officially
25 September 9th. So we will have a proposed date

Mesivta Ateres Yaakov - 7/22/15

1 subject to everybody's availability, your clients'
2 availability, your availability, whoever wants to
3 be available. What's the date?

4 MEMBER HILLER: August 18th.

5 CHAIRMAN KEILSON: August 18th.

6 MR. HOPKINS: I can speak for myself, I'll be
7 available for that date. I'll try to have at
8 least one person.

9 CHAIRMAN KEILSON: Speak to your client and
10 we'll tentatively set it for August 18th as a
11 special meeting just for that item.

12 MR. HOPKINS: And I'll get back to you by
13 tomorrow.

14 CHAIRMAN KEILSON: We'll advise the other
15 group that that would be a final adjournment.

16 MR. HOPKINS: That I assume is coming from
17 Mr. Gray, rather than from me.

18 CHAIRMAN KEILSON: Yes, Mr. Gray.

19 MR. GRAY: Certainly.

20 CHAIRMAN KEILSON: Mrs. Williams raises the
21 question that she's not available. I think in
22 light of the fact that they have had adequate time
23 to air their concerns, and as you say, the record
24 is quite broad and deep, and she's not
25 representing them as an attorney, so I think if

1 she's not available to come, other neighbors
2 should be available to address whatever their
3 concerns might be.

4 MR. HOPKINS: I would think at the very
5 least. Now, the 18th is a Tuesday; is that
6 correct?

7 CHAIRMAN KEILSON: Yes, yes.

8 MR. HOPKINS: All right, Mr. Chairman. I'll
9 alert my clients and get back to Mr. Ryder by
10 tomorrow.

11 MR. GRAY: Mr. Chairman, as you know, I did
12 forward Miss Pugliese's requests on to you and to
13 Mr. Ryder, and she asked that I confirm that I did
14 that. So all the communications from
15 Miss Pugliese concerning the request for the
16 adjournment, including her letter or E-mail of
17 July 21st, 2015 at 2:30 p.m., where she suggests
18 that a majority -- a vast majority are going to be
19 away on vacation in August and that she believes
20 it makes sense to adjourn the meeting till
21 September, I just wanted to make sure the record
22 was clear that the Board was made aware of that
23 request. Notwithstanding, I did advise
24 Miss Pugliese that the Zoning Board sets the
25 hearing dates.

1 MR. HOPKINS: I would certainly object to
2 anything beyond the date that you've proposed.

3 CHAIRMAN KEILSON: I think in light of the
4 many months that this has been pending, I think
5 the school itself is entitled to a decision, and I
6 think it's --

7 MEMBER WILLIAMS: Reasonable.

8 CHAIRMAN KEILSON: -- it's reasonable to
9 expect that we should meet sometime in August to
10 accommodate that.

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

12 MEMBER GOTTLIEB: Which you've already
13 objected to anyway, the August.

14 MR. HOPKINS: Again, I'm covering all bases,
15 concentric means of defense, Mr. Gottlieb, I
16 believe in them.

17 MEMBER GOTTLIEB: Rightfully so.

18 CHAIRMAN KEILSON: Okay.

19 MEMBER GOTTLIEB: Just I have a question for
20 our attorney, please. Does Miss Pugliese need to
21 identify herself as an attorney, or is that
22 optional if she's --

23 MR. GRAY: Well, I mean, she makes a
24 representation in her letter that she is
25 representing a group of individuals. I think she

1 should --

2 MEMBER GOTTLIEB: I represent a group of
3 neighbors as well.

4 MEMBER HILLER: Is it important for us to
5 know if she's coming as an attorney or as a
6 private citizen? Does it make a difference?

7 MEMBER GOTTLIEB: Or is it irrelevant?

8 MR. GRAY: I think it's good form that if
9 you're an attorney and you're representing a
10 client and you're representing them that you state
11 on the record that you are representing them as an
12 attorney.

13 CHAIRMAN KEILSON: Okay.

14 MR. HOPKINS: Thank you, Mr. Chairman.

15 MR. RYDER: Regarding that date, please check
16 with Mr. Gray. I'll be out of the office for the
17 next two days.


18 (Whereupon, the hearing concluded at
19 8:30 p.m.)

20 *****

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

24

25



MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 July 22, 2015
8:30 p.m.

7 APPLICATION: Verschleiser
8 190 Briarwood Crossing
9 Lawrence, New York

10 P R E S E N T:

11 MR. LLOYD KEILSON
12 Chairman

13 MR. EDWARD GOTTLIEB
14 Member

15 MR. MARK SCHRECK
16 Member

17 MS. ESTHER WILLIAMS
18 Member

19 MR. DANIEL HILLER
20 Member

21 MR. KENNETH A. GRAY, ESQ.
22 Village Attorney

23 MR. MICHAEL RYDER
24 Building Department

25 Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of
2 Verschleiser.

3 MR. HOPKINS: Yes, Mr. Chairman, Michael
4 Hopkins, Hopkins & Kopilow, counsel for the
5 Verschleisers. Address is 100 Quentin Roosevelt
6 Boulevard in Garden City, New York.

7 Mr. Chairman, as you know, this matter was on
8 last month, adjourned to this month.

9 CHAIRMAN KEILSON: Mr. Hopkins, the Board was
10 presented with an amended code relief today.

11 MR. HOPKINS: Yes.

12 CHAIRMAN KEILSON: That's unacceptable
13 practice.

14 MR. HOPKINS: And I did it in this fashion
15 hopefully to meet Mr. Gottlieb's request the last
16 time around that he could follow the flow of the
17 development of the parcel.

18 MEMBER GOTTLIEB: Right.

19 CHAIRMAN KEILSON: But there's a new petition
20 as well, correct?

21 MR. HOPKINS: That is correct.

22 CHAIRMAN KEILSON: We don't even have a copy
23 of that. The Building Department did not make
24 copies. We come here unprepared. If it wasn't
25 for the fact that we adjourned the last one we

1 would be inclined to adjourn it again because we
2 don't accept amended complaints the date of the
3 hearing. We can't digest it in appropriate
4 fashion.

5 MR. HOPKINS: I fully understood, but
6 Mr. Chairman, I represent to you as an attorney
7 that I understood, I was advised of this on
8 Thursday. On Friday I got the information out to
9 the client to try to get it to you on -- we
10 understood that so long as it was filed by Monday
11 that would be adequate to prepare the Board so
12 they could go forward on this tonight.
13 Mrs. Verschleiser is here. That material was sent
14 in on Monday as per my direction that it had to be
15 in on Monday.

16 CHAIRMAN KEILSON: My understanding was it
17 was supposed to be in by Friday, but again, I
18 don't want to -- I'm just emphasizing the fact
19 that --

20 MR. GRAY: Mr. Chairman, I sit here today
21 thinking that I may have told them that it had to
22 be on Monday, not Friday.

23 CHAIRMAN KEILSON: So Mr. Gray is falling on
24 his sword.

25 MR. HOPKINS: He's doing the honorable thing.

1 We all have wounds in our chest all over the
2 place. Mr. Chairman, if I had been told it had to
3 be on Friday, I would have had it in to you on
4 Friday.

5 CHAIRMAN KEILSON: In any event, let's
6 continue.

7 MR. HOPKINS: Fair enough.

8 CHAIRMAN KEILSON: Notwithstanding.

9 MR. HOPKINS: Notwithstanding, you have the
10 code relief section as they say. It shows the
11 development of what took place on this parcel to
12 date, and it shows that which is being sought.
13 There are two things which are being sought, pure
14 and simple.

15 The first one should have been included in
16 the original petition, but it was not. Our fault.
17 And that is the --

18 CHAIRMAN KEILSON: Who is our?

19 MR. HOPKINS: I'm sorry, sir?

20 CHAIRMAN KEILSON: Who is our?

21 MR. HOPKINS: I'll take responsibility for
22 it.

23 MEMBER GOTTLIEB: Another chest wound.

24 MR. HOPKINS: Believe me, the scars are all
25 over the place. As they said in the petition, at

1 the time the plans were developed certain things
2 were understood; the understandings were incorrect
3 as well. I think it was pointed out by somebody
4 here earlier today that the kitchen is the focal
5 point of the home, that this is something that
6 compliments the home. Had we known of it back in
7 the day when this first came before the Board, I
8 would have included it as part of the application
9 at that time.

10 CHAIRMAN KEILSON: I understand. Were the
11 plans drawn as they were tonight?

12 MR. HOPKINS: I'm sorry, sir?

13 CHAIRMAN KEILSON: Are the plans the same as
14 they were presented for the variance hearing?

15 MR. HOPKINS: John.

16 MR. CAPOBIANCO: Which variance hearing,
17 Michael?

18 MR. HOPKINS: He's talking about the very
19 first one.

20 CHAIRMAN KEILSON: He's alleging that it's
21 his fault or somebody's fault that it wasn't
22 prepared properly.

23 MR. CAPOBIANCO: Well, the kitchen -- the
24 kitchen was widened by two foot eight inches, and
25 that was not prepared on the first set of plans.

1 CHAIRMAN KEILSON: So then he's incorrect,
2 right? That which we voted on that night was
3 correctly presented?

4 MR. HOPKINS: Absolutely. What I'm saying
5 inarticulately, I'll try to be better at it, that
6 which was approved that night was reflected in the
7 plans that you saw that night, however many months
8 ago.

9 MR. CAPOBIANCO: That's correct.

10 MR. HOPKINS: Those plans did not reflect the
11 reality as the architect and the property owner
12 understood it was going to reflect the reality as
13 it pertains to the --

14 CHAIRMAN KEILSON: The architect was mistaken
15 as to what he drew?

16 MR. HOPKINS: Attorneys are mistaken
17 sometimes in their petitions, and I think I say
18 specifically in the petition, and --

19 CHAIRMAN KEILSON: We don't have the
20 petition.

21 MR. HOPKINS: If I may just --

22 CHAIRMAN KEILSON: Who is the architect?

23 MR. CAPOBIANCO: I'm the architect.

24 CHAIRMAN KEILSON: Did you misunderstand?

25 MR. CAPOBIANCO: I misunderstood the design

1 and the intent of the width of the kitchen, yes.

2 MEMBER HILLER: Mr. Chairman, we're going to
3 run out of swords.

4 MR. HOPKINS: Well, they're a bit more blunt
5 when it comes to architects and more sharp for
6 attorneys. I say in the petition at paragraph
7 seven: In the process of undertaking the
8 improvements, the architect and homeowner realized
9 that they had omitted what both had thought were
10 the correct dimensions for the kitchen on the
11 northwest side of the house, which is the omission
12 or the application of this bump-out. I think I
13 referred to it as three feet in my paperwork, it's
14 two foot eight, as per John. So that 2.8 should
15 have been before you in the plans submitted
16 originally so that you would have had everything
17 at the time.

18 The second thing has to do --

19 CHAIRMAN KEILSON: Was there a foundation put
20 in?

21 MR. HOPKINS: I don't know.

22 CHAIRMAN KEILSON: Not consistent with the
23 drawing.

24 MR. CAPOBIANCO: The foundation was put in by
25 the contractor with the anticipation, but it was

1 always to be --

2 CHAIRMAN KEILSON: Anticipation of what?

3 MR. CAPOBIANCO: Of possibly getting a
4 variance approved.

5 CHAIRMAN KEILSON: Mr. Ryder, is that the
6 normal procedure that a foundation is put in in
7 anticipation of a variance?

8 MR. RYDER: No, that's not, Mr. Chairman.

9 CHAIRMAN KEILSON: Mr. Capobianco, in your
10 experience --

11 MR. CAPOBIANCO: No, it's not the normal
12 procedure; however, we were going to use it as an
13 area way for the window wells if it didn't get
14 approved, so that was the compromise that we --

15 MEMBER HILLER: Do you realize you're
16 contradicting yourself? Because, originally, he
17 said that the layout was as presented, and you're
18 saying that you forgot to put in the extra and yet
19 it was put in as an extra.

20 MR. CAPOBIANCO: They built it on the site --

21 MEMBER HILLER: In anticipation of getting a
22 variance.

23 MR. CAPOBIANCO: That's correct. But we
24 always figured we would cut it down and remove it
25 and put back an area way because there are windows

1 on the side in the basement so we needed a
2 foundation anyway for the window well.

3 MEMBER WILLIAMS: So you presented plans.
4 You put a different foundation down, hoping that
5 you would get this approved?

6 MR. CAPOBIANCO: No. We put the original
7 foundation in. The other piece was added onto it.
8 The original foundation was in, that was approved.

9 MEMBER WILLIAMS: So prior to the new
10 approval that you're hoping for tonight, you did
11 the extra part.

12 MR. CAPOBIANCO: While the truck was there
13 they poured that wall in anticipation that they
14 would have to remove it.

15 MEMBER HILLER: Can I ask you, because I
16 don't have it in front of me, what was the size of
17 the original kitchen and what is the size in the
18 new kitchen? The original kitchen first.

19 MR. GRAY: When you say the original kitchen,
20 you mean the approved kitchen?

21 MEMBER HILLER: Thank you.

22 MR. CAPOBIANCO: Actually, before it was
23 18 feet and now it's 20 foot 8 inches.

24 MEMBER HILLER: By?

25 MR. CAPOBIANCO: By the length, which is from

1 the back, 27, which includes a breakfast area.

2 MEMBER HILLER: Which is?

3 MR. CAPOBIANCO: The breakfast area is a
4 12-by-12 octagon.

5 MEMBER HILLER: No, what is the total --

6 MEMBER WILLIAMS: 27.

7 MR. CAPOBIANCO: It's 27, the kitchen is 27.

8 MEMBER HILLER: By?

9 MR. CAPOBIANCO: By 20 foot 8 inches in
10 width.

11 MEMBER HILLER: That's the approved kitchen?

12 MR. GRAY: No.

13 MR. CAPOBIANCO: No. The approved kitchen
14 was 18 by 27.

15 MEMBER HILLER: And the new one again? I'm
16 sorry.

17 MR. CAPOBIANCO: Is 20 foot 8 inches wide by
18 27 feet 6 inches deep.

19 MR. HOPKINS: And that, Mr. Hiller, is
20 approximately 60 square feet over the relief that
21 this Board had granted back in May of 2014.

22 MEMBER GOTTLIEB: What did you gain by adding
23 the 2 foot 8 inches?

24 MR. CAPOBIANCO: We gained enough room for
25 them to create a butler's pantry on the side which

1 has the access to the dining room. And also, by
2 not having to put a butler's pantry between the
3 kitchen and the dining room, they gained an extra
4 three or four feet, or four feet in the dining
5 room itself because they have a very large family.
6 So the dining room is 25.2 plus the bay window of
7 2 foot 6.

8 MEMBER WILLIAMS: What would it have been
9 otherwise?

10 MR. CAPOBIANCO: Pardon?

11 MEMBER WILLIAMS: What would it have been
12 otherwise, without the butler's kitchen?

13 MR. CAPOBIANCO: Otherwise, it would have
14 been 21 foot deep and 2 foot 10. It would be
15 23 foot 10 to the front of the bay originally.

16 MEMBER WILLIAMS: 25 two -- say it again.
17 The old size was?

18 MR. CAPOBIANCO: It would have been 4 foot
19 less than it is now proposed. It was 25 foot 2 to
20 the straight wall, and then the bay window is an
21 extra 2 foot 10, so it's like 28 feet to the bay
22 window now.

23 MEMBER WILLIAMS: That's what it is now. And
24 before then?

25 MR. CAPOBIANCO: And proposed it would have

1 been 24 total.

2 MR. HOPKINS: I have Mrs. Verschleiser here,
3 Mr. Chairman, and she just wants to point out --
4 go ahead, John.

5 MR. CAPOBIANCO: Yeah, that the pantry closet
6 that was encroaching into the kitchen was made
7 narrower in addition to what it was before. It
8 was made narrower to accommodate the double
9 island. That was the reason for the width, and
10 also to maintain enough width to get the butler's
11 pantry to work serving the dining room on the side
12 rather than between the kitchen and the dining
13 room.

14 CHAIRMAN KEILSON: Okay. So the impact of
15 that is in terms of the side-yard setback
16 aggregate.

17 MR. HOPKINS: It does affect as I point out
18 in the code relief section. It has some very
19 modest impact on height/setback ratio as well, as
20 a practical proposition. And Mr. Chairman, just
21 to be once again clear, the amended code relief,
22 as they say in terms of the proposal is 60 square
23 feet over relief granted, that's 1.2 percent more
24 than what had been granted. That affects the
25 minimum side-yard setback on the southeast side

1 because you're going down that 2.8 feet
2 approximately. It also affects the aggregate side
3 yard, as a practical proposition, by the same
4 dimension. And it has an impact on the northwest
5 yard height/setback ratio which is also very
6 modest.

7 I was down to the property about two weeks
8 ago and I know the Board is familiar with the
9 property. It's at a point where it's -- as I
10 think I made in the initial presentation -- where
11 it's very narrow in that particular parcel, but
12 yet the parcels are relatively large that are
13 abutting it, as a practical proposition, in the
14 neighborhood.

15 And also, forgive me, I have two letters from
16 neighbors.

17 CHAIRMAN KEILSON: Let's finish the variances
18 and then we'll discuss neighbor support.

19 MR. HOPKINS: Forgive me. The second issue
20 which really triggered the amendment had to do
21 with the height, because the height was 30 feet as
22 anticipated, and I've run into these issues before
23 in terms of height, grade and where is the measure
24 being made.

25 CHAIRMAN KEILSON: We haven't. So why don't

1 you share with us what your problem is.

2 MR. HOPKINS: Go ahead.

3 MR. CAPOBIANCO: At the suggestion of the
4 Building Department, what I did is I had the
5 contractor and myself go out and measure the
6 heights of the existing structure, since it's up
7 already, and we measured from the first floor to
8 the second floor 11 feet. From the second floor
9 to the attic floor 9-6, and from the attic floor
10 to the highest ridge point in the house, which is
11 on the flat section of the house, we measured 9
12 feet.

13 So totalling what happens when you take it
14 down to grade, because the house originally was
15 supposed to be set at 1 foot 10 off of grade to
16 the first floor, is 2 feet now off of grade to the
17 first floor. What's really out there now is
18 excavated area, which doesn't represent the final
19 grade, which we're going to put back to where it
20 was. So what happened is if you put it back
21 2 feet below the first floor, you wind up with
22 31 foot 6 inches to the highest ridge point at the
23 house. However, the turret peak itself is also
24 31-6. But when you look at the rendering that I
25 brought, you'll never -- the actual edge that you

1 see on the rendering is really 30 foot 6 inches.
2 The middle section rises one foot, 12 inches to
3 the center, which is something that can't ever be
4 seen. It was an error on the contractor's framer
5 who inadvertently mis-measured and made the
6 building a little higher and it wasn't caught
7 right away and this is what we're stuck with right
8 now.

9 CHAIRMAN KEILSON: So the same contractor who
10 made the mistake on the foundation made the
11 mistake on the height. Furthermore, in paragraph
12 eighteen of the petition --

13 MR. HOPKINS: Yes, sir.

14 CHAIRMAN KEILSON: -- on the issue of the
15 32-foot height of the residence, applicant
16 disagrees with the analysis.

17 MR. CAPOBIANCO: Yes. Height is 31-6 to the
18 highest ridge point that they thought was 32.

19 CHAIRMAN KEILSON: I'm reading the
20 application.

21 MR. CAPOBIANCO: Okay.

22 CHAIRMAN KEILSON: The petition. It says
23 they disagree with the analysis. So do you
24 disagree with the analysis or don't you?

25 MR. CAPOBIANCO: Well, this is the first time

1 I made an analysis at their suggestion, and I
2 don't know how they arrived at their number, you
3 know.

4 CHAIRMAN KEILSON: Should we appoint an
5 engineering firm to go out there to do a proper
6 analysis?

7 MR. CAPOBIANCO: Well, I'm an architect and
8 engineer, and a planner. I did it. I was out
9 there myself.

10 MEMBER WILLIAMS: You didn't do it, the
11 contractor did.

12 CHAIRMAN KEILSON: Who prepared the petition?

13 MR. HOPKINS: I did, sir.

14 CHAIRMAN KEILSON: On what basis?

15 MR. HOPKINS: On the basis that I had a
16 situation where there was going to be this
17 bump-out contemplated, and I had been alerted at
18 some point, I believe by Mr. Ryder, that it was
19 32 feet in height. That was actually more than a
20 week ago, I assure you, that I had heard about
21 that issue had come up. As a matter of fact, it
22 was discussed at the last hearing date. The
23 question of the height was pending even at that
24 time when we were down here last month, and we had
25 the very, very brief hearing and the issue of the

1 height had come up, and the Chair had directed us
2 to deal with this issue and come up with the
3 analysis. At that point it had already been
4 stated to be 32 feet by the Building Department,
5 if my memory serves me correctly, and when Mr.
6 Capobianco went out and did his analysis he had
7 told me he thought it was under 32 feet. When I
8 prepared this document, I believe it was on Friday
9 of just last week, and indeed he comes back today
10 that it comes in at 31 feet 6 inches.

11 MR. GRAY: Counsel, if I may, I think what
12 I'm hearing is we're having a dispute as to the
13 variance that is being requested.

14 MR. HOPKINS: You're absolutely right.

15 MR. GRAY: If I may.

16 MR. HOPKINS: Yes, sir.

17 MR. GRAY: The Village has affirmatively
18 stated that it's our position that the current
19 structure at its height is 32 feet. You are
20 disputing that saying it's 31-6.

21 MR. HOPKINS: That is correct.

22 MR. GRAY: So there's a difference here of a
23 half a foot on what you're asking for for relief
24 on a variance. So I don't think this Board can go
25 forward unless that issue is resolved because this

1 Board needs to determine what relief it's going to
2 grant, and if we can't agree on what relief needs
3 to be requested, I think it needs to be resolved
4 first.

5 MR. HOPKINS: Well, I understand -- I fully
6 understand what you just said, and if you take a
7 look at the amended code relief chart, since that
8 was uncertain at the time it was being prepared,
9 it says to be determined, because it was not
10 clear. The one thing that we did know, Mr. Gray,
11 I think we all pretty much acknowledged that it
12 was over that 30 feet. The question was, was it
13 30 feet, 30 feet 6 inches, 31, 31-6 or 32.

14 MR. GRAY: Which is fine, but you're
15 requesting a one and a half foot area variance on
16 the height.

17 MR. HOPKINS: That is correct because we --

18 MR. GRAY: If that is true, if that's what
19 you're requesting, and we were to grant that one
20 and a half foot, you would still have to take a
21 half a foot off because in our opinion it's at 32
22 feet. So if we were to grant your one and a half
23 foot, you would still have to take six inches off.

24 MR. HOPKINS: What we are trying to show is
25 the following, that we disagree with the

1 assessment that it's 32 feet. We think it's 31-6
2 feet -- 31 feet 6 inches, I apologize. But
3 logically speaking --

4 CHAIRMAN KEILSON: Who is the we?

5 MR. HOPKINS: I was using the collective we
6 at this point, the applicants, the architect and
7 myself.

8 CHAIRMAN KEILSON: Mr. Capobianco, you just
9 stated you're an architect.

10 MR. CAPOBIANCO: Yes.

11 At the suggestion of the Building Department
12 I went out and field measured because the surveyor
13 couldn't do it. I field measured actually from
14 the ridge down to each floor.

15 CHAIRMAN KEILSON: You're repeating yourself.

16 MR. CAPOBIANCO: And I got what I thought was
17 20 -- was the proper height which was, you know,
18 the total was 29-6, and then the discrepancy here
19 is where the first floor is to grade, I think.
20 And I think that I used 2 feet as where I think
21 the existing grade was, and if I used the 2 feet,
22 not 2 and a half feet, then it's 31-6. But if
23 it's 2 and a half feet, then it's 32 feet. But I
24 don't know how they arrived at the 32 feet, that's
25 all I'm asking.

1 MR. HOPKINS: Mr. Chairman, as a practical
2 proposition, the house as built at this point in
3 time we believe is 31 feet 6 inches. The Village
4 believes that number to be 32 feet even, as I
5 understand it. The reality of the situation is
6 the heights are not going to change anymore at
7 this particular point.

8 CHAIRMAN KEILSON: Excuse me?

9 MR. HOPKINS: The height doesn't change
10 anymore at this particular point. So even if our
11 analysis is incorrect and the Village's analysis
12 is correct, the maximum that we would be asking
13 for, therefore, is 32 feet in height, as a
14 practical proposition. I was kind of hoping that
15 the Village might take a look at the analysis done
16 by John and say, you know what, John, your
17 analysis is spot on, it's 31 feet 6 inches. And
18 then the reality of the situation is 31 feet 6
19 inches would have been the number we'd be dealing
20 with here. I don't know if the Village is going
21 to yield and say that this analysis conducted by
22 John is the correct one.

23 CHAIRMAN KEILSON: Do you really think the
24 Building Department is going to adjust --

25 MR. HOPKINS: I have found this Building

1 Department to be --

2 CHAIRMAN KEILSON: Mr. Hopkins, you keep on
3 interrupting me.

4 MR. HOPKINS: I didn't mean to be -- I didn't
5 mean to, Mr. Keilson.

6 CHAIRMAN KEILSON: The Building Department
7 has decided what the height is.

8 MR. HOPKINS: They have indeed.

9 CHAIRMAN KEILSON: Okay. That's the height
10 that has to be requested.

11 MR. HOPKINS: Then we would yield to the
12 building --

13 CHAIRMAN KEILSON: We have two situations
14 where a contractor seems to have acted in some
15 precipitous way to build -- to overbuild on height
16 and also to lay a foundation for the bump-out; is
17 that a fair statement?

18 MR. HOPKINS: This is what the presentation
19 is, that's correct. And therefore, we would yield
20 to the -- forgive me -- to the Building
21 Department's analysis of 32 feet, and to make
22 therefore more specific that relief which is being
23 sought, it would be 32 feet rather than the
24 31 feet 6 inches that we're discussing, at least
25 that we had presented.

1 CHAIRMAN KEILSON: Any questions?

2 MR. HOPKINS: If I may also, Mr. Chairman,
3 just reinforce one thing.

4 CHAIRMAN KEILSON: Please.

5 MR. HOPKINS: The reality of the situation,
6 again, those parcels are on large -- excuse me --
7 those houses are on large parcels, as we all know
8 in that particular area of the Village. I think
9 Mr. Capobianco makes an excellent point. That
10 portion which is the troublesome portion, that's
11 not going to be seen by anybody on street level,
12 as a practical proposition. The first story or
13 even the second story, even the third story, or
14 second and a half story, or an attic of the
15 adjacent parcels are not going to be able to pick
16 up, as a practical proposition, that point that
17 gives you the 32 feet, or as we had said 31-6, but
18 32 feet for the purposes of this discussion. It's
19 not going to be viewable, as a practical
20 proposition.

21 MR. CAPOBIANCO: See, what happened is the
22 flat section of the roof was supposed to have a
23 two-inch pitch in each direction, very minimal,
24 like a flat roof. When they framed it, his framer
25 made it 12 inches high in the middle and pitched

1 it, and that's what I showed on the drawing, and
2 that's where the extra 10 inches or foot came into
3 play. But still the ridge edge was 6 inches; I
4 measured it.

5 But you know what the problem is here, and in
6 the future I think what the town needs to do is
7 get or request a topography, or topos, or
8 elevations of where the existing grades are. I
9 mean, otherwise, we don't know. They excavate and
10 dig a hole, we don't know where to put it back.

11 MEMBER WILLIAMS: I have a question.

12 MR. RYDER: I'm listening to Mr. Hopkins and
13 yourself and your interpretation. The code is
14 clear, and this is why I tried to explain it to
15 you in our conversations. The height is measured
16 from the mean grade around the perimeter of the
17 foundation. Once you excavate or remove it, I
18 don't disagree with you, I should ask for
19 topography surveys with elevations. Then it's
20 measured to the highest point. And I believe it
21 won't be visible from the street, I understand
22 that. But still that's the number we take it
23 from, the mean grade, and we go to the highest
24 point, and our field came up with a 6-inch
25 difference than your evaluation.

1 MR. CAPOBIANCO: All right, then I will go
2 with yours, because I didn't really take the
3 average along the back. I thought it was actually
4 higher than the front because of the terrace
5 being, you know, lower to the ground, but then
6 again, you know, it's 6 inches, but we'll yield to
7 the 32 feet.

8 MR. GRAY: So Counsel, you're amending your
9 application yet again now to reflect a 32-foot
10 height, and therefore requesting a 2-foot variance
11 above the required 30 foot?

12 MR. HOPKINS: That is correct.

13 MR. GRAY: So Mr. Chairman, based on my
14 calculations, a 32-foot variance over the 30 foot
15 required by the code is a 6.6 -- a 6 percent
16 increase in what's permitted by the code, if I did
17 my calculation correctly.

18 CHAIRMAN KEILSON: I think the broader issue
19 is the fact that we're being presented with after
20 the fact a fait accompli, okay. We like to see
21 everything up front, and then when action is taken
22 unilaterally with a variety of explanations and
23 rationale for it and blaming other parties,
24 there's a great sense of --

25 MEMBER WILLIAMS: Discomfort.

1 CHAIRMAN KEILSON: -- discomfort, thank you
2 Mrs. Williams, with the integrity of the entire
3 matter.

4 MR. HOPKINS: I hear you completely.

5 CHAIRMAN KEILSON: And had we seen this from
6 the very beginning in terms of the variances
7 requested, we may have had a different perspective
8 on the entire project.

9 MR. GRAY: Mr. Chairman, I also want to point
10 out that it directly goes to the issue of one of
11 the criteria that this Board has to consider, and
12 that is whether or not the need for the variance
13 was self-created. I believe clearly here it's
14 been demonstrated that the need for these
15 variances have been self-created, I'll just say,
16 on behalf of the applicant. I wasn't there and I
17 can't identify or speak as to who is responsible,
18 but I think it's clearly a self-created issue for
19 these variances.

20 MR. HOPKINS: On that element of what
21 Mr. Gray just said, technically, in the true sense
22 of the word you're probably right, Mr. Gray, it is
23 self-created.

24 MR. GRAY: Thank you.

25 MR. HOPKINS: But in fairness to the people

1 who purchase houses and have houses put up, there
2 are errors that take place in the field;
3 oftentimes, Mr. Chairman, they do relate to
4 height. They do relate to height. Because as
5 Mr. Capobianco was pointing out, the builder does
6 a few things that were not showing on the plans
7 and he does it and he makes the change in the
8 field, a modest change in the field. But nobody
9 is suggesting, at least I hope nobody is
10 suggesting, that the change in the field was at
11 the direction of the client. They bestow it upon
12 the builder. The builder is anticipated to build
13 according to the plans that have been approved by
14 you after the first hearing.

15 CHAIRMAN KEILSON: You said the builder put
16 in the foundation without it being on the plan.

17 MR. GRAY: And with the anticipation that
18 they were going to come here asking for a
19 variance.

20 CHAIRMAN KEILSON: I'm confused.

21 MR. HOPKINS: I'm talking for a moment on the
22 issue of the height.

23 CHAIRMAN KEILSON: You can't bifurcate the --

24 MR. HOPKINS: I'm not going to, Mr. Chairman,
25 you're absolutely right.

1 CHAIRMAN KEILSON: You're interrupting me
2 again. You can't bifurcate the situation. We're
3 facing similar situations. One where they
4 actually put down the foundation, and then where
5 they overbuilt on the height. So again, my
6 discomfort gets reinforced.

7 MR. HOPKINS: I understand that you're
8 discomfort is reinforced, I do. I tell all
9 clients that Boards are leery of serial relief,
10 and we all know that. We've all been around
11 before. We know that the Board is understandably
12 concerned about the integrity of what it had done
13 in the first instance several months ago and what
14 it has to do in this particular case. All I can
15 say, Mr. Chairman, on behalf of the applicants I
16 don't think there was vitality (phonetic) involved
17 in this, even and notwithstanding the statement by
18 Mr. Capobianco that that -- what do you call it,
19 John -- the foundation or the footing was put in
20 in anticipation that by the grace of God we get
21 the relief, and if it shouldn't happen, that it
22 could be used in the way you were describing.

23 MR. CAPOBIANCO: And removed and cut down.

24 MEMBER WILLIAMS: Can I ask you a question,
25 John? Mr. Capobianco, the height of each floor

1 individually remains the same in the original
2 plans?

3 MR. CAPOBIANCO: Yes.

4 MEMBER WILLIAMS: Exactly the same?

5 MR. CAPOBIANCO: Yes.

6 MEMBER WILLIAMS: So the attic was always
7 9 feet?

8 MR. CAPOBIANCO: Yeah, it's a little higher.

9 MR. GRAY: I'm sorry, I didn't hear what you
10 said. The attic's a little higher?

11 MR. CAPOBIANCO: What happened was they built
12 a -- here, you can see the drawing right here.

13 MEMBER WILLIAMS: The original plan of the
14 attic height was what?

15 MR. CAPOBIANCO: It was a 9-foot second-floor
16 ceiling.

17 MEMBER WILLIAMS: Nine foot second floor.

18 MR. CAPOBIANCO: Instead of 2-by-8 ceiling
19 joists they used 12-inch ceiling joists which
20 raised it a little.

21 MEMBER WILLIAMS: Hold on, slow down. I'm
22 sorry. So the second floor is now a bit higher
23 than it was before, the actual space?

24 MR. CAPOBIANCO: No.

25 MEMBER WILLIAMS: It's the same?

1 MR. CAPOBIANCO: The same as was approved.

2 MEMBER WILLIAMS: Which is?

3 MR. CAPOBIANCO: Nine foot.

4 MR. GRAY: It says 9 feet 6 inches on your
5 plan there.

6 MR. CAPOBIANCO: I'm sorry, 8-8. It's 8-8,
7 and 9 feet 6 is to the floor of the attic. So you
8 minus 12, it's actually 8-6.

9 MEMBER WILLIAMS: What's 8-6, the attic?

10 MR. CAPOBIANCO: The ceiling of the second
11 floor.

12 MEMBER WILLIAMS: And that's how it always
13 was?

14 MR. CAPOBIANCO: That's how it always was.

15 MEMBER WILLIAMS: Go ahead.

16 MR. CAPOBIANCO: And then the attic was
17 supposed to be 30 to the ridge, this point, this
18 edge here (indicating), and then what happened is
19 this center came up a foot, almost 14 inches for
20 drainage, and that is what they're calling the
21 ridge.

22 MEMBER WILLIAMS: The height of the attic in
23 the original plans at the highest point was and is
24 now, give me the two numbers.

25 MR. CAPOBIANCO: The same.

1 MEMBER WILLIAMS: What is the number at the
2 highest point?

3 MR. CAPOBIANCO: It's about 7-4.

4 MEMBER WILLIAMS: The standing room height in
5 the attic?

6 MR. CAPOBIANCO: At the highest point.

7 MEMBER WILLIAMS: At the highest point was
8 7-4 before and is 7-4 now?

9 MR. CAPOBIANCO: That's correct.

10 MEMBER WILLIAMS: When you said about the
11 9 foot for the attic you were talking about --

12 MR. CAPOBIANCO: That's the floor, the floor
13 plus the ceiling.

14 MEMBER WILLIAMS: So a 7-4 attic before and
15 after.

16 MR. CAPOBIANCO: That's correct.

17 MEMBER WILLIAMS: Clarified, thank you.

18 CHAIRMAN KEILSON: Any questions from the
19 Board? Do you want to submit letters?

20 MR. HOPKINS: Yes, Mr. Chairman, there are
21 two letters for the record I'd like to submit.
22 One from a neighbor, Ms. Rebecca Nerenberg, and
23 the other is from a gentleman by the name of
24 Mr. Benjamin Lander, which I'm going to hand up.

25 MR. GRAY: We'll make it part of the file.

1 MR. HOPKINS: Thank you.

2 MEMBER GOTTLIEB: Mr. Capobianco, the
3 two-foot addition to the kitchen, is that a
4 two-story addition or one-story addition?

5 MR. CAPOBIANCO: It's carried up to the
6 second floor.

7 MEMBER GOTTLIEB: So you also added 2 feet to
8 the master bedroom?

9 MR. CAPOBIANCO: Master bedroom.

10 MEMBER GOTTLIEB: And how far is that from
11 the property line, please?

12 MR. CAPOBIANCO: If you look at the site
13 plan, the original front 25 feet --

14 MEMBER GOTTLIEB: Let me get my site plan
15 out, and I'm hoping that I've got the right ones.

16 MR. CAPOBIANCO: Okay.

17 MEMBER GOTTLIEB: Are they dated? Okay.

18 MR. CAPOBIANCO: The 29 feet that goes back
19 24 feet, right, stays the same. That didn't
20 change.

21 MEMBER GOTTLIEB: Hold on, Wait, the 29 --

22 MR. CAPOBIANCO: The 29-foot side yard at the
23 front of the house.

24 MEMBER GOTTLIEB: It stays 29 foot?

25 MR. CAPOBIANCO: It stays 29 feet by 24 feet,

1 and then it always bumped out to a dimension of
2 approximately 24 feet on the side yard. So what
3 we did is reduced the 24 to 21.33, which is 21-4.

4 MEMBER GOTTLIEB: For how long of a length is
5 that?

6 MR. CAPOBIANCO: That's the length of the --
7 it's actually 30 feet, which includes the pantry
8 which is one story in height, not two story. The
9 pantry doesn't go up the two stories, it just goes
10 up one story.

11 MR. HOPKINS: Mr. Chairman, Mr. Gottlieb
12 asked a question was the bump-out being carried up
13 to the second story; the answer is yes. If that
14 would be a stumbling block, I would certainly talk
15 to my clients about perhaps making that bump-out
16 end on that first story. I would certainly
17 recommend it, so that it wouldn't be carried
18 through to the second story.

19 MR. CAPOBIANCO: What we talked about was
20 leaving the master bedroom the way it was, not
21 bumping it out with the first floor, and just do
22 the bump-out only at the kitchen and the butler's
23 pantry, which would be a one-story bump-out.

24 MEMBER GOTTLIEB: What's the required side
25 yard? I know I should have it right here, and I

1 do.

2 MR. HOPKINS: Aggregate is --

3 MEMBER GOTTLIEB: You're required to have
4 30 feet, okay.

5 MR. HOPKINS: The permitted is actually
6 70 feet.

7 MR. CAPOBIANCO: 70 feet required.

8 MEMBER GOTTLIEB: That's the aggregate. I
9 meant --

10 MR. CAPOBIANCO: 30 on the smaller side and
11 35 on the one.

12 MR. GRAY: Can I ask a question of counsel
13 and/or his architect, Mr. Chairman?

14 CHAIRMAN KEILSON: I don't know, let me hear.

15 MR. GRAY: Can we go off the record for a
16 second.

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

19 MR. GRAY: I'm just trying to figure out the
20 plans here, and my understanding is, according to
21 your amended code relief you're only looking for
22 60 square feet over the relief that was granted on
23 May 28, 2014; is that correct?

24 MR. HOPKINS: Correct.

25 MR. GRAY: Based upon this extra three feet

1 of the footing and the foundation on the main
2 building itself, is the main building, the
3 residence, only increasing by 60 square feet of
4 what was approved, or are you building into that
5 calculation the amount of the carriage house that
6 you unilaterally decreased and reduced by size?

7 MR. CAPOBIANCO: That's correct.

8 MR. GRAY: So then I guess the question that
9 would be fair to the Board would be how much are
10 you increasing the main structure by based upon
11 what's being built now?

12 MR. HOPKINS: I'll defer that to
13 Mr. Capobianco. And with your permission,
14 Mr. Chairman, Mrs. Verschleiser would like to make
15 a statement after this question is answered.

16 MR. GRAY: I think the easier calculation
17 is --

18 MR. CAPOBIANCO: It's 65 feet.

19 MR. GRAY: 65 feet?

20 MR. CAPOBIANCO: Yeah, how much square feet
21 to the residence.

22 MR. GRAY: Only 65 feet is being added to the
23 residence?

24 MR. CAPOBIANCO: To the kitchen side, yes.
25 Not counting the second floor.

1 MEMBER WILLIAMS: You are adding the second
2 floor.

3 MR. GRAY: Let me ask you this. This is a
4 different calculation. On the carriage house, how
5 big was the carriage house on the plans that were
6 proposed for building area?

7 MR. CAPOBIANCO: You mean on the original
8 approval? The original approval --

9 MR. GRAY: It was 30 by 26 and a half, right?

10 MR. CAPOBIANCO: Yes.

11 MR. GRAY: And how much fell off of that
12 building?

13 MR. CAPOBIANCO: Well, originally it was
14 1,200 square feet. So 400 -- actually, here it
15 came off, 371.

16 MR. GRAY: So the main residence now is being
17 increased by 371 plus six -- 430 square feet.

18 MR. CAPOBIANCO: No, no, because -- no,
19 because when it was approved we had to remove part
20 of the carriage house.

21 MR. GRAY: But not as much as you did.

22 MR. CAPOBIANCO: Not as much as we did.

23 MR. GRAY: How much additional did you
24 remove?

25 MR. CAPOBIANCO: That's what I'm trying to

1 find out, how much we did remove from the first
2 go-around. Okay, it was 1,196 originally, and
3 removed was 371.

4 MR. GRAY: Yeah, but how much --

5 MR. CAPOBIANCO: And we removed -- we
6 removed -- I think the difference was we
7 removed --

8 MR. HOPKINS: With your permission, I request
9 we go off the record.

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

12 MR. CAPOBIANCO: What happened was we took
13 off -- we removed from the carriage house --

14 MEMBER WILLIAMS: Before you say that, let's
15 talk about the when of it. In the original
16 proposal you were removing part of the carriage
17 house in order to go into the structure, to the
18 house structure.

19 MR. CAPOBIANCO: That's correct.

20 MEMBER WILLIAMS: Now, after that.

21 MR. CAPOBIANCO: After that more of the
22 carriage house came down.

23 MEMBER WILLIAMS: Which was 160?

24 MR. CAPOBIANCO: 160 square feet.

25 MEMBER WILLIAMS: More?

1 MR. CAPOBIANCO: More. So what we did was we
2 added that 160 square feet to the back of the
3 original house design which squared off the back.

4 MR. GRAY: And did you come to this Board to
5 do that?

6 MR. CAPOBIANCO: No. No, we didn't, because
7 it didn't require any variances or we kept the
8 coverage the same.

9 MR. GRAY: So you unilaterally just
10 reapportioned where you were going to use the
11 square footage?

12 MR. CAPOBIANCO: That's correct.

13 MR. GRAY: That was granted on a variance.

14 MR. CAPOBIANCO: That was granted on a
15 variance.

16 MR. GRAY: Not subject to the plans that were
17 approved.

18 MR. CAPOBIANCO: We didn't increase the
19 variance, no. The variance stayed the same.

20 CHAIRMAN KEILSON: You know that's not the
21 procedure here.

22 MR. CAPOBIANCO: No, but I think we talked
23 about it with the Building Department that we
24 weren't increasing the building coverage.

25 MR. RYDER: We did have a discussion and we

1 did discuss it with the Board. The meeting was at
2 the country --

3 MEMBER SCHRECK: After it was done.

4 CHAIRMAN KEILSON: After it was done?

5 MR. CAPOBIANCO: Well, the carriage house
6 basically fell off.

7 CHAIRMAN KEILSON: I'm asking you a question.
8 After it was done discussing serial activity?

9 MR. CAPOBIANCO: Yes.

10 CHAIRMAN KEILSON: Was that also an error on
11 the part of the contractor?

12 MR. CAPOBIANCO: No. It was a decision made
13 by myself and the owner.

14 CHAIRMAN KEILSON: Okay.

15 MEMBER GOTTLIEB: Another sword falls.

16 MR. HOPKINS: With your permission,
17 Mrs. Verschleiser would like to say something to
18 the Board.

19 CHAIRMAN KEILSON: Please.

20 MR. HOPKINS: Mrs. Verschleiser, come on up.

21 MS. VERSCHLEISER: Okay. Sorry, Mr. Keilson,
22 for your loss.

23 MEMBER GOTTLIEB: By the way, congratulations
24 on your daughter's wedding. We missed you last
25 time.

1 MS. VERSCHLEISER: Thank you. If I would
2 have known, I would have ditched the sheva brachot
3 to be here, but my attorney was, you know.

4 CHAIRMAN KEILSON: The hour is late.

5 MS. VERSCHLEISER: I know the hour is late,
6 and I'm sorry. I know it looks like all these
7 mistakes were made with intent and all these bad
8 things are happening, but the truth is, I mean, we
9 want this project to get done. It's been a long
10 time in the making, as you know. I mean, it
11 started off trying to fix the house I'm in now and
12 moved into this because we just needed the room.

13 Our family is growing; we have six children,
14 one of them just got married. We're looking to --
15 for a bigger house, no doubt.

16 These things are accidents. There is things
17 that were mistakes that happened along the way.
18 The kitchen is something that you know is probably
19 the most important room in the house with a big
20 family. God willing, my daughter, her husband
21 will still have children. We're talking about a
22 two and a half foot, a little bit more addition
23 that we realized was a mistake after you approved
24 so nicely our house. After everything was
25 approved I'm the one that realized, you know,

1 there's a little mistake in here. These pantries
2 were added a little bit later. The kitchen got
3 very narrow. As you know, once you build
4 cabinetry and put in an island it gets even more
5 narrow. It's pretty similar to the size of the
6 kitchen that I have in the house that I live in
7 now and I definitely need the space. That two
8 foot eight inches is a cabinet. It would give a
9 lot more living space. It's just on the back
10 wall. I didn't want to take it all the way to the
11 front of the house because I wanted to preserve
12 the look of the house. The symmetry of the house
13 as it is now is completely preserved. That
14 bump-out is just going along the kitchen wall in
15 the back. It's not even affecting the turret
16 that's in the back. It's just the wall of the
17 kitchen.

18 Our neighbors are really cool with it, thank
19 God. They're very nice people, they just moved
20 in. Ben Lander, he saw the plans, he came over
21 with my husband I believe to the property. He
22 walked around and he says this is great, you know,
23 I'm happy for you, I hope it works out. He gave
24 us a letter in support.

25 I mean, you know, that's what I could say

1 about the kitchen is that I really need that.
2 Actually, you know, it goes up straight now two
3 stories. I mean, that's really for the look. My
4 master bedroom, I don't need the extra two and a
5 half feet there. I could live with it the way it
6 is now. I happen to think that if it goes like
7 this (indicating), it won't look so pretty. I
8 mean, that's for you to decide. I'm okay with
9 that. The kitchen is a biggy for me. I spend a
10 lot of time in there. I use it, I'm a big cook.
11 I have a lot of people there.

12 Increasing the size of my dining room by that
13 four feet which happened just now, very important
14 to me. I have a lot of guests over. I entertain
15 a lot. I have a large family, thank God. So that
16 explains that side of the house.

17 I hope you guys understand, it was a mistake.
18 It was caught a little bit too late. It should
19 have been caught before we were here the first
20 time, but it's something I realized after, and
21 it's been almost a year now till we got to this
22 point trying to get it approved. Like you said,
23 we're building the house, we haven't done anything
24 on that side. We're kind of on hold. I haven't
25 even been able to shop around for a kitchen, or

1 we're at that point.

2 You know how it is. You need a deadline.
3 Your kids start the school year and we'd like to
4 get it in in a timely fashion if possible.

5 As far as the height, I never came there
6 myself with a tape measure. Nobody told the
7 contractor to go a little higher, to cheat a
8 little bit. I'm just observing this beautiful
9 structure going on and it looks magnificent. The
10 height inside is not affected at all. My life
11 won't change if you say, okay, you've got to take
12 this thing down by a foot. Because like I'm
13 saying, first floor, second floor, attic, is all
14 staying the same. Where my head is, I'm going to
15 have the same foot over it, whatever it is. It's
16 strictly outside.

17 I mean, I know you guys are familiar with the
18 property. I'm sure you've driven by and seen it.
19 John did a fabulous job, it's a beautiful
20 structure. The house is just such a -- it looks
21 magnificent. To say, okay, this thing needs to be
22 taken down because we have a code, the code got
23 screwed up, I'm not sure grading, not grading, I
24 don't know the logistics of where you're supposed
25 to start counting, but I think that's what

1 happened here. Nobody set out to do this thing a
2 foot higher than it's really supposed to be,
3 because had I known, I wouldn't be here now. I
4 would have been there myself to say you start from
5 where you're supposed to. But I don't know
6 anything about building. I hired a builder who I
7 thought was competent; he's a very nice person, we
8 get along. I hired Mr. Capobianco, and I know he
9 wants to get this done and get us out of his hair.

10 So you know, for us to at this point say
11 those turrets have got to be taken down, that roof
12 has got to be shaved down, it will really strictly
13 affect the outside of the house, it will cost more
14 time for us, it will cost more money for us, and
15 it will not change our interior at all. So I
16 really think it would be a terrible thing to have
17 to do at this point. I think it looks beautiful
18 just the way it is and I think it should remain.

19 MEMBER GOTTLIEB: Miss Verschleiser, don't go
20 away.

21 MS. VERSCHLEISER: I'm not. Sure.

22 MEMBER GOTTLIEB: I want to ask John a
23 question. Where is the 160 feet that you
24 transplanted, where did that go?

25 MR. CAPOBIANCO: What happened was the back

1 of the house there was an indentation from the old
2 plan about three and a half feet for the width,
3 and we squared off the back which has no, you
4 know, issues with setbacks or anything. And we
5 just made the -- we took that extra area that we
6 took off the carriage house and put it on the main
7 house to make the family room wider.

8 MR. GRAY: Mr. Capobianco.

9 MR. HOPKINS: Hold on a second, John. If you
10 would be kind enough, Mr. Gray.

11 Look, I understand exactly where everybody is
12 coming from, and it's fully understandable to
13 engage in a form of self-help is what you're
14 talking about, that this is understood to be --
15 meaning the carriage house -- a certain dimension
16 and it ends up being a different dimension; i.e.,
17 smaller. That which is the difference between
18 originally approved and smaller, it appended to
19 the rear of the house and squared it off. I think
20 it's fair to say it's something that should have
21 been brought to the attention of everybody
22 previously, as a practical proposition. I
23 understand, Mr. Gray. Go ahead, sir.

24 MR. GRAY: Wasn't the extra three feet on the
25 back of the house the subject of the original

1 variance? Wasn't that topic discussed?

2 MR. CAPOBIANCO: No.

3 MR. HOPKINS: No, I don't believe so.

4 MR. CAPOBIANCO: No.

5 MR. HOPKINS: I don't believe so.

6 MR. CAPOBIANCO: No, there was a building
7 coverage that was permitted, or allowed, of 7
8 percent, and we maintained the 7 percent. If we
9 weren't asking for the side piece on the kitchen
10 we would be in compliance with the first variance,
11 except for switching the area from the carriage
12 house to the house.

13 CHAIRMAN KEILSON: I think we've adequately
14 discussed what's going on here. We recognize
15 there's been a series of missteps, okay. We don't
16 have the liberty of bifurcating the requests.

17 MR. HOPKINS: Understood.

18 CHAIRMAN KEILSON: We vote as a group.
19 Either we approve or disapprove. So it's not that
20 we can approve one without the other at the
21 present time. The issue we have here is that it's
22 unprecedented the number of mistakes on this
23 project. Never in all the years I've been
24 involved have I seen anything resembling this in
25 any which way. That has to be taken into

1 consideration in terms of what the intent was and
2 in terms of what went on. But ultimately, we have
3 to decide, you know, is it self-created and as far
4 as the other criteria where do we go with this,
5 okay.

6 Is there anyone in the audience who wants to
7 speak to it at this point?

8 (No response.)

9 MR. HOPKINS: If I may then, Mr. Chairman,
10 just one additional thing. Forgive me.

11 What was being discussed here, in addition to
12 supplement what's been said, that if it would be
13 of any benefit to the Board in its determination
14 with regard to what I call the bump-out on the
15 side of the house, to limit that to the first
16 story, that would be something that I'm sure my
17 clients would agree to if it was made in some
18 fashion. I think, Mr. Chairman, we all know the
19 reality.

20 CHAIRMAN KEILSON: Are you modifying your
21 application? I mean, are we amending it?

22 MR. HOPKINS: No, but what I'm suggesting --

23 CHAIRMAN KEILSON: We don't have the liberty
24 of sitting here and giving you recommendations.
25 We're going to vote on the relief as requested.

1 MR. HOPKINS: Understood, understood.

2 MS. VERSCHLEISER: No, he's just saying that
3 if it bothers you that it takes it all the way up,
4 it's all that extra square --

5 CHAIRMAN KEILSON: Mrs. Verschleiser, we
6 heard you. I promise, I heard you. We're not
7 unsympathetic.

8 Go ahead.

9 MR. HOPKINS: That's the end of it,
10 Mr. Chairman.

11 CHAIRMAN KEILSON: Fine.

12 MR. HOPKINS: But Mr. Chairman, in fairness,
13 that which was done in terms of -- which I suspect
14 is posing one of the larger stumbling blocks for
15 the Board is what was dealt in terms of the square
16 footage taken from the carriage house and how it
17 was grafted on.

18 CHAIRMAN KEILSON: I don't want to put weight
19 on any of the mistakes being more egregious than
20 the other. We've already discussed it ad nauseam.

21 Mr. Gottlieb, do you want to comment?

22 MEMBER GOTTLIEB: I just want to make my own
23 comment and one of which is I certainly don't want
24 to penalize you for what appears to be things that
25 were a series of mistakes, whether intentional,

1 unintentional, oversight, what have you.

2 In terms of the 32-foot height, even though
3 it was not approved, I don't personally have a
4 problem with the 32-foot height. You're in the
5 estate area, and it's not uncommon to have a
6 32-foot height. Of course, none of us like the
7 fact that you're arguing with the Building
8 Department. It kind of initially rubs us the
9 wrong way and gives us a bad sense.

10 In terms of the width, I understand that
11 you're -- I understand this lot very well and that
12 the front of the house is a bit narrower than the
13 back, and you're still maintaining a 29-foot side
14 yard in the front. I don't want to see you
15 bumping the house on the first floor and then
16 tapering it back on the second floor. I don't
17 think that's the design that fits this particular
18 house.

19 I'm also doing my own construction and every
20 day something's wrong. It didn't measure right.
21 The kitchen's too narrow. The kitchen's too
22 short. And I don't want to be overly sympathetic
23 because it's not my nature, but I'm going to in
24 advance tell you that I don't have a problem with
25 this despite all that we've just been through.

1 That's my own comments.

2 MS. VERSCHLEISER: Thank you.

3 CHAIRMAN KEILSON: We'll be happy to give you
4 an opportunity to vote accordingly.

5 MEMBER GOTTLIEB: Thank you.

6 CHAIRMAN KEILSON: Okay. Taking into
7 consideration the five criteria and giving weight
8 to all the criteria, which we're all familiar
9 with, Mr. Hiller.

10 MEMBER HILLER: I'd like to just preface
11 before I vote to say that, Mrs. Verschleiser,
12 you're a very sympathetic and intelligent person.
13 You made a very wonderful presentation. However,
14 there's an unfortunate history which has followed
15 this house, even before I came onto the Board,
16 where, knowingly or not, misrepresentations were
17 made to the Board, and things were done without
18 the Board's approval and just randomly done by
19 people you hired, which ultimately makes it
20 unfortunately your responsibility. And also, I
21 was not pleased with the contradictory testimony
22 that I heard today from the attorney and the
23 architect who should actually be more on the same
24 page. So I'm forced to vote against.

25 CHAIRMAN KEILSON: Mrs. Williams.

1 MEMBER WILLIAMS: Ditto, against.

2 CHAIRMAN KEILSON: Mr. Schreck.

3 MEMBER SCHRECK: I'm very troubled being that
4 we had granted the variances. We let you build
5 this beautiful house, but yet there are so many
6 irregularities and it seems like you weren't
7 content with what we gave you and you tried to
8 find different ways of getting more and more and
9 more. We can't countenance that. So I'm going to
10 vote against.

11 CHAIRMAN KEILSON: Mr. Gottlieb.

12 MEMBER GOTTLIEB: I vote for, as I've spoken.

13 CHAIRMAN KEILSON: And the Chair will vote
14 against as well.

15 MR. HOPKINS: Thank you, Mr. Chairman.

16 MS. VERSCHLEISER: Is this the kitchen and
17 the height? What is --

18 (Continued on the following page.)

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1 MR. HOPKINS: The entire application has been
2 denied as presented.

3 (Whereupon, the hearing concluded at
4 9:22 p.m.)

5 *****

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

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11 MARY BENCI, RPR
12 Court Reporter
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