

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 June 16, 2011
7 7:35 p.m.

8 APPLICATION: Jungreis
9 515 Ocean Avenue
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. ELLIOT FEIT
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. J. PHILIP ROSEN
19 Member

20 MR. EDWARD GOTTLIEB
21 Member

22 MR. MARK SCHRECK
23 Member

24 MR. THOMAS PANTELIS, ESQ.
25 Counsel to BZA

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

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

5 Proof of posting?

6 MR. CASTRO: I offer proof of posting and
7 publication.

8 CHAIRMAN KEILSON: Okay. We have sitting
9 this evening Mr. Schreck who is an alternate. He
10 was on the matter last time. It was adjourned for
11 this evening, so he will sit and then if Mr. Rosen
12 appears he will assume his chair, if and when he
13 appears, correct.

14 I'd be remiss if we don't welcome Mr. Goldman
15 back.

16 MR. GOLDMAN: Thank you.

17 CHAIRMAN KEILSON: Nice to have you visiting.

18 MR. GOLDMAN: It's a pleasure to be here.

19 CHAIRMAN KEILSON: Mr. Goldman served as
20 counsel to the Board for over fourteen years.

21 MR. GOLDMAN: Replaced by a much better
22 counsel.

23 CHAIRMAN KEILSON: He's now president of the
24 Lawrence Village Association. We wish you well in
25 your new position. I hope they remit more often

1 than the Village did.

2 MR. GOLDMAN: Thank you.

3 CHAIRMAN KEILSON: We'll have a preamble
4 offered by our new counsel, Mr. Pantelis.

5 MR. PANTELIS: Good evening, residents and
6 attorneys and architects. Variances are provided
7 for under New York State law and under the Village
8 Code. Usually they're based on standards that are
9 contained in the code and they relate to what we
10 call practical difficulties in effect, and there's
11 a balancing test that a Board is supposed to apply
12 in granting variances, your need versus the
13 community in the community scheme.

14 One of the things that this Board I think has
15 become known for over the years is that it's a hot
16 Board. Although it may not discuss every aspect
17 of an application, the Board members have visited
18 the properties, they're familiar with the
19 properties, they're familiar with the relief that
20 you are requesting. And we'd like you, of course,
21 if you're represented by someone to actually
22 address those, you know, variances that you're
23 asking for, not just get up and say I want to
24 build an addition. That helps the Board. And if
25 you're able to do that, that's fine. If not, then

1 the Board, I'm certain, may be asking certain
2 questions.

3 CHAIRMAN KEILSON: Okay. Having said that,
4 the first matter this evening is Jungreis, which
5 is adjourned from the last hearing. Will they or
6 their representative -- they or their
7 representative please introduce themselves.

8 MR. ROSENFELD: Good evening.

9 Meir Rosenfeld, 466 Central Avenue, second
10 floor, Cedarhurst, on behalf of the petitioner.

11 Good evening, ladies and gentlemen. This
12 evening upon the recommendation of the Board and
13 the Building Department we went back together with
14 the contractors to see what we could do about
15 placing the tennis court in a less, shall I say
16 for lack of a better word, a less offending spot
17 than we had previously sited it.

18 The engineers came up with a scheme where the
19 tennis court could be moved off Briarwood Crossing
20 an additional five feet and moved further away
21 from the neighboring property an additional five
22 feet. And the reason that it's moved five feet is
23 because to move it any further would impact on
24 full growth trees some of which are in fact Copper
25 Beech trees which under Lawrence regulations

1 cannot be moved. At least one of them is a fruit
2 tree which under --

3 MEMBER WILLIAMS: To the north?

4 MR. ROSENFELD: -- yes, which under Jewish
5 law cannot be cut down. So the fact of the matter
6 is I don't mean to bring in mosaic law here, but
7 however it is a consideration.

8 What we have done is we have also submitted
9 to the Board full plans of the foliage that we
10 intend to screen the court with on both sides,
11 meaning on the Briarwood side and on the south
12 side of the property in an effort to maintain the
13 natural look of the property and also to assist in
14 dampening any effect that the court might have on
15 any neighbors. And I would just point out that
16 what we've done is we've also created a symmetry
17 on the property that exists in total concert with
18 the architecture of the home; it's a Georgian
19 colonial. Everything in the house, on the
20 property is symmetrical, from the center of the
21 entranceway, the driveway to the house to the pool
22 house, and the tennis court is now somewhat
23 symmetrical with the other outbuildings on the
24 property.

25 CHAIRMAN KEILSON: Mr. Rosenfeld, as you

1 know, we did a site visit as a group.

2 MR. ROSENFELD: I understand.

3 CHAIRMAN KEILSON: We took a valuable Sunday
4 morning to visit the site. So we had a first-hand
5 view of what the realities were on the ground.

6 It struck me personally that we should be
7 moving the tennis courts as far north as possible.
8 I don't think that the five foot is sufficient. I
9 think there's plenty of room to move it forward.
10 And you make reference to the trees. In visiting
11 the site I don't recall that we found there to be
12 any obstacles to moving it that much further.

13 MR. ROSENFELD: Well, we've moved it from
14 where you -- from where the Board saw it, we have
15 moved it an additional five feet. The trees will
16 in fact -- the existing trees will in fact -- if
17 we moved any further north would impact on --
18 would impact on the tennis court, on the backstop
19 and on the fence that would go up to surround it.
20 This is as far north as we could move it without
21 impacting the existing trees or having the trees
22 interfere with the play area.

23 MEMBER FEIT: Are the trees on the plan
24 anywhere?

25 MS. JUNGREIS: Actually, I have a color plan

1 of the landscaping.

2 MR. ROSENFELD: That we've already submitted
3 that.

4 MS. JUNGREIS: We submitted it but this
5 happens to be a colored one which is a little
6 better. And these trees and then there are trees
7 here with the black dots. They're not -- and
8 they're really coming right up against there.

9 I had many conversations with my engineer,
10 and he let me know that we needed room for the
11 drainage. So if you see, this black dot over here
12 is an existing tree, and that's really coming
13 right up to where the tennis court is. And over
14 here these two are existing trees, and the
15 drainage is really coming right up to where it
16 should be. So we need the room between the pool
17 and the tennis court for the drainage. And these
18 are 50-, 60-year-old trees, and the reason why we
19 picked this spot is because it's just an open
20 field and it's not disturbing anything, any
21 existing trees that are there.

22 I am trying to keep in line with the Georgian
23 colonial which I purchased; it's 105 years old.
24 Everything I've done in the house has been trying
25 to keep with this architecture and to really great

1 expense, and to move it all the way forward that's
2 leaving everything -- there's a brick wall here.
3 There's a whole bunch of trees here and foliage.
4 It would be crowding that entire area.

5 So I did speak with my engineer about moving
6 it forward, and he's like there's not that much
7 room to play with because of what's there already,
8 what's existing, unless you want to start taking
9 it down.

10 CHAIRMAN KEILSON: All right. So number one,
11 I want you to know that we respect what you've
12 done with the property. The property is
13 beautiful.

14 MS. JUNGREIS: Thank you.

15 CHAIRMAN KEILSON: I think everybody is in
16 accord on that. As far as your engineer doesn't
17 live near you, the Brycks live near you and
18 they're the ones concerned about the effect on
19 their property, and to some extent we're very
20 sensitive to that. Even though there's only a
21 20-foot requirement, the reality is we can
22 accommodate without imposing some undue burden on
23 you.

24 MR. ROSENFELD: Which is what we've tried to
25 do. But I would --

1 CHAIRMAN KEILSON: I don't know if five feet
2 really is sufficient.

3 MS. JUNGREIS: I do hear what you're saying.
4 But once again, I'm a full-time resident of
5 Lawrence. The Brycks live there part-time; and
6 truthfully, I only met her for the second time
7 here last month. I'm sure that if I walked by her
8 on the street I would not know what she looks
9 like.

10 CHAIRMAN KEILSON: If the Brycks sold their
11 house there would be somebody there full-time.

12 MEMBER WILLIAMS: We don't base it on who
13 lives in the house. It's a home that might be
14 sold next year to someone who lives there
15 full-time.

16 MR. ROSENFELD: I would hasten to point out
17 though that this is -- that this is fully within
18 -- with respect to the setback from the neighbor,
19 the neighbor would not have -- any subsequent
20 neighbor would not have a valid complaint to begin
21 with because we're set back.

22 I would also, a little slower, point out that
23 the rules for granting a variance are the weighing
24 of the benefit to the homeowner as it is offset
25 against the detriment to any neighboring -- to any

1 neighbors. Here, we -- there's -- it's a Har-Tru
2 court, and I think we discussed this.
3 Mr. Gottlieb knows what I'm talking about, I know.
4 Drainage is a major issue with Har-Tru courts, and
5 as we all know, unfortunately, in Lawrence there's
6 a water table issue. The trees are an essential
7 part of the drainage plan. The trees absorb a lot
8 of water, and part of the reason that this area
9 really works out for the placement of the court is
10 because there is in addition to the drainage
11 system that's going to be put in, there is an
12 auxiliary natural drainage system that is created
13 by the trees that are there. To take these trees
14 down, to move it even further, you know, a few
15 more feet to make a resident happy seems to on the
16 balance seems to be much more of a detriment to
17 the homeowner.

18 MR. PANTELIS: The only thing, Counsel, with
19 this particular application is that the code does
20 not permit a recreational structure in a front
21 yard.

22 MR. ROSENFELD: Right.

23 MR. PANTELIS: Therefore, making it a use
24 variance, and I think you understand the
25 difference between a use variance and an area

1 variance.

2 MR. ROSENFELD: Absolutely.

3 MR. PANTELIS: Use variance standards are
4 extremely rigid, and if the Board is even willing
5 to consider granting a use variance they may not
6 have to -- in fact, don't have to apply the
7 balancing test in this particular case.

8 MR. ROSENFELD: Understood, Mr. Pantelis.
9 There's no question that the standard is
10 different, and I'm well aware of it, as I'm sure
11 the Board is that this is a use one. I'm merely
12 appealing to the Board in terms of equating what
13 is being done to achieve the maximum use for the
14 -- for the applicant as opposed to any detriment
15 to any of the neighbors.

16 Given the fact that we've spent a lot of
17 money getting out plans that will insulate both
18 acoustically and visually the court from the
19 Brycks or the subsequent purchasers of the
20 property, as well as the fact that we have done
21 the same thing on Briarwood, and the fact that
22 we've gone back and moved the tennis court over
23 five feet up and five feet in, I think that we
24 have -- once again, it is a use variance,
25 understood; however, it is one of the largest

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1 parcels in Lawrence. There's room for the tennis
2 court. This happens to be because of the setting,
3 the natural setting there, this happens to be the
4 right place for the court.

5 CHAIRMAN KEILSON: If you're concerned about
6 expense, we could save you a lot of expense and
7 pass on the tennis court.

8 MR. ROSENFELD: Correct, absolutely. No, but
9 I'm saying --

10 MEMBER WILLIAMS: I have a question for Mike,
11 actually. The trees seem to be a really big
12 concern, but my experience and my limited
13 experience has been when there is construction
14 disturbance like this that very often you end up
15 losing trees no matter what, no matter whether it
16 was two feet, a foot, five feet or ten feet from
17 the tree, that we're really putting the trees'
18 lives in peril, if there's such a concern, just by
19 building a tennis court.

20 Is that an accurate statement?

21 MS. JUNGREIS: I think that's why we want to
22 give it ample room.

23 MR. RYDER: That's an accurate statement.

24 MR. ROSENFELD: But it's not structural.

25 We're not building a house here with a foundation

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1 that would disturb the roots. This is --

2 MEMBER WILLIAMS: I'm not saying that. These
3 are large trees with roots.

4 MR. PANTELIS: In order to give the applicant
5 the full picture of what the Board might be
6 thinking now, we've been talking about moving it
7 north. Is there also a consideration about --

8 CHAIRMAN KEILSON: The night is young. We're
9 coming to it.

10 MEMBER FEIT: Mr. Rosenfeld, I don't quite
11 understand what the absolute need of the
12 homeowners are. We have a beautiful underutilized
13 tennis court in the Village of Lawrence that we
14 support with our taxes.

15 MR. ROSENFELD: Right.

16 MEMBER FEIT: Just so it's a real convenience
17 to roll out of bed to play tennis in your backyard
18 as opposed to getting in a car and driving for
19 maybe a minute, a minute and a half, I don't see
20 what the need is as compared to the detriment to
21 the community. I don't have to look at a tennis
22 court.

23 MR. ROSENFELD: You certainly don't, and I
24 hear what you are saying, and if you really feel
25 that way perhaps there should be some kind of an

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1 ordinance that would prohibit tennis courts,
2 private tennis courts in the Village of Lawrence.

3 However, the fact of the matter is, is that
4 many of the surrounding properties to this
5 premises have personal private tennis courts.
6 This is not a need of -- there's no medical reason
7 for it. There's no essential need. It's not
8 because they have a large family and they're
9 having people over for Yom Tov. This is a
10 property that is always -- that has ample room for
11 a tennis court. This is something that is
12 completely consistent with the properties in the
13 neighborhood. And you're right, if it's an
14 absolute necessity I would grant you that.
15 However, there have been variances granted by this
16 Board that do not require life-or-death necessity.

17 MEMBER FEIT: But isn't this what we've
18 talked about for a long time: I want it because I
19 want it because I want it and this is what I want.

20 MR. ROSENFELD: Absolutely not, absolutely
21 not, absolutely not.

22 MS. JUNGREIS: Absolutely not.

23 MEMBER FEIT: This seems to be what I'm
24 hearing.

25 MR. ROSENFELD: Absolutely not, Mr. Feit. I

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1 would strongly take issue with that. That's a
2 slippery slope that you could probably find
3 validation to deny any variance that ever comes
4 before this Board, because the fact of the matter
5 is if somebody is looking to build another bedroom
6 or build something else you could always say,
7 well, they wanted to live in Sutton Park and they
8 could find someplace else to live. Or they wanted
9 to have an attached garage when they don't need an
10 attached garage and to place the garage someplace
11 else. It is not at all I want it.

12 I think that the Board may be under the
13 impression that because it's a luxury item and
14 most of the homes and I daresay probably the homes
15 of members of the Board or myself do not have
16 tennis courts, it's a little alien to us to think
17 of that as something other than a luxury and I'm
18 not saying that it is anything other than a
19 luxury.

20 However, within the rubric that we're
21 speaking about this is a large enough property.
22 The many homes around it have private tennis
23 courts. There is ample room for this tennis court
24 here. We've made the accommodations to try and
25 get the tennis court. And to penalize or to

1 punish my client because they're spoiled, you
2 know, and they want to have a tennis court, I
3 think is really -- it begs the question.

4 CHAIRMAN KEILSON: Is there any possibility
5 of moving the tennis court closer to the pool?

6 MR. ROSENFELD: I would -- there are trees,
7 same thing, drainage. There are trees on either
8 side.

9 MEMBER SCHRECK: Was any thought given to
10 putting the tennis court on the opposite side of
11 the pool?

12 MR. ROSENFELD: Yes. It can't be done
13 because there are septic tanks there.

14 MS. JUNGREIS: Sewage systems.

15 MR. ROSENFELD: Anytime you need to get to
16 the septic tanks you would have to rip out the
17 whole court.

18 MS. JUNGREIS: It has to be cleaned once a
19 year the septic tanks because we don't -- we have
20 to provide our own personal sewage in the back of
21 Lawrence, so that's also a consideration.

22 (Whereupon, Mr. Rosen entered the hearing
23 room.)

24 CHAIRMAN KEILSON: Mr. Rosen, you're on site.
25 Do you have any thoughts?

1 MEMBER GOTTLIEB: It appears that we don't
2 want to deny your applicant the right and
3 enjoyment of a tennis court.

4 MS. JUNGREIS: Thank you.

5 MEMBER GOTTLIEB: But there is a balancing
6 act even when there is a use variance as opposed
7 to otherwise. It seems to me that we're asking
8 you to move it in both directions. And I hear
9 opposition.

10 MR. ROSENFELD: No, no, even further?

11 MEMBER GOTTLIEB: Yes.

12 MR. ROSENFELD: Well, actually, I haven't
13 heard that.

14 CHAIRMAN KEILSON: Let him finish.

15 MEMBER GOTTLIEB: No, it seems that there is
16 some reluctance to approving it in its current
17 site which is now five feet further in either
18 direction than what it was before. How much
19 further can you go? I don't want to negotiate
20 this.

21 MR. ROSENFELD: No, I understand. I'm not
22 sure that there is --

23 MEMBER GOTTLIEB: Can you go ten feet north?

24 MR. ROSENFELD: I'm sorry?

25 MEMBER GOTTLIEB: Can we go ten feet north

1 and ten feet east?

2 MR. ROSENFELD: We'd run smack into the
3 trees, and the trees that are necessary for
4 drainage.

5 MS. JUNGREIS: I don't think we have ten feet
6 to play with. I mean, if we had more footage to
7 play with I would definitely consider that.

8 MR. ROSENFELD: I would submit that if in
9 fact that we can move it up an additional three
10 feet away from the Bryck's property for a total of
11 eight feet, you know further, so to make it 28
12 feet from there, and given the plantings that we
13 plan to put and the fence, and I would suggest
14 that if that is more to the Board's approval, I
15 would suggest that we be granted that variance
16 with the proviso that it meets -- it will still
17 have drainage. Because if we can't have the
18 necessary drainage, back Lawrence is going to have
19 a problem. There will be a lot of flooding. But
20 I presume that if we were pushed up against the
21 proverbial brick wall, we --

22 CHAIRMAN KEILSON: How about going into that
23 brick wall?

24 MR. ROSENFELD: Once again, the drainage --
25 drainage really is a serious issue and as you well

1 know. I mean, it's very -- the land there is
2 somewhat damp, and the trees, the more mature the
3 trees are, the more elaborate the root system, the
4 better the drainage.

5 MEMBER FEIT: Mr. Rosenfeld, then if there is
6 a drainage problem by shifting it more than a
7 certain number of feet, I would think that maybe a
8 whole water study should be done there to see if
9 even putting it there gives a drainage problem.

10 MS. JUNGREIS: That's exactly what my
11 engineer has done.

12 MR. ROSENFELD: That's what they've done.

13 MEMBER FEIT: We haven't gotten it.

14 MR. ROSENFELD: It wasn't requested.

15 MEMBER FEIT: It shouldn't be requested. It
16 should be attached. If you know there's a water
17 drainage problem and it's about to come up, you
18 should give the engineer's report along with your
19 papers.

20 MR. ROSENFELD: Mr. Feit, hold on one second.
21 I didn't say there's a drainage problem. I said
22 to assist in the effective drainage of a Har-Tru
23 court mature trees are helpful. I didn't say --
24 and if I said it I take that back. And to
25 clarify, there is no existing drainage problem on

1 this property other than any existing drainage
2 problem on any other property in back Lawrence
3 that has a tennis court and because most tennis
4 courts are Har-Tru. I'm saying that the trees are
5 there to make -- to ensure that there doesn't
6 become a drainage issue.

7 MEMBER WILLIAMS: Mr. Rosenfeld, let me just
8 understand what we're asking for here. The
9 difference between the plans we saw last time and
10 this time are five feet and five feet.

11 MR. ROSENFELD: Yes, ma'am.

12 MEMBER WILLIAMS: And now you're saying that
13 you're going to try for five feet and eight feet?

14 MR. ROSENFELD: We will certainly try.

15 MEMBER WILLIAMS: That's a difference between
16 what you had asked for. It's an additional --

17 MR. ROSENFELD: Right. The total difference
18 between what we originally came in here for is
19 five feet off of -- five feet further in off of
20 Briarwood and eight feet off of --

21 MEMBER WILLIAMS: What does that make on
22 Briarwood?

23 MR. ROSENFELD: Thirty feet.

24 MEMBER WILLIAMS: Thirty feet from Briarwood.
25 And how much from Bryck's property?

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1 MR. ROSENFELD: Twenty-eight, where there is
2 a requirement of twenty.

3 MR. PANTELIS: So it would be three feet
4 further north. That's all that's being presented
5 at this point.

6 CHAIRMAN KEILSON: Mr. Schreck, any thoughts?

7 MEMBER SCHRECK: As it is now, how many feet
8 to the end of the pool is it?

9 MR. ROSENFELD: From the --

10 MEMBER SCHRECK: From the new plan.

11 MS. JUNGREIS: It looks like it's right on
12 line with the pool.

13 MR. ROSENFELD: No, no, no. How many feet
14 distant is it?

15 MEMBER SCHRECK: No, no, no. I'm saying is
16 it to the line of the pool?

17 MR. ROSENFELD: Right now it's -- right now
18 it's symmetric. This will throw off the symmetry
19 by about three feet, which I understand on the
20 balance we're willing to live with that offset of
21 the symmetry.

22 MEMBER GOTTLIEB: How big are these trees
23 that we don't want to disturb?

24 MR. ROSENFELD: You were on the site.
25 They're fully mature.

1 MEMBER GOTTLIEB: Well, I wasn't on the tour;
2 I missed the bus.

3 MR. ROSENFELD: They're very large; they're
4 Redwoods, basically. You could drive through.
5 They're large, mature. The one between the pool
6 and the tennis court is a Copper Beech, and as you
7 know --

8 MS. JUNGREIS: It's a very, very tall tree.

9 MR. ROSENFELD: -- they're very tall.

10 MEMBER GOTTLIEB: You realize the leaf
11 production that you get on those coming onto the
12 tennis court.

13 MR. ROSENFELD: Blowers.

14 MS. JUNGREIS: Well, that's also why we're
15 trying to work with the footage.

16 CHAIRMAN KEILSON: Does anyone in the
17 audience want to speak to the matter?

18 Mrs. Bryck, welcome back.

19 MS. BRYCK: Thank you. Hi, good evening,
20 everyone. Okay, I thank you all for listening to
21 this issue. I want to just mention a few things.

22 First of all, Eli and I have lived in this
23 neighborhood in Lawrence, I mean, since almost
24 we're both born, Lawrence, Five Towns and
25 Lawrence, 26 years. We moved to the back Lawrence

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1 I won't say one of the first, but we were from the
2 initial pioneers and we moved back there because
3 of the beautiful area, the countrified area and
4 the undevelopment of the area.

5 The Jungreises had mentioned that we're only
6 part-time residents, but we consider Lawrence our
7 home. Certainly, the months when the tennis court
8 would be impacting us are the months that we will
9 be in Lawrence.

10 Also, I find that the concept of an
11 entitlement of a tennis court doesn't really
12 exist. I mean, you can put a tennis court on your
13 property if you're allowed to put it on your
14 property, but we're here asking for a variance and
15 that's a variance for a recreational structure
16 that has a tremendous impact on other people.

17 And I've heard adjectives like our property
18 is so huge. Well, if it's so huge then find a
19 place that's convenient for everybody.

20 I've heard other words like drainage. Well,
21 now that's the word that concerns me now because I
22 wasn't aware that drainage was even an issue. But
23 now it's a big concern to me because the tennis
24 court is probably closer to my house than it is to
25 the Jungreis house.

1 With regard to how large the property is, it
2 seems that the tennis court could go in a lot of
3 areas, but it's going as far away from their house
4 as possible and it's closer to my house as is
5 possible, which means that the drainage issues
6 will be more of my issues. The noise will be more
7 of my issues. The blowers that will take place
8 will be more of my issue. As well as anything
9 else that might arise from the tennis court.

10 So another thing I've heard was the design,
11 keeping with the design of her house. But the
12 truth is, is that I don't know any tennis court
13 that looks like a Georgian colonial. It looks
14 like a tennis court, and it's not a pretty thing
15 and that's why we have variance rules because it's
16 not particularly pretty and it's not particularly
17 pretty near our house. And if she had the right
18 to build it because she fell within the scope of
19 what she was entitled to do, then that's the case.
20 But the property is already overdeveloped and the
21 tennis court is going in the wrong location. And
22 while it's been suggested that she put it on the
23 other side of the pool, which might be a good
24 compromise, I hear words like it's too expensive
25 to move the sewage. I replaced my sewage and

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1 anybody who lived in the back Lawrence for any
2 period of time -- Phil, you might also.

3 MEMBER ROSEN: I replaced mine too.

4 MS. JUNGREIS: Mine too.

5 MS. BRYCK: We all had to replace it and it's
6 probably a pittance compared to what other
7 construction and nothing compared to the pool
8 house or the other construction things that were
9 done on the property.

10 All I know is that I'm very appreciative to
11 have, you know -- you know, good neighbors who
12 want to make their house beautiful. But everybody
13 in that area makes their house beautiful. I mean,
14 the Jungreises did not move into a slum. They
15 moved into a very beautiful area and they're
16 keeping their house the way everybody in the
17 neighborhood keeps their house.

18 They have a large property. There should be
19 a convenient place for them to place their tennis
20 court. And if we yield on this particular
21 variance, well, you know what, I could put a
22 tennis court also somewhere. I've looked at that.
23 I could put it on the side of my house abutting
24 her tennis court. It would overdevelop my
25 property, it wouldn't be very pretty and then you

1 would have a whole barrage of all sorts of
2 variances and people coming; I want a pool right
3 next to my neighbor; I want a tennis court right
4 next to my neighbor. And I think it's opening up
5 a door and setting a very bad precedent for you
6 and keeping Lawrence the beautiful neighborhood
7 that we have enjoyed till now.

8 CHAIRMAN KEILSON: Thank you very much.

9 MS. JUNGREIS: Can I speak? I'm sorry. I
10 just want to point out that my property is 105,000
11 square feet. My house is roughly 10,000 square
12 feet, the footage, the footprint of the house.
13 Everything else is a flat surface. When I
14 purchased the house, most of it, the front of it
15 had a tremendous driveway and it was all gravel.
16 That wasn't part -- that's not counted, I think,
17 when it was gravel as part of the square footage.
18 But because I paved it really just in order to
19 keep a very manicured and clean look -- the gravel
20 is very hard to maintain, very hard in the snow,
21 it's very hard on the tires, it brings a lot of
22 dust into the house. I paved the entire thing so
23 the rest, everything else, my pool was there
24 already, the only thing I put up was a 1,500
25 square foot pool house. Yes, it sounds big, I

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1 agree, but it was well within my rights when I did
2 purchase.

3 I've also been a resident here in the Five
4 Towns for fifteen years, and when I did purchase
5 the house five years ago our plan was to put up
6 the pool house and the tennis court. And I had
7 numerous conversations with the building
8 inspector at the time who told me it would not be
9 a problem. When I paved the driveway I asked him
10 again, are you sure it won't be a problem? He
11 said it will not be a problem. I know he's not
12 here anymore, but that is what I went into this
13 being told.

14 Again, this is a flat surface. As it is,
15 I've driven and walked down Briarwood many times.
16 You could barely see my pool house from the road,
17 which is -- it's a structure, you can't see it.
18 There are tons of trees and bushes and foliage
19 blocking it. You have to really stand there and
20 look. There is one place where you could see it
21 and that is from the Bryck's backyard.

22 Now, my husband actually from the last time I
23 was here went many times knocking on the door; no
24 one was home. And he was going to offer to put up
25 trees so that they would be blocking her view of

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1 my pool house. I'm more than happy to do that.

2 CHAIRMAN KEILSON: I don't think the subject
3 is the pool house.

4 MS. JUNGREIS: Again, the tennis court is a
5 flat structure, and I know that, you know, how
6 much noise does it really -- it's not going to
7 make that much noise.

8 CHAIRMAN KEILSON: We all visited the site.
9 I think we all had the impression that in as much
10 as there is so much area beyond -- you know, north
11 notwithstanding the --

12 MR. ROSENFELD: You mean north of that brick
13 wall?

14 CHAIRMAN KEILSON: North towards the brick
15 wall. I think we're not comfortable that we made
16 a sufficient effort to move it as far north as
17 possible to mitigate any concerns.

18 MR. ROSENFELD: Right.

19 CHAIRMAN KEILSON: So I think that's where
20 we're up to.

21 MR. ROSENFELD: I would just point out,
22 Mr. Chairman, that, first of all, I think we have
23 made an effort. We have moved it. Now we're up a
24 total of eight feet. We put extensive plans in
25 place to further shield the -- to further shield

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1 the Brycks from any noise or visual detriment that
2 may come from the tennis court.

3 And in fact, while Ms. Bryck is concerned
4 about people getting variances for structures that
5 she doesn't like, I'm more concerned about people
6 coming in to try and keep pushing the envelope
7 when in fact the one thing that we were in
8 compliance with is where the tennis court was to
9 begin with.

10 Now, we have shown I think that we've
11 demonstrated and I think the Board and the
12 Building Department will back us up that we've
13 demonstrated a tremendous amount of cooperation
14 and patience with ourselves with our engineers in
15 trying to accommodate any complaint on behalf the
16 neighbors. Certainly on behalf of the
17 neighborhood in general by moving it in from
18 Briarwood Crossing and planting mature plantings
19 there.

20 At a certain point, I think that we have done
21 all that we can comfortably do and, you know, to
22 accommodate the neighbors in the spirit of amity,
23 but keeping in mind that there -- this is the
24 place where we need to put it.

25 MS. BRYCK: Can I respond to that?

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1 CHAIRMAN KEILSON: No, I think we discussed
2 it sufficiently. We had ample opportunity to hear
3 last time. We visited the site.

4 MS. BRYCK: I just wanted to respond to what
5 was just said.

6 CHAIRMAN KEILSON: It's not necessary. Thank
7 you, it's really not necessary. You can take a
8 seat.

9 At this point in time we'll vote on the
10 proposal as you're offering it.

11 MR. ROSENFELD: No, as you offered.

12 CHAIRMAN KEILSON: No.

13 MR. PANTELIS: You offered.

14 CHAIRMAN KEILSON: The revised proposal that
15 you're making.

16 MR. ROSENFELD: Right.

17 CHAIRMAN KEILSON: Okay. I have a sense that
18 you're going to find there are issues with it, so
19 in previous occasions you've taken issue and I
20 haven't given you a heads up, okay, so we'll have
21 a discussion here about it, but I'm telling you
22 intuitively I think that --

23 MR. ROSENFELD: Can I submit then that we
24 would be willing to further move the court north
25 an additional three feet.

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1 MEMBER GOTTLIEB: Please do.

2 MS. JUNGREIS: Yes.

3 MR. ROSENFELD: I would submit we'll be able
4 to move the court.

5 MEMBER GOTTLIEB: I don't know, at least move
6 it somewhere.

7 MR. ROSENFELD: North.

8 MR. PANTELIS: So the record is clear then,
9 you're proposing a setback from the south property
10 line of 28 feet, not 25 feet?

11 MR. ROSENFELD: Twenty-eight feet, yes,
12 correct.

13 MEMBER GOTTLIEB: No, we already had that on
14 the table.

15 MR. ROSENFELD: No, it was 25, but the
16 Chairman said you're voting on it.

17 CHAIRMAN KEILSON: Taking into account the
18 28. We've already taken that into account.

19 MEMBER GOTTLIEB: I thought it was 30 and 28.
20 I thought you were going three feet more and
21 indicating it was a good start.

22 MS. JUNGREIS: Would 30 feet be sufficient?
23 Would a total of 30 feet be sufficient?

24 MR. ROSENFELD: If we have to take out a
25 tree, we'll take out a tree.

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1 MEMBER FEIT: If you take out one tree, just
2 take them all out.

3 MR. ROSENFELD: We might as well move it
4 right onto the street.

5 MEMBER FEIT: No, shift it on the property.
6 Come on.

7 MR. ROSENFELD: You don't understand,
8 Mr. Feit, anyplace else is totally illegal to have
9 it in the front quadrant.

10 MEMBER FEIT: The tree, to shift a tree?

11 MR. ROSENFELD: No.

12 MEMBER FEIT: That's perfectly fine to put it
13 anyplace. Shift the trees, move it to the other
14 side of the tennis court. You're fine.

15 MR. ROSENFELD: Right. What I'm suggesting
16 is if -- we will do whatever is necessary to move
17 the tennis court so that it is 30 feet from the
18 rear property line and 30 feet from the side
19 property.

20 MEMBER GOTTLIEB: So you're offering us five
21 feet more than the last?

22 MR. ROSENFELD: Correct.

23 MEMBER GOTTLIEB: Than the revised revision.

24 MR. ROSENFELD: Correct.

25 MR. PANTELIS: It's only one direction.

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1 MR. ROSENFELD: The other one was already
2 done, already offered.

3 CHAIRMAN KEILSON: Thirty feet from the
4 Bryck's wall to the fence.

5 MR. ROSENFELD: So a total of ten feet more
6 than where it was originally placed.

7 MEMBER FEIT: What is the current distance
8 between the brick wall and the fence of the tennis
9 court?

10 MEMBER SCHRECK: Thirty feet.

11 MEMBER FEIT: Not the tennis court. The
12 fence to the tennis court.

13 MR. ROSENFELD: It would appear to be -- it
14 would appear to be approximately 20 feet or 18
15 feet or so.

16 MR. PANTELIS: It looks like it's closer to
17 30 feet. It looks like it's abutting, Mr. Ryder,
18 approximately, 35 feet.

19 MEMBER FEIT: From the brick to the fence?

20 MR. PANTELIS: Between 30 and 35 feet.

21 MS. JUNGREIS: And that's where a lot of
22 trees are.

23 MR. PANTELIS: From the proposed tennis court
24 fence on this plan, in other words, with the 25
25 foot south as it is on the revised plan between 30

1 and 35 feet.

2 MEMBER GOTTLIEB: Mr. Rosenfeld, what I don't
3 really understand is that those trees that are
4 outlined here as oak and birch, there is quite a
5 distance from those trees to the fence. I'm not
6 talking about to where the actual tennis court is,
7 but from the fence line.

8 MR. ROSENFELD: No, no, no. That fence line
9 that you're looking at on it, where it says line
10 of disturbance, that's not a fence.

11 MEMBER GOTTLIEB: No, no, no. I'm looking at
12 the barbed --

13 MR. ROSENFELD: Right. That's the backstop.
14 It will be a barbed wire because we expect a high
15 level of competition. From there it is
16 approximately till the wall it is approximately --

17 MR. PANTELIS: We said between 30 and 35.

18 MR. RYDER: Rough scale, let's put that on
19 the record as well.

20 MR. ROSENFELD: Thirty to 35. So right now
21 we are --

22 MEMBER GOTTLIEB: What I'm suggesting is that
23 you can go ten feet further and you're really not
24 disturbing anything.

25 MR. ROSENFELD: You mean, for a total of 40

1 feet from the rear yard?

2 MEMBER GOTTLIEB: Sorry, 35 feet.

3 MR. ROSENFELD: Thirty-five feet from the
4 rear yard.

5 MEMBER FEIT: Mr. Rosenfeld, are the plans
6 correct? Because you had mentioned initially
7 Copper Beech trees and the fruit tree. The trees
8 that I see going north are an oak, oak, birch, oak
9 and then a locust. Where are the trees?

10 MR. ROSENFELD: One of them, I believe, is
11 mislabeled. I mean you were there. One of them
12 bears fruit; one of the trees to the north bears
13 fruit. I'm not sure which one it is, but one of
14 them does.

15 MEMBER FEIT: Which one is the Copper Beech
16 trees?

17 MR. ROSENFELD: Between the pool and the
18 tennis court.

19 CHAIRMAN KEILSON: Mr. Rosenfeld --
20 Mr. Rosenfeld, if the proposal is 35 feet from the
21 neighbor's property and 30 feet from Briarwood, I
22 think we can find that we have a consensus.

23 MR. ROSENFELD: Fine. Thirty-five feet from
24 the neighbor's property and 30 feet from
25 Briarwood.

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1 CHAIRMAN KEILSON: And appropriate
2 landscaping from Briarwood, from the Bryck's
3 property. We want a drainage study of some sort
4 that will satisfy the Village.

5 MR. ROSENFELD: Right. Well, they're going
6 to suggest putting trees in, I assume.

7 CHAIRMAN KEILSON: If that be the proposal --

8 MS. BRYCK: Can I have an opportunity to say
9 a few words?

10 CHAIRMAN KEILSON: Okay, Mrs. Bryck.

11 MS. BRYCK: It seems like there are some
12 inconsistencies with what's being said. I can
13 tell you that the trees that are there, while
14 they're old, there's a lot of maple trees.
15 They're basically inconsequential trees, they're
16 old and they're big. There's no guarantee that
17 any of them will be lasting. In that area old
18 trees are coming down all the time because of the
19 snow. And I'm sure when the construction takes
20 place there will be more damage.

21 I think that with the barbed wire fence
22 that's going to go around it --

23 MEMBER GOTTLIEB: There was no barbed wire.

24 MS. BRYCK: The high fence that's going to go
25 around it, the drainage issues, the noise, the

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1 blowers, the fact that it is a variance as opposed
2 to an entitlement, I think that it's -- I think
3 that it could be put even further. I think that
4 she's not in compliance. She doesn't have --
5 there's no right to build this tennis court, and
6 so I think that this is not -- I think there's a
7 lack of good will and a property of how many
8 hundred feet -- how many feet did you say it was?

9 CHAIRMAN KEILSON: Hundred five.

10 MS. BRYCK: Hundred and five. We're
11 splitting hairs; three feet, five feet. I think
12 that they're really not entitled to build this
13 tennis court. The property is overdeveloped. The
14 fact that she has paved her driveway, I happen to
15 have stones and the house was built that way and I
16 like the stones and that's fine. She developed
17 it, the property; she built the pool house. We
18 didn't complain because she was within her rights.
19 But now she's not within the rights and so,
20 therefore, opening up a Pandora's box to grant
21 variances for recreational use to me is not a good
22 precedent to start.

23 CHAIRMAN KEILSON: Thank you. Okay,
24 Mrs. Williams wants to ask something.

25 (Whereupon, there was a discussion off the

1 record.)

2 MEMBER FEIT: I have a legal, a legal
3 question. This variance as far as side yard, rear
4 yard, et cetera, for the tennis court, you
5 mentioned that this is really a use variance.
6 Now, they didn't apply for a use variance.

7 MR. PANTELIS: Well, you don't have to apply
8 for a use variance. It's when an application is
9 advertised and you look at that section of the
10 code it says no recreational structures are
11 permitted in a front yard; therefore, it is now a
12 use. You are trying to put a use in an area where
13 it is not allowed by the code, as opposed to
14 someone coming in and saying I'm allowed to have a
15 tennis court here but I need relief from the
16 setback or the coverage requirement.

17 MEMBER FEIT: So it's assumed that the use
18 variance flows with the surface or the side-yard
19 requirements based on the plans they submitted?

20 MR. PANTELIS: No, it doesn't necessarily
21 mean that at all. It says that in effect you
22 can't have that use there, and if you applied the
23 strictest standards of the law then you would have
24 to establish that the property could not be used
25 for any purpose that's permitted under the zoning

1 which, of course, is impossible to establish.

2 MEMBER FEIT: Well, then, again, a legal
3 technicality. If they don't apply for this use
4 variance just by giving them the side yard and the
5 rear yard or front-yard variances, are they
6 allowed to put the tennis court in there without a
7 use variance?

8 MR. PANTELIS: No. They have applied for a
9 use variance because they've appealed the
10 determination of the building inspector and
11 they've asked for those -- all of those enumerated
12 variances. So although they don't say give us a
13 use variance, the request is for a use variance.

14 MEMBER FEIT: That's what I'm asking.

15 CHAIRMAN KEILSON: Having said that, let's
16 refine the proposal and let's take a vote. At
17 this point in time the proposal is to move the
18 tennis court 35 feet towards the --

19 MR. ROSENFELD: From the rear property line.

20 CHAIRMAN KEILSON: -- from the rear property
21 line, 30 feet from Briarwood.

22 MR. ROSENFELD: Correct.

23 CHAIRMAN KEILSON: Okay, screening.

24 MR. ROSENFELD: Drainage.

25 CHAIRMAN KEILSON: Drainage.

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1 MR. ROSENFELD: Foliage.

2 CHAIRMAN KEILSON: What else? Did I leave
3 out foliage?

4 MEMBER GOTTLIEB: The trees behind the
5 clubhouse, the cabana.

6 MEMBER FEIT: Is there an offer as part of
7 the variance that they will not put any lights in
8 perpetuity?

9 MEMBER WILLIAMS: It says so on the plans.

10 MR. ROSENFELD: Yes, it says so. We have the
11 right to but we declined.

12 MR. PANTELIS: I would just indicate that the
13 landscape plan should be subject to the approval
14 of the Board of Building Design.

15 MR. ROSENFELD: It's in accord with the Board
16 of Building Design.

17 CHAIRMAN KEILSON: Absolutely. Having said
18 that, we're going for a vote at this time.

19 Mr. Schreck.

20 MEMBER SCHRECK: Yes.

21 CHAIRMAN KEILSON: Mrs. Williams.

22 MEMBER WILLIAMS: Yes.

23 CHAIRMAN KEILSON: Mr. Feit.

24 MEMBER FEIT: Yes.

25 CHAIRMAN KEILSON: Mr. Gottlieb.

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1 MEMBER GOTTLIEB: For.

2 CHAIRMAN KEILSON: For.

3 MS. JUNGREIS: Thank you.

4 MR. ROSENFELD: Gentlemen, as always, it's a
5 real pleasure.

6 MEMBER FEIT: Mr. Rosenfeld, how much time?

7 MR. ROSENFELD: I guess whatever they're
8 offering these days, two years. It will be done
9 well before then.

10 (Whereupon, the hearing concluded at
11 8:15 p.m.)

12 *****

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 June 16, 2011
7 8:15 p.m.8 APPLICATION: Silverstein
9 27 Briarwood Lane
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman14 MR. ELLIOT FEIT
15 Member16 MS. ESTHER WILLIAMS
17 Member18 MR. J. PHILIP ROSEN
19 Member20 MR. EDWARD GOTTLIEB
21 Member22 MR. MARK SCHRECK
23 Member24 MR. THOMAS V. PANTELIS, ESQ.
25 Counsel to BZAMR. GERALDO CASTRO
Building DepartmentMR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: In the matter of
2 Silverstein, will they or representative please
3 step forward.

4 MS. SILVERSTEIN: Yael Silverstein,
5 27 Briarwood Lane.

6 CHAIRMAN KEILSON: How you doing?

7 MS. SILVERSTEIN: Good.

8 CHAIRMAN KEILSON: It's not for a tennis
9 court, right?

10 MS. SILVERSTEIN: Not for a tennis court. I
11 wish.

12 MEMBER FEIT: Mazel tov.

13 MS. SILVERSTEIN: Thank you. So I'm here to
14 reply to the letter of denial. I'd like to obtain
15 zoning variances to the following: I'd like to
16 minimize the rear-yard setback requirements of
17 40 feet, to exceed the rear-yard height setback
18 ratio of 0.55, to minimize the side-yard setback
19 of 15 feet, to exceed the side-yard height setback
20 ratio of 1.5 and to exceed the 27-foot roof height
21 limit.

22 CHAIRMAN KEILSON: So essentially you're just
23 adding the second story?

24 MS. SILVERSTEIN: Exactly. So a second
25 story.

1 CHAIRMAN KEILSON: That's above a first-floor
2 story that had been built pursuant to a variance
3 several years back.

4 MS. SILVERSTEIN: Right.

5 MEMBER WILLIAMS: Do you know what year that
6 was?

7 MS. SILVERSTEIN: I'm sorry, that's not
8 exactly accurate. I didn't use the variance
9 because I didn't end up building the second story.

10 CHAIRMAN KEILSON: You built by right at the
11 time.

12 MS. SILVERSTEIN: Yes, I built by right.
13 That was in 1997. I had applied for a variance
14 for a rear-yard height setback which I received.
15 I had a change in my life circumstances so I did
16 not utilize it and that since has lapsed. So that
17 is part of what I'm applying for now again.

18 MEMBER GOTTLIEB: Mrs. Silverstein -- it is
19 still Mrs. Silverstein?

20 MS. SILVERSTEIN: Well, here it is. That's
21 fine.

22 MEMBER GOTTLIEB: I thought you were at this
23 Board within the past two years for something. I
24 don't recall what it was. Did you not apply
25 for --

1 MS. SILVERSTEIN: I have a sister who looks
2 just like me, Shabat. She lives on Muriel.

3 MEMBER GOTTLIEB: No, it was on Briarwood.
4 So you weren't here in the past two years?

5 MS. SILVERSTEIN: No, no, no, I was not.

6 MEMBER ROSEN: It was her sister, yeah. The
7 sister applied for something.

8 MS. SILVERSTEIN: My sister applied for a
9 basketball hoop. They all think that we're the
10 same person. It wasn't me. No, I've been very
11 quiet the last couple of years.

12 MEMBER FEIT: The bottom line is you had been
13 given a variance once for exactly what you're
14 applying for and it lapsed.

15 MS. SILVERSTEIN: Right. In mid-plans I took
16 away that part of the project and I didn't end up
17 building above.

18 CHAIRMAN KEILSON: Okay. Is there anything
19 else that you wanted to add, because this is a hot
20 Board.

21 MS. SILVERSTEIN: Okay. Well, if you don't
22 want me to continue just to add I just -- I guess
23 I'll ask.

24 CHAIRMAN KEILSON: Anything in the
25 application you need not repeat. We have a

1 petition, we read it, we visited the site. Does
2 anybody have any questions?

3 MEMBER FEIT: No. Any neighbors?

4 MS. SILVERSTEIN: I have a lot of neighbors
5 here. I have a lot of neighbors for, and one
6 neighbor against. They're here.

7 CHAIRMAN KEILSON: So we'll have the
8 neighbors, whatever order you want.

9 MR. PANTELIS: Could we also, just for the
10 record, what is going to be in that second-story
11 addition?

12 MS. SILVERSTEIN: Bedrooms and bathrooms.
13 Since my husband passed away I got remarried and
14 we're just trying to accommodate space for the
15 kids.

16 MR. PANTELIS: And it's the same footprint?

17 MS. SILVERSTEIN: Same footprint.

18 MR. PANTELIS: I just wanted to clarify that.

19 CHAIRMAN KEILSON: Step forward, state your
20 name and address.

21 MR. GOTTESMAN: Steven Gottesman,
22 33 Briarwood Lane, formerly known as Cedarhurst
23 Avenue.

24 I just want to say that what a tragedy it
25 would be if they didn't get this variance and they

1 wouldn't be able to accommodate the new family,
2 because Yael's been an amazing neighbor since she
3 moved in. All I can say I was there on your first
4 date, I've loved him since then, and we just want
5 them to remain in the neighborhood. I'll be
6 affected because I'm a direct next-door neighbor,
7 and I have no problem with anything.

8 CHAIRMAN KEILSON: What's your address?

9 MR. GOTTESMAN: 33 Briarwood. I'm the house
10 to the right -- to the left.

11 MEMBER GOTTLIEB: What is the distance from
12 your house to their house at this time?

13 MR. GOTTESMAN: It's my -- they're my
14 next-door neighbor. I don't know the exact
15 distance.

16 MEMBER GOTTLIEB: Pretty wide yard between
17 the two houses?

18 MR. GOTTESMAN: I don't know the distance.

19 MEMBER GOTTLIEB: I'd say it's about 50, 60
20 feet.

21 MR. PANTELIS: He's the adjacent.

22 MEMBER ROSEN: His driveway is right
23 next-door. There's no space between the end of
24 the driveway.

25 MEMBER WILLIAMS: You're 22?

1 MR. GOTTESMAN: I'm 33. But again, I'll be
2 affected by the construction. There's
3 construction going on my side too and I have no
4 problem. So I just want to say that I hope they
5 get it.

6 CHAIRMAN KEILSON: Who else wants to speak to
7 the issue, please.

8 MR. RAAB: Steven Raab, 23 Briarwood Lane.

9 CHAIRMAN KEILSON: Where are you in
10 reference?

11 MR. RAAB: I believe it's the north side; is
12 that correct?

13 MR. PANTELIS: Yes, it would be.

14 MEMBER FEIT: Next-door.

15 MR. RAAB: Next-door on the north side.

16 You know, I have nothing against my
17 neighbors, very nice woman. I don't know the
18 gentleman, but the concerns I have are the
19 percentage increases in the variances that they're
20 asking for; specifically, the max rear-yard and
21 height setback going from 0.55 to 0.83, which
22 represents about a 50 percent increase. A
23 side-yard setback from 15 feet to 7.1 feet, which
24 again represents a 50 percent decrease.

25 CHAIRMAN KEILSON: That's existing.

1 MEMBER FEIT: This is all existing. The only
2 thing that is changing is the height setback
3 ratio. Everything else is already there.

4 CHAIRMAN KEILSON: The side-yard setback is
5 existing at seven foot ten right now.

6 MR. RAAB: Right. But the max side-yard
7 height setback ratio looks like it's increasing
8 about 60 percent.

9 MEMBER GOTTLIEB: The reason for that is
10 because there's a second story going up over the
11 existing first story. It's not moving it an inch.

12 MR. RAAB: And the rear-yard setback going
13 from 40 to 25, what is that?

14 CHAIRMAN KEILSON: Again, due to the fact of
15 the second floor.

16 MEMBER ROSEN: It's all second floor.

17 MR. PANTELIS: One of the things here is that
18 the Board, as was indicated on the record,
19 previously granted this variance, and basically
20 unless there is a real change in circumstances
21 that alters the character or the area or anything
22 that may have changed in that period of time, the
23 Board while they may not be compelled to grant the
24 variance, certainly has to give it strong weight.
25 So in this particular case I think what's

1 happening is the numbers are only changing to
2 bring it up to where it would have been if that
3 second story had been built in 1997.

4 MR. RAAB: Then why would they be asking for
5 a variance at this point?

6 MR. PANTELIS: Because they actually built
7 only a portion of it, and now they're required to
8 come back, and in effect, I wouldn't want to use
9 the word renew the variance, but to ask for that
10 variance again, but only asking for the portion
11 that relates to the second story.

12 MEMBER WILLIAMS: The variance only lasts for
13 a couple of years and it lapses. You have to
14 start from scratch.

15 MR. RAAB: Now, I spoke with the neighbors,
16 and according to them they want to increase two
17 bedrooms, correct? In my calculation two bedrooms
18 at, let's say, 20 by 20, which is a fairly large
19 bedroom, that's about an 800-square-foot increase.

20 MS. SILVERSTEIN: There is no bedrooms that
21 are 20 by 20.

22 CHAIRMAN KEILSON: Continue.

23 MR. RAAB: What I'm saying is that the
24 addition of two bedrooms, you know, should not go
25 for these kind of percentages. I just feel that,

1 you know, I guess the question I have is -- let me
2 ask you a few questions.

3 Is the current master bedroom -- what is the
4 size of the current master bedroom?

5 MS. SILVERSTEIN: I don't think it's an issue
6 what size the bedroom is.

7 MEMBER WILLIAMS: The house is being built.

8 MR. RAAB: What I'm trying to say here is
9 the hardship here is that there's a family coming
10 together and essentially they want two more
11 bedrooms for new family members. What I'm saying
12 is that I want to make sure that what they're
13 requesting is not a massive increase in square
14 footage for master bedrooms. In other words, I
15 understand their situation.

16 MEMBER WILLIAMS: Let's go back. Prior to
17 the situation she was granted this. Now, the
18 situation has only made it more of a need than it
19 was before.

20 MR. RAAB: Is there documentation to show
21 what she was granted prior?

22 MEMBER WILLIAMS: Sure.

23 CHAIRMAN KEILSON: It's identical. It's
24 identical.

25 MEMBER ROSEN: It's in the Building

1 Department.

2 MEMBER WILLIAMS: I understand. What I'm
3 hearing your concern is and it's legitimate. I
4 understand what you're afraid of is there's
5 suddenly this massive thing going on, which was
6 not what she originally requested. But the fact
7 is what was originally requested she just never
8 did it then.

9 MR. RAAB: Well, I'll have to have a lawyer
10 check into it then. That's fine.

11 MR. RYDER: I could provide anything you need
12 at the Building Department.

13 MR. RAAB: And the other question or the
14 other comment I want to make is that the other
15 neighbors on the other side, as this Board member
16 pointed out correctly, there's quite a bit of
17 property between their property and the current
18 property, and I believe that what's being done
19 probably won't impact their, you know, view,
20 their -- it's not going to impinge on them in any
21 way; however, on my side it's quite close. So my
22 concern is that, you know, I think a compromise
23 should be done. I don't think it's necessary to
24 build all the way out, and by doing that I'm not
25 asking for a hardship from them, I'm saying that

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1 they can reduce their scale of their plans and
2 still accommodate what they need.

3 MEMBER WILLIAMS: Which part concerns you the
4 most? I want to understand what part is
5 concerning you from a visual point of view?

6 MR. RAAB: Well, if you look at the property,
7 it abuts -- you know, it's one thing to have one
8 floor abutting my property, it's another thing to
9 have two floors abutting my property, and it
10 encloses it in quite a bit because you're not
11 talking 50 feet away. You're talking, what, seven
12 feet away. Is that what it is?

13 MS. SILVERSTEIN: The existing house is seven
14 ten, and it's remaining seven ten.

15 MR. RAAB: Right. But when you add a floor
16 it changes the dynamic of my house and it will
17 reduce the value of my house.

18 CHAIRMAN KEILSON: Mrs. Silverstein, there's
19 not a dialogue between you and he.

20 MR. RAAB: What I'm saying is that the
21 construction is not -- I wanted to be shown that
22 the construction is not a big luxury increase,
23 it's a necessity. I understand the situation; I'm
24 sensitive to that. However, it impinges on the
25 value of my home, the way the property feels, and

1 the aesthetics of the property, and I just want to
2 -- I want the Board to take that into account that
3 I'm not asking this family coming together to not
4 come together.

5 Obviously, one aspect, they could always look
6 for another house. But if that's not possible, I
7 understand the situation. However, I just feel
8 that these numbers represent some very large
9 increases that will ruin the aesthetics of the
10 property, my property, the value of my property
11 and gives them the luxury of whatever luxury they
12 want and it's not a hardship issue.

13 MEMBER WILLIAMS: Were you living there the
14 first time that Mrs. Silverstein came for the
15 variance?

16 MR. RAAB: What year was that?

17 MS. SILVERSTEIN: Yes.

18 MEMBER WILLIAMS: '97.

19 MEMBER ROSEN: '97.

20 MR. RAAB: '97?

21 MEMBER WILLIAMS: Yes.

22 MR. RAAB: I've been living there since 1968.

23 MEMBER WILLIAMS: Since you had been living
24 there in 1997, that means you didn't have a
25 problem then.

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1 MR. RAAB: I don't recall. That was fifteen
2 years or fourteen years ago.

3 MS. SILVERSTEIN: I represented myself.

4 MEMBER WILLIAMS: One second. There wasn't
5 the same circumstances.

6 MR. RAAB: I was not living there personally.
7 My family was. My mother passed away. She might
8 have come here. I don't know. It was fourteen
9 years ago.

10 MEMBER WILLIAMS: I was curious. What
11 changed?

12 MR. RAAB: What changed is that I'm living
13 there now. What changed is -- I don't know what
14 happened fourteen years ago. I have to check the
15 record for that as well. I'll have a lawyer check
16 that out.

17 MEMBER WILLIAMS: Fine. I was just curious
18 if you presented the same argument then.

19 MR. RAAB: Again, I was not living personally
20 in the house at that point, so I'm living there
21 now. So I'll have legal counsel look into the
22 prior. It was done evidently fourteen years ago.

23 MEMBER WILLIAMS: Are you concerned that
24 we're not telling you the truth that it was the
25 same?

1 CHAIRMAN KEILSON: I don't think that's an
2 issue.

3 MR. RAAB: I want accuracy.

4 CHAIRMAN KEILSON: That's not the issue
5 tonight. It was done fourteen years ago.

6 MR. RAAB: I don't know who was here fourteen
7 years ago.

8 CHAIRMAN KEILSON: I agree with you. I don't
9 think it's relevant.

10 MR. RAAB: What I'm saying here is I think
11 some compromise could be discussed, and I think a
12 compromise from an aesthetic point of view will
13 improve the aesthetics and not impinge on their
14 need to merge the family together.

15 CHAIRMAN KEILSON: Okay, thank you very much.

16 MR. PANTELIS: Mr. Chairman, since we were
17 talking about what I had raised as a legal point,
18 the Board should, of course, take into
19 consideration the fact that there was a variance
20 before.

21 But the second leg of that is that you look
22 at the application that's before you, and even if
23 you found that the layout of the rooms were
24 different and there's been a rearrangement, you're
25 not necessarily going to grant it just on the

1 basis of the prior variance, but the relief that's
2 before you. So I think the record should be clear
3 on that.

4 MR. RAAB: And I still feel that it's
5 necessary to demonstrate that you're adding,
6 you're doing this to add two bedrooms to merge a
7 family together. You're not doing this as an
8 excuse as a way to add luxuries to increase your
9 master bathroom by three times and your master
10 bedroom by two times and using this as the excuse
11 to do so. If that can be proven, you know, I just
12 think that it seems like if you look at the place
13 there's a lot of space being added there for two
14 bedrooms, and I just feel that -- that, you know,
15 under the circumstances a compromise can be made
16 where everybody is made happy and everybody kind
17 of, you know, keeps the value of their properties
18 equally on both sides for both parties.

19 CHAIRMAN KEILSON: Thank you.

20 MEMBER FEIT: Right. The only thing is they
21 swore this is -- this is a sworn affidavit. We
22 have to accept what they say is the truth, and if
23 you think it's different --

24 CHAIRMAN KEILSON: Regarding what?

25 MEMBER FEIT: Regarding reconverting the

1 house to make tremendously large rooms. They
2 certified under oath that this is a merger.

3 MR. RAAB: Are you a lawyer, Mr. Feit?

4 MEMBER FEIT: What?

5 MR. RAAB: Are you a lawyer?

6 MEMBER FEIT: Yes.

7 MR. RAAB: Okay. So can you show me the
8 affidavits?

9 CHAIRMAN KEILSON: I don't think -- there's
10 no affidavits.

11 MR. PANTELIS: You're talking about the
12 petitions.

13 MEMBER ROSEN: Petition.

14 MEMBER FEIT: The application, it's
15 notarized.

16 CHAIRMAN KEILSON: What does that have to do
17 with the use of the room, the space?

18 MR. RAAB: Wouldn't the before and after
19 plans determine these questions? I think you're
20 going down a road that doesn't --

21 MEMBER FEIT: I withdraw my comments.

22 MR. RAAB: Yeah.

23 MEMBER GOTTLIEB: Mr. Raab, the area that's
24 most affecting you is over the garage, the second
25 floor -- the second story of the garage?

1 MR. RAAB: And the backyard, the view in the
2 backyard.

3 MEMBER GOTTLIEB: I'm thinking it's more so
4 the garage which is closer to you.

5 MR. RAAB: Their garage or my garage?

6 MEMBER GOTTLIEB: Well, their garage sort of
7 abuts your garage. They come close to each other.

8 MR. RAAB: Correct.

9 MEMBER GOTTLIEB: So you understand what's
10 going back in that space are one bedroom and two
11 bathrooms.

12 MR. RAAB: One bedroom and two bathrooms.

13 MEMBER GOTTLIEB: One bathroom in the
14 bedroom, and the other bathroom is shared.

15 MR. RAAB: It seems like the master bedroom
16 is being moved; is that correct?

17 MEMBER GOTTLIEB: Our purview is not so much
18 to examine the interior space but how the exterior
19 space affects the neighbors and the surrounding
20 area.

21 MR. RAAB: Well, the exterior space will
22 obviously increase shadows. There could be a
23 drainage issue for all I know. It's very close to
24 my property.

25 MEMBER GOTTLIEB: I understand. But it

1 doesn't affect drainage because they're building
2 over existing. I spent some time in front of your
3 house today. There's quite a bit of foliage
4 between the two houses which, unfortunately, you
5 don't notice the garages are right next to each
6 other. They're only about 20 feet apart, I think.

7 MR. RAAB: I haven't measured.

8 MEMBER GOTTLIEB: I did.

9 CHAIRMAN KEILSON: Any other neighbors who
10 want to speak to this?

11 MS. PERLOW: Yes, hi, how are you.

12 Riva Perlow. I'm the back neighbor. I'm like
13 50 feet from the house, and I don't see anything
14 unreasonable about their request. They're so not
15 the type to do anything that's -- they've always
16 been wonderful neighbors. They're totally not
17 extravagant. I mean, I can vouch for them, and I
18 don't see why anybody would have any issues with
19 what they're doing. And what else do I want to
20 say?

21 MEMBER GOTTLIEB: Do you live on Waverly?

22 MS. PERLOW: Yes, 10 Waverly.

23 MEMBER GOTTLIEB: You're directly behind
24 them?

25 MS. PERLOW: Yes.

1 CHAIRMAN KEILSON: Thank you very much.

2 MS. PERLOW: Okay, thanks.

3 CHAIRMAN KEILSON: Mrs. Silverstein, what is
4 it exactly that you're adding, how many bedrooms?
5 Define it for us, please. Please stand up.

6 For the record, Mr. Macleod.

7 MR. MACLEOD: Good evening.

8 Just to give a brief description of what is
9 being added, one master bedroom in the rear left,
10 and one bedroom and two bathrooms over the garage
11 on the rear right. The existing master bedroom is
12 being turned into a regular bedroom. And the
13 total number of bedrooms and bathrooms on this
14 level now will be changing from three bedrooms and
15 two bathrooms. It will now be changing to five
16 bedrooms and -- I'm sorry. It was originally
17 three bedrooms and three bathrooms, and now it
18 will be five bedrooms and --

19 SPEAKER: There's three bedrooms and two
20 bathrooms, and it's going to five bedrooms and
21 five bathrooms.

22 MR. MACLEOD: The difference in size, to
23 answer the gentleman's question about the size of
24 the master bedroom, it is not much larger than the
25 existing master bedroom, perhaps about three feet

1 longer than the existing one, and it does have a
2 larger master bathroom that we're adding there as
3 we're doing this project.

4 The other bathrooms that are added to the
5 house are of what I would describe as adequate
6 size in the approximate size of about five feet by
7 nine and a half feet, three-piece bathrooms.

8 CHAIRMAN KEILSON: Thank you.

9 MR. RAAB: Can I just ask a question? The
10 master bathroom wasn't being increased?

11 MR. MACLEOD: The new master bathroom will be
12 larger than the existing.

13 MR. RAAB: Can you give me the numbers?

14 MR. MACLEOD: The new master bathroom is ten
15 feet from front to back and about twelve feet left
16 to right.

17 MR. RAAB: So you're talking about 120 square
18 foot master bathroom? What is the square footage?

19 CHAIRMAN KEILSON: The questions should be
20 directed to the Chair. Mr. Macleod, please. I
21 think the plans have been filed in the Village for
22 how many weeks?

23 MR. RAAB: So then these questions could be
24 answered. In other words, what is the master
25 bathroom increasing to from. I think that's the

1 question.

2 CHAIRMAN KEILSON: I don't think that's all
3 that relevant at this point in time. We know the
4 footprint that they're building over. It's the
5 same footprint. We'll take that into
6 consideration. The size of the rooms I don't
7 think has great relevance at this point.

8 MEMBER WILLIAMS: If they asked for another
9 bedroom instead of another bathroom and made a
10 smaller room, it would still be the same issue.
11 The issue is exterior, not what's going on
12 interior.

13 MR. RAAB: Right. But what I'm saying is
14 that you could have a potential compromise and
15 accommodate the needs without increasing, you
16 know, the need for luxury per se.

17 MEMBER WILLIAMS: Doing what, moving the
18 walls?

19 MR. RAAB: In other words, I would like to
20 have a very large master bathroom too.

21 MEMBER WILLIAMS: I understand. But this is
22 coming from -- the wall downstairs exists. What
23 would you do? Do the top one in a foot or two?
24 I'm not following how you would do that.

25 MR. RAAB: It doesn't have to be the full

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1 dimension. It doesn't have to.

2 CHAIRMAN KEILSON: Okay, thank you,
3 Mr. Macleod.

4 Any other questions from the Board?

5 MEMBER GOTTLIEB: No.

6 CHAIRMAN KEILSON: Okay, as far as
7 discussion, as we know we have a balancing test, a
8 five-point balancing test, five criteria, the
9 benefit to the applicant versus any detriment to
10 neighbors and to the -- if it's out of sync with
11 the community.

12 MEMBER ROSEN: I asked you if you wanted me
13 to read it.

14 CHAIRMAN KEILSON: So I'm going to ask for a
15 vote from the Board at this time.

16 Mr. Gottlieb.

17 MEMBER GOTTLIEB: I'll vote for.

18 CHAIRMAN KEILSON: Mr. Feit.

19 MEMBER FEIT: For.

20 CHAIRMAN KEILSON: Mrs. Williams.

21 MEMBER WILLIAMS: For.

22 CHAIRMAN KEILSON: Mr. Rosen.

23 MEMBER ROSEN: For.

24 CHAIRMAN KEILSON: And I'll vote for.

25 You will have two years. Board of Building

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1 Design, and whatever else is appropriate.

2 (Whereupon, the hearing concluded at

3 8:35 p.m.)

4 *****

5 Certified that the foregoing is a true and

6 accurate transcript of the original stenographic

7 minutes in this case.

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 June 16, 2011
7 8:35 p.m.8 APPLICATION: Kassai
9 16 Auerbach Lane
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman14 MR. ELLIOT FEIT
15 Member16 MS. ESTHER WILLIAMS
17 Member18 MR. J. PHILIP ROSEN
19 Member20 MR. EDWARD GOTTLIEB
21 Member22 MR. MARK SCHRECK
23 Member24 MR. THOMAS V. PANTELIS, ESQ.
25 Counsel to BZAMR. GERALDO CASTRO
Building DepartmentMR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Kassai.

2 MR. GOLDMAN: Ron Goldman. Good evening,
3 Mr. Chairman, members of the Board. First of all,
4 it's a privilege to appear before you, either
5 side.

6 CHAIRMAN KEILSON: We recognize that.

7 MR. GOLDMAN: Either side of the railing,
8 it's a fair approach and a fair place to be. I
9 recognize the fact that this Board is less
10 concerned with what lawyers want to say and more
11 concerned with what the Board feels they have to
12 hear. So I will try to -- so I will try to break
13 precedent here and get right to the point.

14 The first question -- well, the first thing I
15 should probably do with the Board's permission is
16 note a correction on the code relief. I can see
17 this is going to be easy. To the extent that I
18 understand it, the front-yard setback had
19 indicated a minimum of 30 feet, that the existing
20 is 29.7. Somehow or another having copied it from
21 I believe the denial indicated that the proposed
22 is 23.37, but in reality the proposal is 27.12.
23 The application is not to --

24 MEMBER FEIT: 27.12. Isn't that 28?

25 MR. GOLDMAN: No, no. The way they do the

1 arithmetic they somehow do it by percentages. I
2 too was troubled by that, believe me. What I'm
3 suggesting, however, is as I say in all
4 seriousness it is a point of advancing the
5 front-yard setback not by the 6.3 but only by a
6 2.7, and I would address that if I might in just a
7 moment.

8 But again, addressing the concerns that I
9 believe are still the point of the Board, the
10 first thing is why are these people here and why
11 is there a necessity for them to be here. They're
12 residents of the Village for the past fifteen
13 years. Thank God their children are such they
14 have four children. But the allocation, if you
15 will, of both sexes and ages is such that it
16 precludes their continuing to occupy just two
17 bedrooms for four children. The disparity in the
18 ages and the whole nature of the process is such
19 that the children need privacy. I think the
20 oldest daughter is fifteen and the youngest is an
21 infant. It's just the necessity has become
22 overwhelming. So that's why they're here for it.

23 And it should be noted too that they have
24 come not to this Board but to the Building
25 Department with several different plans, and the

1 approach was not to come to this Board with a
2 giant piece of marble and then chisel down to the
3 eventual result, but rather to come to this Board
4 with what was really the reality and what they
5 realistically would ask this Board to grant and
6 what they realistically need and not with in a
7 fantasy they would want and see what they can get
8 away with. And so they've done that prior to
9 coming here and I believe the Building Department
10 knows this with several different plans and this
11 is the final plan that meets their needs and
12 hopefully does not impose on the community.

13 So I would note that one of the obvious
14 questions too is that given the lay of the land
15 there, and I would submit a photo of the front of
16 the property of the full range of this property
17 for the Board to consider. There's a tremendous
18 side yard. So at first blush one would say why do
19 they need this particular variance and the way in
20 which they're asking for it.

21 MR. PANTELIS: Mr. Goldman, would you like to
22 have these marked as an Applicant's Exhibit?

23 MR. GOLDMAN: Yes, please.

24 MR. PANTELIS: What are we calling them?
25 This is an additional photograph?

1 MR. GOLDMAN: Yes. The Board, of course, has
2 the photos that were provided of the adjacent
3 properties as well as the subject property, but
4 this gives you an overall view and would address
5 the issue as to why not just build to the side and
6 move forward and not necessarily even require a
7 variance. And the answer is that if you see that
8 particular space to the side which is their land
9 is precluded from any development by the presence,
10 as was noted in the petition, of a ten-foot sewer
11 easement. So that precludes it, and yet the
12 reason we're showing you the picture is that once
13 again when this project is completed it will not
14 reveal an overbuilding on the lot or superimposing
15 for anybody. Given the context, it should fit
16 right in rather beautifully.

17 CHAIRMAN KEILSON: If they built the
18 structure on the side yard would they be building
19 by right?

20 MR. GOLDMAN: They might have been, for sure,
21 but the problem is -- aside from that, it's
22 correct.

23 CHAIRMAN KEILSON: They wouldn't be here
24 except for the easement issue.

25 MR. GOLDMAN: But for that and thus when we

1 address the issue of whether it's self-created,
2 notwithstanding the fact that they want to build
3 it for themselves, nevertheless it's not
4 self-created to the extent that they're precluded
5 from doing so in the more reasonable and the more
6 obvious fashion by the presence of that easement.

7 The next question that I assume the Board
8 would want to address and that is the fact that
9 this Board has taken great pains to protect
10 front-yard setbacks and to make sure that the
11 pastoral view as one looks down a street,
12 particularly a wide street and one that's a point
13 of entry to the Village, is not imposed upon by
14 structures invading.

15 CHAIRMAN KEILSON: Including the street on
16 which you live.

17 MR. GOLDMAN: That happens to be, that is
18 correct. It is not often that one is both an
19 advocate both professionally and personally. My
20 wife didn't appear here today, not so much because
21 she doesn't support the Kassais, she just doesn't
22 want to embarrass me, or more significantly
23 perhaps I would embarrass her.

24 MEMBER FEIT: By the way, did you submit a
25 letter in opposition?

1 MR. GOLDMAN: No, but I will state my support
2 orally. But since you've addressed the issue --
3 I'm trying to save time for this Board.

4 CHAIRMAN KEILSON: Cut to the chase.

5 MR. GOLDMAN: Since you've raised the issue
6 of neighbors' support or in this case neighborly
7 support, we have support of the back neighbor who
8 would be affected by the construction toward the
9 rear, and the side neighbors as well, and I would
10 note that they're distinct and separate letters,
11 they're not mimeographed, and purely signed, and
12 I'm submitting them. One is Mr. Weissman indeed
13 who has indicated he would be the most affected
14 were he affected by it. But Mr. Weissman quite
15 correctly points out that he has a pool house that
16 is behind the Kassais which is I don't know how
17 wide and how thick and how big, but the best I can
18 do for this Board is provide that it gives you
19 just a minimal view. This would also be
20 Applicant's 2, I guess. It gives us some sort of
21 a hint of where if you look at the photo --

22 MR. PANTELIS: We'll mark it as Applicant's
23 B.

24 MR. GOLDMAN: I would note that the Board has
25 thrown me off of my preplanned approach, but I'm

1 more than happy to accommodate the Board.

2 MEMBER GOTTLIEB: Is this your first time
3 appearing?

4 MR. GOLDMAN: On this side of the railing it
5 is.

6 MEMBER GOTTLIEB: You're doing very well.

7 MEMBER FEIT: How big is Mr. Weissman's
8 property?

9 MR. GOLDMAN: I do not know. Again, I'm not
10 representing him, but nevertheless, he's -- if you
11 look at the photo in the right-hand corner of the
12 photo you will notice a structure that is there
13 behind the Kassais' property, behind their foliage
14 that's there, behind a playground set that will
15 probably remain or certainly be back there as
16 well. If you see that little corner of a
17 structure, that's the corner of a rather large
18 structure that is actually the backside of his
19 pool house. So that whatever the Kassais do would
20 have no impact on his quiet enjoyment of his
21 property or impact; and even so, it would be a
22 substantial number of feet away.

23 So in terms of addressing the issue of the
24 backyard which we've done ahead of schedule,
25 that's being done because it's impossible to build

1 on the side yard.

2 As far as the front yard, which is what I was
3 addressing, the front yard which is pretty much
4 sacrosanct to this Board, as well it should be, it
5 should be noted that the imposition and the
6 encroachment on the front yard is 2.7 foot. It's
7 the minimum that can be done and it's being done
8 only insofar as creating a vestibule in the front.

9 That vestibule would be reaching out now two
10 and a half feet and would be covering space that
11 is currently stairs and pavement anyway. There's
12 no loss of green space, no conflict, if you will,
13 with the look of Auerbach Lane, or getting
14 necessarily that much closer in terms of invading
15 green space.

16 It's there because of again a compelling
17 need. There really is no closet space for a
18 rapidly, thank God, growing family, and this would
19 simply be almost as if you're taking the current
20 portico, if you will, and entrance and enclosing
21 it, obviously with greater aesthetics. It's 2.7
22 feet and it should be noted it's running parallel
23 to I believe it's 14 Auerbach which is already
24 extended there and perhaps extends a tad beyond
25 what the designer has done, and he's here present

1 and he can answer any questions as well.

2 He's deliberately minimized it so that it's
3 viable space, but it doesn't impose on the front
4 anymore. It's not contained here in an obvious
5 fashion in terms of the garage. The garage is
6 addressed in terms of whether it's going to be
7 maintained. It is going to be maintained. But in
8 candor with the Board, it's going to be maintained
9 at the same size but it too is going to be bumped
10 out to 2.7 feet, so that the garage space will
11 remain the same but there will be provisions now
12 to allow for an expanded dining room. So at this
13 point that too would not compromise in terms of
14 the integrity of the front-yard setback because
15 once again it would be keeping in line with 14
16 Auerbach which extended beyond that in itself.

17 MR. PANTELIS: Mr. Goldman, does 14 Auerbach
18 have an open porch?

19 MR. GOLDMAN: Yes, it does. But also, I
20 think his garage space -- there are photos of
21 14 Auerbach attached as well to the application.

22 MR. RYDER: Do you have a profile,
23 Mr. Goldman, of that, a side profile of the
24 setbacks? I know that was in the original packet
25 but it's not in the packet we have here.

1 MR. GOLDMAN: I have -- I have a set of
2 photos. I don't know if it's exactly what you
3 would consider a profile, but it does show
4 14 Auerbach in relation -- I don't know if this is
5 what you're referring to, but it does show -- that
6 would be Applicant's number 3 (hanging). It does
7 show 14 Auerbach in relation to the structure
8 under consideration and if it helps you in any
9 way --

10 MEMBER WILLIAMS: Can I just ask you
11 something? Just to cut to the chase, so the only
12 thing as you clearly stated our only concern
13 really is the front yard, okay, and you're saying
14 that there's a mistake here, it's basically only
15 coming out two feet by the front door?

16 MR. GOLDMAN: 2.7.

17 MEMBER WILLIAMS: And the garage is the same?

18 MR. GOLDMAN: Correct. And it would be
19 consistent with the bay window that's currently
20 there in the home and certainly consistent with
21 the other home.

22 CHAIRMAN KEILSON: I don't want to cut you
23 short, but I do want to cut you short.

24 MR. GOLDMAN: I'm more than happy to be cut.

25 CHAIRMAN KEILSON: I remind you that we are a

1 hot Board.

2 MEMBER ROSEN: Hot being the air conditioning
3 is shut down back here.

4 MR. GOLDMAN: Well, I assume my hot air is
5 only compounding the problem.

6 CHAIRMAN KEILSON: Are there any questions
7 from the Board?

8 MEMBER FEIT: Very brilliant presentation.

9 MR. GOLDMAN: Thank you. I assume that's not
10 a question.

11 MEMBER FEIT: I assume Mr. Rosenfeld helped
12 you with it.

13 MR. GOLDMAN: Well --

14 CHAIRMAN KEILSON: Mr. Gottlieb.

15 MEMBER GOTTLIEB: You're increasing the depth
16 of the house by 60, 70 percent. What I want to
17 know is how much further back is this house coming
18 than the adjacent house to the left, the one you
19 referred to today as number 14, I think.

20 MR. GOLDMAN: Actually, it's pretty much
21 running parallel to that as well. I don't have
22 that structure -- no, I don't have that photo.

23 MEMBER ROSEN: Did you go there, Ed?

24 MEMBER GOTTLIEB: I don't step on private
25 property.

1 MR. GOLDMAN: But when you step out onto the
2 back of the subject premises and you look to your
3 left in the back, there's a substantial portion of
4 14 that's reaching back there as well.

5 MEMBER GOTTLIEB: So it could be close to 16,
6 17 feet.

7 MR. GOLDMAN: I wouldn't speculate, but it is
8 -- it's back there. It certainly won't compromise
9 that extension in the back, certainly won't
10 compromise 14, and 22 as you know is Mr. Lifshitz'
11 property and it will have no contact.

12 CHAIRMAN KEILSON: Nothing can compromise his
13 property. Any other questions from the Board?

14 MEMBER WILLIAMS: No.

15 CHAIRMAN KEILSON: Any comments or questions
16 from the audience? Okay, after ample discussion
17 we are prepared to -- we're doing the balancing
18 test, and taking into consideration the hardship
19 imposed by the easement, we understand that
20 there's a particular situation there and the
21 compelling nature of these requests, these
22 variances. So without further ado, Mr. Rosen.

23 MEMBER ROSEN: I vote yes.

24 CHAIRMAN KEILSON: Mrs. Williams.

25 MEMBER WILLIAMS: Yes.

Kassai - 6/16/11

1 CHAIRMAN KEILSON: Mr. Feit.

2 MEMBER FEIT: Yes.

3 CHAIRMAN KEILSON: Mr. Gottlieb.

4 MEMBER GOTTLIEB: Yes.

5 CHAIRMAN KEILSON: And I'm for. And thank
6 you very, very much. Two years or whatever else.

7 MR. GOLDMAN: Thank you. It's a pleasure to
8 appear before you. Two years and we have to go
9 before the Board of Building Design.

10 (Whereupon, the hearing concluded at
11 8:50 p.m.)

12 *****

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 June 16, 2011
7 8:50 p.m.

8 APPLICATION:

9 Zahn
10 5 Rolling Hill Lane
11 Lawrence, New York

12 P R E S E N T:

13 MR. LLOYD KEILSON
14 Chairman15 MR. ELLIOT FEIT
16 Member17 MS. ESTHER WILLIAMS
18 Member19 MR. J. PHILIP ROSEN
20 Member21 MR. EDWARD GOTTLIEB
22 Member23 MR. MARK SCHRECK
24 Member25 MR. THOMAS V. PANTELIS, ESQ.
Counsel to BZAMR. GERALDO CASTRO
Building DepartmentMR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Zahn.

2 MS. ZAHN: My name is Lisa Zahn. My
3 architect is John Capobianco who will speak to the
4 specifics, but I just wanted to give you a little
5 background of what and why I'm requesting.

6 When I bought this house with my first
7 husband nearly eighteen years ago, we had two
8 children. We have not -- we never enlarged the
9 house. We never came before this Board for any
10 sort of variances. As you know, my husband is a
11 local interior designer. He personally came here
12 on behalf of many other clients, but the
13 shoemaker's children, as you know, go barefoot.

14 I have now four children, and as some of you
15 know I got engaged last night and will be marrying
16 somebody with three additional children. I am
17 seeking relief basically to put a master bathroom
18 in so that my new husband and my teenage daughters
19 don't have to share a bathroom.

20 While I'm squaring off the house, I do want
21 other things, but I believe that that master
22 bathroom is the only thing that is in violation of
23 the setback rules. There are no neighbors
24 objecting.

25 MR. CAPOBIANCO: John Capobianco, architect.

1 Basically, it's, you know, a regular lot with
2 a small front yard of Rolling Hill Lane. However,
3 the portion of the second floor that we're lifting
4 up to make larger is encroaching slightly into the
5 rear yard very slightly. As a matter of fact,
6 some portion of the rear yard the house is on an
7 angle so there are portions of it that do comply
8 with the rear-yard setback, but it's a small
9 triangular area in the -- actually, I guess it
10 would be like the northeast corner of the house,
11 and that would be the only thing projecting into
12 the rear yard and we feel it's, you know,
13 absolutely de minimis in nature and doesn't cause
14 any adverse effect to anybody.

15 CHAIRMAN KEILSON: Any questions from the
16 Board?

17 MEMBER FEIT: No.

18 MEMBER GOTTLIEB: Is there just one variance
19 requested?

20 MR. RYDER: Rear yard, that's it.

21 MEMBER GOTTLIEB: And it's only at a point?

22 MR. CAPOBIANCO: It's only a portion, at a
23 point.

24 MEMBER GOTTLIEB: It's not a blunt line?

25 MR. CAPOBIANCO: No, it's sitting on the

1 existing footprint of the house.

2 CHAIRMAN KEILSON: Does anybody have any
3 questions? Nobody in the audience.

4 So the Board has conferred and discussed it
5 and we've done the balancing test and we will go
6 for a vote and begin with Mr. Gottlieb.

7 MEMBER GOTTLIEB: Good luck.

8 CHAIRMAN KEILSON: Mr. Feit.

9 MEMBER FEIT: Good luck.

10 CHAIRMAN KEILSON: Mrs. Williams.

11 MEMBER WILLIAMS: For.

12 CHAIRMAN KEILSON: Mr. Rosen.

13 MEMBER ROSEN: For.

14 CHAIRMAN KEILSON: For.

15 MR. CAPOBIANCO: Two years.

16 CHAIRMAN KEILSON: Two years.

17 (Whereupon, the hearing concluded at
18 8:55 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

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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 June 16, 2011
7 8:55 p.m.

8 APPLICATION: Amar
9 200 Ocean Avenue
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. ELLIOT FEIT
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. J. PHILIP ROSEN
19 Member

20 MR. EDWARD GOTTLIEB
21 Member

22 MR. MARK SCHRECK
23 Member

24 MR. THOMAS V. PANTELIS, ESQ.
25 Counsel to BZA

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Amar.

2 MR. CAPOBIANCO: John Capobianco, architect,
3 159 Doughty Boulevard, appearing for Amar, 200
4 Ocean Avenue.

5 This variance that we're seeking is an
6 encroachment into the required front yard. As you
7 can see from the site plan that you have before
8 you, it's an arrow-shaped property, a very
9 irregular-shaped property. Ocean Avenue being the
10 larger of the two front yards, so therefore, it's
11 not the front yard it's a side yard, and Pond
12 Crossing happens to be the front yard which is
13 really the side of the house.

14 So when we look at the site plan and we had
15 indicated on the site plan a line that would
16 represent the 50-foot setback that is required,
17 and you can see that the existing house really at
18 the one corner is 45 and that the existing front
19 corner of the house is 39. So it's actually a
20 nonconforming residence now with regard to what
21 would be considered the actual front yard which is
22 really the side yard. We're proposing to do a
23 one-story addition, one and a half story if you
24 want to count a little cathedral ceiling in there,
25 but it's actually a one-story addition which would

1 be adding a family room to the house in the rear,
2 and an extra bedroom because it's mainly a ranch
3 house with a small second floor, a two-bedroom.

4 CHAIRMAN KEILSON: How long are they in the
5 house?

6 MR. CAPOBIANCO: They're in the house I think
7 about a year, year and a half, two years.

8 CHAIRMAN KEILSON: How many bedrooms are
9 existing?

10 MR. CAPOBIANCO: Right now there's two on the
11 first floor and two on the second floor, one being
12 very small.

13 CHAIRMAN KEILSON: So there are seven
14 children being contained in the master suite?

15 MR. CAPOBIANCO: No, the master suite is on
16 the first floor with the other two bedrooms. So
17 there's actually three bedrooms. It's a ranch.
18 There's three bedrooms on the first floor and now
19 this would be the fourth.

20 MEMBER ROSEN: Lots of kids.

21 CHAIRMAN KEILSON: A family of seven. What
22 is it, five kids?

23 MR. CAPOBIANCO: Yes.

24 MEMBER ROSEN: Lots of kids in two bedrooms.

25 MEMBER WILLIAMS: There's two more bedrooms

1 upstairs.

2 MR. CAPOBIANCO: Well, actually, it's a total
3 of three on the first floor now with the new room.

4 CHAIRMAN KEILSON: So prior to the
5 construction.

6 MR. CAPOBIANCO: Prior to the construction
7 there's really only two on the first floor and two
8 upstairs. One master bedroom on the downstairs
9 and one extra bedroom. That's what's existing.

10 MEMBER WILLIAMS: Let's not call it the
11 master bedroom. Two bedrooms downstairs and two
12 bedrooms upstairs.

13 MEMBER GOTTLIEB: Existing.

14 MR. CAPOBIANCO: Existing, two down, two up.

15 MEMBER GOTTLIEB: So four bedrooms.

16 MR. CAPOBIANCO: Right.

17 MEMBER WILLIAMS: And you want to add one
18 more downstairs?

19 MR. CAPOBIANCO: One more downstairs.

20 CHAIRMAN KEILSON: And a family room.

21 MR. CAPOBIANCO: And a family room.

22 MEMBER FEIT: Do I understand it correct that
23 although they're currently not in compliance with
24 the front-yard setback, you're trying to get them
25 into compliance by adding two feet to what it is?

1 You're showing existing 39.8 and you're proposing
2 41 as opposed to 50. You're actually adding two
3 feet from the backyard.

4 MEMBER WILLIAMS: How is that working?

5 MEMBER FEIT: Do I understand?

6 CHAIRMAN KEILSON: Front yard, front yard.

7 MEMBER FEIT: I'm looking at the code relief.
8 I'm looking at the code relief.

9 MEMBER WILLIAMS: It says permitted 50,
10 existing 39.8, proposed is 41.25.

11 MR. CAPOBIANCO: No, no. You know what
12 happened, the proposed 41.25 which is still less
13 than the required 50 is really -- there's two
14 setbacks for the house. There's a front and the
15 rear. The average is actually between the 39 and
16 the 45.

17 MEMBER GOTTLIEB: Which would be because the
18 curb line is not straight.

19 MR. CAPOBIANCO: Because the curb line is not
20 straight, that's correct. The property line is
21 curved, as you can see, and if you drew a line
22 50 feet back you could see that pretty much
23 there's a five-foot existing encroachment that's
24 already there. We're keeping the existing line of
25 the house. We're not changing it. We're not --

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1 you know, we're not building out past the existing
2 line of the house. It's just that it's following
3 the same line.

4 CHAIRMAN KEILSON: Are there any questions
5 from the Board? Any comments from the audience?
6 Seems not to be. The Board is conferring, doing
7 the balancing test, and we're going to vote.

8 We'll start with Mr. Rosen.

9 MEMBER ROSEN: I vote for.

10 CHAIRMAN KEILSON: Mrs. Williams.

11 MEMBER WILLIAMS: I vote for.

12 CHAIRMAN KEILSON: Mr. Feit.

13 MEMBER FEIT: For.

14 CHAIRMAN KEILSON: And Mr. Gottlieb.

15 MEMBER FEIT: For.

16 CHAIRMAN KEILSON: And it's for.

17 MR. CAPOBIANCO: Thank you very much.

18 MEMBER FEIT: You still have only have two
19 years, not four.

20 MR. CAPOBIANCO: Two years.

21 (Whereupon, the hearing concluded at
22 9:00 p.m.)

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

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

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 June 16, 2011
7 9:00 p.m.8 APPLICATION: Levy
9 270 Ocean Avenue
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman14 MR. ELLIOT FEIT
15 Member16 MS. ESTHER WILLIAMS
17 Member18 MR. J. PHILIP ROSEN
19 Member20 MR. EDWARD GOTTLIEB
21 Member22 MR. MARK SCHRECK
23 Member24 MR. THOMAS V. PANTELIS, ESQ.
25 Counsel to BZAMR. GERALDO CASTRO
Building DepartmentMR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Levy.
2 Will they or their representative please step
3 forward.

4 MR. NOVELLO: Good evening, Chairman, members
5 of the Board. My name is John Novello from Norman
6 Wax's office, 141 Washington Avenue, Lawrence,
7 New York 11559.

8 I'm here tonight on behalf of Sol and Etty
9 Levy, the owners of 270 Ocean Avenue. We are
10 proposing a one -- an additional one-car garage
11 attached to the existing garage, and we are
12 maintaining the existing basketball court.

13 What I'll do is I'll just go through each --
14 each denial and go through what our requests are.
15 The first one is for building area coverage. The
16 denial letter stated that we're allowed -- we're
17 allowed to have 4,499 square feet, and we are
18 requesting a building coverage of 5,681.

19 I'd like to point out that myself and my
20 client were in front of the Board back on
21 June 23rd of 2004, and variances were granted, and
22 a variance was granted back then for a building
23 coverage of 5,356.7 feet. So tonight's request --

24 CHAIRMAN KEILSON: Can I have the number
25 again.

1 MR. NOVELLO: 5,300.

2 CHAIRMAN KEILSON: One second.

3 MEMBER FEIT: 5,300 -- how much?

4 MR. NOVELLO: 56.7 square feet. So the
5 overage that we're actually requesting this
6 evening is 324 square feet.

7 MEMBER WILLIAMS: Above what you think was
8 granted in 2004?

9 MR. NOVELLO: Yes, exactly.

10 MEMBER FEIT: I have a problem with just what
11 you said. If we had granted six years ago, seven
12 years ago 5,356 square feet, you're putting now
13 that it's 5,406. They violated what we had given
14 them by 50 feet. Am I missing something?

15 MR. NOVELLO: Yes.

16 CHAIRMAN KEILSON: You are making reference
17 to the code relief sheet that we have which seems
18 to be inaccurate. So tell us the correct figures.
19 The code relief sheet reads existing 5,406, when
20 in fact it's 5,356.

21 MR. PANTELIS: No, he's saying -- did you say
22 that was granted?

23 MEMBER WILLIAMS: Where is the basketball
24 court in this picture?

25 CHAIRMAN KEILSON: No, no, no. That's

1 surface area.

2 MR. NOVELLO: I'm reading -- I'm reading the
3 denial letter, so I'll go back to my code relief.
4 The existing is 5,406, and the proposed is 5,681.

5 MR. PANTELIS: And what was granted by the
6 Board in 2004 according to -- it's not the
7 existing.

8 CHAIRMAN KEILSON: 5,356.

9 MR. PANTELIS: 5,356.

10 MR. NOVELLO: Again, I unfortunately believe
11 when the Building Department issues a denial
12 letter I don't think that they -- they just state
13 what's -- what's permissible under the code today,
14 and they make no mention of what was granted.

15 CHAIRMAN KEILSON: I understand. For our
16 purposes, we're reviewing it as if permitted is
17 5,356 because you were permitted to do that.

18 MR. NOVELLO: Exactly.

19 MEMBER WILLIAMS: So how do you have 4,406,
20 5,406?

21 CHAIRMAN KEILSON: The question is where the
22 5,406 comes from.

23 MR. NOVELLO: Well, the difference -- the
24 difference would be only, correct me if I'm wrong,
25 like 50 square feet. We -- well, there's a lot of

1 issues here. We're proposing a one-car garage and
2 we're maintaining a basketball court. When the
3 basketball court came to light, and it's already
4 existing there, the Building Department asked us
5 for a revised --

6 MEMBER WILLIAMS: When did the basketball
7 court go up?

8 MR. NOVELLO: They asked us for a revised
9 survey. When we received -- our office received
10 the new survey we calculated everything precisely,
11 we didn't want to, you know, have any
12 discrepancies and that's the number we came up
13 with.

14 CHAIRMAN KEILSON: 5,356.

15 MR. NOVELLO: No, fifty-four. The 50 square
16 feet extra. Where it came from I don't know.

17 CHAIRMAN KEILSON: So either 275 or 327 that
18 you're asking for tonight. Either five percent or
19 six percent above that which was granted.

20 MR. NOVELLO: Yes.

21 MR. PANTELIS: And that includes, that
22 coverage includes the basketball court, the 5,406?

23 MR. NOVELLO: No, that's surface coverage.

24 MR. PANTELIS: I'm sorry, okay.

25 CHAIRMAN KEILSON: So that takes care of

1 building.

2 MR. NOVELLO: So if your surface area
3 coverage -- let me look at the code. We're
4 permitted 10,257. Existing is 13,404 and that's
5 because of the existing basketball court.

6 CHAIRMAN KEILSON: What was granted under the
7 variance?

8 MR. NOVELLO: What was granted, I believe,
9 and again I don't have the figures in front of
10 me --

11 CHAIRMAN KEILSON: Do we have it, Mr. Castro?

12 MEMBER WILLIAMS: What do you think it was?

13 MR. NOVELLO: It's possible -- it's possible
14 that at that time there was no surface coverage
15 variance because we didn't --

16 MEMBER FEIT: Again, parroting Ms. Williams,
17 what year was the basketball court put in?

18 CHAIRMAN KEILSON: Hold on a second. You're
19 saying at the time of the variance in 2004 you
20 were not asking for a variance on the surface
21 coverage?

22 MR. NOVELLO: I believe not.

23 CHAIRMAN KEILSON: In which case then it
24 would have been 10,257?

25 MR. NOVELLO: Yes, yes, yes. But in the code

1 relief it's asking what is the existing.

2 CHAIRMAN KEILSON: No, I understand that. So
3 10,257 is in effect what's permitted.

4 MR. NOVELLO: Yes.

5 CHAIRMAN KEILSON: So now what you're asking
6 for this evening is the difference between 10,257
7 and 13,679?

8 MR. NOVELLO: That's correct.

9 MEMBER WILLIAMS: Somewhere along the line
10 there's another 3,000 there.

11 MEMBER GOTTLIEB: 31 something.

12 MR. NOVELLO: That's the basketball court.

13 MEMBER FEIT: When was it put in?

14 MS. LEVY: It wasn't put in, it was existing,
15 but it was covered with debris during
16 construction. I have Gary Knowles photos from --
17 who is the surveyor?

18 MEMBER WILLIAMS: You're saying the
19 basketball existed before 2004?

20 MS. LEVY: Right, we bought it with the
21 basketball court there. We weren't concentrating
22 on it because we were concentrating on building
23 our home and getting into it.

24 MEMBER WILLIAMS: So where is the extra 3,000
25 square feet?

1 MR. LEVY: The basketball court.

2 MS. LEVY: No, we resurfaced -- we resurfaced
3 the existing basketball court.

4 MEMBER WILLIAMS: It just wasn't counted in
5 the first time?

6 MR. LEVY: Correct.

7 MS. LEVY: Right, because it was covered with
8 -- covered with dirt during construction and we
9 weren't interested in it at all. We just were
10 focusing on -- we had four small children and we
11 were focusing on getting the house done and
12 getting in. And then once we started cleaning up
13 the property and doing the landscaping and all
14 that, and that is when we saw the basketball
15 court. And we cleaned it and resurfaced the
16 existing basketball court. And we do have the
17 2004 aerial and the 2007 aerial; it's in the exact
18 same location.

19 MR. NOVELLO: I guess we would like to submit
20 it.

21 MS. LEVY: You can see the existing house and
22 then the new house with the exact location.

23 MR. LEVY: The surveyor missed this in '04
24 because it was covered in debris.

25 MR. RYDER: Mr. Novello, what is the square

1 footage of the basketball court? For the record,
2 what is the total square footage?

3 MR. NOVELLO: It is 40 by 65.

4 MR. PANTELIS: There is an E-mail from the
5 surveyor, Mr. Neil Grange indicating that the
6 attached is a 2004 aerial photo along with the
7 2007 aerial photo as requested. The 2004 aerial
8 photo was obtained from the New York State GIS
9 site, and as stated before there must have been
10 construction debris or dirt obscuring the
11 basketball court asphalt at the time of the
12 survey. So he says three attached images, but
13 there are two.

14 MS. LEVY: Oh, no, here's another one. It's
15 very small.

16 MR. PANTELIS: They are small.

17 MS. LEVY: I mean, but you can --

18 CHAIRMAN KEILSON: We have an aerial photo
19 from when, 2004?

20 MR. CASTRO: 2004.

21 CHAIRMAN KEILSON: It's not showing a full
22 basketball court. What is it showing here?
23 Mr. Castro.

24 MR. CASTRO: It's a paved area.

25 CHAIRMAN KEILSON: Is it the size of a

1 basketball court or can't you tell?

2 MS. LEVY: It was debris.

3 MR. LEVY: Causeway was the entrance.

4 CHAIRMAN KEILSON: Would you, please.

5 MR. CASTRO: From this picture, no, you can't
6 tell though --

7 CHAIRMAN KEILSON: One way or the other.

8 MR. CASTRO: -- dirt from asphalt.

9 MEMBER GOTTLIEB: So it could have been a
10 driveway?

11 MR. CASTRO: From this picture you couldn't
12 say that it wasn't covered.

13 MEMBER ROSEN: Could we get from the surveyor
14 an affidavit saying what he saw at that point in
15 time?

16 MR. PANTELIS: He's not saying that he saw
17 it. I think he's just saying that I've obtained
18 the photographs, the GIS photographs. He's
19 basically saying it may have been covered, may
20 have not. He doesn't know.

21 MEMBER ROSEN: No, I'm not asking what he's
22 saying now.

23 MR. PANTELIS: Sorry.

24 MEMBER ROSEN: I'm asking whether they can
25 get from him -- will he give an affidavit?

Levy - 6/16/11

1 MR. LEVY: Absolutely. You can see a partial
2 court there.

3 CHAIRMAN KEILSON: For the record, state who
4 you are.

5 MR. LEVY: There was a pole there.

6 MS. LEVY: Well, When we did construction --
7 when we did construction we blocked off Ocean
8 Avenue completely and all of the trucks came in
9 from Causeway. It was an easier, I guess, outlet
10 for them to come in and out, because the house was
11 more towards -- towards -- away from Causeway. I
12 don't know south, north. I don't know the
13 terminology. So it was easier for the trucks to
14 just park on the property and not obstruct the
15 street when their construction was going on.

16 MR. PANTELIS: You're not arguing,
17 Mr. Novello, or the applicant that legally there
18 was a basketball court there. You're just saying
19 it probably was there.

20 MR. NOVELLO: Yes.

21 MR. PANTELIS: But the variance was not
22 requested for it.

23 MR. NOVELLO: Yes.

24 MEMBER FEIT: This construction debris which
25 covered the court, was that because of your

1 construction or prior construction?

2 MS. LEVY: No, our construction.

3 MEMBER FEIT: So then when you bought the
4 property, obviously, you walked the site, you
5 entered the contract, you had an inspection, you
6 wanted to get a survey, that paved property was
7 there, not covered by debris when you bought it?

8 MS. LEVY: Right.

9 MEMBER FEIT: So you knew it was there
10 already?

11 MS. LEVY: But we weren't concentrating on it
12 because we had small children. So I wanted to
13 move out and move in. We had -- you know, we had
14 two houses and we needed to finish quick, and I
15 wasn't concentrating on recreational things.

16 MEMBER FEIT: You have the survey that was
17 done prior to your buying the house which would
18 show it.

19 MR. LEVY: I don't think we had a survey.

20 MS. LEVY: No, because you know why, we
21 bought a house and we didn't care about the house
22 much. It was a very dilapidated house. I
23 basically didn't even walk into the house when we
24 bought it. I knew we were buying basically --

25 MEMBER GOTTLIEB: But there should have been

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1 a survey. Whenever you buy a property you're
2 going to get a survey so you know what the metes
3 and bounds are.

4 MS. LEVY: It was a foreclosure before us.

5 MR. PANTELIS: If I'm not mistaken I think
6 Mr. Grange who prepared the survey in 2004 is not
7 directly but indirectly saying I didn't show it on
8 my survey, it may have been there. Here's the
9 aerial photograph.

10 MEMBER SCHRECK: I think he's saying he
11 missed it.

12 MR. LEVY: Right, exactly.

13 MS. LEVY: And we weren't concerned with it.

14 MR. LEVY: Well, I can tell you this, the
15 actual base, that blacktop was used as a resting
16 area for all the lumber. It was the driest piece
17 of property and they left all the lumber on it.
18 The dirt from the trucks covered it over and over
19 and over. By the end of the construction there
20 was only about an eight-foot piece of asphalt
21 showing.

22 MS. LEVY: Showing because there was dirt
23 and --

24 MEMBER FEIT: No, but I'm confused. If
25 Grange did the survey prior to your closing on the

Levy - 6/16/11

1 house and starting the construction --

2 MS. LEVY: He didn't do one.

3 CHAIRMAN KEILSON: Let him finish.

4 MR. LEVY: He did the survey after the
5 construction was done.

6 MEMBER FEIT: Well, what about the survey
7 done before the construction before you entered
8 into the contract and signed?

9 MR. LEVY: I didn't get a survey. I bought
10 it from the Jungreises, believe it or not.

11 MS. LEVY: We bought it from the Jungreises.
12 They bought it at foreclosure.

13 MR. LEVY: From an auction. We bought it at
14 an auction. We didn't even have a -- we didn't
15 even need a survey.

16 MEMBER FEIT: Well, when you bought it from
17 him you would normally get a survey before you
18 closed.

19 MS. LEVY: But we didn't care because we were
20 really basically buying the property. We just
21 needed --

22 MR. LEVY: Yeah, I understand what you're
23 saying. If you go through banks you need surveys
24 and all, but we didn't need it.

25 MS. LEVY: We didn't need that.

1 MEMBER GOTTLIEB: But also, to come to this
2 Board you had to come with a survey the first
3 time.

4 MR. LEVY: You guys might have it in the file
5 somewhere, but I don't have it. The only one I
6 have is the first one that doesn't show it, and
7 the updated one of course that shows it.

8 MEMBER ROSEN: It sounds like the surveyor
9 messed up.

10 MR. LEVY: Yeah, he might have.

11 MS. LEVY: He might have missed it.

12 MR. LEVY: Again, it was covered with debris
13 for sure.

14 MR. NOVELLO: The aerial photographs show
15 that it existed back in 2004.

16 MEMBER WILLIAMS: So it was a mistake. So
17 there was a mistake and it really was there, which
18 is what the discrepancy between these two numbers
19 of existing and before, and now you're asking for
20 another 2,200 feet beyond what's existing.

21 MR. LEVY: Which is already black-topped.

22 MS. LEVY: We're asking for a garage, and let
23 me state why, because when we bought the house and
24 we built it we had a one-year-old, a
25 seven-year-old, a nine-year-old and an

1 eleven-year-old.

2 Now my daughter is seventeen and a half, and
3 she comes home at night and I want her to pull
4 into a garage. So and, you know, a few times
5 there have been incidents. That's why I'm getting
6 upset, because she's been followed, and my car was
7 broken into a few times in my driveway, and I
8 don't want her coming home --

9 MEMBER WILLIAMS: So was mine. That's a
10 Lawrence problem.

11 MS. LEVY: So I get very -- I get very
12 emotional with my children. There was just a
13 newsletter that you should park your car, if you
14 can, inside. So we already have -- it's a
15 driveway. I'll show you. Can I have the
16 pictures, please. No, not those, Sol's pictures.

17 It's already a driveway next to the two-car
18 garage which is completely covered in trees. You
19 can't see it from the street. You can't see it
20 from the neighbor. You can barely see it from my
21 house. So if I were to build another garage
22 there, it would -- it would completely not be
23 visible to anyone. But it would -- it would allow
24 my daughter to pull into a garage safely at night.

25 And then in the fall my son is turning of age

1 of driving and then he's going to start driving.
2 So I have four children and --

3 MEMBER WILLIAMS: What do you have now in
4 terms of garage space?

5 MS. LEVY: Two garage.

6 MEMBER WILLIAMS: And you want to put a
7 third?

8 MS. LEVY: Yes.

9 MR. NOVELLO: The proposal is only a
10 one-story garage addition. I believe we even
11 showed a flat roof. And the neighbor on our --
12 adjacent to us has a carriage house that's, you
13 know --

14 MEMBER FEIT: Mr. Novello, can I go back to
15 surface coverage for a minute.

16 MR. LEVY: Yes.

17 MEMBER FEIT: Permitted is 10,257. You did
18 not -- or 2004, there was no surface coverage --

19 CHAIRMAN KEILSON: Request.

20 MEMBER FEIT: -- request. You said the
21 basketball court is 65 by 40.

22 MR. NOVELLO: That's correct.

23 MEMBER FEIT: That is -- if my arithmetic is
24 correct, that's 2,600 square foot. You're saying
25 that would take it up to twelve eight. Existing

1 you're saying is thirteen four. Where is the
2 other 800 feet?

3 MR. NOVELLO: When we had the new survey
4 made, we recalculated everything. Some of the
5 numbers might be the picture that we just
6 submitted, the area that they're parking in now,
7 like the little spur off the circular driveway
8 that's been added, and possibly other areas by the
9 pool or walkways that increased it an extra
10 five --

11 MEMBER FEIT: I can understand the 50 feet on
12 the building coverage. The surveyor was off a
13 little bit. You had a more accurate surveyor.
14 But 800 square feet, that's an awful lot of square
15 feet to miss in the survey.

16 MR. NOVELLO: Well, When you say miss --

17 MEMBER FEIT: Well, you had 10,257. You're
18 showing existing thirteen four. And the
19 basketball court is twenty-six. That's 800 square
20 feet.

21 MR. NOVELLO: Back in 2004 there was not a
22 surface area request.

23 MEMBER FEIT: Right, and you're saying --

24 MEMBER GOTTLIEB: Because you were under the
25 10,257.

1 MR. NOVELLO: Exactly.

2 MEMBER FEIT: Right.

3 MR. NOVELLO: From 2004 up until today, 2011,
4 you know, we -- again, we had a new survey done
5 and we figured out what the existing surface
6 coverage is. You know, I can't pinpoint what it
7 is, but there's like a little slate walk from the
8 circular driveway into a side entrance. There's
9 another slate walk --

10 CHAIRMAN KEILSON: Without trying to pinpoint
11 it, what Mr. Feit is suggesting is that we have
12 800 square feet of surface coverage unaccounted
13 for that somehow got built without permission.

14 MR. NOVELLO: It's possible, yes, of course.

15 CHAIRMAN KEILSON: Well, is it possible or
16 it's reality?

17 MR. NOVELLO: Obviously, we stated it.

18 CHAIRMAN KEILSON: Right. So I'm saying at
19 this point in time we have over and above the
20 basketball court we have 800 feet that have been
21 built without permission.

22 MR. LEVY: It's possible the walkway here.
23 I'm not denying that.

24 MEMBER FEIT: Were plans with that walkway
25 ever filed with the Building Department?

1 MR. LEVY: Definitely not. I'm not going to
2 lie to you. No, it wasn't, no, but if you want
3 something filed, I file it.

4 MEMBER FEIT: So there was no building permit
5 for what may be the extra square footage.

6 MR. LEVY: For a flat walkway, no.

7 MEMBER GOTTLIEB: It also could be that third
8 car driveway.

9 MR. NOVELLO: Yes.

10 MS. LEVY: No, but that's on the original.

11 MR. LEVY: That was on the original. This is
12 '04, and it shows it and you can have these. This
13 is '04 and this is current so you can compare the
14 two (handing), and the asphalt that's existing was
15 there. That's the side carport.

16 MR. PANTELIS: This is the present survey?

17 MR. LEVY: Yes.

18 MS. LEVY: Yes.

19 MR. LEVY: I think you have the present one
20 though, right. This is my last copy.

21 CHAIRMAN KEILSON: I have a suggestion.
22 You're here tonight with a lack of definition as
23 to what occurred. We don't have the original
24 papers. We have to find them. But as presented
25 to us this document, the code relief is not

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1 accurate. We're lacking definition.

2 MR. NOVELLO: Well, why is it not accurate?
3 It's accurate to today's -- it's stating what's
4 permitted. It's stating what's existing and it's
5 stating what's proposed. The only discrepancy
6 would be what -- you know, from back in --

7 MS. LEVY: What was granted.

8 MR. NOVELLO: -- 2004 -- what was granted in
9 2004.

10 CHAIRMAN KEILSON: That's a very seminal
11 thing here in terms of what was granted.

12 MR. NOVELLO: But are we allowed to
13 provide -- you know, it's your records, you know.

14 CHAIRMAN KEILSON: No, there's obviously work
15 that's been done without permission.

16 MEMBER WILLIAMS: We're clear about what was
17 granted in 2004. What we're not clear is where
18 the extra space came from.

19 MS. LEVY: So we're talking about the
20 basketball court? No, it was existing.

21 Are we talking about maybe a walkway or two,
22 right? Is that what we're talking about? The
23 basketball was there; it's in the aerial from '04.

24 CHAIRMAN KEILSON: You step back. If this
25 petition --

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1 MS. LEVY: But that's part of the discrepancy
2 in your records.

3 CHAIRMAN KEILSON: Let me finish.
4 Mrs. Williams, let me finish.

5 If this application were presented as you are
6 existing today, if you came in here without the
7 basketball court, you know, as per the -- what
8 should have been granted, it would not be based on
9 the conditions that have been governing the Board
10 for the last period of time; it would not have
11 been granted, okay. So you have an existing
12 situation that happened somehow, and then you're
13 coming to us and asking us to expand upon it even
14 further. That's the difficulty we have.

15 MR. LEVY: Okay. The difficulty is exactly
16 what though? What would you like us to do? We'll
17 do whatever you want us to do. I mean, what are
18 we supposed to do?

19 CHAIRMAN KEILSON: Right now you don't even
20 know, you can't account for the fact that there's
21 800 square feet that somehow appeared.

22 MS. LEVY: No, but I think on one of the
23 surveys there was no surface area around the pool
24 that was approved, and on the second one there is
25 surface area around the pool that was approved.

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1 Now, when you do a pool there's obviously going to
2 be surface area around the pool, which isn't on
3 the first survey.

4 CHAIRMAN KEILSON: Those are numbers, 10,257.

5 MEMBER WILLIAMS: Those are numbers. Forget
6 about that.

7 MS. LEVY: But that's what I'm looking at,
8 because when we built the pool that was the second
9 hearing that we came for. We had to come back for
10 the pool. The first -- the first hearing we came
11 here for was the house. Then we came back for the
12 building of the pool.

13 MEMBER WILLIAMS: What year was -- what was
14 the year of the house, 2004?

15 MR. LEVY: Correct.

16 MS. LEVY: Yes.

17 MEMBER WILLIAMS: And what year was the pool?

18 MS. LEVY: The following year.

19 MEMBER WILLIAMS: 2005? You're saying
20 another variance was done in 2005?

21 MR. LEVY: No, the pool -- the pool was moved
22 to an existing location.

23 MS. LEVY: Was it a variance? It wasn't a
24 variance, but we came here.

25 MEMBER FEIT: This was just a --

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1 MR. LEVY: Just moving it from one location
2 to another. It was permits.

3 MS. LEVY: We redid something. And that was
4 approved, the pool was approved. The pool house
5 was approved.

6 MR. LEVY: I have the pool permit right here,
7 actually. Here, the pool permit was November
8 2005.

9 MS. LEVY: Right. So the pool was the
10 following year and that was approved.

11 MEMBER WILLIAMS: And that didn't require a
12 variance?

13 MR. LEVY: No.

14 MS. LEVY: No.

15 MR. LEVY: There was an existing pool and we
16 just moved it like ten feet.

17 MEMBER WILLIAMS: You moved it ten feet but
18 you increased the coverage or you didn't increase
19 the coverage?

20 MR. LEVY: Same size I think it was.

21 MEMBER WILLIAMS: So that doesn't answer the
22 question.

23 MS. LEVY: No, but I'm saying on the variance
24 on the survey here there's a pool on the first one
25 with no patio around it, and on the one now there

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1 is a patio around it.

2 MEMBER FEIT: So you did increase the size of
3 the pool and the surrounding area when you moved
4 the pool is what you're saying?

5 MS. LEVY: No, because when we bought the
6 house it was dilapidated.

7 MEMBER FEIT: That's not what I asked.

8 MS. LEVY: No, but I'm telling you was that
9 there was a pool with weeds around it. There was
10 no patio around the pool.

11 MEMBER FEIT: Right, we agree. So what you
12 did is when you moved the pool you added a patio.

13 MS. LEVY: Which we thought was part of the
14 approval of the pool.

15 MEMBER WILLIAMS: Why would you think that
16 extra footage --

17 MR. PANTELIS: If I may just, the applicant
18 submitted a survey prepared by Neil Grange. This
19 one is dated April 5th, 2006, and it shows a pool
20 without patio around it and it also shows or does
21 not show any indications of a basketball court.
22 And then if you compare it with the present survey
23 which has been submitted I think the Board can see
24 that there is considerable surface coverage.

25 MEMBER FEIT: So in 2006 already the debris

1 was off the basketball court.

2 MR. PANTELIS: No, well, it just doesn't
3 show. We don't know why the surveyor didn't --

4 MEMBER WILLIAMS: You can't tell me whether
5 it was there or it wasn't there?

6 MR. PANTELIS: Absolutely not, no.

7 MR. LEVY: You can by the aerial photos.

8 MS. LEVY: You can by the aerial photos. Of
9 course you can. If you go on --

10 MEMBER WILLIAMS: It's not there in that
11 picture.

12 MS. LEVY: But if you go on the Google Earth
13 pictures which are live pictures and you zoom in
14 you can see the poles and the basketball court
15 clearly.

16 MEMBER WILLIAMS: From the original?

17 MS. LEVY: From 2004, yeah.

18 MR. PANTELIS: You are saying in the same
19 size that you're proposing?

20 MS. LEVY: The exact same size and exact same
21 location.

22 MEMBER WILLIAMS: And patio to the pool?

23 MR. LEVY: No, the pool is something
24 different.

25 MS. LEVY: No, the pool -- you couldn't see

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1 the patio because the house --

2 MEMBER WILLIAMS: Was there a patio?

3 MS. LEVY: There must have been. You can't
4 have a pool without a patio. You can have a pool
5 with weeds? You can't have a pool with weeds.

6 CHAIRMAN KEILSON: Mrs. Levy, you can have
7 anything. You can have a pool without a patio.
8 That's why we have requirements. If you add it to
9 the surface coverage you had a requirement.

10 MS. LEVY: But I didn't -- no one told us
11 that we were above the surface coverage.

12 CHAIRMAN KEILSON: No one has to tell you.
13 No one has to tell you that.

14 MS. LEVY: We had a permit to build the pool.

15 CHAIRMAN KEILSON: I understand that. You
16 didn't submit it, obviously; we can go back to the
17 file. We would have to check on what
18 you submitted.

19 MR. NOVELLO: Well, we're here this evening
20 in front of the Zoning Board for a variance.
21 Unfortunately, you know, Mr. and Mrs. Levy are not
22 builders, they're not in construction. You know,
23 they're not -- they're not aware of what is
24 surface coverage. Surface coverage is a -- is a
25 zoning ordinance that's specific to certain

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1 villages only. Not every village in New York --

2 MEMBER WILLIAMS: Mr. Novello, we all live in
3 Lawrence, every single one of us here, and if
4 everyone just went ahead and did what they wanted
5 to do --

6 MR. NOVELLO: I'm just -- I'm just explaining
7 why they didn't file it.

8 CHAIRMAN KEILSON: And how it came about.

9 MR. NOVELLO: How it came about.

10 MR. PANTELIS: No, but what you're saying
11 is --

12 MS. LEVY: Yeah, but we also had a variance
13 for -- we had a pool house that was a shed
14 existing, and that was also transformed into a
15 pool house which is from the pool it is connected
16 to the pool. It's five feet away from the edge of
17 the pool.

18 MR. RYDER: Right on the property line.

19 MR. LEVY: And that was approved. It was
20 existing. We just rebuilt it.

21 MS. LEVY: It was an existing shed.

22 MEMBER WILLIAMS: Built the exact same size?

23 MS. LEVY: Exact same spot, everything.

24 MR. PANTELIS: With building permits?

25 MS. LEVY: Of course.

1 MR. LEVY: Absolutely.

2 MR. PANELIS: I'm just asking what was done.

3 MR. LEVY: Everything was with permits.

4 MS. LEVY: Everything was done with building
5 permits.

6 CHAIRMAN KEILSON: Let me understand. The
7 pool house was rebuilt with permits. How did you
8 come to be aware that you needed a permit to
9 rebuild the pool house?

10 MS. LEVY: Because we thought we had permits
11 for everything. That's -- we had permits for
12 everything. We had a permit for the pool. We had
13 a permit for the pool house and --

14 CHAIRMAN KEILSON: And a patio?

15 MS. LEVY: We assumed that we had a permit
16 for the patio. I mean, no one told us that we
17 didn't.

18 CHAIRMAN KEILSON: Did it appear on that
19 submission to the Village?

20 MR. LEVY: Absolutely, on the original
21 building plan.

22 CHAIRMAN KEILSON: Once again, the patio
23 appeared on the submission to the Village?

24 MS. LEVY: When the pool guy submitted the
25 pool plans he did it with the patio. He didn't do

1 it without a patio.

2 CHAIRMAN KEILSON: If that would have been
3 the case that would have triggered --

4 MEMBER WILLIAMS: The numbers would have
5 balanced. Where are the numbers coming from?

6 MS. LEVY: I don't know who didn't balance
7 the numbers. It's not my -- I don't do --

8 MEMBER WILLIAMS: Yes, it is. It's your
9 house. You're the one asking for the variance.

10 MS. LEVY: That's not my job. I don't
11 balance numbers.

12 MR. NOVELLO: There's a survey that was
13 submitted into evidence that Mr. Pantelis has that
14 shows where the pool -- and the pool and the
15 cabana, I'm assuming without today's patio.

16 MEMBER FEIT: That's correct. There are two,
17 one showed without and the other one shows with.

18 MR. NOVELLO: The one with is 2011. 2000 --
19 they said they went for a variance in 2004 and
20 2005 they rebuilt the pool and rebuilt the pool
21 house. And that's in 2006. So sometime after
22 2006 until now the patio was expanded.

23 MS. LEVY: No, but also on this original
24 permit for the pool we were approved for a fence
25 around the pool.

1 CHAIRMAN KEILSON: Therefore?

2 MS. LEVY: Therefore, isn't there surface
3 area between the edge of the pool and the fence?

4 MEMBER GOTTLIEB: There doesn't have to be.

5 MEMBER FEIT: Not if it's grass.

6 MS. LEVY: Okay, I didn't know that.

7 MR. LEVY: But the bottom line is we don't
8 understand the rules and regulations. If the
9 contractor put bluestone down in a little excess,
10 we apologize for that. There's nothing -- I mean,
11 it's there.

12 MS. LEVY: If you're getting a permit for a
13 pool with a fence six feet away from the pool,
14 don't you assume that the surface area around the
15 pool is part of the pool area?

16 MEMBER FEIT: You may assume, but we can't
17 assume anything. We have to follow what the law
18 is. And if you have a lawsuit against an
19 architect or a contractor or a builder, that's
20 something which is on your head because you
21 expected them to do the right thing and file the
22 plans. If they did not file them, that becomes
23 our responsibility and you could go sue them. But
24 you can't say we didn't know it so, therefore,
25 excuse us. We're not allowed to do that.

1 MEMBER WILLIAMS: If everything was added up
2 and it was as you say granted today, whether we
3 would grant it today or not would be irrelevant.
4 But the reality is it doesn't add up, and we would
5 not grant this today. So we're in a dilemma.

6 MS. LEVY: You wouldn't grant a patio around
7 a pool?

8 MEMBER WILLIAMS: I didn't say that.

9 MR. LEVY: The garage.

10 MEMBER WILLIAMS: What you're requesting now
11 with the coverage, with whatever you have, what
12 your house looks like now would never get a yes
13 today from us because of the basketball --
14 whatever. So the numbers don't add up.

15 CHAIRMAN KEILSON: Your request for surface
16 coverage is 33 percent above that which is
17 permitted.

18 MEMBER WILLIAMS: We would never allow that.

19 CHAIRMAN KEILSON: There has never been an
20 occasion when we permitted that type of an overage
21 on surface coverage.

22 MEMBER FEIT: That's a one-third increase.
23 You're not talking about a couple of points.

24 CHAIRMAN KEILSON: Are you aware there was a
25 letter sent in opposition from an anonymous

1 neighbor, I guess?

2 MS. LEVY: No.

3 MR. LEVY: No. Opposing what? Anonymous?

4 Anonymous means nothing. What is anonymous?

5 Anonymous could have been --

6 CHAIRMAN KEILSON: Mr. Levy, we'll weigh the
7 importance of the letter.

8 MR. LEVY: Yeah, okay, fine.

9 CHAIRMAN KEILSON: I want you to be aware
10 there's a neighbor that sent in a letter in
11 opposition and --

12 MS. LEVY: I wasn't aware of that because if
13 I was aware of that I would bring you a letter
14 from my neighbor directly across the street who is
15 the only one that would be impacted by it.

16 MR. PANTELIS: I think the Board is
17 indicating that they'll just give it appropriate
18 weight. They're not necessarily going to --

19 MEMBER WILLIAMS: That is a good idea for the
20 future.

21 MR. LEVY: We will.

22 MS. LEVY: We did. Previously, when we were
23 here for the variance for the house, there was
24 somebody opposed at the time. I don't remember.
25 It was somebody on Willow or Breezy Way or

1 whatever, and my neighbor directly across the
2 street did come to say that it doesn't affect her.

3 MEMBER WILLIAMS: If everyone was saying
4 that they were for it, then we would look at this
5 and say whoever this is obviously didn't live near
6 you, but since you didn't we have to assume that
7 the person lives near you.

8 MS. LEVY: No, but what I'm saying is the
9 person directly across the street from me is the
10 only one that can even see my house, and if I
11 would call her she would come right now.

12 CHAIRMAN KEILSON: I have a recommendation.
13 I will listen to the Board on my recommendation.
14 I think there's a lot of confusion as to what
15 occurred when. I personally feel that we need
16 some strong clarification. Perhaps you need
17 counsel to represent you in a more formal legal
18 sense, but certainly we need to clarify what
19 happened in 2004, what happened when the pool was
20 submitted. We have to look at the records of the
21 Village and find out a little more precisely what
22 was permitted and what wasn't permitted so we can
23 have a better appreciation of where we stand
24 today. It's just a lack of information. The
25 documents are certainly here, and I don't want to

1 spend the rest of the evening speculating as to
2 what might or might not be.

3 We have another date on July 20th. You're
4 more than welcome to come back, and hopefully by
5 that time the records will be clarified. We'll
6 have the Village make the file available to you.

7 MS. LEVY: But if it was submitted by a
8 surveyor, what can I clarify?

9 MEMBER FEIT: Mrs. Levy, if you want us to
10 vote on this now, we will vote on it as it is.

11 MR. LEVY: No, I don't want you to vote on it
12 now, absolutely not. We'll come back July 20th,
13 three days before my birthday, and you'll give me
14 a birthday present.

15 MR. PANTELIS: Perhaps, Mr. Novello, will
16 meet with Mr. Ryder to look at the files and try
17 to reconstruct that.

18 MS. LEVY: Yeah, but what would you like in
19 order to clarify?

20 MR. LEVY: To clarify the numbers.

21 CHAIRMAN KEILSON: What happened when, what
22 the numbers are, what was submitted.

23 MEMBER WILLIAMS: There has to be records
24 somewhere of what you asked for and what you were
25 given and what happened.

1 CHAIRMAN KEILSON: The submission regarding
2 the pool. I think it's very clear as to what you
3 need.

4 MEMBER ROSEN: The petition should go through
5 exactly what happened when you did the original
6 construction. You should attach an affidavit from
7 the surveyor saying that he missed it.

8 MR. LEVY: Right.

9 MEMBER ROSEN: And then just go through all
10 the numbers so they --

11 MR. LEVY: So they match up, okay.

12 MEMBER ROSEN: Exactly.

13 MR. PANTELIS: As best as you can. We may
14 come to the point where they still don't match up,
15 but at least it gives a clearer picture to the
16 Board as to what happened.

17 CHAIRMAN KEILSON: Are you requesting an
18 adjournment to July 20th?

19 MR. NOVELLO: Yes, I am. Thank you, good
20 night.

21 (Whereupon, the hearing concluded at
22 9:30 p.m.)

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

4
5 Mary Benci

6 MARY BENCI, RPR
7 Court Reporter
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