

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 June 27, 2012
7 7:30 p.m.

8 APPLICATION: Hartman
9 74 Lawrence Avenue
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

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

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals.

4 Mr. Castro, can we have proof of posting.

5 MR. CASTRO: Yes, Mr. Chairman, I offer you
6 proof of posting and publication.

7 CHAIRMAN KEILSON: Very good. Thank you
8 very, very much.

9 Mr. Pantelis, I think we'll dispense with the
10 preamble, as much as I think most of the faces are
11 familiar it.

12 MR. PANTELIS: It's out there; they've heard
13 it already.

14 CHAIRMAN KEILSON: They are familiar with the
15 process. We've posted the calendar for this
16 evening. I think the first case nobody is here to
17 represent. So we'll go to the second matter which
18 is Hartman. Will they or their representative
19 please step forward.

20 MR. HARTMAN: My name is Charles Hartman. I
21 live at 74 Lawrence Avenue. And here is my design
22 consultant, John Macleod, who is here to represent
23 the case. I have three letters from my neighbors
24 that show no objection to my project (handing).

25 MR. PANTELIS: Perhaps you can indicate for

1 the record the names and the addresses of the
2 individuals.

3 MR. HARTMAN: Sure.

4 MR. PANTELIS: And indicate where they are in
5 proximity to your residence.

6 MR. HARTMAN: Okay. The first one is
7 Haddassa Rauchwerger, who lives on 80 Lawrence
8 Avenue, which is one house to the left of 74. The
9 next one is Mr. Bane, who lives 60 Lawrence
10 Avenue, on the right of 74 Lawrence. And the
11 third one is Mr. Bobker who lives behind the
12 house.

13 MR. PANTELIS: So you have all three
14 adjacent.

15 MR. HARTMAN: Yes, all three adjacent.

16 MR. PANTELIS: Mr. Chairman, if we can mark
17 these as an exhibit.

18 CHAIRMAN KEILSON: Three letters. They all
19 wrote the identical letter, very impressive.

20 Okay. I believe, Mr. Hartman, you were
21 before this Board not too long ago for a variance.
22 If either you or your architect could describe
23 what happened the last time and what we're doing
24 this time.

25 MR. MACLEOD: Good evening. John Macleod,

1 595 Park Avenue, Huntington, New York. Good
2 evening, members of the Board.

3 We were here last year in July, I believe,
4 and we did at that time request a variance for a
5 rear-yard -- a rear-yard setback for a kitchen
6 addition, and a rear-yard height setback ratio
7 associated with a two-story addition adjacent to
8 that area.

9 CHAIRMAN KEILSON: Did you do that
10 construction?

11 MR. MACLEOD: We did not do that
12 construction. During the past few months my
13 client reconsidered the situation, had another
14 baby, his wife had another baby, and we decided --
15 they decided that they would like to continue with
16 their expansion of their house with a two-story
17 addition to the right-hand side, and in addition
18 to the kitchen and the one extra bedroom they were
19 adding in the rear, they will now have on the
20 two-story addition on the right-hand side of the
21 house they will have a library study on the ground
22 floor with a guest room and bathroom, and on the
23 second floor above that will be a new master
24 suite.

25 We were granted the variances last year for

Hartman - 6/27/12

1 the rear-yard setback for the kitchen, and we come
2 here to ask you for that same consideration. It's
3 a slightly different shape but the setback
4 requirement is virtually the same. We're
5 requesting a 33 foot 4 and a half inch setback to
6 one corner of that kitchen addition, which is the
7 one-story section of the house. And the height
8 setback ratio which was associated last year with
9 the peak of the bedroom, two-story bedroom
10 addition in the rear of the house we're
11 re-requesting that, and it is of a minimal nature.

12 If you'd like me to go down the list in
13 order, which is really what I should be doing.

14 CHAIRMAN KEILSON: Yes, you should.

15 MR. MACLEOD: So I'll start from the code
16 relief chart. Let's start on the top line here.
17 And we're requesting here for building coverage.
18 We are permitted to have 3,018 square feet of
19 building coverage, and the existing house is
20 2,199. The proposed is 3,193, which represents an
21 overage of 175 square feet, or 5.8 percent.

22 MR. PANTELIS: Now, that includes,
23 Mr. Macleod, anything that's being proposed as
24 part of this application, so that's a total, it
25 does not include -- it includes what was granted

1 before and what you're requesting now.

2 MR. MACLEOD: Yes, we're approaching this as
3 if we never did anything.

4 MR. PANTELIS: Fine.

5 MR. MACLEOD: And we're encompassing the
6 kitchen and the two-story bedroom addition in the
7 rear with the new work. So all of these numbers
8 represent the final product when we are completed.

9 The square footages that we're adding are --
10 there's a minimal amount of square footage added
11 in the front of the house. If you were to look at
12 the site plan or the plot plan, you will see that
13 we did square out the front bay of the current
14 dining room to give it a different shape which is
15 in keeping with the new style of this house which
16 we're changing the outside slightly to be a little
17 bit more contemporary. And that brings -- and
18 I'll just jump forward one step to the front-yard
19 setback because this is where the front-yard
20 setback request is. It's really, as you see, in
21 line with the existing bay window and just filling
22 in those two corners. And we're asking for a
23 one-foot-seven-inch variance in those two little
24 corner areas. But again, not projecting any
25 further forward than the house already is.

1 I'm going back to number one again to the
2 building coverage. The building coverage of 5.8
3 percent it represents us adding all of these rear
4 and side additions which the client has requested
5 these because of their growing family and they're
6 normal sized rooms within a house of this size and
7 within this neighborhood. So we think that
8 everything is appropriate in accordance with the
9 normal usage of this family home.

10 I'm skipping past number two because we
11 already talked about it. Number three, which is
12 the rear-yard setback, is the one that we
13 discussed last year, and that is just the one
14 corner of the kitchen. The other two-story
15 additions are not part of that variance. They're
16 actually at 40 feet or more away from the rear
17 yard.

18 And the last item is the height setback ratio
19 which is related to the peak of the bedroom
20 addition on the rear of the house. And although
21 it is slightly more than the required permitted
22 0.55, it's in fact 0.71, it is just referring to
23 the upper foot and a half of the peak of one small
24 section of the roof.

25 CHAIRMAN KEILSON: Mr. Macleod, how many

1 bedrooms do you anticipate having?

2 MEMBER WILLIAMS: It looks like nine from
3 what I'm seeing, correct?

4 CHAIRMAN KEILSON: Are you taking boarders?

5 MEMBER WILLIAMS: I see three on the
6 foundation floor, correct?

7 MR. MACLEOD: In the basement we did take
8 advantage of that additional basement space to add
9 two in on the right-hand side and one in the rear.

10 MEMBER WILLIAMS: That's three.

11 MR. MACLEOD: We do have three in the
12 basement and three bathrooms, three and a half
13 bathrooms. There's already an existing half a
14 bathroom there.

15 On the first floor there's a room which is
16 labeled guest room to the rear right corner, and
17 that will be used as a playroom for the kids, but
18 it could be doubled up as a guest room.

19 MEMBER HENNER: What is the meeting room?

20 MR. MACLEOD: The meeting room is for
21 religious studies for my client. He has a study
22 in the front for a private study and something a
23 little bit larger in the center for when groups
24 will gather for religious studies.

25 MEMBER WILLIAMS: Let me ask you something.

1 There's nine bedrooms, correct? By my count.

2 CHAIRMAN KEILSON: Let him finish. He was in
3 the middle. Go ahead.

4 MR. MACLEOD: On the second floor we have a
5 master, plus four, which is five. Five on the
6 second floor.

7 CHAIRMAN KEILSON: Nine bedrooms?

8 MEMBER WILLIAMS: If you want to call the
9 guest room a bedroom. But if you don't call the
10 guest room a bedroom --

11 MR. MACLEOD: We have eight.

12 MEMBER WILLIAMS: And what I do find and let
13 me just clarify, besides the normal kitchen,
14 dining room, breakfast, living room, we have a
15 playroom and a gym downstairs, we have a guest
16 room, a meeting room and a study and den, correct?
17 In terms of public rooms, common rooms, study,
18 meeting room, a guest room, which is really a sun
19 room, a den, and then another playroom downstairs
20 and a gym.

21 MR. MACLEOD: Correct.

22 MEMBER WILLIAMS: Okay.

23 MEMBER GOTTLIEB: So now that we know the
24 numbers, can we have any rationalization for eight
25 or nine bedrooms and a study.

Hartman - 6/27/12

1 MR. MACLEOD: Okay. So on the lower level we
2 have two guest rooms on the right-hand side for
3 visiting family members. And Charles, perhaps you
4 would like to describe the frequency of the guests
5 and how long they stay for.

6 MR. HARTMAN: Well, my wife comes from Brazil
7 and I come from Israel, and our families are
8 scattered around the globe. We usually have once
9 every month or two we have a guest coming in,
10 either my parents, Mariah's parents, her sisters.
11 We usually require one or two bedrooms for guests.
12 We realize that usually it's easier to have guests
13 have their own separate place and not be living
14 with us in the top floor, so that's why we wanted
15 to put these two bedrooms in the basement.

16 MR. MACLEOD: The smaller bedroom in the
17 basement is more of a help bedroom, for a
18 housekeeper, a nanny type of thing. The one on
19 the ground floor which is called the guest room is
20 really in case there is an additional weekend
21 guest staying. And like I said, most of the time
22 that will be used on a day-to-day basis as a
23 controlled play area.

24 MEMBER GOTTLIEB: So would there be any
25 intent to use the three rooms, the study, the

1 meeting room and the guest room? I see there's an
2 outdoor entrance into that area from the right
3 side of the house.

4 MR. MACLEOD: The outside entrance which was
5 considered useful for my client because if there
6 are people coming for religious studies they don't
7 have to come through all the --

8 MEMBER GOTTLIEB: So can I ask if this would
9 be used for any commercial purpose or would it
10 just be for a study and/or religious use?

11 MR. MACLEOD: No, there will be no commercial
12 purpose.

13 MEMBER GOTTLIEB: No dietician or therapy or
14 anything like that?

15 MR. MACLEOD: No.

16 MEMBER HENNER: I'm not clear. What does
17 that mean, people come for religious studies. Do
18 you teach?

19 MR. HARTMAN: I give classes.

20 MEMBER HENNER: You're a rabbi?

21 MR. HARTMAN: I give a daily class in my
22 synagogue, and I give several classes during the
23 week to people in my community.

24 MEMBER WILLIAMS: How many people come to
25 such a class to your house on average?

1 MR. HARTMAN: Depends. I would say four to
2 five.

3 MEMBER WILLIAMS: You're not having fifty
4 people coming to the house every day?

5 MR. HARTMAN: No.

6 MEMBER HENNER: That's nice of you to build a
7 room for them.

8 CHAIRMAN KEILSON: It's either that or a
9 bedroom.

10 MR. HARTMAN: Now it's in my living room, so
11 it's convenient.

12 MEMBER GOTTLIEB: Do we need to ask if it's
13 the in-laws or your parents who gets the basement?

14 CHAIRMAN KEILSON: Whoever gets there first.
15 Anyone in the audience who wants to speak to
16 the matter? Any other questions from the Board?

17 MEMBER GOTTLIEB: I have no questions.

18 CHAIRMAN KEILSON: So we have to evaluate the
19 benefit to the applicant as compared to any
20 detriment, of course, to the neighborhood and by
21 the standards of the neighborhood, and we'll vote
22 on that basis. Mr. Gottlieb.

23 MEMBER GOTTLIEB: Given that most of this
24 application was granted about a year ago, and the
25 addition is not substantial, I'm very much in

1 favor of this application, particularly given the
2 use upon which you need it.

3 CHAIRMAN KEILSON: Mrs. Williams.

4 MEMBER WILLIAMS: It's rather large, but I'll
5 vote for.

6 CHAIRMAN KEILSON: Mr. Schreck.

7 MEMBER SCHRECK: I'm going to vote for as
8 well.

9 CHAIRMAN KEILSON: Mr. Henner.

10 MEMBER HENNER: Yes, for.

11 CHAIRMAN KEILSON: I'll vote for as well.
12 Two years.

13 MR. MACLEOD: Two years would be very good.
14 Thank you very much.

15 CHAIRMAN KEILSON: You did the boring test
16 already, right?

17 MR. RYDER: Yes.

18 CHAIRMAN KEILSON: Fine.

19 (Whereupon, the hearing concluded at
20 7:52 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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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 June 27, 2012
7 7:52 p.m.8 APPLICATION: Hirt
9 71 Muriel Avenue
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman14 MR. EDWARD GOTTLIEB
15 Member16 MS. ESTHER WILLIAMS
17 Member18 MR. LESTER HENNER
19 Member20 MR. MARK SCHRECK
21 Member22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney24 MR. GERALDO CASTRO
25 Building DepartmentMR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Hirt. Will
2 they or their representative please step forward.

3 MR. ROSENFELD: Meir Rosenfeld, 466 Central
4 Avenue, second floor, Cedarhurst, New York, on
5 behalf of the petitioner, who would have been here
6 today but was called away on urgent business. And
7 I just spoke to him; he was on the runway taking
8 off for Europe, so his apologies.

9 CHAIRMAN KEILSON: On the runway?

10 MR. ROSENFELD: Yeah, like one of those turn
11 off your phone, I have to talk to my lawyer.

12 CHAIRMAN KEILSON: Maybe he was playing
13 basketball somewhere.

14 MR. ROSENFELD: No, I don't believe. He's
15 probably on Yeshiva University business.

16 The proposed addition here is not a structure
17 at all, but rather a basketball court which
18 currently, as you can see on the photographs, is
19 in the driveway as are several others in the area.
20 However, my client believes that his kids should
21 -- would be safer and their friends would be safer
22 if the basketball court were moved off of the
23 front of the house, as Muriel, although it's not a
24 heavily traveled street, it is a through street
25 and it does get quite a bit of traffic and it's

1 harder for parents to supervise where the
2 basketball court currently is. They'd like to
3 move it to the back where they already have a
4 swimming pool, and there is a perfect location for
5 it, which you can see on the -- on the scale
6 drawings. It nestles in very well to the house.

7 CHAIRMAN KEILSON: The perfect location
8 doesn't have encroachments though.

9 MR. ROSENFELD: A near-perfect location, an
10 aesthetically perfect location. I will say that
11 the -- well, the basketball court anywhere is a
12 seven percent overage on coverage over the
13 existing, and about approximately 20 percent over
14 what's required. The encroachment aspect of it is
15 less than two feet. I will also point out -- I'm
16 sure the Board has been to the site, as I assume
17 it's still an active Board or a hot Board and
18 still goes to check out the premises. There is
19 virtually no way that this is visible from the
20 front of the house. The chimney extends just as
21 far as the basketball court will. The neighboring
22 house is set back approximately 35 feet from the
23 property line which makes it approximately -- I
24 actually did the calculation -- about 53.6 feet.

25 CHAIRMAN KEILSON: To the basketball court?

1 MR. ROSENFELD: To the basketball court. And
2 there is mature arborvitae and growth there. And
3 I would also set forth for the Board that the
4 neighbor's swimming pool is the -- is the existing
5 structure that is closest to my clients.

6 CHAIRMAN KEILSON: Parallel to the basketball
7 court, proposed basketball court?

8 MR. ROSENFELD: Is it parallel? Well, it
9 looks like the swimming pool, I believe -- I
10 didn't go on the neighbor's property, but it looks
11 like that runs east to west, and the proposed
12 basketball court, although it's not perfectly
13 square, it's somewhat square with a little bit of
14 -- it's a little bit elongated perpendicular to
15 the pool. The reason -- the reason that the pool
16 -- that the basketball court -- thank you -- I
17 supplied also an aerial view with an outline of
18 where it will go. The Board can clearly see that
19 there is very much coverage and insulation of
20 where the basketball court will go. The reason
21 that we need -- that we're seeking that one --
22 approximately one and a half foot encroachment is
23 because the -- two reasons, two very good reasons.

24 The first reason is if the basketball court
25 were to be pivoted 90 degrees, his young kids

1 would be breaking two banks of windows on a
2 regular basis. There's that side if you're facing
3 the court, if the basketball court were over here,
4 there's two large banks of windows which would --
5 which would prove not only to be a nuisance when
6 they're broken, but it's also somewhat of a
7 hazard. His kids are not as good as he is. They
8 need a little bit of practice. With the basket
9 facing where it's proposed there is just a brick
10 wall there.

11 The second and possibly more important reason
12 that it's that way is that if it were to be
13 pivoted around it would run afoul of the dry wells
14 that are currently in place for the swimming pool.
15 And that leads me to a convenient segue to state
16 that we have taken -- there is an existing dry
17 well system and drainage system on the premises
18 now that is rated at the three inches per hour
19 that the Village requirements mandate, and it's
20 certainly in their interests and in everybody's
21 interest to make sure that they can keep the area
22 as dry as possible.

23 MEMBER GOTTLIEB: I have a few questions
24 about the beginning of what you said.

25 CHAIRMAN KEILSON: Please, I just have one

1 question. You have a letter from that neighbor
2 who's most affected?

3 MR. ROSENFELD: That neighbor there's E-mails
4 between them, between the two of them. He didn't
5 get them to me in time.

6 CHAIRMAN KEILSON: In short, you don't have
7 it?

8 MR. ROSENFELD: What?

9 CHAIRMAN KEILSON: In short, you don't have
10 one?

11 MR. ROSENFELD: Not on me, no, but it's out
12 there in cyberspace, but he has endorsed the plan.

13 MEMBER WILLIAMS: Who is the person?

14 MEMBER HENNER: Gerber?

15 MR. ROSENFELD: I'm sorry?

16 MEMBER HENNER: Gerber?

17 MR. ROSENFELD: No, Gerber is across the
18 street. Moskowitz?

19 MEMBER HENNER: Gerber's not across the
20 street.

21 MR. ROSENFELD: I'm sorry, not Gerber.
22 Gelbtuch is across the street. The neighbor who
23 would be most affected is Moskowitz.

24 MEMBER WILLIAMS: And they E-mailed you that
25 it's acceptable?

1 MR. ROSENFELD: That is my understanding.
2 That's what my client told me.

3 MEMBER GOTTLIEB: You mentioned that you
4 don't want kids playing in the driveway because
5 the ball goes into the street.

6 MR. ROSENFELD: Correct.

7 MEMBER GOTTLIEB: How old are these kids?

8 MR. ROSENFELD: The Hirts have nine children
9 and they range in age from --

10 MEMBER WILLIAMS: Six.

11 MEMBER SCHRECK: Six children, I think.

12 MR. ROSENFELD: When you're up to six -- they
13 have a number of children but that's what I meant,
14 six to nine. They are younger children. I was at
15 the property today and they are early childhood
16 age. They're fifth and fourth graders.

17 MEMBER GOTTLIEB: I understand safety is an
18 issue, but you've also got a pool in the backyard
19 which now creates another issue. Do you want a
20 whole bunch of kids playing in the backyard next
21 to the pool?

22 MR. ROSENFELD: It's not next to the pool.
23 There is still a fence around the pool anyway to
24 comply with state law. So that's --

25 MEMBER GOTTLIEB: I had to bring it up.

1 MR. ROSENFELD: No, I understand, and thank
2 you for bringing it up, because I actually had an
3 answer for it.

4 MEMBER GOTTLIEB: So getting back to not the
5 surface coverage but into the side yard --

6 MR. ROSENFELD: Encroachment.

7 MEMBER GOTTLIEB: -- encroachment. So we are
8 one foot ten inches into that variance.

9 MR. ROSENFELD: Yes.

10 MEMBER GOTTLIEB: Could the length of the
11 court be 28 feet 2 inches, instead of 30 feet, or
12 is that out of regulation?

13 MR. ROSENFELD: Not only is it already out,
14 but what we had originally submitted was a
15 35-foot-court to make it more regulation. I told
16 him on my own that just based on my experience
17 that it would not fly with the Board. It's too
18 much overage and there's no valid reason for it.
19 Using the weighted test of the benefit to the
20 homeowner, he reluctantly conceded that the
21 benefit to him will not be diminished that much by
22 shortening it to 30.

23 MEMBER HENNER: I don't mean to interrupt
24 you, but the court, when you say regulation, it's
25 a half court, it's not a full court basketball

1 court, right?

2 MR. ROSENFELD: Believe it or not, there is
3 regulation half court.

4 MEMBER HENNER: This is half court?

5 MR. ROSENFELD: Yes. There will not be a
6 basket.

7 MEMBER HENNER: As far as the size is
8 concerned, unless I'm mistaken, it's still plenty
9 bigger than what's on the driveway. I don't think
10 the driveway is of this dimension.

11 MR. ROSENFELD: Well, the driveway, there's a
12 large circular driveway in front, so
13 theoretically --

14 MEMBER HENNER: You can't dribble around the
15 whole circular driveway as part of the game?

16 MR. ROSENFELD: No, no, but it does go -- if
17 you look, it's an interesting point that you're
18 raising because if you look at the survey, the
19 basket currently -- the backboard is situated
20 literally at the far end of the most amount of
21 feet, so which creates a hazard not only for the
22 ball going into the street but also the circular
23 driveway when people want to come in to park in
24 front of the house.

25 MEMBER HENNER: So the reason for not having

1 the basket pivoted is because?

2 MR. ROSENFELD: Two reasons. The bank of
3 windows that would be directly in the line of
4 fire.

5 MEMBER HENNER: That would be if the
6 backboard was against the building, correct?

7 MR. ROSENFELD: Yeah, correct.

8 MEMBER HENNER: But if the court were pivoted
9 and the backboard was closer to the pool.

10 MR. ROSENFELD: It's rather unsightly to have
11 a backboard just standing up in the middle of the
12 backyard.

13 MEMBER HENNER: I've had occasion to have an
14 unsightly backyard with a pool; I have a
15 basketball hoop myself. I have been faced with
16 that dilemma.

17 MR. ROSENFELD: It's all a question of
18 relativity. But, however, the more important
19 consideration is that that area, and frankly, I
20 don't know if it's even possible because, as I
21 say, there are dry wells there and you might,
22 like, you know, the basket might fall in. That
23 is, I mean, I will tell you my client is not here,
24 but he is a very well thought out person and
25 considered really all the -- all of the

1 alternatives before coming to --

2 CHAIRMAN KEILSON: Maybe you should wait till
3 he returns and we can question him.

4 MR. ROSENFELD: If you feel that that's
5 appropriate. I can't call him. But he entrusted
6 me with representing his interests and his weight
7 considerations.

8 CHAIRMAN KEILSON: That was appropriate.

9 MR. ROSENFELD: Thank you.

10 CHAIRMAN KEILSON: Anyone from the audience
11 who wants to comment or question?

12 (No response.)

13 CHAIRMAN KEILSON: Okay, any further
14 questions from the Board?

15 MEMBER GOTTLIEB: I thought maybe the
16 homeowner should give us a little more explanation
17 of why there is a need, and if there's any other
18 way to accommodate if two of the five of our
19 criteria are not sufficiently met. That's just my
20 opinion. It's not for lack of good counsel.

21 MR. ROSENFELD: Thank you. Which, if I may
22 ask, are not met?

23 MEMBER GOTTLIEB: The need is more of a want.
24 Everybody would like a half court basketball
25 court. And in terms of another way of

1 accomplishing this you're saying that it can't be
2 done because of the dry wells and because of the
3 windows. By the way, a bad shot from the side
4 will end up in the windows anyway.

5 MR. ROSENFELD: It's much more likely to end
6 up when you're aiming for the basket.

7 But, Mr. Gottlieb, I will, if I may just
8 address your initial comment. You're right, it is
9 a question of need, as are many, virtually all the
10 swimming pools in the Village of Lawrence, all the
11 tennis courts, several of the other --

12 MEMBER WILLIAMS: All the swimming pools are
13 because people have knee problems.

14 MR. ROSENFELD: It's an amazing thing how
15 sick people are in Lawrence.

16 MEMBER GOTTLIEB: You're one of the master
17 presenters for the need for swimming pools.

18 MR. ROSENFELD: Correct. In all
19 truthfulness, as I always try to be, this is a
20 question of -- you're right, they could live
21 without a basketball court. They currently do
22 have a basketball court, as do many homes. The
23 question is not whether they should have a
24 basketball court or not, because they could
25 continue having one in the front of their house.

1 The considerations are aesthetics probably 10
2 percent, safety for the children probably 90
3 percent. So given that, you're right, it doesn't
4 necessarily meet the test ab initio, but there is
5 comparatively good need to have this basketball
6 court placed in the rear rather than where it
7 exists now.

8 MEMBER HENNER: Are they aware of the time
9 constraints that I understand, which I wasn't
10 until before tonight, that you can't use these
11 things after certain hours? You can't have
12 lights.

13 MR. ROSENFELD: After I think ten, right?

14 CHAIRMAN KEILSON: Is it their intention to
15 post lights there?

16 MR. ROSENFELD: Absolutely not, absolutely
17 not. Probably would have enough light from the
18 windows on the side.

19 MEMBER HENNER: Especially the broken
20 windows.

21 MR. ROSENFELD: Only from the right side.
22 That's the best as I can answer you.

23 CHAIRMAN KEILSON: Is the Building Department
24 satisfied with the drainage concerns being
25 addressed? Do you want to have that as part of a

1 provision?

2 MR. RYDER: I like what Mr. Rosenfeld has
3 said tonight. I'd like to see that on a site
4 plan.

5 MR. ROSENFELD: Absolutely. It will be
6 submitted from the contractor who does it.

7 MR. RYDER: Great. That should be
8 sufficient.

9 CHAIRMAN KEILSON: Okay. Any further
10 questions from the Board?

11 (No response.)

12 CHAIRMAN KEILSON: I think in evaluating the
13 criteria, we were just talking about the question
14 of pivoting the court, not pivoting the court. I
15 don't think the encroachment is that egregious
16 that it really warrants further discussion of
17 bringing your client back from where?

18 MR. ROSENFELD: I believe Europe.

19 CHAIRMAN KEILSON: From Europe. And I'm sure
20 it's well thought out, so obviously he wouldn't
21 have to answer our questions.

22 Okay, Mr. Henner.

23 MEMBER HENNER: I'm in favor of it. I just
24 want to add that I'm assuming if there was a
25 neighbor who was opposed they would have been here

1 or contacted somebody. By the same token, I'm
2 doing it a little bit on your representation that
3 there was such an E-mail that somehow the fastest
4 form of communication known to mankind couldn't
5 get to anybody. But okay, but that the neighbor
6 next-door is not objecting and in fact in favor of
7 it, I'm in favor of it too.

8 CHAIRMAN KEILSON: Mr. Schreck.

9 MEMBER SCHRECK: I'm in favor of it as well.
10 I don't think the encroachment is substantial.

11 CHAIRMAN KEILSON: Mrs. Williams.

12 MEMBER WILLIAMS: I'm in favor.

13 CHAIRMAN KEILSON: Mr. Gottlieb.

14 MEMBER GOTTLIEB: Based upon the fine answers
15 to my questions, I'm in favor of this application.

16 MR. ROSENFELD: Thank you. I would like to
17 have the nine kids stricken from the record just
18 in case anybody sees that. I didn't mean that.

19 CHAIRMAN KEILSON: I vote for.

20 MR. ROSENFELD: Thank you.

21 CHAIRMAN KEILSON: Again, this should be one
22 year.

23 MR. ROSENFELD: Yes, one month probably.

24 CHAIRMAN KEILSON: Okay, one year. And
25 again, please make sure with the Building

1 Department.

2 MR. ROSENFELD: This goes to ARB?

3 MR. RYDER: No, it's in the rear, but the
4 plans for the dry well.

5 MR. ROSENFELD: You'll have them probably
6 this week. Thank you.

7 (Whereupon, the hearing concluded at
8 8:08 p.m.)

9 *****

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

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 June 27, 2012
7 8:08 p.m.

8 APPLICATION: HLV Associates
9 305 Central Avenue
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

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

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: HLV Associates, anyone on
2 their behalf?

3 MR. NOVELLO: Good evening, Chairman, members
4 of the Board. My name is John Novello,
5 141 Washington Avenue, Lawrence, New York.

6 This evening I'm here on behalf of
7 HLV Associates, also known as Prime Bistro,
8 located at 305 Central Avenue. We are seeking a
9 variance for seasonal outdoor seating for ten
10 people. The restaurant is set back from the
11 sidewalk and the adjoining building allowing us
12 for the patrons to sit comfortably without
13 obstructing the sidewalk. We do not see any
14 increase in the amount of patrons, but as a
15 seating option for the patrons to enjoy on a nice
16 summer day.

17 If the Board has any questions, we're more
18 than happy. The owner of the restaurant is
19 sitting in the audience.

20 CHAIRMAN KEILSON: Maybe he will come forward
21 to answer some of our questions. For the record,
22 please give us your name.

23 MR. BITTON: My name is Raphy Bitton,
24 B-I-T-T-O-N, R-A-P-H-Y.

25 CHAIRMAN KEILSON: Address.

1 MR. BITTON: My address is 305 Central
2 Avenue, Lawrence. The name of the restaurant is
3 Prime Bistro.

4 CHAIRMAN KEILSON: I think our greatest
5 concern is that is probably the most congested
6 corner in our community. We're all very sensitive
7 to what goes on there on a daily basis with the
8 buses, with the cars, with the stop and go and
9 pedestrian traffic. And we're really very, very
10 concerned about adding a distraction at that
11 corner. People sitting there, pedestrian traffic.
12 Again, it's recessed, I understand, but what will
13 follow is that other restaurateurs will be
14 interested in having the same privilege; and there
15 are at least three or four or five on the block.
16 Six we counted there may be between both sides of
17 Central Avenue, and so it's a very big concern to
18 us.

19 MR. NOVELLO: Again, as I stated earlier,
20 it's a seasonal seating option, and we don't --
21 you know, we don't feel that it's going to cause
22 an increase in the amount of patrons. Obviously,
23 you know, if it's a nice day, someone might want
24 to sit outside as opposed to inside. And we --
25 you know, the owner will -- to be more specific,

1 we don't anticipate a greater amount of patrons in
2 the restaurant because of it. And again, it's
3 only seasonal, so it might be for, you know, three
4 months out of the year.

5 MEMBER HENNER: I don't understand what you
6 just said, I'm sorry. You said you don't
7 anticipate additional patrons. What's the point
8 then?

9 MR. NOVELLO: No, no. In other words, if you
10 came in for dinner and it's a nice day, as opposed
11 to sitting inside, you could opt to sit outdoors.

12 MEMBER HENNER: How many does your --

13 MR. NOVELLO: Ten seats.

14 MEMBER HENNER: No, no, no. Inside, how many
15 does it hold?

16 MR. BITTON: It holds about 145.

17 MEMBER HENNER: 145, okay. Is there any -- I
18 haven't been there yet.

19 MR. BITTON: Okay.

20 MEMBER HENNER: Is there -- I'm working my
21 way across Central Avenue. I just haven't gotten
22 to your end. What's in the back?

23 MR. BITTON: In the back there's a private
24 parking that belongs to the owners of the
25 building.

1 MEMBER HENNER: It's just parking?

2 MR. BITTON: Parking, yeah.

3 MEMBER HENNER: In other words, there
4 wouldn't be room in the back to put ten seats?

5 MR. BITTON: Correct. Otherwise, I would
6 have done it.

7 CHAIRMAN KEILSON: Yeah, because we had done
8 that for Sunflower and, therefore, it wasn't of
9 concern to us.

10 MEMBER WILLIAMS: I'm not worried about
11 having 145 patrons or 150 patrons. That's not my
12 concern. I'm more concerned about the
13 distraction. I find that a very busy corner. I
14 think there are buses on that corner, as opposed
15 to I was thinking about other places in town in
16 the Five Towns that have those sorts of things
17 where the streets may be wide and don't have that
18 kind of -- I can see people turning right over
19 there and calling, hi Joe, and there's all kinds
20 of things going on. I'm very, very concerned
21 about that. There's also, if you look at the
22 pictures, there's a bench right there. I can see
23 people having to walk around. It just seems like
24 not a very comfortable place for that sort of
25 thing.

1 MR. NOVELLO: Again, our building is set back
2 approximately ten feet from Stefans, and Stefans'
3 building, actually, you know, is closer to
4 Central Avenue and it creates a little alcove
5 which other restaurants do not have along
6 Central Avenue.

7 MEMBER WILLIAMS: Well, there are two or
8 three restaurants on that block. The coffee bar
9 is just as set back as you are. So is the sushi
10 place is just as set back as you are. I can see a
11 whole row of tables going right down
12 Central Avenue.

13 MR. NOVELLO: Well, again, you know, your
14 concern was that, you know, the sidewalk --

15 MEMBER WILLIAMS: I have multiple concerns.
16 I have multiple concerns.

17 MR. NOVELLO: There's a tremendous distance
18 from Stefans to the curb, and our building is set
19 back and we're only requesting ten seats. It's
20 modest, and it fits comfortably in that little,
21 little area. And again, it's not going to be used
22 all yearlong. It's just basically for the summer
23 months, and it's just a amenity to their patrons
24 who would like to sit outside. I mean, obviously,
25 there's nights that are cold and windy that, you

1 know, no one is going to want to sit out there
2 regardless.

3 MEMBER WILLIAMS: You feel like it's not
4 going to happen often enough to be an issue; is
5 what you said?

6 MEMBER GOTTLIEB: Do we have any reports on
7 traffic fatalities caused by inattentive drivers
8 or distracted drivers? Have there been any
9 vehicle-caused deaths along this stretch of
10 Central Avenue?

11 MEMBER SCHRECK: I recall one a couple of
12 years ago, yes. I think someone was making a
13 U-turn and there was a fatality.

14 MR. RYDER: That intersection of
15 Rockaway Turnpike, I don't know the stats.

16 MR. PANTELIS: I think one of the things, if
17 I may, just from a legal standpoint that the
18 applicant should understand is that the use itself
19 is not a permitted use, which makes it different
20 from a regular variance. It becomes a use
21 variance. And under those circumstances the Board
22 is very, very constrained to grant one and then
23 have a situation where others are going to be
24 coming in for a use variance, and the Board not,
25 you know, having set that kind of a precedent. I

1 don't know what the Board intends to do here, but
2 in the event the Board were not to approve this,
3 then this is something you may want to bring to
4 the Board of Trustees of the Village and ask them
5 if they would consider making this a special-use
6 permit which would then put the entire application
7 in a different light, not only for you, but
8 perhaps for other owners of similar businesses.
9 But again, I don't know what the Board wants, but
10 it is a legal question.

11 MEMBER GOTTLIEB: Do you have a liquor
12 license? I look at you, John, because I --

13 MR. BITTON: Yes, I do.

14 MEMBER GOTTLIEB: So there will be liquor
15 served outside?

16 MR. BITTON: Correct.

17 MEMBER GOTTLIEB: Mr. Pantelis, are we
18 permitted -- is that a separate permit?

19 MR. PANTELIS: No, that's not within the
20 purview of this Board typically, because the State
21 Liquor Authority regulates the manner in which and
22 places where alcohol can be served.

23 MEMBER GOTTLIEB: So generally speaking, can
24 alcohol be served, open bottle, outdoors?

25 MR. PANTELIS: That would really depend on

1 their license.

2 CHAIRMAN KEILSON: Okay. Any further
3 questions from the Board? Any comments or
4 questions from the audience?

5 MEMBER GOTTLIEB: Another question for our
6 attorney, please. Should this be granted, is this
7 passed on from owner to owner of this
8 establishment? Should this establishment do
9 extremely well and they take a much larger
10 restaurant, and now the restaurant that comes in,
11 can they assume their grant in use?

12 MR. PANTELIS: Typically, yes, it would;
13 unless, you were to in some way in this particular
14 case restrict that, but I think your underlying
15 problem is, you know, the use variance aspect of
16 it.

17 MEMBER GOTTLIEB: Right, as you've just
18 mentioned.

19 MR. PANTELIS: A conditional-use permit would
20 allow you to fashion lots of different remedies.

21 MEMBER WILLIAMS: So if Nathan's moved in,
22 they would be able to have outdoor seating?

23 MR. PANTELIS: Yes.

24 CHAIRMAN KEILSON: Okay, so the Board will
25 take a vote at this time. Mr. Henner first.

HLV Associates - 6/27/12

1 MEMBER HENNER: I'm not in favor of it.

2 CHAIRMAN KEILSON: Mr. Schreck.

3 MEMBER SCHRECK: I'm going to vote no.

4 CHAIRMAN KEILSON: Mrs. Williams.

5 MEMBER WILLIAMS: No.

6 CHAIRMAN KEILSON: Mr. Gottlieb.

7 MEMBER GOTTLIEB: I have to say no. I'm
8 sorry.

9 CHAIRMAN KEILSON: And I also have to say no.
10 I'm uncomfortable with the location safety-wise,
11 and then in terms of what will follow with other
12 establishments in the area, okay.

13 MR. BITTON: Okay, thanks.

14 (Whereupon, the hearing concluded at
15 8:17 p.m.)

16 *****

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 June 27, 2012
7 8:20 p.m.

8 APPLICATION: Rudman
9 576 Atlantic Avenue
Lawrence, New York

10 P R E S E N T :

11 MR. LLOYD KEILSON
12 Chairman

13 MR. EDWARD GOTTLIEB
14 Member

15 MS. ESTHER WILLIAMS
16 Member

17 MR. LESTER HENNER
18 Member

19 MR. MARK SCHRECK
20 Member

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

23 MR. GERALDO CASTRO
24 Building Department

25 MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Rudman.
2 Mr. Goldman, are you ready to start?

3 MR. GOLDMAN: For the applicant,
4 Ronald Goldman, 17 Auerbach Lane, Lawrence,
5 New York.

6 Good evening, Mr. Chairman and members of the
7 Board. If it please the Board, the Rudmans are
8 here. If you could step forward and have a seat.
9 I want to thank the Board on behalf of the
10 Rudmans. I also want to thank the Building
11 Department that has been pretty conscientious in
12 terms of exploring the options.

13 This particular night I'm happy that I'm
14 starting a series of these applications before you
15 with the Rudman application because this
16 represents the kind of thing that this Board is
17 all about. This is an application that involves
18 neighbors, dealing with other neighbors and
19 resolving the matter before a third group of
20 neighbors. And I say that because, as you well
21 know, we came to you last month pretty much
22 prepared with a full application. At that time
23 there was some hesitation on the part of the
24 neighbors as to an inability to actually review
25 the plans, some concern about it, et cetera. And

1 an adjournment was granted, and in the course --

2 CHAIRMAN KEILSON: Albeit reluctantly.

3 MR. GOLDMAN: Albeit reluctantly, because I'm
4 a lawyer and I can't make anything easy for
5 anyone. So needless to say, notwithstanding my
6 opposition --

7 CHAIRMAN KEILSON: I'm happy to hear that
8 you've become repentant.

9 MR. GOLDMAN: I must tell you that this was a
10 very good idea because as it turns out the
11 neighbors met without lawyers. They met in the
12 presence of their own architects, and having done
13 so I believe that they resolved the outstanding
14 issues that gave real concerns to the neighbors.
15 And that is that there was some concern about the
16 bulk of the project and the location of it in
17 relation to the -- not so much the adjoining
18 neighbors, although that was of some concern as
19 well because there was some lack of clarity as to
20 whether the real owner of the property was aware
21 of the full range of the application. But
22 certainly across the street there was some concern
23 and down the block whether this was setting some
24 kind of precedent for what would be an imposing
25 structure, if you will, along Atlantic Avenue.

1 I'm happy to tell you that I have the
2 architect here, the designer here, as well as the
3 Rudmans and to sort of outline the adjustment that
4 was made and is being presented to the Board. But
5 the adjustment that was made essentially moves the
6 front back, and at the moment what was a series of
7 individuals who were not so much opposed but
8 certainly suspicious of the project, instead has
9 turned into a full endorsement of it. We have
10 letters of support for the project from the very
11 neighbors.

12 CHAIRMAN KEILSON: Why don't you go through
13 the code relief quickly.

14 MR. GOLDMAN: So I call upon Mr. Novello who
15 will be able to go through it as always with the
16 Board using the chart starting with item one on
17 top.

18 MR. NOVELLO: The first code relief is
19 section 212-12.1 for front yards, where 50 feet is
20 permitted, and we're proposing the new
21 second-floor addition at 42.6.

22 MR. GOLDMAN: Now, I would just also
23 interrupt to note that in the prior before we met
24 with the neighbors, et cetera, we were hoping to
25 keep it to the pre-existing nonconforming which

1 had been 32.8, and in this case what has happened
2 is we've advanced giving an additional ten foot so
3 it's not so much we've exceeded the nonconforming
4 use.

5 MR. NOVELLO: The second request is Section
6 212-12.1 rear yards. Permitted is 60 feet,
7 existing is 28.56, and proposed is 39.49.

8 MR. GOLDMAN: So once again, improvement over
9 the existing. The third, please.

10 CHAIRMAN KEILSON: That's the same as last
11 time.

12 MR. GOLDMAN: That's correct.

13 MR. NOVELLO: Section 212-12.1 maximum front
14 yard height setback ratio. Permitted 0.44,
15 existing 0.30, proposed 0.45.

16 CHAIRMAN KEILSON: Very de minimis.

17 MR. GOLDMAN: Correct.

18 MR. NOVELLO: Last, Section 212-12.1 maximum
19 rear yard height setback ratio. Permitted 0.37,
20 existing 0.35, proposed 0.57, and we are building
21 over the existing footprint of the rear of the
22 dwelling.

23 MEMBER SCHRECK: Which house are we building,
24 this one or (indicating) --

25 MR. NOVELLO: The front one. The rear, the

1 second page of the renderings was the proposal we
2 had last month's hearing, and the front -- the
3 front rendering which shows the second-floor
4 setback to 42.6 is the new proposal.

5 CHAIRMAN KEILSON: Those are gray and a
6 white.

7 MR. NOVELLO: Correct.

8 MEMBER GOTTLIEB: The gray is new, the white
9 is the old.

10 MR. GOLDMAN: That is correct.

11 MEMBER GOTTLIEB: I have a question about the
12 rear yard. Just to be clear, the existing 28.56
13 that's not actually to the house. Is that to the
14 porch?

15 MR. NOVELLO: That's correct.

16 MEMBER WILLIAMS: In terms of what's going
17 over from the permitted is mostly in the height
18 setback ratios.

19 MR. NOVELLO: Yes.

20 MEMBER GOTTLIEB: Mr. Goldman, I'd like to
21 speak to the nature of this application. This is
22 something that disturbs me and sometimes it
23 disturbs the Board also. It's my understanding
24 this house was purchased just a few months ago,
25 perhaps six months ago, eight months ago, and you

1 give very articulate reason as to why this is
2 necessary. The point that I have that often comes
3 up is why do you buy a house that doesn't suit
4 your needs and then you need to come to get a
5 variance? And I don't know that you can answer
6 this any better than it has been answered in the
7 past, except that people want what they want. But
8 this Board has reasons to grant variances.

9 MR. GOLDMAN: Obviously, it's a valid
10 question and it's one that should be of concern to
11 the Board. The answer to it is in this particular
12 case, as in every specific case, this house was
13 bought with the idea that it could accommodate
14 without imposing and without being a detriment to
15 the community when all the balances are balanced.
16 So that to the extent that if you look at the
17 amount of space that's involved here, if you look
18 at the neighbors such as they are who might be
19 impacted negatively by it. So it's not a question
20 of finding something that's inadequate both at the
21 time it's purchased, but it's probably inadequate
22 even in terms of making an adjustment. This is
23 just filling out the space appropriately and
24 enhancing the community. What it essentially is
25 doing is not so much what I want, but what I need

1 and will only enhance the community that I'm
2 putting my needs in. So in that point of view I
3 can't speak to others. I can only speak to this
4 one, but I would hope that that answers the
5 question vis-à-vis this specific application.

6 CHAIRMAN KEILSON: Normally, I'm in accord
7 with Mr. Gottlieb, but in this circumstance where
8 we don't have excess building coverage, excess
9 surface coverage, I think overall it's -- you
10 know, it's minimal in the scheme of things and
11 other things that you will bring to us tonight I'm
12 sure.

13 MR. GOLDMAN: I can't think of any, but I'm
14 sure I'll be reminded.

15 MR. PANTELIS: The rear neighbor is a
16 nonresidential use; it's the Woodmere Club.

17 MR. GOLDMAN: Yes, that is correct, and I
18 believe that a letter was received. I would note
19 that we're prepared to respond to that in terms of
20 the comments that are made. I have the complaint.
21 Perhaps there is even a representative here.

22 MR. PANTELIS: If there is, you may want to
23 just hold your comments till later.

24 MR. GOLDMAN: But I would note that if that
25 nonresidential --

1 MR. MURRAY: I'm Arthur Murray.

2 MR. PANTELIS: We'll get to you in just a
3 minute.

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

6 MR. GOLDMAN: I believe that I have letters.
7 I apologize.

8 CHAIRMAN KEILSON: You have letters?

9 MR. GOLDMAN: Yeah, I have letters of support
10 (handing). I have letters of support specifically
11 addressing the concerns of the folks who were here
12 last time and also other neighbors as well. I'm
13 providing that to the --

14 MR. PANTELIS: Okay. This is a petition
15 signed by -- perhaps you want to put it on the
16 record.

17 MR. GOLDMAN: Yes, why don't we do that.
18 Indicating, to the Village of Lawrence: We, the
19 undersigned residents of Lawrence are in favor of
20 the Zoning Board of the Village of Lawrence
21 granting the application of Ephraim and Rachel
22 Rudman for a second-story addition and two-story
23 entry addition to the existing residence of their
24 property as designated on the tax drawing they
25 have to have and variances for front yard, front

1 yard height setback ratio, rear yard and rear yard
2 height setback ratio all at 576 Atlantic Avenue,
3 and they list the block and lot, and it's signed
4 by Judith Murray.

5 MR. PANTELIS: Murray, if I may add, is the
6 abutting owner to the south.

7 MR. GOLDMAN: That is correct. And
8 Mr. Murray is here as well, and he wanted to
9 address the Board if permitted to do so, and the
10 Rockaway Hunting Club represented by its manager
11 Frank Argento.

12 MR. PANTELIS: They're directly across. That
13 would be on the opposite side of Atlantic Avenue.

14 MR. GOLDMAN: That is correct. Mr. Graham,
15 who you might recall, was the gentleman disturbed
16 by the -- notwithstanding the fact that he was
17 beyond the 300 foot, and we apologize that he
18 somehow belatedly -- I don't know how we could
19 have accommodated him, but I'm glad he showed up
20 because he was at all the meetings and he is in
21 agreement, and he's at 562 Atlantic. And then
22 there's Allan M. Benton, at 566 Atlantic Avenue.
23 And those are signed and I have the original; I
24 don't know if you need it.

25 MR. PANTELIS: Can we have this marked as an

1 Applicant's Exhibit.

2 MR. GOLDMAN: And we have other letters as
3 well, safely ensconced. The original letters
4 which had included Thomas Murray and similar
5 support, but in this case from Simon and Kristina
6 Field of 582 Atlantic Avenue and Susan Sachs of
7 570 Atlantic Avenue.

8 MR. PANTELIS: And Field is the adjacent
9 neighbor to the north; and Sachs, I believe, is
10 two houses to the south.

11 MR. GOLDMAN: Thank you.

12 MR. PANTELIS: We'll have that marked as
13 well.

14 CHAIRMAN KEILSON: Let's first hear from
15 Mr. Murray if he's prepared to say something in
16 support. Mr. Murray.

17 MR. MURRAY: Arthur Murray. I live at
18 115 Ocean Avenue, and my wife owns the property at
19 572. And myself, my wife and a few of our
20 neighbors have signed this petition favoring your
21 approval of the plan. We're very happy with the
22 accommodating way that the Rudmans have handled
23 this situation.

24 CHAIRMAN KEILSON: Well, we're very happy to
25 hear that. Thank you very much.

1 MR. MURRAY: Thank you.

2 CHAIRMAN KEILSON: Counselor.

3 MR. BARROCAS: My name is Sol Barrocas. I'm
4 the legal chairman of the Woodmere Club, and I'm
5 here on their behalf. And before I deliver my
6 comments, I would like to see the rendering. I
7 didn't have an opportunity to see it.

8 MR. PANTELIS: That's the full size, but this
9 is a --

10 MR. BARROCAS: The rear is the part that
11 would be --

12 MR. PANTELIS: Mr. Novello, do you have a
13 rear elevation? I'm sorry, Mr. Barrocas, sir. Do
14 you have a rear elevation, not a rendering? We
15 probably have one here.

16 MR. NOVELLO: It should be in there.

17 MR. PANTELIS: That would be the top
18 elevation, I believe.

19 MR. GOLDMAN: Mr. Chairman, could I just
20 impose and have this gentleman identified for the
21 record.

22 MR. RABINOFF: I'm Steven Rabinoff. I happen
23 to be a member of the Woodmere Club. I'm a
24 registered architect. I also sit on a local -- a
25 local village zoning board, so I'm familiar with

1 the rules and regulations. So I'm just here to
2 get an idea of what this application is.

3 I'm not sworn in, but can I ask a question?

4 MR. PANTELIS: Sure.

5 MR. RABINOFF: I'm an architect, and I read
6 plans. But this doesn't indicate to me what's new
7 and what's existing.

8 MR. PANTELIS: Well, the only problem, sir,
9 is that the plans have been on file in the
10 Village, and at this point in time, you know,
11 we're here in the middle of a hearing. So if the
12 Board would like to give them five minutes and
13 call the next case to look at it.

14 MR. RABINOFF: Well, I've looked at it. I
15 clearly looked at it, and I clearly understand
16 plans, but there's no -- there's no indication
17 here of existing and proposed. Where is the --
18 where is the height additions that are being
19 proposed?

20 MR. PANTELIS: Well, there are --

21 MR. RYDER: Site plans. Maybe Mr. Novello
22 can --

23 MR. NOVELLO: If you want to look at the
24 floor plan, I'll be more than happy to show you.

25 MR. RABINOFF: Well, I'm not concerned -- I'm

1 not concerned with the front of this building.
2 I'm concerned about how the height impacts the
3 adjacent property, and that's what the rear
4 elevation should show me.

5 MR. PANTELIS: I suspect that's still a
6 matter of interpretation. You have to look at the
7 plan.

8 MR. BARROCAS: Well, it was mentioned that a
9 second story that was being --

10 CHAIRMAN KEILSON: I have a suggestion. If
11 you want to take time to study the plans,
12 Mr. Novello is available.

13 MR. RABINOFF: I've studied the plans.

14 MR. PANTELIS: What I think the Chairman is
15 suggesting is maybe you go outside for five
16 minutes with Mr. Novello. He will try to answer
17 your questions and then come back. We're here to
18 try to make everybody happy.

19 MR. RABINOFF: Thank you.

20 (Whereupon, a recess was taken.)

21 CHAIRMAN KEILSON: Counsel for the Woodmere
22 Club.

23 MR. BARROCAS: We had an opportunity --

24 MR. PANTELIS: If you just want to put your
25 name back on the record, your appearance again.

1 MR. BARROCAS: Sol Barrocas, B, like boy,
2 A-R-R-O-C-A-S. I'm the chairman, I'm the legal
3 chairman of the Woodmere Club, and I'm appearing
4 here to register our objection to this Board
5 granting a variance.

6 First of all, I'd like to point out that
7 there was a meeting that I learned of tonight of
8 neighbors who might be impacted by this structure,
9 and we weren't invited. So we didn't have an
10 opportunity, and I thank you for giving us the
11 opportunity to see the plans and to truly
12 understand the structure that's being -- that's
13 being asked to be erected which requires a
14 variance to be given by this Board.

15 And I would --

16 CHAIRMAN KEILSON: I don't think you were
17 excluded from the meeting. I think that the --

18 MR. BARROCAS: We just weren't invited.

19 CHAIRMAN KEILSON: No, there were neighbors
20 that came down at the last hearing.

21 MR. BARROCAS: No, they said they had a
22 private meeting.

23 CHAIRMAN KEILSON: If I may, they came down,
24 they expressed interest in what was going on. The
25 byproduct of that was the matter was adjourned and

1 ample opportunity was given for any neighbors who
2 were interested to then convene, okay.

3 The Woodmere Club expressed itself only
4 recently. There's not even a date on the letter,
5 which I find kind of strange.

6 MR. BARROCAS: I didn't write the letter.

7 CHAIRMAN KEILSON: Okay.

8 MR. BARROCAS: The Woodmere Club, it's
9 greatest asset is its golf course. It attracts
10 members essentially because of its golf course and
11 the aesthetic quality of its golf course. This
12 house, 576, runs along our twelfth fairway, and it
13 will significantly visually impact the use and
14 enjoyment of the golf course and the people who
15 and the members who, you know, come to and pay
16 significant fees to play golf at this club.

17 CHAIRMAN KEILSON: Could you explain how so.

18 MR. BARROCAS: Well, the height will
19 absolutely be seen by the people on the fairway of
20 the twelfth hole. This runs right along the
21 twelfth fairway. And where -- where building --
22 the structure being built will absolutely be
23 visually seen by the golfers which when people --
24 you know, when people come to -- when people come
25 to this club and other clubs they want an island

1 of tranquillity. They don't want to have
2 structures from, you know, the neighborhood
3 imposing upon their views, and this definitely
4 would. As a matter of fact, you know, it appears
5 that after the meeting of the neighbors, plans
6 were changed to push -- to push it towards the
7 back which --

8 MR. RYDER: That's not true.

9 MR. BARROCAS: -- which definitely impacts
10 the Woodmere Club. A lot of the neighbors from
11 what I gather --

12 MEMBER HENNER: Could we just stop you there
13 for a second. So that's either true or not true.
14 I'd like somebody to answer that while you're on a
15 roll there.

16 CHAIRMAN KEILSON: Mr. Ryder.

17 MR. RYDER: It's not true.

18 MEMBER HENNER: It's not true. So you might
19 want to reconsider saying that. It was set back
20 from the front. It did not go any further toward
21 the back of the twelfth fairway. I don't want you
22 to keep repeating things that aren't so. Sorry
23 for being --

24 MR. BARROCAS: Well, I didn't do it --

25 MEMBER HENNER: I know you didn't do it

1 intentionally. It wasn't pushed back
2 intentionally. It wasn't pushed back a foot. So
3 I want that clear for the record because it's all
4 being hyped up here.

5 MR. BARROCAS: Okay, okay. My understanding
6 when a variance is being applied for there's a
7 burden to demonstrate that it cannot be
8 accomplished by any other means. Here we have a
9 very, very large lot. It's a huge open space and
10 a redesign, rather than put a second story, you
11 have essentially another building lot to place
12 this structure which would conform and which
13 wouldn't visually impact our property and the use
14 of our property and the marketability of our
15 property.

16 CHAIRMAN KEILSON: You're suggesting that the
17 value of your property is being diminished by this
18 construction?

19 MR. BARROCAS: Any time that the aesthetic
20 quality of the course is impacted can affect the
21 marketability of the property, yes. And the --

22 CHAIRMAN KEILSON: I mean, you understand
23 there's no height variance here.

24 MR. BARROCAS: I noted the height ratio. I
25 understand that, what the variance is, what the

1 variance there being applied for, but I'm
2 suggesting there are other means to accomplish
3 this without the variance.

4 MEMBER WILLIAMS: They're not making the
5 house any higher. They're making -- the height is
6 allowed, you understand that. They're allowed to
7 build a house that high according to the law.

8 MR. BARROCAS: Yes, but the variance has to
9 -- but based on the size of the property, they
10 have -- they're required -- they don't conform
11 without a variance.

12 MEMBER WILLIAMS: They don't conform for
13 different things, but I just want to make it clear
14 that the actual height --

15 MR. BARROCAS: It's the height ratio, but the
16 height itself I understand is 30 feet within the
17 zoning.

18 MEMBER WILLIAMS: That's all I'm saying,
19 yeah.

20 MR. BARROCAS: I did understand that, but I
21 do still maintain --

22 MEMBER WILLIAMS: Because you keep talking
23 about this large, imposing figure, but the height
24 is allowed, it's according to law. They have
25 every right to do that.

1 MR. RABINOFF: Not within -- not within the
2 height ratio.

3 MEMBER WILLIAMS: Not the height ratio. I'm
4 talking about the height of the building. I just
5 wanted that clear.

6 MR. BARROCAS: We're talking about -- we're
7 talking about the need for a variance.

8 MEMBER WILLIAMS: Okay.

9 MR. BARROCAS: Because they don't conform,
10 and I'm suggesting that it could be accomplished
11 by other means which would not require a variance
12 and which would -- which would have less of an
13 impact on our property.

14 CHAIRMAN KEILSON: Okay.

15 MEMBER GOTTLIEB: I propose it a little bit
16 differently. I think should they reconstruct this
17 house to the way you're determining it, it would
18 be a much wider house and it would run further
19 along your fairway and be more imposing than the
20 way it is proposed here, where really what they're
21 looking for is to be 20 feet closer to the edge of
22 their property line than is permitted. I really
23 -- you know, we're all members of the Board, and
24 I'm sure you've appeared before Boards before.
25 Your line of opposition is just so abstract from

1 anything I've heard before. We've had opposition
2 from neighbors consistently, and your reason that
3 your property value will be diminished or you may
4 lose members or you may lose --

5 MR. BARROCAS: Or -- or -- or -- or impact
6 the use and enjoyment of the property by virtue of
7 the fact that this fairway, and we do have plans
8 to modify that area because -- because a piece of
9 property is being sold further down, we're going
10 to have to modify that particular hole, and it
11 will have an impact.

12 MEMBER GOTTLIEB: So just if I'm
13 understanding this, the objection to this has to
14 do with not so much the play ability, but your
15 ability to sell off some of your land.

16 MR. BARROCAS: No, no, no, no. I'm saying
17 that because we have already sold off some land,
18 we have to modify this hole, and it would -- you
19 will hear that there's trees and brush there that
20 might obstruct the view, but that might not --
21 that may have to be removed by us in changing the
22 -- in making changes to our property.

23 So you know, in essence, what we're saying is
24 that if it's -- if it's -- that if it's visually
25 observed by people enjoying the use of our

1 property, it would -- it impacts us in a negative
2 way. And I believe that they can still accomplish
3 what they intend by other means that would not
4 require a variance.

5 MEMBER WILLIAMS: Can I say something? I
6 come from a family of golfers and I've seen many
7 beautiful golf courses. Most of them are
8 surrounded by very many beautiful homes. If
9 anything, when my family comes home they'll
10 mention the beautiful homes that they see as they
11 go off. The impression I get is that this is
12 going to be another one of those beautiful homes
13 surrounding a golf course. It doesn't appear to
14 be some ugly structure that is going to be an
15 eyesore. I just don't see it.

16 MR. BARROCAS: Well, you know, that's very
17 subjective.

18 MEMBER WILLIAMS: It is, but your point of
19 view is as well.

20 MEMBER HENNER: Well, so is your whole
21 presentation subjective. You're talking about the
22 twelfth fairway. Pick another hole.

23 MEMBER WILLIAMS: Seriously speaking, I think
24 it is a subjective point, and I think your point
25 is subjective as well. Many, many golf courses

1 have beautiful homes surrounding them that don't
2 decrease the value of the courses. People buy
3 homes specifically to be right near the golf
4 course.

5 MR. PANTELIS: On the golf course.

6 MEMBER WILLIAMS: On the golf course. I
7 think it is a subjective point of view on my part
8 and on yours. I don't think it's a fact at all
9 that that would decrease the value.

10 CHAIRMAN KEILSON: Is there anything else you
11 would like to add? I'm sorry.

12 MR. BARROCAS: We're -- this is not -- this
13 is -- this is -- this is our property. This is --
14 it's not -- it's not a -- it's not a community of
15 houses around a golf course where they -- where
16 it's a golf community. This is a -- this is a
17 private club and there's a little -- and
18 therefore, there's a distinction between when you
19 go into those courses that have houses around them
20 that create a golf community. This is a private
21 club where people come from New York City and
22 people come from other areas of Long Island, and
23 so I don't think that that's really an accurate
24 analogy. But, you know, essentially, I am saying
25 it will impact the use and enjoyment of our

1 property and, therefore, we object to the granting
2 of the variance.

3 CHAIRMAN KEILSON: Thank you very much.

4 Any other comments from anybody?

5 MR. RABINOFF: Yes.

6 CHAIRMAN KEILSON: Please.

7 MR. RABINOFF: Steven Rabinoff, 184 Bay
8 Drive, Woodsburgh. I'm a registered architect.
9 That's why I wanted to look at the plans. I think
10 the house is a very well designed structure. I
11 commend the architect on the project.

12 The objection is the -- is the height ratio.
13 It does create a visual impact on our adjacent
14 property. We are planning alterations along that
15 entire twelfth hole that affects many houses along
16 that property line. And visually it decreases
17 from the value of our property and the value of
18 the privacy of the Woodmere Club. There are other
19 design aspects that can be taken for these -- for
20 this application to accomplish exactly what they
21 want to do and not require that portion of the
22 variance.

23 CHAIRMAN KEILSON: Okay.

24 MR. RABINOFF: This development directly
25 impacts the value and the use of our property.

1 That's our objection.

2 CHAIRMAN KEILSON: Thank you very much.

3 MR. RABINOFF: You're welcome.

4 MEMBER SCHRECK: Has the Woodmere Club
5 objected in the past that homes were being built
6 along that area?

7 MR. RABINOFF: I'm not aware of the Woodmere
8 Club being -- being part of any variance that was
9 applied for at the Village.

10 CHAIRMAN KEILSON: All right, any other
11 comments from the audience?

12 Mr. Goldman, you wanted to close with
13 something?

14 MR. GOLDMAN: I would close. There's no --
15 there's no necessity to go over point by point,
16 but I want the record to be abundantly clear that,
17 first of all, the Woodmere Club did not see fit to
18 share their letter with the Rudmans but sent it
19 simply to the Board of Zoning Appeals, thereby
20 preventing anybody from addressing these issues.

21 In all candor, it takes a lot for me to sort
22 of get testy, but this is 150 feet away from the
23 Rudmans. The property that we're talking about
24 behind them they've been maintaining and has been
25 maintained by the previous owners for 50 years

1 with a sprinkler system in it. I would suggest
2 without going into any real details now there is
3 some argument that could be made for maybe an
4 adverse possession claim, and that's a whole
5 different issue, and perhaps that's the real
6 motive behind this sudden opposition.

7 I would also suggest that perhaps now that
8 we've been alerted to the fact that the Woodmere
9 Club is planning to change where there's a whole
10 string of two-story houses that have been so far
11 relying on the fact that there is extensive
12 foliage and trees and everything else, now that we
13 have been put on notice that the Woodmere Club
14 intends to change the entire area, maybe all those
15 people ought to get together because maybe the
16 property values of their property are going to be
17 diminished.

18 So I would respectfully ask that this Board
19 concern itself with the neighbors who reside in
20 this Village, not a commercial establishment
21 outside the boundaries of the Village who have
22 come here today to say that in their subjective
23 view their property values are going to decline.
24 I respectfully ask, now that I'm slowing down and
25 not losing my temper any further, that because now

1 that I'm thinking less of the Woodmere Club and
2 more about the good neighbors who have tried to
3 work this out in a favorable way with the Rudmans,
4 I'd respectfully ask that based on all the reasons
5 that have been suggested that the variance be
6 granted. And I thank you for your attention on
7 behalf of the Rudmans.

8 CHAIRMAN KEILSON: The Board is about ready
9 to vote. I think it's important in light of some
10 of the issues that were raised that we do review
11 the five criteria so the record is perfectly clear
12 as to our position in terms of the statutory
13 criteria that we're supposed to use as a basis for
14 our decision making. At least I will run through
15 it and express my opinion.

16 The first one is will an undesirable change
17 be produced in the character of the neighborhood
18 or the nearby properties. I think not. I think
19 it's very clear the neighbors have spoken to that
20 point.

21 Can the benefit sought by the applicant be
22 achieved by some method other than a variance.
23 Not from what I can see in terms of the minimal
24 amount of work that they're expecting to do on the
25 property.

1 Number three, is the requested area variance
2 substantial. Not by any means, absolutely not.

3 Number four, will the proposed variance have
4 an adverse effect on the physical or environmental
5 conditions of the neighborhood. Again, I think
6 not.

7 And fifth, is the alleged difficulty for the
8 applicant self-created in a sense, yes, possibly,
9 but overall I think in light of the evaluation of
10 all the criteria I think the benefit to the
11 applicant certainly outweighs any concerns in
12 terms of the detriment to the community, and so I
13 would vote for the application.

14 And we'll start with Mr. Henner.

15 MEMBER HENNER: I'm in favor.

16 CHAIRMAN KEILSON: Mr. Schreck.

17 MEMBER SCHRECK: I'm in favor.

18 CHAIRMAN KEILSON: Mrs. Williams.

19 MEMBER WILLIAMS: In favor.

20 CHAIRMAN KEILSON: Mr. Gottlieb.

21 MEMBER GOTTLIEB: In favor.

22 CHAIRMAN KEILSON: Okay. You have two years.
23 Anything on water runoff, spill-off? Do they need
24 boring tests over there?

25 MR. RYDER: I believe that was provided.

1 CHAIRMAN KEILSON: There's nothing in terms
2 of -- so Mr. Goldman, you will be consulting
3 Mr. Ryder regarding any areas concerning water
4 spill-off and the like.

5 MR. GOLDMAN: That's two years.

6 MR. RUDMAN: Thank you very much.

7 MR. GOLDMAN: Two years and Board of Building
8 Design. Thank you, Mr. Chairman, on behalf of the
9 Rudmans.

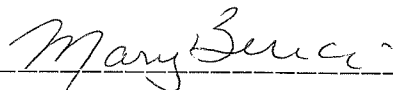
10 (Whereupon, the hearing concluded at
11 9:30 p.m.)

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, RPR
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 June 27, 2012
7 8:36 p.m.

8 APPLICATION: Rosenfeld
9 33 Arrowhead Lane
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

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

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: We'll go to the next
2 matter which is Rosenfeld. Mr. Goldman, your
3 client's here?

4 MR. GOLDMAN: I'm just short an architect, if
5 you would just give me one second.

6 Ronald Goldman. Good evening, ladies and
7 gentlemen of the Board. I represent the Rosenfeld
8 family, 33 Arrowhead Lane.

9 The Rosenfelds, as indicated by the petition,
10 they have lived here for nine years. This is not
11 a recent or new acquisition.

12 As indicated, the Rosenfelds have lived here
13 for nine years. Thank God, their family has
14 expanded from four children as well as -- to four
15 children, I'm sorry. With God's help that may
16 happen in the future, but nevertheless it's
17 currently four children. And the disparity in
18 ages is such that the three bedrooms, including
19 the master bedroom that currently exists in the
20 home, are clearly inadequate for the family.

21 What they're trying to do here is with a
22 minimum intrusion in the community expand the
23 house simply not for indulgences, but simply to
24 make it viable for, thank God, a family that needs
25 the space, particularly the space that they're

1 to respond and be as accommodating and neighborly,
2 while nevertheless maintaining the genuine need
3 that this family needs to satisfy, and that is, of
4 course, living space for an expanding family. So
5 that will be explained as well by the architect.

6 We've provided the borings -- other than
7 myself. We've provided borings that the Board has
8 been desirous of and to the extent that as of this
9 moment I know of no opposition, but rather we have
10 letters of support, letters of support by
11 neighbors as well and indicating their support of
12 this particular project. Just to make your life
13 easier, it's from Steven and Tova Reich of
14 42 Arrowhead; the Jedwabs, they don't list an
15 address here, but they live, I believe, directly
16 across, they're longstanding residents of our
17 community; the Vegh family at 35 Arrowhead Lane,
18 and the Weisz family as well. So these are all
19 adjoining and across-the-street neighbors,
20 et cetera, and of course to the side where we're
21 going to be doing the project is facing Broadway
22 and we have photos of that as well, actual photos.

23 MR. PANTELIS: Actually, what we will ask is
24 that we mark all of the letters as one Applicant's
25 Exhibit.

1 MR. GOLDMAN: Giving you some indication, as
2 soon as I find them, some indication of the fact
3 that it will certainly not impact on the broader
4 community in terms of anyone on Broadway or
5 anything along those lines.

6 CHAIRMAN KEILSON: I applaud the fact they're
7 all different letters.

8 MR. GOLDMAN: Well, I've learned over sixteen
9 years. What I haven't learned is to locate the
10 photos that I have for you, but I can find them in
11 the stack.

12 MR. MACLEOD: Good evening. John Macleod,
13 595 Park Avenue, Huntington, New York.

14 I would like to pass out to members of the
15 Board what I have here is five packages of aerial
16 photographs of the street and as well as surveys
17 of this property and the three other properties on
18 that same side of the street. The purpose of this
19 is to show you that we are in alignment with the
20 existing houses and do not intend to project out
21 any further than the existing street line.

22 MR. PANTELIS: Is that one exhibit, multiple
23 copies?

24 MR. MACLEOD: Yes, five copies.

25 MR. GOLDMAN: One is for the file, attached

1 to the file, and one each for the members of the
2 Board.

3 MR. MACLEOD: There is also a plot plan in
4 there showing the location of the dry wells we did
5 already put in.

6 MR. PANTELIS: So you can address these
7 individually.

8 MR. GOLDMAN: And if I might, I would also
9 attach the photo of the adjoining. This is an
10 actual photograph of the subject property as well
11 as the house facing it immediately to the right.

12 MR. PANTELIS: So if we can, Applicant's
13 Exhibit 1 will be the letters; Applicant's Exhibit
14 2 will be the aerial surveys and drainage
15 information which Mr. Macleod has referred to; and
16 Exhibit 3 will be the photograph, the individual
17 photograph of which Mr. Goldman has submitted as
18 well. Okay, I'm sorry, if you want to proceed.

19 MR. MACLEOD: So if you glance through those
20 surveys you will see that each property on this
21 street is approximately set in line by a couple of
22 inches. The subject property is at 25.15 feet
23 from the front property line. The neighbor
24 directly to the right, house number 35, is 25.4
25 feet to the property line with a slight projecting

1 series of steps and columns within that space.

2 CHAIRMAN KEILSON: Are you merely addressing
3 the stoop steps that are jutting out?

4 MR. MACLEOD: I guess I am. I am showing you
5 that we're trying to stay in line with the house.
6 We're not proposing to project out any further
7 into the street. That's the main purpose of this
8 package.

9 CHAIRMAN KEILSON: I see.

10 MR. MACLEOD: To go with the code relief
11 chart.

12 CHAIRMAN KEILSON: Please.

13 MR. MACLEOD: The code relief chart, if we
14 work our way down through that, Mr. Goldman has
15 already explained.

16 CHAIRMAN KEILSON: Or you could work your way
17 up, whichever way you feel better.

18 MR. MACLEOD: Okay, let's work our way up.
19 The last item on the list was the 30 feet to the
20 ridge dimension. And on my plans I had shown
21 29 feet 10.

22 CHAIRMAN KEILSON: Mr. Macleod, continue.

23 MR. MACLEOD: The plans that are being
24 submitted show a 29 foot 10 inch maximum dimension
25 from what I determined to be the average grade on

1 the left-hand side of the house to the highest
2 point of the ridge which is at a -- has a small --
3 a peak in one location, not a long ridge.

4 The Village -- the Village has decided -- has
5 taken their own approximation of where that
6 average is and quoted us back to having a 30 foot
7 9 inch. There's always some discussion about what
8 is the average grade around a house, but we are
9 more than happy to concede that this 30 foot 9
10 inches is problematic. So by reducing the pitch
11 of the roof by a couple of degrees I can lower it
12 down to the 30 feet and it will take it off the
13 list.

14 CHAIRMAN KEILSON: Very good. Thank you.
15 You're doing fine. We are on a roll.

16 MR. MACLEOD: The next item is the rear yard
17 height setback ratio. And we are permitted 0.74,
18 the existing is 0.60, and we are proposing 0.79,
19 which is about as close as you can get to 0.74.
20 We're minimally over the height setback ratio.

21 CHAIRMAN KEILSON: De minimis. Next.

22 MR. MACLEOD: The height setback ratio in the
23 front yard similarly is of very low nature, very,
24 very minimal overage nature. We are required to
25 have 0.88, and we are proposing 1.06, which again

1 is just at a very small portion of that front peak
2 and is over by 0.18, again a matter of inches and
3 will not have any major impact on the street view.

4 MEMBER GOTTLIEB: Three for three.

5 MR. MACLEOD: Coming up from the bottom, we
6 have the rear-yard setback. Now, the rear yard of
7 the property, as you see from the survey and the
8 plot plan, currently has a 25 -- 25.11 rear-yard
9 setback, so it is already nonconforming, and we
10 did not want to impinge on that any further. We
11 do have one small portion of the proposed work
12 which matches that setback and it's only for a
13 one-story bay off of the rear family room. It
14 does not extend up to the second floor. So we're
15 trying to match the existing and stay within the
16 existing.

17 The part which is -- has a greater intrusion
18 into the required rear yard is the deck, which
19 again has no roof over and it is only a minimal
20 part of the rear yard between the existing kitchen
21 and this bay window that I just described. So
22 it's a relatively small area, and we do need to be
23 able to get down from this level to the backyard
24 for use of the backyard. And I have two small
25 staircases left and right for that purpose which

1 you will see on the site plan, but the deck itself
2 we really kept to a minimum. We cannot even
3 really use it for setting up any furniture of a
4 great nature, just enough for a couple of chairs
5 and a small table. So that we request that 21.2
6 setback is regarded in a favorable light.

7 CHAIRMAN KEILSON: Who is the neighbor to the
8 rear? Is that Levinthal? Black? Are they part
9 of the group of letters?

10 MR. GOLDMAN: No, I don't believe they are,
11 Mr. Chairman. Efforts were made to reach out to
12 them, but the name is Nancy Mizrachi. There's
13 been no contact with her, her with them. Not for
14 lack of trying. It just doesn't seem to be
15 available.

16 MR. PANTELIS: Maybe we could find out. Is
17 that a new neighbor? Because the neighbor as
18 indicated here is Bernard Levinthal as the owner
19 of that.

20 Your name and address, please.

21 MR. ROSENFELD: David Rosenfeld, at 33
22 Arrowhead Lane. That's my petition. We got a
23 return mail after we sent it out. It was
24 addressed to Bernard Levinthal. Then based on the
25 list that the survey company provided to us, when

1 it came back to us we made another copy and
2 hand-delivered it. We knocked on the door and
3 tried to discuss it with her and she was out all
4 the time. So we left it in her mailbox for her.

5 CHAIRMAN KEILSON: Okay.

6 MEMBER GOTTLIEB: While we're on this, so
7 basically then, leaving the deck out of the
8 equation because that's just a few feet off the
9 ground, it's still going to be 25 feet from the
10 property line to the bulk of the house.

11 MR. MACLEOD: No, to the existing bulk of the
12 house on the right-hand side. If you look on the
13 plot plan where the unshaded portion is.

14 MEMBER GOTTLIEB: Well, the existing is the
15 existing.

16 MR. MACLEOD: Yes, existing.

17 MEMBER GOTTLIEB: I'm talking about the new
18 part, I'm sorry.

19 MR. MACLEOD: The new part to the left-hand
20 side you'll see also on the plot plan a 25 foot
21 one and a half inch dimension and that is touching
22 the corner of that one-story bay window bump-out.

23 MEMBER GOTTLIEB: So what is then the
24 distance to the new construction?

25 MR. MACLEOD: To the bulk of the house, the

1 two-story section, that bay window projects out
2 three foot six and a half. So if we add that to
3 25 foot one and a half, we'll have 28 feet --
4 28 feet -- sorry, sorry. 28 feet 8.

5 MEMBER GOTTLIEB: And that would be what the
6 neighbor to the rear that you're talking about on
7 page A7 of the plans, that's the rear elevation.

8 MR. MACLEOD: Yes, that is correct.

9 MEMBER GOTTLIEB: So just a bit of a step
10 further away from the existing to the proposed.

11 MR. MACLEOD: It is, yes, three foot six
12 further away from the neighbor.

13 MEMBER GOTTLIEB: Thanks.

14 MR. GOLDMAN: And may we move up.

15 CHAIRMAN KEILSON: Please.

16 MR. MACLEOD: The front-yard setback which is
17 required to be 25 feet, we do have 25.15 feet to
18 the house, and we are matching that with a new
19 addition in line with the existing structure. And
20 the documents that previously I submitted to you,
21 you will see the other houses up and down the
22 street are more or less in line with that. You
23 can see from the aerial photograph as well as the
24 individual numbers on the front-yard setbacks of
25 the surveys of those properties. They all vary

1 within two or three inches, but roughly speaking
2 they're all in align.

3 MR. GOLDMAN: So the alignment of the block,
4 its appearance or impact won't be affected by this
5 construction?

6 MR. MACLEOD: Correct. And the 20-foot
7 setback that we are quoted as a nonconforming
8 front-yard setback is measured to, I believe,
9 probably to the second or third step in the
10 flight, and it's not actually a three-dimensional
11 structure but merely an access getting up to the
12 stoop of the house. And you know, we consider
13 that to be -- we hope that you will also consider
14 that to be a fair reason for getting -- for
15 needing that setback.

16 CHAIRMAN KEILSON: Okay.

17 MR. GOLDMAN: And finally, number one.

18 CHAIRMAN KEILSON: Number one.

19 MR. MACLEOD: Okay, number one, we are
20 looking at a permitted surface coverage of 2,287
21 square feet.

22 CHAIRMAN KEILSON: Building, building.

23 MR. MACLEOD: I'm sorry, building coverage of
24 2,287 square feet, and we are proposing 2,686
25 which has an overage of 399 square feet. This is

1 as calculated measuring the exact perimeter wall
2 of the proposed new work, and we'd like to discuss
3 that 17.4 percent as to how we would like to
4 perhaps break that down and get it to a lower
5 number.

6 MR. GOLDMAN: Right. That calculation is
7 obviously in deference and in compliance to the
8 interpretation as being presented by the Building
9 Department. I believe Mr. Macleod would like to
10 have another perspective considered that would
11 reduce it again depending on one's definition.

12 Take it away, Mr. Macleod.

13 MR. MACLEOD: On the first floor of the
14 proposed addition we have actually five bay areas.
15 There was one in the rear which has a full
16 foundation which is the one facing the rear yard.
17 But on the left-hand side where we comply with the
18 setbacks we have three cantilevered bay windows
19 and we have one further cantilevered bay window on
20 the front property facing Arrowhead, on the front
21 of the property facing Arrowhead. Each of these
22 three bay windows are within the required setback
23 requirements, and as they are cantilevered we
24 request the Board to perhaps look at those in a
25 favorable light of not counting towards the

1 building coverage being that they are cantilevered
2 bay windows. They do represent 60 square feet, or
3 2.7 percent of the building coverage. And if you
4 were to entertain that thought that would bring us
5 down from 17.4 to a 14.7 percent building coverage
6 overage.

7 CHAIRMAN KEILSON: Okay.

8 MEMBER GOTTLIEB: Are you excavating the
9 basement?

10 MR. MACLEOD: We are excavating the basement
11 in the new portion around the existing basement on
12 the left-hand side.

13 MEMBER GOTTLIEB: That's what I mean. So the
14 excavation would be, for example, the 743 minus
15 60. That is what I kind of heard you said.

16 MR. MACLEOD: That is correct. That is
17 correct, yes.

18 MR. GOLDMAN: Now, I would imagine that the
19 Chair and the Board would want us to consider
20 further reductions. To the extent that everything
21 that has been provided thus far we've appeared --
22 not I, but the people have appeared before this
23 Board with essentially -- essentially indulgences,
24 you know, yet another for the fourth maid room or
25 an exercise room on top of an exercise room. Here

1 what we've tried to do is provide to the family
2 particularly on the first floor, and so it's been
3 very, very difficult. It's not just a question of
4 accommodating. So there's one more gesture that
5 we believe will --

6 CHAIRMAN KEILSON: Before you get to that,
7 which was really captivating to all of us, what is
8 a sitting bedroom? This is not a contest. It's
9 on here.

10 MR. MACLEOD: The room you're referring to --

11 MEMBER WILLIAMS: On the second floor.

12 MR. MACLEOD: -- you'll notice that it is
13 connected to the master bedroom with a doorway,
14 and so when it's not being used as a bedroom or if
15 there's not a need for it as a separate bedroom it
16 can be used as a second sitting room off of the
17 master bedroom.

18 MEMBER WILLIAMS: A bedroom or a sitting
19 room. I learn something new every day.

20 MEMBER GOTTLIEB: With that in mind,
21 Mr. Goldman, you speak of indulgences, and as fine
22 an architect as Mr. Macleod is, he presents often
23 enough some of the largest houses I've ever seen.
24 I don't think I've seen one before that has a
25 1,300-foot master bedroom, approximately. It

1 could be 1,250 if you leave off the stairway.

2 Referring to A4.

3 MR. GOLDMAN: It's a valid question. We'll
4 have an answer.

5 MEMBER GOTTLIEB: It always is.

6 CHAIRMAN KEILSON: That includes the sitting
7 bedroom.

8 MR. MACLEOD: Is there a question related to
9 that?

10 MEMBER GOTTLIEB: We're saying how we're not
11 being indulgent.

12 MR. GOLDMAN: No, no, no. I assume the
13 question is that if one were looking to reduce the
14 space, whether there's -- what the purpose of that
15 additional space would be or whether reducing that
16 space, given the fact that it's on yet another
17 floor, won't necessarily impact on the space
18 beneath, that is a genuine desire. So that --

19 MR. MACLEOD: If I could just expand on that.
20 Yes, there is a lot of square footage in this
21 particular area. What we're focused on in the
22 building coverage is on the ground floor. And
23 yes, this is very comfortable space upstairs. We
24 were not trying to make this as big as possible on
25 the second floor, but being that there is a ground

1 floor of needed space below it, we went to the
2 perimeter and it helps with the aesthetics on the
3 outside of the house as well as -- as well as
4 giving the versatility of having an extra bedroom
5 on this level if and when they need it.

6 CHAIRMAN KEILSON: I guess the question is
7 whether anything from the other floor could have
8 been incorporated on that second floor so that you
9 could thereby reduce the excess building coverage.

10 MR. MACLEOD: As you see the accommodations
11 on the main level are what one would expect to
12 find on the main level of a family home; living
13 room, dining room, den, breakfast and kitchen,
14 hallway -- hall entrance, hallway, closet and
15 powder room, and because it's a split --

16 MEMBER GOTTLIEB: Excuse me. Are you talking
17 about -- that's the first floor level, right?

18 MR. MACLEOD: On the first floor, right,
19 which is directly underneath the master bedroom
20 above. The master bedroom above does not entirely
21 encompass that whole downstairs. If you look at
22 the drawing A3 and then refer back to -- I'm sorry
23 -- A4, and then refer back to A3, you will see
24 that the left-hand wall of the master bedroom is a
25 straight line, whereas down below on the first

1 floor the dining room extends out with the rounded
2 bay window and there is a square bay window in the
3 living room.

4 MEMBER WILLIAMS: Just a quick question. The
5 original house you said had how many bedrooms?

6 MR. GOLDMAN: Three bedrooms, correct.

7 MEMBER WILLIAMS: And the new structure will
8 have how many?

9 MR. MACLEOD: The new structure will have the
10 three existing bedrooms on the right-hand split,
11 and on the new master level it will be the master
12 bedroom plus the sitting room.

13 MEMBER WILLIAMS: And then on the lower?

14 MR. MACLEOD: And we did actually add in the
15 basement where we were able to add a guest bedroom
16 in the front of the house with a bathroom in the
17 new foundation area.

18 MEMBER WILLIAMS: I was only asking that
19 because I would imagine if you only have three
20 bedrooms that you would want to add bedrooms if
21 that's the purpose of your construction.

22 MR. GOLDMAN: Well, it's not only the
23 bedrooms. The reality is that currently the
24 living space is on the first floor, as you can see
25 which are the things that this is really being

1 built for. I would note too that, you know, I
2 don't like to presume on people's privacy, but to
3 the extent that what we've been referring to as
4 the sitting room and the sitting bedroom and the
5 sitting bull room, whatever one wants to refer to
6 it as, might in fact some day serve as an
7 additional nursery. So there's all that. The
8 idea is not to have to come back to you folks
9 again but to provide and to accommodate.

10 MEMBER WILLIAMS: That was my point, that I
11 would imagine you want to have as many bedrooms as
12 you can.

13 MR. GOLDMAN: That's correct, well put, a
14 little more delicately than I.

15 CHAIRMAN KEILSON: I think we interrupted you
16 when you were about to describe how you can go
17 less than the 14 point whatever.

18 MR. MACLEOD: Well, we would prefer not to do
19 any further reductions, and we'd like to ask the
20 Board how they feel about 14.7.

21 MR. GOLDMAN: But having sensed your
22 response, we will -- would the Board --

23 CHAIRMAN KEILSON: Just so they should
24 understand, you would like us to ignore the
25 cantilevered windows, which is 60 square feet, and

Rosenfeld - 6/27/12

1 therefore it drops down from the 17.4 to 14.7.

2 MR. MACLEOD: Right.

3 MEMBER HENNER: By ignoring the windows?

4 CHAIRMAN KEILSON: By ignoring the windows.

5 MR. MACLEOD: It's a technicality, but it's a
6 method of calculation that could be applied.

7 MEMBER WILLIAMS: The question is are you
8 happy with the 14.7?

9 CHAIRMAN KEILSON: He's about to tell us it's
10 not 14.7.

11 MEMBER GOTTLIEB: It's 17.4.

12 CHAIRMAN KEILSON: I read his mind.

13 MR. GOLDMAN: That's correct.

14 Essentially, so that everyone is at ease and
15 we understand, the point at the moment is that we
16 would like to prevail upon the Board to accept the
17 reduction from the seventeen down to the fourteen.
18 To the extent that, again, we would -- the reason
19 why I'm hesitating and Mr. Macleod is, is that at
20 this point, as they say, we're no longer cutting
21 into fat, we're cutting into muscle. And to the
22 extent that we would like to avoid doing that,
23 that's the request of the Board. To the extent
24 that the Board can't live with the 14.7, then we
25 would do something that we believe would to some

Rosenfeld - 6/27/12

1 extent compromise the real needs and desires of
2 the applicant.

3 CHAIRMAN KEILSON: Well, why don't you
4 present that option so we can assess how much
5 muscle is really being affected.

6 MR. GOLDMAN: Okay.

7 MR. MACLEOD: Okay. The addition has a
8 front-to-back dimension of 39 feet, and if we were
9 to take a slice, so to speak, front to back of one
10 foot, that 39 feet represents 1.7 percent.

11 CHAIRMAN KEILSON: You're down to thirteen.

12 MR. MACLEOD: Each 22, 23 square feet is one
13 percent.

14 MEMBER WILLIAMS: You would take that off of
15 where?

16 MR. MACLEOD: It would be taken through the
17 entrance and the hallway and the breakfast area.
18 We really do not want to touch the size of the
19 dining room or the other main rooms. And that 1.7
20 percent would then bring us down to 13 percent
21 over.

22 CHAIRMAN KEILSON: With the cantilevered
23 windows, 60 square feet.

24 Mr. Pantelis, can you leave that door open.

25 MR. MACLEOD: It's a foot narrower.

Rosenfeld - 6/27/12

1 MR. GOLDMAN: Essentially, what happens is it
2 would narrow the house by a foot, and to the
3 extent that within it that would impact. But the
4 most important thing is, again --

5 MEMBER GOTTLIEB: So each foot is 23 square
6 feet?

7 MR. MACLEOD: Each?

8 MEMBER GOTTLIEB: Each foot is 23 square
9 feet?

10 MR. MACLEOD: No. Each foot slice if we take
11 it front to back in this addition part represents
12 39 square feet, or 1.7 percent building coverage.

13 MEMBER GOTTLIEB: It went from a slice to --
14 okay, not in frontage, but from the side.

15 MR. GOLDMAN: From front to back.

16 MEMBER GOTTLIEB: You're slicing on the side.

17 MR. MACLEOD: I'm actually, if you look at
18 the plan, I'm taking a slice right through here
19 (indicating).

20 MEMBER GOTTLIEB: So it's not necessarily any
21 one room.

22 MR. MACLEOD: Correct. It's actually through
23 the breakfast, hallway and entrance. And we're
24 taking this wall and then dragging it back
25 12 inches in this direction upstairs and

Rosenfeld - 6/27/12

1 downstairs.

2 MEMBER GOTTLIEB: What would 24 inches look
3 like?

4 MR. MACLEOD: It would start to impinge on
5 the design that we proposed and what my client
6 would really like to stick with.

7 MR. GOLDMAN: And also to the extent that
8 this is hallway, and you don't want to have too
9 narrow hallways, et cetera, there has to be some
10 flexibility within the structure.

11 MEMBER HENNER: To the extent it's a 20-foot
12 by 12-foot breakfast room, then it's different
13 than if it's a hallway.

14 MR. GOLDMAN: I'm sorry?

15 MEMBER HENNER: I mean if it came out of the
16 breakfast area --

17 MR. GOLDMAN: That's the whole -- well, the
18 whole point here is, is that all these living
19 spaces, the continuous living spaces as opposed to
20 the hallway that someone simply walks through.
21 But in terms of the spaces that the folks are
22 occupying on a regular basis, given the expansion
23 of the family and the needs of the family, there's
24 a desire, and not only desire but a need not to
25 continue to restrict it or to constrict it.

Rosenfeld - 6/27/12

1 That's the whole purpose of the project, really,
2 is to make it a viable home where they can run
3 through.

4 MR. MACLEOD: The one foot -- to discuss the
5 breakfast area that you're saying is 20 something
6 feet, it's actually 19 foot 3 right now, and it
7 will be reduced to 18 foot 3 in length. That's
8 not overly wide; it's 11 feet wide. And the other
9 foot in the hallway, this hallway is currently six
10 feet wide at the bottom of the stairs, it will be
11 reduced to five feet wide. And the front foyer,
12 which is currently 11 foot 4 inches wide, would be
13 reduced to 10 feet 4 inches wide. That's our
14 one-foot slice.

15 CHAIRMAN KEILSON: What would the overage be,
16 instead of 399, so we'll know what we're
17 proposing?

18 MR. MACLEOD: The overage would then be --

19 MEMBER GOTTLIEB: 399 minus 39, right?

20 MR. MACLEOD: Well, if we could take off the
21 62 and a half square feet of the bay windows we
22 would be down to about 300.

23 CHAIRMAN KEILSON: You would like us to
24 ignore the bay windows but they remain?

25 MR. MACLEOD: Right, yes.

1 CHAIRMAN KEILSON: So again, the overage
2 would be 399 less --

3 MR. MACLEOD: 39, which would bring it down
4 to 360.

5 CHAIRMAN KEILSON: 360 would be overage.

6 MR. MACLEOD: It includes the bay windows.

7 MR. GOLDMAN: It still would include that.

8 MR. PANTELIS: I think the Board -- there's
9 already been a determination, which is pretty
10 standard, since you do a lot of design in this
11 building, that bay windows count as part of
12 coverage. It's kind of a novel approach. I don't
13 know if you're just promoting it for this
14 application or not, but I think what the Board is
15 saying is that the bay windows are part of the
16 coverage.

17 MEMBER GOTTLIEB: Exactly.

18 CHAIRMAN KEILSON: It doesn't impact in the
19 same way as other types of building coverage, and
20 I think you can give recognition to that, but in
21 terms of overall overage it's 360.

22 MR. RYDER: 15.7 percent.

23 CHAIRMAN KEILSON: 15.7.

24 (Whereupon, a discussion was held off the
25 record.)

1 CHAIRMAN KEILSON: One of our concerns, of
2 course, as I've expressed is the visual impact in
3 terms of Broadway because the construction is all
4 being done toward the Broadway side. Now, it's
5 heavily screened right now by the foliage, and so
6 I want assurances that that's not going to change
7 with any of the construction.

8 MR. GOLDMAN: No, there should be no --

9 MR. ROSENFELD: The shrubbery was recently
10 planted, and we intend to add further in the
11 backyard.

12 CHAIRMAN KEILSON: That was my impression.

13 MR. GOLDMAN: And no point of entry or egress
14 of any of the equipment would have any impact
15 there.

16 CHAIRMAN KEILSON: Okay. So is there anyone
17 in the audience who wants to speak to the matter?
18 Mr. Singer, do you want to say anything?

19 MS. REICH: My name is Tova Reich. I'm the
20 neighbor who lives at 42 Arrowhead Lane. I
21 represent the neighbors on the block who couldn't
22 be here. We're in favor of the renovation.

23 CHAIRMAN KEILSON: Very good. Thank you very
24 much. At the reduced size as well?

25 MS. REICH: I know the neighbors would prefer

1 the larger size.

2 MR. GOLDMAN: That's a good neighbor.

3 MEMBER HENNER: That's a neighbor. You don't
4 find neighbors like that, I'll tell you that.

5 MR. GOLDMAN: I may utilize her on other
6 applications.

7 CHAIRMAN KEILSON: Okay. Having said that,
8 we're going to judge by the standard criteria,
9 that's whether the benefit to the applicant
10 outweighs any detriment to the community, and all
11 of the other criteria which I'm not going to
12 reiterate at this point, but I believe we're all
13 familiar with the statutory criteria.

14 Having said that, I'm going to ask you to
15 vote. Mr. Gottlieb.

16 MEMBER GOTTLIEB: For, as proposed with the
17 one-foot reduction.

18 CHAIRMAN KEILSON: Fair enough, okay. For
19 the record, correct. Mr. Schreck.

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

21 CHAIRMAN KEILSON: Mrs. Williams, I'm sorry,
22 did I miss you?

23 MEMBER WILLIAMS: Yes.

24 CHAIRMAN KEILSON: I'm sorry.

25 MEMBER GOTTLIEB: I was talking over her.

Rosenfeld - 6/27/12

1 MEMBER WILLIAMS: I vote for.

2 CHAIRMAN KEILSON: Okay. Mr. Henner.

3 MEMBER HENNER: For.

4 CHAIRMAN KEILSON: Mr. Henner is for. The
5 Chair votes for. And of course, in terms of
6 the --

7 MR. RYDER: Height.

8 CHAIRMAN KEILSON: The height's been
9 modified.

10 MR. GOLDMAN: The height's been reduced. It
11 was actually taken off, but we'll make certain
12 that it's not built.

13 CHAIRMAN KEILSON: And as far as they've done
14 the borings --

15 MR. RYDER: Yes.

16 CHAIRMAN KEILSON: -- in terms of the water
17 runoff.

18 MR. RYDER: They did, Mr. Chairman, with the
19 design.

20 MR. GOLDMAN: Two years.

21 CHAIRMAN KEILSON: Two years, by all means.

22 MR. PANTELIS: I think what we'd also want,
23 since we do have those changes proposed, that a
24 modified plan be submitted to the Building
25 Department prior to the issuance of a building

Rosenfeld - 6/27/12

1 permit reflecting those changes.

2 MR. MACLEOD: Yes, there will be.

3 MR. RYDER: I ask the architect to note that
4 on the plans as per the Board of Zoning Appeals.

5 MR. GOLDMAN: And the Board of Building
6 Design.

7 MR. RYDER: Yes.

8 MR. PANTELIS: Yes.

9 MR. GOLDMAN: Thank you on behalf of the
10 Rosenfelds.

11 MR. ROSENFELD: And thank you on behalf of
12 the Rosenfelds.

13 MR. MACLEOD: Thank you very much.

14 (Whereupon, the hearing concluded at
15 9:12 p.m.)

16 *****

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

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MARY BENCI, RPR
Court Reporter

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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 27, 2012
7 9:30 p.m.8 APPLICATION: Verschleiser
9 95 Briarwood Lane
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman14 MR. EDWARD GOTTLIEB
15 Member16 MS. ESTHER WILLIAMS
17 Member18 MR. LESTER HENNER
19 Member20 MR. MARK SCHRECK
21 Member22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney24 MR. GERALDO CASTRO
25 Building DepartmentMR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is
2 Verschleiser.

3 MR. GOLDMAN: Ronald Goldman, 17 Auerbach
4 Lane.

5 CHAIRMAN KEILSON: Mr. Gottlieb wants to make
6 a comment.

7 MEMBER GOTTLIEB: Unusual as it is, in this
8 particular application I wish to recuse myself.

9 CHAIRMAN KEILSON: Okay, so we'll work with
10 four. And then there were four.

11 MR. GOLDMAN: Mr. Chairman, if it please the
12 Board, I represent the Verschleiser family,
13 residents of 95 Briarwood Lane. I am accompanied
14 here tonight not only by the Verschleisers, but
15 also by Mr. Novello, a building designer, as well
16 as Mr. Wax, the architect, both of whom worked on
17 this project.

18 We want to thank you because -- in advance,
19 because this matter has been on several times.
20 It's been adjourned once at our request in order
21 to accommodate neighbors. It was adjourned a
22 second time in order, again, to give the neighbors
23 adequate time to appear here, and we appreciate
24 that they had that opportunity. And we note too
25 during those interim periods we've made every

1 effort to make the accommodations and to adjust
2 the application so that it meets the needs of the
3 applicants and that remains in a good neighborly
4 fashion.

5 The Board has had, obviously, enough time,
6 and I wasn't here for the introduction, but I'm
7 well aware of the fact that this Board is
8 conscious of its responsibilities, and prepares
9 and reads the applications and the petitions, so I
10 won't burden it with a detailed explanation as to
11 what we're doing here.

12 But basically, you've read the application
13 and it's pretty much obvious that there clearly is
14 a need, and nobody disputes the fact that there's
15 a need for some adjustment in this property. It's
16 done so to accommodate a growing family, a
17 productive family within our community, a family
18 that has been within the community for a period of
19 time. So there clearly is a need. The only
20 question and certainly the only opposition has
21 been how to fill that need, and more significantly
22 where on the property to meet that need.

23 So without beating a dead horse, it's been
24 suggested, certainly by the neighbor, that the
25 obvious place to put it would be to the left of

1 the property as you're facing it. There's a space
2 there. It seems to be at the face of things a
3 place to put it. I respectfully suggest to the
4 Board that that was certainly thought of by the
5 Verschleisers. It's the kind of thing that to the
6 extent that it's obvious there's a space, why not
7 put it there, and the answer to that is repeatedly
8 and certainly under the incentive of trying to
9 accommodate a neighbor who is pretty much opposed
10 to the project as to where we positioned it,
11 nevertheless, that is just not a viable option.

12 It's not a viable option because, first
13 of all, as it will be explained by the architect
14 who's repeatedly gone over this trying to
15 reconfigure and jiggle around, if you will, the
16 application. It would -- to put it anyplace but
17 where we've suggested it has to be, would
18 essentially be to dislocate the family; it just
19 knocks the whole rhythm of the family out. It
20 would certainly diminish the value of the property
21 by destroying essentially the only viable space
22 where there is some ability to have a recreational
23 area for kids. The whole purpose of this is to
24 accommodate a growing family, which ranges in age
25 from an adult child to an infant and disparate

1 genders. So it needs that kind of flexibility.
2 So to put it there would only destroy the only
3 viable yard and recreational space. It would not
4 only that, but no matter how you were to do it, it
5 would prevent any kind of visibility out into that
6 yard, so that children playing out there could not
7 play out there alone.

8 And finally, it would, if it could be done,
9 which we suggest it can't even be done, it would
10 also place, no matter how you would design it, it
11 would totally disrupt and dislocate and unbalance
12 the entire structure by virtue of the fact that
13 you're putting a garage with a kitchen and a whole
14 just a mess.

15 The original plan that was submitted right
16 from the get-go basically tried to put it where we
17 could with a minimum amount of intrusion both in
18 terms of requesting variances as well as any
19 imposition on the neighbor. When that was
20 determined to be out of favor, or unfavorable to
21 the neighbor, accommodations have been made. And
22 now, when we think about it in terms of the
23 peculiarity of the plot, that's what really causes
24 the problem here.

25 This is a plot that, according to the

1 definitions of the Village, and we've utilized
2 those definitions to the best that we can, would
3 essentially say that it almost defies logic to
4 some extent and it certainly defies visibility.
5 If you look at it, in the whole history of the
6 universe the front door is in the front. That's
7 why it's called the front door. Somehow or
8 another the front door here is not in the front
9 because supposedly there are these three fronts to
10 this property and the way in which it would be
11 currently designed the front door is not in the
12 front. The front supposedly as you're looking at
13 it is off to the left. It's because of the
14 peculiarities of the definitions of frontage and
15 the way in which it sort of curves, but
16 notwithstanding that, the front door, if you will,
17 is in a common sense, in a visual sense, it's in
18 the front, or we would suggest that it is.

19 Furthermore, from a historical point of view,
20 I didn't build this house; the Verschleisers did
21 not build this house. This house was built 50, 60
22 years ago, and the Village at that point didn't
23 say build it this way with the front door here
24 because this is the front. They said build it
25 this way; we're giving you permission to build it

1 this way with the front door facing, for lack of a
2 better word, front. Once you make that
3 determination and you see it, with all due respect
4 to the code, and I appreciate the fact that the
5 Building Department has no choice but to comply
6 with the code, but once you see it in the context
7 of common sense of what's been there for 60
8 something years, you see that the front door is in
9 front, and if you are facing it the thing to the
10 right is the side, the thing to the left is the
11 side, and the thing behind it is the rear. And
12 once you start doing it that fashion, then it
13 becomes a whole different game. And to the extent
14 that it's not a game at all.

15 Now, Mr. Wax will explain far better than I
16 that once we've done taken the position the
17 opponent -- the neighbor -- I don't want to say
18 opponent. It's a neighbor who has -- a neighbor
19 who has a legitimate concern and is reading it
20 will tell you that the way in which the law
21 postures it that where we want to put the garage
22 requires a 40-foot space, if you will, because
23 that's the way it's defined. But when you're
24 facing it, and if you say that it's a side yard
25 because it's to the side, then it becomes a

1 question of not 40 feet, but required 15. Now,
2 even there we're down to only 10 feet, not the 15,
3 but certainly there's a clear difference between
4 40 feet and 15, and 10 and 40, and 10 and 15. And
5 again, it's a question of just the reality of what
6 we're talking about.

7 CHAIRMAN KEILSON: With using your logic,
8 then any time that what we perceive to be
9 illogical will overrule whatever the zoning
10 regulations might be, as in the previous case
11 with, you know, calling a zebra a horse, a horse a
12 zebra. There are rules in terms of height and the
13 like which architects have railed against in terms
14 of how they're interpreted by the Building
15 Department, but that's what we live by.

16 MR. GOLDMAN: That is correct.

17 CHAIRMAN KEILSON: And the previous zoning,
18 the previous hearing on this back in 2002 they
19 lived by the same criteria. You would like us to
20 change things simply because it appears illogical
21 that the front is not the front, or the side is
22 called the rear, and that's how we've been judging
23 it in those circumstances.

24 MR. GOLDMAN: And with respect, I absolutely
25 agree with you. To the extent that it becomes a

1 situation where we're complying with something
2 that -- well, I'll defer to Mr. Wax in terms of
3 explaining it better than I in terms of where it
4 fits into the total picture. Maybe I'll stop and
5 defer to him right at this moment.

6 MR. WAX: We all understand --

7 MR. PANTELIS: Want to give your appearance.

8 MR. WAX: Norman Wax.

9 We all know that this is a very odd piece of
10 property, and the objections seemed to hinge on
11 the interpretation of the Building Department.
12 This house, as was explained, was built --

13 CHAIRMAN KEILSON: To be fair, the objections
14 would still obtain even if it's called a side
15 yard. It still would be an encroachment, right?
16 If you wanted to call that rear a side yard, you
17 still have a 15-foot requirement.

18 MR. WAX: Well, let me explain that.

19 CHAIRMAN KEILSON: Please.

20 MR. WAX: In reality, we could go into the
21 front, the front being the front, and the side
22 being the side, but as you correctly pointed out
23 the law still remains the law. However, because
24 the Building Department, let's say, has had an
25 epiphany and changed the ruling under which this

1 house was built and issued a Certificate of
2 Occupancy back 50 years ago with the same setback
3 requirements, they're changing their mind or the
4 Village is changing their mind.

5 But I submit that actually that's conjecture
6 also, because the basis of the changing their mind
7 is based upon the Barrett roadside, or the left
8 side being the smaller -- the smaller side; and
9 therefore, the rear would be what is obviously a
10 side yard.

11 MEMBER HENNER: Excuse me. I just want to
12 interrupt you. When you say the Village is
13 changing their mind, I haven't got the slightest
14 clue what you're referring to. So if you tell me
15 if everybody else does, fine, but I don't --

16 MR. WAX: This house in existence was granted
17 a permit and a Certificate of Occupancy.

18 MR. PANTELIS: When was that, Mr. Wax? Any
19 idea, approximately?

20 MR. WAX: Fifty some odd years ago.

21 MR. PANTELIS: So we're not talking about --

22 MR. WAX: With what we would like to call the
23 side yard was granted as a side yard because it
24 certainly was never a rear yard. So the Village
25 has already ruled on the house as it stands now.

1 MEMBER HENNER: You mean the existing CO says
2 that that's the side yard?

3 MR. WAX: It cannot be a rear yard because it
4 did not -- at the time it was built it was too
5 small to be a rear yard. It could only have been
6 a side yard.

7 MR. PANTELIS: Or a variance would have had
8 to have been granted.

9 MR. WAX: Correct. And there was no variance
10 granted, okay. So now we had this house with a
11 side yard that we're reinterpreting -- or the
12 Village is reinterpreting as it should be a rear
13 yard.

14 But I submit if you look -- if you look at
15 the survey you'll find that there's a piece of
16 straight frontage along Barrett Road of 70.85
17 feet, and there's a piece of frontage along
18 Cedarhurst -- Briarwood of 79.44. So there's
19 basically a nine-foot difference, real big
20 difference between which street is a smaller
21 street and the larger street.

22 However, the reason that I'm saying that it's
23 as much of a guess on the Village's part as it is
24 on our part is because if you look what connects
25 the two straight lines is a curved line. And

1 unless and if the Village is preparing to change
2 their mind and say that that's the front, then
3 they should back it up by sending a survey team
4 out and plotting Barrett Road, the intersection of
5 Barrett Road and Cedarhurst Avenue, because that's
6 the point which will determine which side is
7 bigger. Now, luckily for the taxpayers of the
8 Village, this Board has the authority to forego
9 that and not require finding which point that is.

10 CHAIRMAN KEILSON: Do we have the authority
11 to disregard a ruling by the Building Department
12 that that's a rear yard?

13 MR. MAX: Well, you could accept it. You
14 could accept the fact.

15 MR. RYDER: Mr. Chairman, if I may, and I
16 respect Mr. Wax's interpretation and Mr. Goldman's
17 with the front being the front because it's in the
18 front. But if you're interpreting that this is
19 the side yard from 50, 60 years ago, whenever it
20 was built, then where is the rear yard, Mr. Wax?
21 And then would you require a variance for the rear
22 yard?

23 MR. WAX: But we don't have to have a rear
24 yard, just as you're willing to give up a side
25 yard. Let me return the same question. It's a

1 religious thing, a question with a question. So
2 where's the side yard?

3 MR. RYDER: I'm saying that you're saying
4 what we're interpreting as the rear yard you're
5 saying is the side yard.

6 MR. WAX: Right. And I'm saying that the
7 Village interpreted it that way.

8 MR. RYDER: If I may finish. Now, you say
9 side yard. So where -- my question to you is
10 where is the rear yard? Every house needs a rear
11 yard.

12 MR. WAX: The same place your side yard is.

13 MEMBER WILLIAMS: What?

14 MR. WAX: One of them is not going to exist.
15 This is an odd piece. It has three, not two, but
16 three front yards, which is legitimate. I mean,
17 this is the same -- the same kind of zoning that
18 happens all over. Front yard is -- a street is
19 always a front yard. And so if you have three
20 you've either got to lose the rear yard or you've
21 got to lose the side yard.

22 MR. RYDER: Right.

23 MR. WAX: So I'm saying we're going to lose
24 the rear yard. You're saying we're going to lose
25 the side yard.

1 CHAIRMAN KEILSON: Unfortunately, I think it
2 is the Building Department that's dispositive of
3 what a rear yard is, and they've declared that to
4 be the rear yard. So irrespective of whatever
5 logic you'd like to propose, we have to view it as
6 a rear yard.

7 MR. WAX: My whole point is that I'm
8 challenging the fact of whether that is a rear
9 yard. Notwithstanding the credentials and the
10 ability and everything else of the --

11 CHAIRMAN KEILSON: Hold it, hold it.
12 Mr. Pantelis.

13 MR. PANTELIS: What you are allowed to do in
14 a situation like this is to appeal the
15 determination of the Building Department
16 indicating that you believe they've misinterpreted
17 or not properly applied the ordinance. Typically,
18 that's done in writing as part of the application.

19 The Board does have the power to at this
20 point consider as part of this application that
21 there is a question of interpretations which is
22 being presented by the applicant, and you
23 certainly have the legal right to consider it, and
24 therefore overturn, in effect, the interpretation
25 of the building superintendent for the purposes of

1 this application.

2 CHAIRMAN KEILSON: Right. Now, even if we
3 were to be inclined to do that, we still have the
4 encroachment, correct?

5 MR. GOLDMAN: Correct.

6 MR. WAX: Wait. So now, here's what is
7 really going on. Okay.

8 CHAIRMAN KEILSON: Right.

9 MR. WAX: The main part of the neighbor's
10 objection, as I understand it --

11 CHAIRMAN KEILSON: I think we should wait for
12 the neighbor to object. I don't think you should
13 speak for the neighbor. Why don't you just --

14 MR. GOLDMAN: No, but in fairness to
15 Mr. Wax's interpretation we are in possession of a
16 list of concerns that we have addressed, and we
17 would like to address them perhaps --

18 CHAIRMAN KEILSON: But I'd like to know how
19 an encroachment is not an encroachment.

20 MR. GOLDMAN: That's precisely what he's
21 about to address.

22 MR. WAX: I was about to get to it. That was
23 a great introduction.

24 CHAIRMAN KEILSON: I'm watching your slight
25 of hand.

1 MR. WAX: So if the side yard is truly a side
2 yard, the garage -- the two-story portion of the
3 garage and the room on top of it is legal. It is
4 not a variance. The balance of the --

5 CHAIRMAN KEILSON: Wasn't the variance
6 granted for that in 2002?

7 MEMBER GOTTLIEB: You mean the existing
8 garage or the proposed?

9 MR. GOLDMAN: No, no, no, the proposed
10 garage.

11 MR. WAX: The proposed garage.

12 MR. GOLDMAN: The proposed garage where it's
13 about to be placed.

14 MR. WAX: The proposed garage is legal. If
15 you follow along the side of what the proposal is,
16 it's the only variance comes about with the one
17 story -- with the portion that continues on along
18 the side of the house. The initial garage and the
19 two-story element in the front right of the house
20 is absolutely legal.

21 CHAIRMAN KEILSON: Because?

22 MR. WAX: Because if it's a side yard you're
23 allowed, you're permitted to do it.

24 Now, I would submit, just now --

25 MR. RYDER: He's talking about the one-time

1 exemption.

2 MR. WAX: Am I correct? If it were the side
3 yard.

4 MR. RYDER: It has to have a setback of
5 10 feet and more than 20 feet in length.

6 MR. WAX: So it would be legal?

7 MR. RYDER: Yes.

8 MR. WAX: So --

9 MEMBER HENNER: That's the garage you're
10 talking about?

11 MR. GOLDMAN: Yes.

12 MR. WAX: The garage and the main portion of
13 the addition would be legal.

14 CHAIRMAN KEILSON: Again, whether it's legal?

15 MR. WAX: No variance required.

16 CHAIRMAN KEILSON: How about the rest of the
17 construction?

18 MR. WAX: Yes.

19 CHAIRMAN KEILSON: You can't make that one
20 disappear.

21 MR. WAX: No, I've tried.

22 MR. GOLDMAN: If I might interrupt, that's
23 the whole point here. This is not -- again, this
24 is not a slight of hand, nor is this any kind of
25 effort at magic. This is an effort to accommodate

1 a family and provide it with the garage that the
2 Village requires, as well as additional living
3 space and a bedroom for a child. And what is
4 happening here is that based on this it provides
5 for that. It does not, again, violate the law,
6 assuming we go with this approach to it, but what
7 it effectively does is it accommodates just the
8 genuine need.

9 Now, the further back portion, which as
10 Mr. Wax points out, which I'm sure the
11 Verschleisers would love to have, nevertheless
12 that is not as a matter of right based on our
13 analysis, that would have to be whether the Board
14 wants to grant it in terms of we would have to
15 address that.

16 MEMBER HENNER: Can I ask a question. There
17 was a garage variance granted ten years ago so
18 that there could be a garage put in legally and
19 satisfy the Village. So once that's been done and
20 there is a garage and the Village is happy and the
21 variance is granted, why is there a need to change
22 the garage situation ten years later and go
23 through this whole mechanism?

24 MR. WAX: Well, there is a reason. One of
25 the reasons is that the garage as it exists, first

1 of all, is only a one-car garage which is not
2 permitted in the Village of Lawrence. You're
3 supposed to have a two-car garage.

4 MEMBER HENNER: Even when the variance was
5 granted it was granted to put up a one-car garage?

6 MR. GOLDMAN: Yes.

7 MEMBER HENNER: So that it was permitted by
8 the Village, then it's grandfathered in, isn't it?
9 Let me finish the question. Nobody has issued a
10 violation that the garage is in violation?

11 MR. WAX: No.

12 MR. GOLDMAN: No.

13 MEMBER HENNER: Okay, the garage is a legal
14 garage as we speak?

15 MR. GOLDMAN: Correct.

16 MR. WAX: Yes. But it's not in the same
17 place; it's not the same garage.

18 MEMBER HENNER: I'm sorry?

19 MR. GOLDMAN: Well, you know what, we could
20 probably --

21 MEMBER WILLIAMS: They asked for the garage.
22 They put it up. Now they want to move it.

23 MEMBER HENNER: Now you want to move it. All
24 right, fine.

25 MR. GOLDMAN: If I might, I may have

1 inadvertently submitted -- there are four photos
2 here. I would ask so that Mr. Henner and as a
3 matter of the record the garage that was put in
4 the ten years ago was done because the garage that
5 had heretofore been there was such a hazard, was
6 deemed to be such a safety hazard that any place
7 was better than where it was.

8 The Verschleisers, having come to the
9 community, being new, just wanted to make any
10 accommodation they could for that safety. But
11 look where this garage is, if I may. There's four
12 photos, and it's the one, obviously, on the lower
13 left. It's not used. It takes up a space on
14 Sealy Drive. It's unsightly across the street
15 from the neighbor. It has no viability, and to
16 the extent that if we wanted to do it now we
17 couldn't. It's just -- it is what it is. I mark
18 it People's -- Applicant's 1.

19 MR. PANTELIS: These are the photographs you
20 submitted which are the required photographs
21 already?

22 MR. GOLDMAN: Right. Why don't we add that,
23 please.

24 MR. RYDER: Mr. Chairman, if I may, there is
25 a point of information that's important here.

1 Regarding the side yard one-time exemption, that
2 addition cannot encroach further than any legal
3 existing side yard. If you're to remove that
4 garage, you wash that, that doesn't come into
5 play.

6 CHAIRMAN KEILSON: Let's have that again.
7 Everybody from the Board, please pay attention.

8 MR. RYDER: The addition cannot encroach
9 further than any legally existing side yard. An
10 addition cannot encroach further than any legally
11 existing side yard. So if we are to determine
12 that this is indeed a side yard, that existing
13 garage, if it's to be removed, the one-time
14 exemption does not come into play.

15 MEMBER WILLIAMS: Then you can't do the side
16 yard.

17 MR. GOLDMAN: Right. Then we would have to
18 leave that garage.

19 MEMBER WILLIAMS: Which you just told us is
20 useless.

21 MR. GOLDMAN: Unfortunately, that is true. I
22 mean, that's why I must tell you, I'm not trying
23 to be facetious. We're trying here to let --

24 CHAIRMAN KEILSON: But you hung your hat on
25 his presentation.

1 MR. GOLDMAN: Yes.

2 CHAIRMAN KEILSON: And his presentation
3 fails.

4 MR. GOLDMAN: How does it fail?

5 CHAIRMAN KEILSON: Because you're not leaving
6 the garage.

7 MR. GOLDMAN: Well, to the extent that I'd
8 have to fall into compliance, then I would have to
9 leave the garage.

10 CHAIRMAN KEILSON: No, you made the
11 presentation, so you live or die by his
12 presentation.

13 MR. GOLDMAN: Excuse me. To the extent that
14 we --

15 CHAIRMAN KEILSON: He's incorrect in his
16 presentation, correct?

17 MR. GOLDMAN: How is he incorrect? If we
18 leave the garage --

19 CHAIRMAN KEILSON: You're not leaving the
20 garage. You're removing the garage. Your
21 application calls for removing the garage.

22 MR. GOLDMAN: My application calls to remove
23 the garage, one, because I'm putting in a new
24 garage; but second of all, in order to put in the
25 addition that I don't believe we're going to be

1 allowed to have anyway. So the garage can stay.

2 In other words, it's --

3 CHAIRMAN KEILSON: Mr. Goldman, you make an
4 application. The garage is gone by your
5 application. So his proposed suggestion that you
6 have a one-time exemption failed.

7 MR. GOLDMAN: That's -- but then I will tell
8 you that I would amend the application to leave
9 the garage. In other words, it's more important
10 -- I must tell you something. It's not a question
11 of semantics. We're dealing here with a very real
12 family that resides in the Village, so to the
13 extent in order to provide for them I would have
14 to leave the garage, I would leave the garage in
15 order to avail myself.

16 CHAIRMAN KEILSON: We're not here to play
17 games.

18 MR. GOLDMAN: I'm not suggesting you are.

19 CHAIRMAN KEILSON: He made a strong argument
20 based on what his interpretation is that it's a
21 side yard.

22 MR. GOLDMAN: Correct.

23 CHAIRMAN KEILSON: And, therefore, we should
24 look at in a special way, a benign way, and treat
25 this encroachment as a non-encroachment. It's no

1 longer the case, so we go back to our legal
2 discussion.

3 MR. GOLDMAN: It is no longer the case if I
4 remove the back garage.

5 CHAIRMAN KEILSON: You cannot remove the back
6 garage; your papers call for it. Do you want to
7 adjourn and redo all your papers again?

8 MR. GOLDMAN: If that's what it would require
9 in order to get -- it's more important to have the
10 front garage and the bedroom for the children than
11 it is to have an eyesore facing the folks on
12 Sealy Drive; and if that's what it would take,
13 then I guess then we would have no recourse but to
14 do that.

15 MR. PANTELIS: But you're assuming then that
16 the Board is going to ultimately adopt the
17 interpretation which has been put forth by
18 Mr. Wax, so there is a certain amount of peril in
19 that also.

20 MR. GOLDMAN: That is correct. And I would
21 respectfully suggest that to the extent that if
22 it's six of one and a half dozen of the other, to
23 go with one interpretation that leaves folks
24 without a viable piece of -- the truth of the
25 matter is --

1 CHAIRMAN KEILSON: I also have to challenge
2 because you made a presentation that it could not
3 be built elsewhere. I'm sorry, but I don't find
4 it very compelling.

5 MR. GOLDMAN: Well, that one we have not yet
6 addressed, to the extent that I'm not an architect
7 and I've simply quoted architects.

8 Listen, the truth of the matter is you want
9 us to knock down the house. If we knock down the
10 house we couldn't build the house or certainly not
11 an accommodating house because of the nature of
12 the definitions. The property is such this is not
13 a question I've got a hole in the ground and I can
14 accommodate anybody. The reality is, is that if
15 it was knocked down, how could I build it? What
16 would I build?

17 MR. WAX: We would have to come back here.

18 MR. GOLDMAN: We would still have to come
19 back here for variances all over the place again
20 because of the nature of the property.

21 CHAIRMAN KEILSON: We have to see what kind
22 of variances and how it affects the neighbors.
23 We're concerned about how it affects the
24 neighbors.

25 MR. GOLDMAN: So now we're talking about the

1 issues of the neighbors. As far as I understand,
2 having been privy to conversations, and present,
3 there were issues that were presented by the
4 neighbor. Obviously, he can speak for himself and
5 speak quite well, but those issues we're prepared
6 to address tonight, like any other neighbor who
7 says that, you know, five foot closer to me is
8 more than I have. The fact that I would still be
9 29 feet from him and he is less than 29 feet from
10 his neighbor would be introduced. The fact that
11 there are issues that were raised about heat and
12 light and interference with privacy --

13 CHAIRMAN KEILSON: Wouldn't you be better off
14 responding after he makes his presentation?

15 MR. GOLDMAN: I'm more than happy to do so.
16 But to the extent that the Board --

17 CHAIRMAN KEILSON: Rather than anticipating?

18 MR. GOLDMAN: Well, I'm not anticipating,
19 because to the extent that we met and to the
20 extent they were placed in paper that was
21 submitted to this Board, to the extent that we met
22 with that neighbor and went over each and every
23 one of those.

24 CHAIRMAN KEILSON: I prefer you make your
25 presentation on behalf of your client, and then

1 we'll have the neighbor respond, and then you can
2 respond to whatever objections he may have.

3 MR. GOLDMAN: Obviously, I defer to the
4 Board.

5 CHAIRMAN KEILSON: Let's not do this several
6 times over. It's already 10:00.

7 MR. GOLDMAN: I will defer to the wishes of
8 the Board, but I would like it known that every
9 effort -- that this is not a surprise approach,
10 and I am anticipating -- I am responding to what's
11 there on behalf of my client, not anticipating.

12 CHAIRMAN KEILSON: I would have been much
13 more comfortable to come in and accept it as a
14 rear and say there is a requirement of 40 feet or
15 the like, but there's special circumstances here
16 and the like, and we'd be happy to listen to it.
17 But having gone through this entire presentation
18 and then it fails, now you want to keep the garage
19 up, I don't think that's an approach.

20 MR. GOLDMAN: I must tell you to the extent
21 that the Board has a concern and to the extent
22 that we could accommodate this Board with an
23 interpretation that diminishes the necessity of
24 this Board to go out of its way to grant a
25 variance where one is not necessary, it behooves

1 me as an officer of the court or supportive of the
2 effort that if I can avoid asking for a variance I
3 should do my very best to do so.

4 CHAIRMAN KEILSON: Then I would encourage you
5 to do long in advance of the hearing so you don't
6 burden us with something that has no legs. You
7 could have easily come down to the Building
8 Department and dealt with it.

9 MR. GOLDMAN: I'm not sure --

10 CHAIRMAN KEILSON: Whatever his
11 interpretation is, you could have easily
12 incorporated it into your papers. You didn't have
13 to come here and make this presentation which
14 fails.

15 MR. GOLDMAN: Well, I would respectfully
16 submit that it doesn't fail. It might, but it
17 doesn't fail automatically, Mr. Chairman. And to
18 the extent that if you want us to withdraw, I'm
19 prepared -- I am looking to accomplish something
20 for these people.

21 CHAIRMAN KEILSON: Fair enough.

22 MR. GOLDMAN: I'm looking to accommodate the
23 Board and accommodate the neighbor. This is not
24 -- this is not, you know, an indulgence on my part
25 or an exercise. It's looking for something that's

1 legitimate and trying to find a legitimate way
2 that's easy for this Board to accept or grant, and
3 easy for a neighbor to understand the need for it.
4 And so to the extent that we're going with various
5 options, if you like we can revert back to the
6 other one and say that it should be 40 feet, and
7 yet I would suggest to you but it doesn't have to
8 be 40 feet, and certainly 15 to 10 is a lot less
9 than 40 to 10. And again, you've been to the
10 property. I mean, there's a certain -- I don't
11 want to say common sense, because it implies that
12 we're not using common sense. But there's a
13 certain visual reality to the circumstance that I
14 would ask the Board to consider, and we're simply
15 coming up with different options.

16 CHAIRMAN KEILSON: Let me hear from the
17 architect with why it can't be built elsewhere. I
18 think it's very important.

19 MR. WAX: Okay. For one thing, we could sort
20 of rule out Sealy Drive because we're already on
21 Sealy Drive. The house encroaches onto
22 Sealy Drive. There's no yard at all virtually on
23 Sealy Drive. So now, if we put -- if we take this
24 garage and we put it on the left portion of the
25 house, what we do is we virtually wipe out any

1 usable property that these people have. Why do we
2 wipe it out? Because we take -- we take this
3 20 by 20 virtually building, we put it on the left
4 side, you can't see through a garage, so it's not
5 like you can see your backyard. You have to walk
6 around.

7 CHAIRMAN KEILSON: Why do you have to take
8 down the garage?

9 MR. WAX: I beg your pardon?

10 CHAIRMAN KEILSON: Why do you have to take
11 down the garage where it presently exists?

12 MR. WAX: Well, it's an eyesore and it
13 doesn't function well there.

14 CHAIRMAN KEILSON: You're talking about the
15 family and its needs for space and everything
16 else; isn't that what we're talking about?

17 MR. GOLDMAN: I believe that the applicant
18 would want to address that issue as well, if the
19 Board were to indulge us.

20 CHAIRMAN KEILSON: Sure.

21 MS. VERSCHLEISER: Hi. I'm glad I get a
22 chance to speak.

23 MR. PANTELIS: Your name and address, please.

24 MS. VERSCHLEISER: Excuse me?

25 MR. PANTELI: Your name and address, please.

1 MS. VERSCHLEISER: My name is Julie
2 Verschleiser, 95 Briarwood Lane, Lawrence.

3 That garage when it was approved was approved
4 at the eleventh hour as a compromise for us to get
5 into the house. We were busy shuttling our kids
6 back and forth from Brooklyn, the house was taking
7 forever to get done, and this was really -- we
8 were very young then, and this was the only way to
9 get in. And when it was built we did not realize
10 that it would be such an eyesore, (A).

11 But the main issue for us is safety. I mean,
12 that garage is literally right on Sealy Drive.
13 The only place that we could put a viable
14 basketball net -- we have three boys -- is on that
15 garage. They are 10 feet away from the street.
16 How often that ball rolls into the street from
17 that garage, I can't begin to tell you how often
18 my seven-year-old runs following it into the
19 street tying me in knots. It is unsafe, it is
20 ugly. We've had neighbors complain about it in
21 the past and my kids congregate there to play
22 sports.

23 We would like to move the garage to the
24 front, (A): Because it would look 110 times
25 nicer, prettier. I mean, if you want to keep it a

1 one-car garage, that would be okay, but we would
2 like to put a bedroom on top of it for my baby who
3 is now rooming with my nineteen-year-old daughter
4 for lack of another place. So we think --

5 CHAIRMAN KEILSON: The question on the table
6 right now is why you can't do the construction of
7 whatever bedrooms you need on the left side of the
8 house and leave the garage where it is.

9 MS. VERSCHLEISER: Okay, and I'll tell you.
10 We're only putting one new bedroom on that side.

11 CHAIRMAN KEILSON: The architect is here.
12 Maybe he can.

13 MS. VERSCHLEISER: If I could speak though.

14 CHAIRMAN KEILSON: Sure.

15 MS. VERSCHLEISER: We have a very funny-
16 shaped property. It's a triangle, and we all know
17 this. I only have limited backyard space, because
18 we tried to clean it up, we only have that little
19 corner triangle. That's where my kids have a
20 backyard. That's where we have to play; that's
21 where they have to hang out. If we build into
22 that triangle we have no backyard. The back of my
23 house is literally on top of Sealy Drive.

24 The side of my house is a very large space.
25 It may be deceiving; it's a very, very large

1 space, and we feel it would look 110 times nicer
2 on that side.

3 And as for not building on the left, we
4 changed our plans. We did move our entire family
5 room to the left side of the house. All we kept
6 in the front was the garage with the bedroom over
7 it. The family room has now moved to the left.
8 We're building over our deck so that we don't
9 intrude on their privacy. A garage will not
10 intrude on their privacy at all, my neighbor's
11 privacy. The bedroom on top is the only thing
12 that would be closer to their house. I mean, it's
13 going to be a little boy's room, so I don't really
14 feel that that would intrude on their privacy.
15 The family room where we would spend most of the
16 time congregating would be on the other side of
17 the house as per the plans right now.

18 MR. WAX: The garage, just to repeat, the
19 garage on the left side of the house would be like
20 a Chinese wall. It would seal off basically all
21 of the downstairs from the only yard that they
22 have to use.

23 CHAIRMAN KEILSON: The garage -- albeit
24 there's concerns about safety, the garage could
25 remain where it presently is, and you could do

1 your construction on the left side.

2 MR. WAX: Well, one of the problems that she
3 brought up was the fact that the garage is 10 feet
4 from Sealy Drive. Now, when you back out of that
5 garage it's -- the garage has a wall. You can't
6 see until your rear end is practically out into
7 Sealy Drive.

8 CHAIRMAN KEILSON: No, I understand that.
9 But again, we're going to have to balance that
10 against some objections from neighbors. And if
11 the garage could remain and the construction could
12 be done on the left side, Mr. Goldman's earlier
13 presentation was that it could not be done there.
14 Okay. I'm looking to hear somebody explain why it
15 could not be done there.

16 MR. GOLDMAN: Essentially, what it does
17 though is it knocks off the whole flow of the
18 house. What are you going to do, suddenly move
19 one or two bedrooms of children off to a section
20 or portion of the house that's totally disengaged
21 and that's disjointed from everything else?

22 MR. MARGULES: Could I say something, please?

23 CHAIRMAN KEILSON: No, not yet. We have the
24 professionals here.

25 MR. MARGULES: I'm a professional too.

1 CHAIRMAN KEILSON: Sheldon, wait your turn.

2 MR. MARGULES: Some people have ADD; I have
3 A to Z.

4 CHAIRMAN KEILSON: Okay.

5 MS. VERSCHLEISER: Can I say one more thing?
6 The way the house -- I have two girls, to get a
7 little personal, two girls and three boys. The
8 way we would be doing this setup is kind of
9 keeping the boys together. My daughter would have
10 her own room behind them. My other daughter is
11 going to remain where she is now. It would be
12 basically keeping the little boys together. You
13 can't build a room floating on air. You need that
14 garage to be brought towards the front of the
15 house. It will clean up the back and it will make
16 it nicer for my neighbors and for us, as well as
17 the people on Sealy Drive. It will totally
18 beautify the property. It won't ruin the
19 property. Once that garage is taken down from the
20 back, moved towards the front, it frees up that
21 whole area. We will grass it in. We will plant
22 trees; it will be nice. It will actually be a
23 real viable backyard. Now it's a foot sticking
24 out. That's all it is.

25 CHAIRMAN KEILSON: Thank you.

1 Are we ready for the neighbor, ready for
2 Sheldon?

3 MR. GOLDMAN: Before we hear from that
4 neighbor, it should be important to note that we
5 have letters of support from a great many
6 neighbors, and clearly not the neighbor who's
7 clearly in opposition.

8 CHAIRMAN KEILSON: The neighbor who is
9 impacted, right?

10 MR. GOLDMAN: Well, who would be impacted,
11 that is correct. But nevertheless, 1 Amberley
12 Road, 3 Amberley Road, 95 Sealy Drive, 91 Sealy
13 Drive, and 173 Briarwood Crossing, the corner of
14 Briarwood and Barrett, as well as 83 Briarwood
15 Lane, and within them they indicate -- there's a
16 variety of them so it's hard for me to -- they --
17 one indicates that they fully support it, that
18 they live across the street and don't oppose it.
19 The other one, at the moment their garage directly
20 faces our entrance door and living room windows,
21 which is an eyesore to us. The new proposed work
22 which they have shown us includes moving the
23 unpleasant structure to the front of their home.
24 Moving the garage to the front will enhance their
25 property as well as the character of the

1 neighborhood, and this is from folks at 95 Sealy
2 Drive.

3 So to the extent that there are some who are
4 impacted by what we propose, there are also some
5 who are impacted by what we hope to -- we hope to
6 correct, and I'd submit these.

7 MR. PANTELIS: We'll have them collectively
8 marked as an Applicant's Exhibit.

9 MR. GOLDMAN: One other point from
10 Mrs. Verschleiser, please.

11 MS. VERSCHLEISER: I'd just like to say
12 moving the garage to the front of the house would
13 totally be in sync and in line with the rest of
14 the homes on Briarwood Lane and Auerbach. Many of
15 which, more so than not, have the garage in the
16 front. This would make the house symmetrical. As
17 you see now it is not symmetrical. The left side
18 of the house as by definition is way wider than
19 the right side of my house. Putting the garage
20 there would totally give symmetry to the home. It
21 would look much prettier from the front, and it
22 would totally be in line with the rest of the
23 houses on the block, as you'll see that we took
24 many pictures of to show you.

25 Where the garage is now, nobody has that but

1 us, and we appreciate having been given permission
2 for that because it was able to take out a garage
3 smack in the middle on the side yard back when we
4 moved into the house in 2002. Now we just want to
5 enhance that.

6 MR. GOLDMAN: The reality in listening to the
7 Chairman, the issue really crystalizes here to
8 some extent, and I recognize the concern of the
9 Board as to the concerns of the neighbor who feels
10 they're most impacted. And I agree to the extent
11 that the Board should hear and see whether that
12 impact, whether the detriment that exists there
13 outweighs the benefit that we're proposing for
14 using the standards. So I would respectfully
15 defer.

16 CHAIRMAN KEILSON: Okay. I'll let
17 Mr. Margules have a word because he's so
18 impatient.

19 MR. MARGULES: Sheldon Margules. I am the
20 uncle of Julie Verschleiser, the uncle of --
21 what's your name -- Eli, friends of the Oliners,
22 his parents, Harry Friedman, mother and father, I
23 know them all very well, and I would prefer really
24 if they could just build a little teepee in the
25 middle and smoke the peace pipe. That would be my

1 preference, really.

2 CHAIRMAN KEILSON: All of us.

3 MR. MARGULES: Okay. But it's really -- I
4 mean, with all due respect to the professionals
5 here, it is very unclear what you're mentioning
6 and what you're saying. It's very simple. You
7 have to assume it to be -- assume, okay, that the
8 side yard is indeed the side yard. It's already
9 -- it's just is this the side, is this the back,
10 is this the rear, is this the front? Okay. The
11 door is over here, you're looking at it, this is
12 the side, this is the side, and that's the rear
13 okay (indicating).

14 Now, if we accept that, whatever -- I don't
15 know what the requirements are, the setbacks are,
16 but if they could build a garage, like anyone else
17 has a garage in front of their house, on the side
18 of their house, and it does not encroach,
19 encroach, then a variance is not necessary, then
20 what are we all fighting about?

21 If because the line is on an angle, if they
22 wanted to continue straight and then there is
23 encroachment, either they've got to straighten it
24 out, or they can't build, or their line -- the
25 width of their addition gets narrowed by X amount

1 of feet. I don't know if you understand.

2 CHAIRMAN KEILSON: No, I understand.

3 MR. MARGULES: You understand what I'm
4 saying? So you have to take the premise that
5 that's the side yard. What is doable as a side
6 yard that does not require a variance, you do it.
7 What requires a variance, either they allow them
8 or they don't or they modify it to be within --
9 within the legal limits. That's it.

10 CHAIRMAN KEILSON: Thank you very much.

11 MR. MARGULES: Period. Make a big deal, side
12 yard, front yard, this.

13 CHAIRMAN KEILSON: Okay, thank you, Sheldon.

14 I think it's time to hear from the neighbor
15 or their representative.

16 MR. BIENENFELD: My name is Richard
17 Bienenfeld, and I'm representing the neighbors on
18 Briarwood, the Oliner family. They asked me to
19 help evaluate the application of their neighbors
20 just to their south, the Verschleisers. And I did
21 take a look at the application.

22 MR. PANTELIS: I'm sorry. Mr. Bienenfeld,
23 you said you're representing. In what capacity?
24 Are you an attorney?

25 MR. BIENENFELD: I'm an architect. I'm an

1 architect, and I have appeared before this Board
2 many, many times, and I am quite familiar with the
3 zoning regulations in the Village of Lawrence.
4 And I'm very, very concerned that as a person who
5 has grown up in Lawrence and has had a close
6 connection to the Village all my life about the
7 character of the Village and the need for zoning
8 laws and the need for zoning ordinances and what
9 they're supposed to do.

10 And I know there's a lot of confusion about
11 this application because of the labeling of the
12 yards that surround the house. And the labeling
13 was a matter of discussion nine and ten years ago
14 by this very Board, and it was decided that this
15 property does have three frontages on three
16 streets and, therefore, each of those is a front
17 yard, leaving the remaining yard the rear yard.

18 Now, I fully understand all of the arguments
19 that the Verschleisers and their representatives,
20 Mr. Wax and Mr. Goldman, have made regarding the
21 confusion about what is front and what is side.
22 But the truth of the matter is is that the reason
23 why we have zoning ordinances that require a
24 certain amount of spacing around the house is so
25 that we have a proper amount of light and air

1 surrounding houses, each house in each district of
2 this community, and thereby we maintain the
3 character of the community. And yes, it's true
4 that side yards have different character than
5 front yards and rear yards. But we could argue
6 all night long what these yards are.

7 And I would suggest if that were to be the
8 main consideration there should be a separate
9 variance application just to determine what these
10 yards are and then we could look at what the yards
11 are and make that determination and it would be
12 much easier to look at every other aspect of the
13 variance application because it's extremely
14 difficult. I imagine you as Board members have a
15 huge amount of difficulty making any determination
16 as to the extent and scope of noncompliance when
17 you are still trying to figure out what yard we're
18 talking about.

19 But I, for one, would ignore all of that,
20 because there are certain things that are logical.
21 And Mr. Goldman started his presentation by saying
22 that, he said, you are probably wondering why
23 we're putting the addition on the side of the
24 house that we're showing, which is the north side
25 of the house, in the very narrow yard where very

1 obviously there is much more room for it on the
2 opposite yard of the house which is the front yard
3 and which is a much more spacious yard. And yes,
4 it's clearly logical that that's where that
5 addition should go.

6 Whatever the needs of the family are, and I
7 understand families have needs and there are kids,
8 and there are kids of all different ages and they
9 must be accommodated, and it's great if they can
10 do it within the laws that the Village has; and
11 where they can't do it exactly within the law, if
12 they could do it basically within the law, you
13 know, that's what this Board is for.

14 But to clearly and flagrantly ignore the laws
15 for the pleasure of saying that a room has to be
16 here, when it could just as easily go there, is
17 really not why this Board is here. For instance,
18 every use that they are requesting can be
19 accommodated much more closely to what the
20 existing zoning law allows. And that's the way
21 the project should have been presented to this
22 Board. There is no need for these rooms to be
23 squeezed in a side yard, which by the way, if it
24 is a side yard that has rules too. That has rules
25 too, and there are reasons for those rules. And

1 those rules are not just the extent of that yard,
2 but it's also the angle at which the setback is
3 allowed to be constructed within that yard. And
4 the purpose of the height setback ratio
5 requirements is it allows sun and light to enter
6 that yard at the pleasure of all the people who
7 live around that yard.

8 Specifically, the Oliners, their main family
9 room is directly adjacent to that yard. And the
10 Verschleiser house is on their southern exposure.
11 Meaning, that a two-story encroachment into that
12 yard absolutely impacts the light that enters that
13 yard. It casts a shadow deep into their yard, and
14 many times through the year actually casts a
15 shadow on the house itself. On the very, very
16 rooms that they enjoy the most, their own master
17 bedroom and their den. And by the way, if the
18 Oliners would ever want to extend their den and
19 their master bedroom toward that yard legally,
20 they would be exacerbating that situation, which
21 is not fair.

22 Not to mention the fact that when the Oliners
23 purchased their house and when the Verschleisers
24 purchased their house they were both very, very
25 informed of these rules. In fact, the

1 Verschleisers went through a very, very careful
2 examination of this exact placement of this garage
3 nine years ago, and the placement of the garage in
4 that yard was opposed by the Oliners' predecessor
5 and for very good reasoning. This Board
6 effectively rejected that location of that garage.
7 And they agreed, yes, on a compromise of where the
8 garage is now. If it made good sense then as a
9 compromise, it still makes good sense because
10 placing the garage in that location where the
11 applicant wants it, it will most probably not only
12 cast a shadow because the two-story extension
13 casts a shadow onto the -- onto the Oliners'
14 property, but it will probably damage -- it will
15 not probably, it will certainly damage and
16 probably kill the 100-year-old hedge row that
17 separates the two houses and provides the only
18 privacy that they have; a mature hedge row that
19 now exists between the two houses that's 100 years
20 old and will take 50 to 75 years to replace. And
21 there's no way that the root structures of those
22 old trees would be able to withstand that type of
23 intrusion into the space for their root
24 structures. And this was considered by the Board,
25 this Board, nine and ten years ago. And for all

1 these reasons, for these very, very same reasons a
2 compromise was made and the garage was set aside.

3 As far as all the other uses, they easily can
4 be arranged on the other side of the house,
5 easily. There's much more room. There is five
6 times as much room on the other side of the house.
7 It is absolutely illogical to place this proposed
8 addition on the north side of their house, which
9 is the south side of the Oliners' house. And you
10 know, just looking at the criteria, you know, at
11 the -- you know, just going down the list of the
12 criteria, will undesirable change be produced in
13 the character of the neighborhood and nearby
14 properties? Yes, we don't want in neighborhoods
15 with these size lots and in this zoning district,
16 no, we do not want 10-foot side yards. We just
17 don't want it. The zoning does not allow it. It
18 allows a 20-foot side yard with a 35-foot
19 aggregate, which means the minimum yard could be
20 15 feet; that's on a side yard. Clearly, this
21 Board spent a lot of time considering this issue
22 nine and ten years ago and determined it was a
23 rear yard which would require a 40-foot -- a
24 40-foot yard.

25 And will this change be undesirable?

1 Absolutely, it's undesirable. It's undesirable
2 for the Oliners. It's undesirable for the entire
3 Village to compromise yard requirements by such a
4 huge percentage.

5 Can the benefit sought by the applicant be
6 achieved by some other method than a variance? Of
7 course. Just go to the other side of the house.
8 You know, I heard the applicant's attorney and the
9 architect say something about if they had to knock
10 the house down and rebuild it, they wouldn't be
11 able to do it. Yes, they would. There's plenty
12 of room on this lot to build a legal house, and
13 there's plenty of room on this lot to add to the
14 house that's there now, legally.

15 By the way, I personally examined the flow of
16 rooms of how they would be if they had to build on
17 the other side of the house, and it has virtually
18 -- it actually flows beautifully, probably better,
19 in my opinion.

20 Is the requested area variance substantial?
21 In block letters, yes, it's substantial. 75
22 percent if you looked at it as a rear yard. Even
23 if you looked at it as a side yard, it's still 50
24 percent.

25 And will the proposed variance have an

1 adverse effect on the physical and environmental
2 conditions in the neighborhood? Yes, for the
3 reasons we just spoke about. It changes the whole
4 idea of spacing, light, air, all the
5 considerations that the zoning is trying to
6 protect.

7 And is the alleged difficulty of the
8 applicant self-created? Of course it is. It
9 could be on the other side of the house. There's
10 no need for it. There's no need for this variance
11 application whatsoever.

12 And when balancing comes out in favor of the
13 applicant, you have to decide if this is really
14 necessary. And this variance is not necessary.

15 And I also want to say this: You know, every
16 time I've been before this Board prior to tonight
17 I've been arguing for the variance. This is the
18 first time in my entire career that I've been
19 arguing against a variance. And when the Oliners
20 sent the application to me, I really felt it was
21 egregious. I felt this application is egregious.
22 It's just a fragrant ignoring --

23 MEMBER HENNER: Flagrant.

24 MR. BIENENFELD: A flagrant ignoring of what
25 this community's zoning codes try to promote and

1 the character of the Village that everybody wants
2 to preserve.

3 CHAIRMAN KEILSON: Thank you.

4 MEMBER HENNER: Can I ask a question before
5 you sit down?

6 CHAIRMAN KEILSON: Sure.

7 MEMBER HENNER: Hi, Rich. The one thing that
8 I'm struck by after listening to everybody is that
9 you say, I think, without asking you to read it
10 back, it could easily be done on the other
11 side?

12 MR. BIENENFELD: Yes.

13 MEMBER HENNER: And they say it cannot be.
14 This isn't like -- it's like so black and white.
15 I don't know if the question is for you or for
16 them. I just don't see how I have two architects
17 here and one says it could easily be done and it
18 flows better, and the other one says it cannot be
19 done. So I'm having a hard time justifying that
20 or figuring it out what's going on here.

21 MR. BIENENFELD: If I could answer the
22 question with an answer not a question.

23 CHAIRMAN KEILSON: I would say, just to
24 interject, the other side did not say it cannot be
25 done.

1 MEMBER HENNER: Oh, okay.

2 CHAIRMAN KEILSON: They said that for a
3 variety of reasons it's not best for the flow, or
4 the children, or the like.

5 MEMBER HENNER: Okay. Then maybe I misheard.
6 I thought somebody said it can't be done on the
7 other side.

8 CHAIRMAN KEILSON: They'll respond.

9 MR. BIENENFELD: I did take a little bit of
10 time to take the program elements that are being
11 proposed by the applicants and see how they would
12 fit on the other side of the house and actually
13 did sketch up a plan just for my own edification
14 to see how this would work, and it actually works
15 quite well.

16 Now, when you say that, you know, this flows
17 and this doesn't flow, these are all subjective
18 terms. I think objectively this Board has to
19 consider whether or not this variance application
20 is necessary, and you could argue for the next ten
21 years on what flow flows better. And I, as an
22 architect, would very much stand behind the idea
23 that putting these very, very same uses in a
24 different configuration, which does not require
25 the encroachment --

1 MEMBER HENNER: Would it require a variance?
2 I know you just sketched it out. I'm not asking
3 for your opinion. Just off the top, can you do
4 all that without having to come for a variance, or
5 would you still need a variance anyway?

6 MR. BIENENFELD: No, they would still need a
7 variance, but much closer to -- much less
8 noncompliance. Much less, and virtually no
9 increase of an existing noncompliance.

10 MEMBER HENNER: Okay.

11 MR. BIENENFELD: So I mean, what the
12 applicant is asking for is to take a noncompliance
13 and then expand it, okay. Every Zoning Board I
14 know does not like when existing noncompliances
15 are expanded. Especially when there's no reason
16 for it when we can go to, you know, different
17 areas on the property and accommodate it. I mean,
18 a basketball, a basketball does not have to be
19 done on Sealy Drive. A basketball can be done on
20 other places on the property. Bedrooms can be on
21 other places on the property. The family room is
22 already on that side of the house. You know, the
23 library, does the library really need to be next
24 to the kitchen, or should it really be on the
25 other side of the house anyway?

1 But anyway, the purpose is not to discuss the
2 architecture of the house per se in terms of its
3 flow and plan because that's entirely subjective.
4 What is objective is that all these uses do fit on
5 the side of the house that has much more property,
6 five times as much property.

7 CHAIRMAN KEILSON: Thank you.

8 MR. GOLDMAN: It should be noted that
9 Mr. Gottlieb recused himself at the beginning of
10 these proceedings. Why he did that is his
11 business and that's the appropriate approach that
12 he deems fit.

13 In the interest of full disclosure, it should
14 be just noted for the record that while
15 Mr. Bienenfeld appeared before this Board on
16 several other occasions, many, and I've seen him,
17 et cetera, he currently enjoys the status as an
18 unpaid consultant to the Village, and specifically
19 to this Board, and has met with I believe the
20 Chairman. I don't know if he's met with other
21 members or --

22 CHAIRMAN KEILSON: Other members as well.

23 MR. GOLDMAN: Pardon me?

24 CHAIRMAN KEILSON: Other members as well.

25 MR. GOLDMAN: And other members as well.

1 He's met, I believe, with the Building Department,
2 and I don't know whether he's met with
3 Mr. Pantelis. In that capacity he has not served
4 only as a consultant, but he's essentially given
5 you reason to believe that he has a pretty good
6 sense of what goes on in this Village, what
7 determination should be made in the future, not so
8 much what a particular variance should be granted
9 on a specific issue, but what, if you will, is
10 good for the Village, the actual -- the entire
11 Village would be compromised, et cetera. And he's
12 now working toward changing laws so people don't
13 necessarily have to come to variances or might.

14 I only suggest that to the extent that he
15 comes and has not for the purposes of the record,
16 and I'm not sure if he had to disclose that, but
17 certainly he comes to this with a different
18 profile, if you will, than the average architect
19 would ordinarily be, and I think that's important
20 to note because in the course of his presentation
21 to you he spoke in a more global issue in terms of
22 the application that's here before you. I don't
23 think it influences necessarily, but certainly in
24 the interests of full disclosure that's a
25 significant point that he comes to you, as I say,

1 with a different profile and perhaps a different
2 status than might otherwise be of somebody who
3 hasn't enjoyed that, granted, non-compensated, but
4 certainly, and to the extent that that's something
5 for the record or any future record I feel
6 obligated on behalf of my clients to indicate it.

7 CHAIRMAN KEILSON: So you will concede he's
8 very informed about --

9 MR. GOLDMAN: Sir?

10 CHAIRMAN KEILSON: He's very informed about
11 the needs and requirements or the values of the
12 Village; is that what you're conceding?

13 MR. GOLDMAN: I think what I'm conceding is
14 that he, as well as most architects here, has a
15 certain knowledge, but I think that to almost
16 implicitly suggest that he not only will advise
17 this Board on a specific issue, but knows what's
18 best for this Village in the global sense and is
19 presenting it to you with a higher degree of
20 expert status than the average one because he's
21 expecting you on a future date to defer to his
22 judgment on what not only the laws -- what the
23 laws should be, much less what you should be
24 taking in terms of your role here.

25 CHAIRMAN KEILSON: And I want to clarify.

1 That's not the case at all. He has no such
2 expectations because any discussions that we've
3 had would be open and discussed with other
4 architects, including the gentleman who is there
5 on behalf of your applicant, okay. And therefore,
6 it would be subject to their experience, their
7 opinions as well.

8 MR. GOLDMAN: Has that happened yet?

9 CHAIRMAN KEILSON: No. We're in stages and,
10 therefore, I want to dismiss very categorically
11 any suggestion that there's any impropriety.

12 MR. GOLDMAN: I did not suggest that
13 impropriety exists.

14 CHAIRMAN KEILSON: Excuse me. By bringing it
15 into the record so that it should not -- you know,
16 to make it clear on the record, there's an
17 implicit suggestion of some impropriety.

18 MR. GOLDMAN: No, not a bit.

19 CHAIRMAN KEILSON: If anything, I think you
20 enhanced his position because you're suggesting
21 he's very informed about what's going on in the
22 Village.

23 MR. GOLDMAN: Mr. Chairman, to the extent now
24 that we want to bolster his status, I'm not here
25 to do that. I'm simply saying that in full

1 disclosure he alone among the architects that are
2 before you today enjoys a different and peculiar
3 status than other architects do. Someday others
4 may reach that status, but for now he has been
5 deemed to be of a sufficient category as to what's
6 best in the total picture of this Village, more so
7 than anyone else. Now, that doesn't imply
8 necessarily an impropriety, but certainly in the
9 interest of disclosure, just as I've indicated
10 before that I served as village attorney in this
11 court.

12 CHAIRMAN KEILSON: So let's go for the record
13 because your architect, Mr. Capobianco, and others
14 sat with us and also discussed what might be best
15 for the Village. So let's put it on the record
16 we've sought their advice as well.

17 MR. GOLDMAN: But they don't enjoy the
18 peculiar status that Mr. Bienenfeld does.

19 CHAIRMAN KEILSON: Again, you're talking
20 about a snapshot in time. I don't want to debate
21 it.

22 MR. GOLDMAN: That may be. But that snapshot
23 nevertheless exists.

24 Moving along, to the extent that there are,
25 as I've indicated to the Board, the complaints

1 that were registered which indicated about killing
2 trees, adversely affecting light and ventilation,
3 taking away our area where we sunbathe, taking
4 away our views, et cetera, Mr. Bienenfeld
5 indicated some of them, and he stated in his
6 expert opinion the status of the trees. He made
7 references to the trees ten years ago. Ten years
8 ago I had a full head of hair; I stand before you
9 now bald as a beach ball.

10 CHAIRMAN KEILSON: Therefore?

11 MR. GOLDMAN: Therefore, in the course of the
12 ten years, as of May 24th, 2012, approximately,
13 what is it, three weeks ago, Herris Landing
14 Engineering Inc.: To whom it may concern, I Jerry
15 Herris, assessed all trees bordering the property
16 known as 95 Briarwood Lane, Lawrence, New York,
17 and belonging to 91 Briarwood Lane, Lawrence,
18 New York. There is only one viable -- only one
19 viable maintained tree along the line, tree line
20 separating the two properties. This is a 30-foot
21 -- 30 foot, higher than the house -- caliper
22 Littleleaf Linden. The remainder of the trees
23 grew there naturally, with the exception of the
24 spruce, cedar and ewe trees. The planted trees
25 are not maintained, in poor health and are covered

1 in vines and ivy. All of these trees will not
2 sustain damage due to excavation and construction
3 of the proposed addition. The roots are
4 concentrated within the "drip line" of the trees.
5 Minimal excavation will be done in the
6 concentrated area of roots. No excavation will be
7 done within the drip line of the only viable
8 planted tree, the 30-foot caliper Littleleaf
9 Linden. The drip line is defined as the area in
10 which rainwater drips off the canopy of the tree.
11 In conclusion, it is my opinion that the
12 excavation and construction will not harm the
13 trees located on the property of 91 Briarwood
14 Lane.

15 So to the extent that these -- well, it
16 speaks for itself, and I don't need to burden the
17 Board.

18 MR. PANTELIS: Would you like to submit that?

19 MR. GOLDMAN: I would submit that and it's
20 signed by R. Jerry Herris, BSA, University of
21 Georgia. And, of course, he's the tree person.

22 Now, the second issue that Mr. Bienenfeld
23 proposed to you was that air and light and
24 ventilation, et cetera, which is so important to
25 our Village would be impacted. I defer to

1 Mr. Novello who presents -- and I don't know,
2 maybe I missed it and there was a study done as
3 opposed to an opinion rendered, but I defer to
4 Mr. Novello with a true study.

5 MR. NOVELLO: John Novello. We prepared a
6 sun study with the proposed addition at all four
7 scenes at different times of the day, and I'll
8 submit this into evidence. And as you could see,
9 well start with July 20th at 9 a.m. You could see
10 this is the neighbor's property. This is the
11 subject parcel. And you could see all the sun --
12 this is without any vegetation; this is just the
13 addition. You could see all the sun and the
14 shadows as they would be once this addition would
15 be built. So you could see that this is the
16 summer, July 20th, October 20th, 9 a.m., 12 p.m.,
17 4 p.m.; January 20th, 9 a.m., 12. So all four
18 seasons are covered, and you could see that. I'd
19 like to --

20 MR. PANTELIS: Since you're offering this as
21 an exhibit and referring to it, are you going to
22 offer a conclusion with respect to this study?

23 MR. NOVELLO: The conclusion is that -- let's
24 take one quick look -- basically, none of these
25 times, and there's 12 different, you know,

1 scenarios, none of these times does the shadow of
2 this proposed addition hit the Oliners' house. I
3 would like the Board to take a look at this.

4 CHAIRMAN KEILSON: Who made the study?

5 MR. NOVELLO: We did in the office on
6 ArchiCAD software. And we obtained surveys from
7 both properties and put it into the software. We
8 used the -- you know, we could -- obviously, we
9 attest to that.

10 MR. BIENENFELD: May I speak to this?

11 MR. PANTELIS: I think what we'd like
12 probably, Mr. Chairman, is to let them finish
13 their presentation, and then if you have a
14 comment.

15 MR. GOLDMAN: Anecdotally -- anecdotally, to
16 the extent that there's a discussion of the status
17 of the three front yards and how they should be
18 determined and whether there should be strict
19 compliance, it's at least the recollection of some
20 that a comparable piece of property was discussed
21 and brought about in terms of the pool and the
22 location, et cetera. I believe it's the Rubin
23 property, which is, I believe, right opposite, and
24 to the extent that the opinion rendered there by
25 the advocate for the Rubins was that the whole

1 concept of the front yard, et cetera --

2 CHAIRMAN KEILSON: Was there a variance?
3 What are you suggesting?

4 MR. GOLDMAN: This was an application for a
5 variance in that circumstance and --

6 CHAIRMAN KEILSON: How recently was this?

7 MR. GOLDMAN: I'm not certain. I only
8 suggest, as I say, anecdotally, because the expert
9 who advocated for a reevaluation of the status of
10 front yards, et cetera, because it's a comparable
11 property, was, I believe, Mr. Bienenfeld. So I
12 don't know -- he can correct me if I'm wrong in
13 that circumstance, and I'm sure if I'm wrong he
14 will.

15 CHAIRMAN KEILSON: He will.

16 MR. GOLDMAN: I would also note too that in
17 terms of comparable we suggested to you that the
18 Oliner home on the other side is as close, if not
19 closer, to their neighbor than anything that is
20 proposed. And to the extent that I would submit,
21 to the best that I have it at the moment, a
22 photograph of what purports to be the Oliner home,
23 and you could see the other side of the Oliner
24 home, and I'll submit this as well, if I may.

25 CHAIRMAN KEILSON: Is that new construction

1 from the Oliners?

2 MR. GOLDMAN: I don't know.

3 CHAIRMAN KEILSON: So what relevance is it?

4 MR. GOLDMAN: Well, to the extent that --

5 MR. PANTELIS: Just by way of identification
6 of this photograph, what side of the Oliner home
7 are you referring to, the side that's adjacent to
8 the applicant?

9 MR. GOLDMAN: It would be the north side.
10 No, the side that is adjacent to their -- what I'm
11 simply suggesting is that, and I'll defer to
12 Mr. Wax to complete the discussion, but I think
13 it's important to note that since Mr. Bienenfeld
14 saw fit to quote the statute that you have to
15 utilize, and we don't often say it, because I like
16 to pride myself in coming in and saying, well, not
17 only is the detriment minimal, but it's
18 nonexistent.

19 But to the extent that that's not the
20 standard that's required, it says: In making its
21 determination, a Zoning Board of Appeals shall
22 take into consideration the benefit to the
23 applicant if the variance is granted as weighed
24 against the detriment to the health, safety and
25 welfare of the neighborhood.

1 Now, it's true that later on it talks about
2 whether there would be a detriment to nearby
3 properties, but the burden and the status, and
4 that's why to the extent that you're listening to
5 experts or would-be experts or purported experts
6 or advocates, the requirement here is not that
7 there be no detriment. We don't have to explain
8 to you. The concession almost is that sometimes
9 there is some form a detriment. Any time the
10 status quo is changed people perceive that as a
11 detriment. You heard here people that said
12 perhaps down the road it may impact on the sale of
13 a golf course, et cetera. That's a detriment.
14 And yet you have to balance that detriment as
15 opposed to the benefit. So the burden here is not
16 for us to say, well, you know, it doesn't have to
17 be anything. It's a question of balancing, and I
18 urge you to consider that.

19 And I urge you, too, that this is a question
20 of what -- at the end of the day, certainly, the
21 argument about the heat and light, maybe there
22 were photos that were presented in the letter that
23 was originally presented that somehow showed a
24 blackout. Supposedly, there are 30- or
25 40-foot-high trees there. So if there are 30- or

1 40-foot-high trees and they were there, then there
2 wouldn't be an issue of privacy and air or heat or
3 light. If they're not there, then the issue of
4 the detriment to the sanctity of the trees and the
5 green isn't there. So pick your poison,
6 literally.

7 Now, to the extent that I deferred to Mr. Wax
8 to continue the discussion as to the viability,
9 but I suggest to the Board and that's why we tried
10 so hard. This is a difficult choice because you
11 are weighing the interests of the neighbors,
12 et cetera. But what are we weighing? There are
13 plenty of people that walk along that street.
14 There are ten foot, less than ten feet who are
15 closer to neighbors. This is not a bedroom and an
16 annoyance and a pool, or whatever it may be up
17 against a neighbor who is looking into windows.
18 This is a family that wants to have bedrooms for
19 children, and they're going against a family room
20 and that's on the lower floor where the garage
21 won't have any impact. So I would again beg the
22 indulgence of the Board and perhaps let Mr. Wax
23 finish our presentation, unless rebuttal is
24 necessary.

25 MR. WAX: With all due respect to

1 Mr. Bienenfeld whose work I greatly admire, there
2 are some implications in his presentation that I'd
3 like to clarify. For one thing, we never stated
4 that you could not physically put the entire
5 addition on the left side of this house. What we
6 said, and I'll repeat it again, was that the only
7 viable yard that the Verschleisers have for their
8 children to play and to use as a yard -- I mean,
9 look, big piece of property, you all live here,
10 you all have yards that you like to utilize,
11 that's it. We could cover it up. What good would
12 that do to our client?

13 Secondly, I thought he was rather blithe
14 about, oh, yeah, I just rearranged the rooms. The
15 problem is that you have to identify one of the
16 rooms, which I tried to do before, and maybe I
17 wasn't good at it. One of the rooms is a viable
18 two-car garage. Think of that as a big, fat,
19 concrete vault. It seals off everything. When
20 you put that next to the den, you can't see out of
21 the den. It seals the house off, or the ground
22 floor, the usable part of the house. It seals it
23 off from the yard. Now, that's a big difference.
24 You can't put a garage on the second floor. It's
25 got to be on the first floor.

1 So what do we do? Do we just forget all the
2 aesthetics and everything else of the house? I
3 don't think he would do that either. Stick the
4 garage in the front where it doesn't bother
5 anything? Maybe walk around the garage to get in
6 the front door?

7 The point is anybody could design anything,
8 and as Mr. Bienenfeld said, it's completely
9 subjective. So I just wanted to point out that
10 the main thrust of the design was to get the
11 garage out of the way so that they could utilize
12 the yard as it exists and not fill it up with
13 house.

14 CHAIRMAN KEILSON: Okay.

15 MR. WAX: A couple of other points that were
16 made was that the shadow which you have -- you
17 have our studies on, the shadow was not only going
18 to impact and make dark their playroom or their
19 den, but it was actually the shadow of the
20 two-story was going to fly across and also create
21 a shadow on the second-floor bedroom. Not
22 possible. So this stuff is very subjective.

23 We did what we feel was a very good job of
24 minimizing the impact. And the impact and going
25 back to the side yard or rear yard, the Oliners'

1 side yard is the same yard that is the line that
2 we're talking about. Conjecturally, why -- if the
3 block continued on and the intersection of all the
4 streets was another 300 feet and this was just
5 another piece of property, all Mr. Oliner would be
6 entitled to would be a normal side yard of
7 20 feet. The fact is that the addition that we're
8 proposing has a side yard at the front end of
9 20 feet. It just goes down; because of the angle
10 of the property, it goes down to 15 feet. And
11 that's what we were asking for. So I just wanted
12 to put that into perspective.

13 CHAIRMAN KEILSON: Thank you very much.

14 Mr. Bienenfeld, make it short.

15 MR. BIENENFELD: Yes, very quickly.

16 You know, we did shadow diagrams also. And
17 obviously, our shadow diagrams do show the
18 building being obscured in shadow most of the
19 winter, okay. But besides the shadow diagrams
20 which depend on the time of the year and depend on
21 the time of day, and you could manipulate it even
22 with real shadows, many, many different ways, yes,
23 December in the morning and January in the morning
24 and February in the morning they will be in shadow
25 on both stories. But these are photographs of the

1 existing shadows that are on the ground now, and
2 this is without the 15-foot extension that is
3 23 feet high at the setback line or at the -- I'm
4 sorry -- at the building line. These shadows
5 clearly indicate that they go all the way to the
6 Oliner property now. And when that new -- it's
7 not hard to see that when the new two-story
8 addition is placed right where this shadow is,
9 that shadow is going to travel over, and that's
10 exactly what the height setback ratio is supposed
11 to prevent is having neighbors being in shadow
12 because of a neighbor's structure.

13 MR. GOLDMAN: I don't mean to interrupt.

14 CHAIRMAN KEILSON: You are interrupting. You
15 are interrupting. You are interrupting,
16 Mr. Goldman.

17 MR. GOLDMAN: Mr. Chairman, just as point of
18 order, is it being offered as evidence as part of
19 the record?

20 CHAIRMAN KEILSON: No, it isn't.

21 MR. GOLDMAN: And what is the source?

22 CHAIRMAN KEILSON: Mr. Goldman.

23 MR. GOLDMAN: I apologize, Mr. Chairman. I'm
24 just preserving the record.

25 MR. PANTELIS: By observation, I believe,

1 Mr. Bienenfeld, and you can confirm it, that that
2 is from the package that was submitted to the
3 Board in opposition to the application. I think
4 it's an exhibit. I think you should at least
5 properly identify it so we know what we're talking
6 about.

7 MR. GOLDMAN: Thank you.

8 CHAIRMAN KEILSON: Anything else,
9 Mr. Bienenfeld?

10 MR. BIENENFELD: Yeah. I just wanted to just
11 correct a few misstatements. First of all, the
12 trees that are on the property line, you can see
13 from this photo these trees are twice as high as
14 the house, which is not 30 feet high. They're
15 probably 60 or 70 feet high. And there are at
16 least four of them that I can count in this photo,
17 and they do run right along the property line and
18 with the -- and the drip line certainly is much
19 further out than what is being contemplated as the
20 foundation line of the new structure.

21 And when the new structure is built, that
22 foundation line will clearly, clearly, without
23 hiring a tree expert, involve the root structures
24 of these trees. And I don't think you need to be
25 an expert or you need an expert's letter to see

1 that these trees, you know, are so close to where
2 the proposed applicant's foundation structures are
3 going to have to impact these trees.

4 MR. GOLDMAN: I renew my objection, Mr.
5 Chairman, or my request that it be made part of
6 the record.

7 CHAIRMAN KEILSON: It's part of the record.
8 Continue, finish up.

9 MR. BIENENFELD: I also want to say that, you
10 know, Mr. Wax, again, said that there's only one
11 viable place where the kids can play and that's
12 the yard that's on the frontage of Barrett, Sealy
13 and Briarwood. And no one's taken away that yard
14 other than the Verschleisers themselves. They --
15 certainly, it's a huge yard. They certainly could
16 use a part of it, let's say a 15-foot part of it,
17 which is what they're proposing on the Oliner
18 side. They certainly could use part of that yard
19 without taking away play space for their kids.
20 It's just not a good argument.

21 And I also want to say that the garage that's
22 being proposed by the applicant, they should take
23 a look at their application, but it is not a
24 two-car garage. They are proposing a one-car
25 garage.

1 CHAIRMAN KEILSON: Thank you very much.

2 MR. GOLDMAN: Mr. Chairman, I would
3 respectfully ask Mrs. Verschleiser be permitted to
4 speak as well. Oh, I apologize. Mr. Oliner, I'll
5 defer to him.

6 MS. VERSCHLEISER: I just wanted to note that
7 the term character of the Village has been thrown
8 around a lot of times. When we bought our house
9 ten, eleven years ago, our house was dilapidated.
10 We restored it; it was a restoration, more than a
11 renovation. We beautified it. We weren't allowed
12 to put a fence around our property because we're
13 on a corner. Nobody loves trees more than me. We
14 planted trees all around at a very high expense to
15 us because we were denied permission to put a
16 fence. My neighbors received permission for that
17 fence. We still have trees; thank God, they grew
18 in over ten years. It's used as a natural fence.

19 With respect to putting a garage to that side
20 of the house, (A): It would be off of my living
21 room, which doesn't make any sense because my
22 kitchen is all the way at the other end.

23 (B): My kids would be pushed further into
24 the corner of Barrett and Briarwood to play, which
25 as we all know in Lawrence is a very busy corner;

1 cars are flying in both directions. If you tell
2 me to put a garage there and move my kids to play
3 in some smaller yard, that to me doesn't make any
4 sense.

5 As far as that line of the shrubbery, we will
6 be willing to plant nicer trees if we are allowed
7 our extension. Those trees maybe nine out of
8 twelve months are just vines. They are horrible
9 to look at, they are ugly, they are weeds. They
10 are not beautiful flora and fauna, as my neighbor
11 states.

12 CHAIRMAN KEILSON: Okay, thank you.

13 MR. GOLDMAN: Just so the record is
14 abundantly clear, and I know it's late, but
15 nevertheless, the record has to be preserved here,
16 Mr. Bienenfeld has cited the standards that which
17 you have to use. And to the point that the
18 benefit to the applicant if the variance is
19 granted is weighed against the detriment to the
20 health, safety and welfare of the neighborhood,
21 certainly there's been no indication of any
22 detriment to health, welfare or safety. There's
23 certainly no undesirable change to the community,
24 because even Mr. Oliner himself is that close to a
25 neighbor, and all along down the block there's no

1 demonstrable change.

2 Can it be achieved by some other method
3 feasible, not automatic, but feasible for the
4 applicant, and we believe that we've demonstrated
5 it's not feasible to do so.

6 Is it substantial? It's no more substantial
7 than anything else. And certainly to the extent
8 that there's an accommodation that if there is an
9 extended variance down, further down, other than
10 that we would be withdrawing.

11 And adverse effect on physical environmental
12 conditions, notwithstanding what's been presented
13 here by nonexperts, we've taken the trouble and
14 the expense of bringing in experts. And to say
15 one doesn't need an expert, you may not need one,
16 but we've certainly provided it and made it.

17 Is it self-created? It's as self-created as
18 any other variance. But to the extent that it
19 meets the needs of the family, and to the extent
20 that there's been no demonstration of any
21 detriment, so much so of a detriment that it
22 outweighs the benefit, I would respectfully ask
23 that based on this record this Board provide it.

24 Thank you.

25 CHAIRMAN KEILSON: Thank you. Okay, we're

1 going to discuss. We're closing down at this
2 point.

3 MR. OLINER: We wanted to present this for
4 the record. He asked us to present this for the
5 record.

6 CHAIRMAN KEILSON: What is that?

7 MR. OLINER: I'd like to submit a -- I'm
8 Harris Oliner, 91 Briarwood lane.

9 So first of all, we have a shadow study that
10 was done. We'd like to present that for the
11 record. And I'd like to hand that out to the
12 Board members.

13 We'd like to submit the opposition or our
14 concerns that we've presented, dated March 13th,
15 2012, and indicate pictures in Tab F (indicating).

16 MR. PANTELIS: The first exhibit I think we
17 would ask to be marked Neighbor's Exhibit A, the
18 second exhibit Neighbor's Exhibit B, which is the
19 packet of information previously received by the
20 Board.

21 MR. OLINER: And we'd like to point out and
22 present a survey from 1959 that indicates the
23 house as is back then, and also indicate that our
24 house was built in 1921, the Verschleisers was
25 built in 1922, and the Pearl house where they

1 indicated we were close to the line was built in
2 1923. So those were all --

3 MR. PANTELIS: Neighbor's Exhibit C.

4 MR. OLINER: We'd also like to present this
5 note that we referenced before which shows that
6 there are more than one tree there.

7 MR. PANTELIS: Neighbor's Exhibit D.

8 MR. BIENENFELD: Also, if I may, in response
9 to Mr. Henner's question earlier about an
10 alternate arrangement of rooms on the property,
11 and in relation to the house that's existing, I
12 did prepare an exhibit for that as well, and I
13 would like to submit that.

14 CHAIRMAN KEILSON: All right, submit that for
15 the record.

16 MR. BIENENFELD: Submit this in for the
17 record. There's one more important point.

18 MR. PANTELIS: Do you have any other exhibits
19 that you're offering at this point?

20 MR. BIENENFELD: No.

21 MR. PANTELIS: I don't think the Chair is
22 taking any more comments.

23 CHAIRMAN KEILSON: No.

24 MR. BIENENFELD: Thank you very much.

25 CHAIRMAN KEILSON: No more discussions.

1 MR. GOLDMAN: Mr. Chairman, I don't believe
2 that the Board, unless I've missed it, asked
3 whether there are any comments from the audience
4 or other neighbors.

5 CHAIRMAN KEILSON: I did earlier. You missed
6 it.

7 MR. GOLDMAN: Okay, I'm not certain. I would
8 ask the Chair to consult with other members. I
9 apologize, and I know it's late, but to the extent
10 that other neighbors want to make a record.

11 CHAIRMAN KEILSON: Mr. Goldman, you heard
12 me.

13 MR. GOLDMAN: Fair enough. Just say so.

14 CHAIRMAN KEILSON: Thank you.

15 The Board has decided to reserve decision.

16 MR. PANTELIS: Just to be clear, then the
17 record is being closed.

18 CHAIRMAN KEILSON: Correct.

19 MR. PANTELIS: And the Board is reserving
20 decision, and I think you need a vote on that.

21 CHAIRMAN KEILSON: Fine. Mrs. Williams.

22 MEMBER WILLIAMS: I vote for reserving the
23 decision.

24 MEMBER HENNER: Yes.

25 MEMBER SCHRECK: Yes.

1 CHAIRMAN KEILSON: Mr. Henner and I vote yes
2 as well. Okay, we're going to take a break.

3 (Whereupon, the hearing concluded at
4 11:05 p.m.)

5 *****

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

9
10 Mary Benci

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

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 June 27, 2012
7 11:30 p.m.8 APPLICATION: Respler
9 69 Harborview West
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman14 MR. EDWARD GOTTLIEB
15 Member16 MS. ESTHER WILLIAMS
17 Member18 MR. LESTER HENNER
19 Member20 MR. MARK SCHRECK
21 Member22 MR. THOMAS V. PANTELIS, ESQ.
23 Village Attorney24 MR. GERALDO CASTRO
25 Building DepartmentMR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 MR. PANTELIS: We'll go on the record
2 officially calling the case, Mr. Chairman.

3 CHAIRMAN KEILSON: The case of Respler. Will
4 they or their representative please come forward.

5 MR. GOLDMAN: For the applicant,
6 Ronald Goldman, 17 Auerbach Lane.

7 Let the record also reflect that I've also
8 brought for the purposes the applicant, as well as
9 the building engineer, the architect, and the
10 landscape designer. We understand the lateness of
11 the hour, Mr. Chairman, and we also want to move
12 toward perhaps a resolution of this matter that's
13 going to require a little bit more research.

14 With that thought in mind and I understand
15 that the neighbor has retained counsel and that
16 it's the lateness of the hour and members of his
17 entourage, for lack of a better word, who were
18 here for the full five hours could no longer
19 remain, with that thought in mind, I believe that
20 there's an application or an adjournment on the
21 part of the Board or the applicants.

22 MR. PANTELIS: Would you note your appearance
23 for the record.

24 MR. SOD: On behalf of the neighbor,
25 Mr. Grama, Nathan Grama. My name is Paul, S-O-D.

1 My office address is 337R Central Avenue,
2 Lawrence, New York. Good evening.

3 I make an application -- I guess I can join
4 Mr. Goldman's application for an adjournment in
5 light of the late hour.

6 Another homeowner, adjacent homeowner
7 actually across the street Mr. Ronny Halpern, was
8 here earlier. He spent about two to three hours
9 here. He could not stay longer because of the
10 late hour. He would have spoken before the Board
11 to express his opposition to this plan. I do not
12 represent him. I represent yet another homeowner,
13 Nathan Grama on 73 Harborview West, adjacent. We
14 are prepared to present opposition to the plan.

15 MR. GOLDMAN: What I would hope is that given
16 the fact that there's an adjournment being
17 proposed and being granted that perhaps during the
18 interim period that we will reach out to Mr.
19 Grama, and through counsel, of course, and perhaps
20 reconcile whatever opposition there is and that
21 way we can move expeditiously on the adjourn date.

22 MR. SOD: We certainly are receptive to any
23 approach from Mr. Respler and his representatives.

24 CHAIRMAN KEILSON: Okay, we're receptive very
25 much to the adjournment at this late hour.

1 MR. PANTELIS: And the official date for the
2 next hearing?

3 MR. RYDER: Is July.

4 MEMBER WILLIAMS: 25th.

5 MR. PANTELIS: July 25th.

6 MR. GOLDMAN: There's no way to have perhaps
7 a meeting given the fact that this has been
8 pending, and given the fact that Mr. Respler will
9 be out of the country at that date. He will be
10 observing the memorial date of his father's
11 passing, out of the country. So I don't know
12 whether --

13 MEMBER WILLIAMS: When will he be around?

14 MR. RESPLER: I'm going to be around until
15 July 23rd which is a Sunday. My father died the
16 day after Tisha B'Av.

17 MR. RYDER: The 25th is a Wednesday.

18 MR. PANTELIS: Off the record.

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

21 MR. GOLDMAN: The record should also reflect,
22 Mr. Chairman, that a component of the construction
23 of this house incorporates modular construction.
24 So I would just note that the representative of
25 that company was here as well, a three-hour trip,

1 and so I'm sure he's --

2 CHAIRMAN KEILSON: He can stay over till the
3 next hearing.

4 MR. GOLDMAN: When would the best date be
5 good for you? If Wednesday is the 25th --

6 MR. PANTELIS: Mr. Goldman, we can't really
7 move it up earlier than the 25th because we're not
8 having a special hearing. We have other cases
9 that are going to be, you know, in due course
10 noticed and so on.

11 MR. RYDER: It's too close a window.

12 MR. PANTELIS: There's no way it can be done
13 before the 25th.

14 MR. GOLDMAN: Mr. Chairman, I would
15 respectfully ask that we go back on the record and
16 we respectfully ask that the matter be adjourned
17 for the 25th, with the understanding that if for
18 some reason there's some problem we would ask for
19 an adjournment, but it doesn't matter because you
20 have other matters on. Thank you. We appreciate
21 the patience of the Board.

22 MR. SOD: Thank you all.

23 (Whereupon, the hearing concluded at
24 11:40 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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