

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 June 25, 2014
7 7:43 p.m.

8 APPLICATION: Stern
9 201 Broadway
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. MARK SCHRECK
17 Member

18 MR. LESTER HENNER
19 Member

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

22 MR. MICHAEL RYDER
23 Building Department

24
25 Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals. We'd appreciate if everyone turns
4 off their cell phones. And if there's need for
5 conversation please step in the hall.

6 Thank you very much.

7 Mr. Ryder, proof of posting.

8 MR. RYDER: Mr. Chairman, I offer proof of
9 posting.

10 CHAIRMAN KEILSON: Thank you so much.

11 Mr. Pantelis, we'll dispense with the
12 preamble because we only have two matters.

13 MR. PANTELIS: We do have some adjournments
14 to be noted for the record.

15 CHAIRMAN KEILSON: The matter of Stern,
16 201 Broadway, they've asked for further
17 adjournment till next month. The Board is okay
18 with it?

19 MEMBER HENNER: Sure.

20 MEMBER GOTTLIEB: Would you like to make that
21 a final adjournment?

22 CHAIRMAN KEILSON: I think it's appropriate.
23 This is the second time they've requested it. I
24 think it's appropriate. So it is adjourned.

25 MR. PANTELIS: In that case if it is going to

Stern - 6/25/14

1 be final, perhaps Mr. Ryder would notify them
2 accordingly in writing and put final in big
3 letters.

4 CHAIRMAN KEILSON: So there will be no
5 misunderstandings.

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

8 *****

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

12
13 Mary Benci
14 MARY BENCI, RPR
15 Court Reporter
16
17
18
19
20
21
22
23
24
25

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 June 25, 2014
7 7:44 p.m.

8 APPLICATION: Kahn
9 20 Muriel 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 MR. MARK SCHRECK
16 Member

17 MR. LESTER HENNER
18 Member

19 MR. THOMAS V. PANTELIS, ESQ.
20 Village Attorney

21 MR. MICHAEL RYDER
22 Building Department

23
24
25 Mary Benci, RPR
Court Reporter

Kahn - 6/25/14

1 CHAIRMAN KEILSON: The other matter is Kahn
2 of 20 Muriel Avenue. They requested an
3 adjournment. Mr. Schreck, any issue?

4 MEMBER SCHRECK: No, that's fine.

5 CHAIRMAN KEILSON: Mr. Gottlieb?

6 MEMBER GOTTLIEB: Fine.

7 CHAIRMAN KEILSON: Mr. Henner?

8 MEMBER HENNER: (Indicating.)

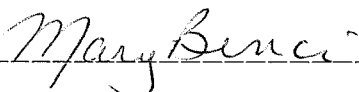
9 (Whereupon, the hearing concluded at
10 7:45 p.m.)

11 *****

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

15

16

_____

17

MARY BENCI, RPR
Court Reporter

18

19

20

21

22

23

24

25

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 June 25, 2014
7 7:45 p.m.

8 APPLICATION:

9 Fisher
235 Barrett Road
Lawrence, New York

10 P R E S E N T:

11 MR. LLOYD KEILSON
12 Chairman

13 MR. EDWARD GOTTLIEB
14 Member

15 MR. MARK SCHRECK
16 Member

17 MR. LESTER HENNER
18 Member

19 MR. THOMAS V. PANTELIS, ESQ.
20 Village Attorney

21 MR. MICHAEL RYDER
22 Building Department

23
24
25 Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The first matter this
2 evening is that of Fisher, 235 Barrett Road.
3 Would they or their representative please step
4 forward.

5 MR. AVRUTINE: Good evening, Chairman
6 Keilson, members of the Board, appearing on behalf
7 of the applicants, Howard Avrutine, 575 Underhill
8 Boulevard, Syosset.

9 This is the application of Miles and Shulamit
10 Fisher for a variance from surface coverage
11 limitation. The premises under application is
12 located on the northeast corner of Causeway Avenue
13 and Barrett Road. It has a street address of
14 235 Barrett Road. It is also known as Section
15 four, Block 92, Lot 409 on the Nassau County Land
16 and Tax Map.

17 The premises is zoned Residence A District
18 and it's developed with a single-family dwelling.
19 Mr. and Mrs. Fisher have applied to the Building
20 Department for permission to make the following
21 improvements at the premises. First, to relocate
22 the existing curb cut to the west of its current
23 location and reshape the driveway in order to
24 improve safety for ingress and egress to the
25 premises.

Fisher - 6/25/14

1 Secondly, to construct raised terraces in the
2 backyard with a pergola attached to the house and
3 an outdoor gas fireplace.

4 Next, to construct an in-ground gunite
5 swimming pool, patio and cabana.

6 And lastly, to install two dry wells. In
7 connection with the proposed improvements a
8 surface coverage variance is required.

9 The lot has a total area of 31,289 square
10 feet. As a result, the maximum allowable surface
11 coverage is 9,406 square feet. Under this
12 application, 11,432.06 square feet is proposed.
13 We submit that under the circumstances of this
14 case a relaxation of the surface coverage
15 limitation is warranted.

16 As the Board is aware, Causeway Avenue is the
17 only main road through the back Lawrence portion
18 of this Village. The property is on a main corner
19 in the area. Parking on the street is very
20 limited and quite a challenge. It creates a
21 challenge to vehicles pulling in and out of
22 driveways and homes in the area.

23 So the primary reason for the driveway
24 modification is the addition of a parking court
25 and a motor court on-site. This will allow ample

Fisher - 6/25/14

1 parking on-site for the family and visitors, as
2 well as maneuverability so that the vehicles can
3 exit from the premises facing the front, rather
4 than backing out as they've had to do in many
5 instances. So it's really for a safety issue.

6 And you can see I think on the plans that are
7 before the Board that there's a dotted outline
8 depicting the current driveway and curb cut
9 location and what is proposed, and of course, the
10 planners are here and they can speak more to those
11 details.

12 The paved areas in the front will not be
13 visible due to extensive landscaping which has
14 already been installed, and additional landscaping
15 is going to be installed as depicted on the site
16 plan.

17 In the rear of the premises, the applicant
18 proposes a terrace area, a swimming pool, patio
19 areas to serve the swimming pool, and a cabana.
20 If you look at the proposed accessory structures
21 in the rear, they are proportional, they're not
22 excessive in any means for a house and property
23 this size. The pool is proposed to be 15 by 30, a
24 typical residential pool on a half-acre lot. You
25 would see typically 20 by 40.

1 So there's been no effort to outsize as far
2 as the lot is concerned. I think what's happened
3 in this particular instance the unique location of
4 the parcel, the shape of the parcel, and the need
5 to expand the parking and driveway areas, which of
6 course count towards surface coverage, has created
7 a limitation which limits what we could do in the
8 rear. And I would hope the Board would agree that
9 what we are seeking to accomplish in the rear is
10 reasonable. Everything is going to be fully
11 screened and not visible from either adjoining
12 properties or from the street.

13 I have a signature of Betsy Lopata,
14 237 Barrett Road, having no objection to the
15 application (handing).

16 MR. PANTELIS: Where is this neighbor
17 located?

18 MR. AVRUTINE: If you're facing, it's
19 directly to the right. And the neighbor directly
20 to the rear of that home has been under
21 construction for an extended period of time; we
22 were unable to get that signature. And the person
23 on the other side, if you're facing to the right,
24 that person was not available, but we've heard no
25 negatives from this, and as a matter of fact the

Fisher - 6/25/14

1 applicant has received a lot of compliments on the
2 maintenance of the property and shrubberies that
3 have already been installed, that they really have
4 been an improvement for the property and for the
5 area. And I think the rest of this project will
6 follow in line with that.

7 Unless the Board has questions of me at this
8 time, I call our project designer to explain a
9 little bit further.

10 CHAIRMAN KEILSON: I think we understand the
11 project. I'm not sure what it is that he is going
12 to add to your presentation.

13 MR. AVRUTINE: He may explain a little bit
14 more about the details of the project, if you
15 would like to hear about it.

16 MEMBER GOTTLIEB: Before we get to that, I
17 think we can ask you some questions about that.
18 So a couple of generic questions perhaps. How
19 long are the residents living in this house?

20 MR. AVRUTINE: Five years.

21 MEMBER GOTTLIEB: Are they the builders of
22 this house?

23 MR. AVRUTINE: No, the house was built
24 previously.

25 MEMBER GOTTLIEB: The letter that you

1 suggested is from the house when you're facing it
2 is the house to the left, I guess is built by the
3 same builder.

4 MR. AVRUTINE: Correct.

5 MEMBER GOTTLIEB: Moving the driveway
6 entrance, are you moving it closing to the stop
7 sign or where the stop sign is?

8 MR. AVRUTINE: Moving farther away from the
9 stop sign.

10 MEMBER GOTTLIEB: So after the stop sign or
11 before the stop sign?

12 MR. AVRUTINE: Give your name and address for
13 the record.

14 MR. MURPHY: My name is Kevin Murphy. I'm
15 the designer of the project. I'm vice president
16 of King Landscaping. So currently, the driveway
17 exit is nearly at the corner at this acute angle
18 which makes it very difficult to turn out without
19 turning into oncoming traffic. This is the stop
20 sign down here. So we are coming slightly across
21 that stop sign, but we are coming out square,
22 perpendicular to the street to make it easier to
23 come out of the property and make a right-hand
24 turn, which is typically the way everyone is
25 going, without this wide swing. That's a safety

1 issue.

2 The other issue is currently people are
3 backing out of this driveway, which is unsafe for
4 the neighbors and it's unsafe for the people
5 backing out. Because there's no way to turn
6 around once they pull into the front, and it's
7 very tight in here. So we're trying to give them
8 an opportunity to turn around and pull out face
9 forward. Everybody would like to do that. So
10 that's the safety issue we tried to address.

11 Off-street parking is another benefit, but
12 it's primarily to make the driveway function
13 better. The clients inherited this driveway.
14 This is not the way I think is appropriate. This
15 was done for that reason alone.

16 CHAIRMAN KEILSON: I think we recognize it's
17 a beautiful parcel, it's a beautiful project. I
18 think the issue is it's excessive in our eyes.
19 Twenty plus percent overage on surface coverage is
20 not something that we've granted historically, and
21 it's not our role to try to pick apart where the
22 excess is. The number in and of itself is a
23 problem, okay. And just in and of itself it's an
24 issue.

25 MR. AVRUTINE: I understand that,

1 Mr. Chairman, and what I would suggest here
2 though --

3 CHAIRMAN KEILSON: The only modest thing
4 here is really the size of the pool, 30 by 15 is
5 conservative.

6 MR. AVRUTINE: It is.

7 MR. MURPHY: As you can see, the terraces are
8 actually quite narrow, and they were referred to
9 as raised terraces; they're only raised 12 inches,
10 slightly off grade. The terraces are only 15-feet
11 deep, you know, it barely fits the furniture.

12 CHAIRMAN KEILSON: Fifteen-foot deep. What's
13 the normal, Mike? Fifteen feet, is that --

14 MR. PANTELIS: You mean 15 feet from the rear
15 of the house to the edge of what you're calling a
16 terrace? A patio, is another generic.

17 MR. MURPHY: Right, it's called a raised
18 terrace. It's not an -- it's not elevated more
19 than 12 inches, and there's a pergola on top for
20 family gatherings, and that actually reduces the
21 size to 13 inside the columns. So it's less than
22 the width of this room, certainly; the pool is
23 small. It's a small walk on one side and just two
24 ends for lounge chairs.

25 MEMBER GOTTLIEB: Excuse me, could you just

Fisher - 6/25/14

1 re-explain. When you say the terrace, are you
2 talking about what looks like pavers?

3 MR. MURPHY: Yes.

4 MEMBER GOTTLIEB: So the width of that is to
5 the house?

6 MR. MURPHY: It goes, you know, along the
7 length to the house, but at no point is it deeper
8 than 15. At this point it is nine feet out. It's
9 about 15 feet out from going the length of the
10 house.

11 MR. PANTELIS: What's the approximate area of
12 the dimensions around the pool itself patio wise
13 and walk wise?

14 MR. MURPHY: Twelve feet.

15 MR. PANTELIS: Twelve feet.

16 MR. MURPHY: Twelve feet of walk. That's not
17 part of the calculation. And this is ten feet.
18 You know, it is modest by most standards.
19 Unfortunately, there isn't a lot of room to work
20 with. Reconfiguring the driveway it becomes
21 bigger, but even having reconfigured the driveway
22 there is not a lot of room. There wouldn't be a
23 lot of room to do much of anything.

24 The program I think is fairly consistent with
25 the use of the property. The program is not

1 unusual, and nothing, even the pool house is
2 small, it's 16 feet wide, 10 feet deep.

3 MR. PANTELIS: Is that existing or is that
4 proposed again?

5 MR. MURPHY: That's proposed.

6 MR. PANTELIS: Okay.

7 MEMBER GOTTLIEB: It seems to me you can add
8 on about 1,100 feet without coming forward, so
9 you're really coming to us for the additional
10 2,000 feet.

11 MR. MURPHY: Right. And out of the eleven, I
12 think maybe a third of that is to straighten out
13 the driveway. That doesn't leave enough square
14 footage to do any one of the other items
15 completely, certainly. There could be no swimming
16 pool, you know, and that would be the hardship if
17 there could be no pool.

18 MEMBER GOTTLIEB: You couldn't build a pool
19 with --

20 MR. MURPHY: Well, you could build a pool
21 with no patio. You could build a terrace, no
22 pool.

23 MEMBER GOTTLIEB: So you can't have
24 everything unless you get 3,100 feet. You can
25 have this or that, but you want this and that.

1 MR. MURPHY: Yes, at the smaller scale.

2 MR. AVRUTINE: I think what the applicants
3 are suggesting, and I understand the Board's
4 concern about the lot coverage variance that's
5 being sought, the surface coverage I should say,
6 but I think that the issue regarding the driveway
7 is significant and that does eat up most of the
8 portion that would be as of right. And I think
9 that for a parcel of this size and a house of this
10 size these types of amenities are typical for what
11 you would see in the Village and a pool and a
12 dressing area. There's only a half -- the home
13 was built with only a half bath on the first
14 floor, so there's really no accommodation. If
15 they're going to have a swimming pool, they need a
16 cabana because, otherwise, folks coming over to
17 visit and swim would have to go upstairs in their
18 house to be able to take a shower afterwards, you
19 know, after use of the pool. So these types of
20 amenities, as I indicated, you know, are typical,
21 and so I would say if you're balancing the
22 equities, the detriment versus the benefit to the
23 applicant, I would submit to the Board that the
24 benefit outweighs any perceived detriment.

25 MEMBER GOTTLIEB: Mr. Avrutine, how many

Fisher - 6/25/14

1 people live in the house on a full-time basis?

2 MR. AVRUTINE: Four.

3 MEMBER GOTTLIEB: So perhaps four cars, five
4 cars would be --

5 MR. AVRUTINE: Three of the --

6 MR. FISHER: The youngest --

7 CHAIRMAN KEILSON: Introduce yourself.

8 MR. FISHER: Miles Fisher, 235 Barrett Road,
9 Lawrence, New York 11559.

10 MEMBER GOTTLIEB: The reason why I was asking
11 about your family, not to get invasive, but to
12 find out the need for two motor courts. As
13 Mr. Avrutine is explaining, it's necessary for two
14 motor courts in a property when I think most
15 houses don't have one, but I understand you want
16 the turnaround. You need to be able to turn
17 around so you can face out when you leave.

18 MR. FISHER: Correct. I mean, if you had a
19 circular driveway where you could come in and out,
20 that would be great, but the uniqueness of the
21 property where the house is set back, it wasn't by
22 choice, you know. The builder built the house the
23 way it was set up. The original plans actually
24 showed a circular driveway, if you go back to
25 them, and then for some reason that was not built.

Fisher - 6/25/14

1 I don't know what the reason was. So getting in
2 and out of the house is usually a struggle, and
3 it's unsafe because people come flying up
4 Causeway, flying down Causeway, and it's not easy,
5 it's not easy to maneuver. My neighbor like this
6 morning could barely get out. I literally had to
7 back my car up because the gardener had his truck
8 parked right across the street in front of my
9 neighbor's house. So I think as Kevin pointed
10 out, you know, coming out perpendicular to
11 Causeway makes the maneuverability going either
12 way on Causeway much better, much easier. The
13 original driveway that was built, I don't know
14 what the builder had in mind. It just didn't
15 function properly. I don't know if you've been to
16 my house or if you know the house.

17 MEMBER GOTTLIEB: Sure.

18 MR. FISHER: You know, the trees that we had
19 got damaged during Superstorm Sandy.

20 MEMBER GOTTLIEB: You put up beautiful new
21 trees recently, the entire perimeter.

22 MR. FISHER: If you live in the neighborhood,
23 every house got increased in value because of when
24 you come into the neighborhood I beautified it.
25 This is basically the first phase of what I'm

1 planning, and you know, we're going to be doing a
2 lot more beautiful landscaping. Mike had stressed
3 to me some issues with possibly retainage of
4 water. The plan, we did a boring test. During
5 the height of the rain season the water level is
6 nine feet, enough to maintain my own water without
7 a problem, without any flooding. Plus the
8 additional landscaping that we're going to put in
9 is going to really help to alleviate water issues.

10 So, you know, yes, I'm asking for -- I don't
11 think it's excessive. I think what's pointed out
12 in terms of the patio, in terms of a terrace, the
13 raised terrace, in terms of the size and nature of
14 the pool is, basically, you know, based upon the
15 type of house where I live is in line. It's not
16 -- it's not -- you know, I wouldn't say it's out
17 of line.

18 But we're also -- I'm not only putting in
19 these things. I'm putting in -- spending a lot of
20 additional funds in terms of landscaping to
21 beautify and to finish the property properly. So
22 it's not -- this is not just about putting a pool
23 in. It's about finishing the proper, what I feel
24 as a finished product will look. The rest of the
25 back yard will look like the front of the yard

1 that you see now.

2 And the landscaping plan that you see is not
3 complete yet. There are still more trees that are
4 being proposed, but we didn't have enough time to
5 quite finish it to get into the BZA hearing. So
6 but you can get an idea of what we're proposing.

7 So my immediate neighbor, Betsy Lopata, who
8 lives next to me, that's the second house that the
9 builder built. She had no issue. You know, she
10 signed the petition. And my other neighbors, by
11 the landscaping I'm putting in, they're not even
12 going to be able to see, you know, anything that
13 we're doing. One of the houses next to me has
14 been under construction for three years. It's
15 been a sore eye in the neighborhood as well. So
16 we've been living with that.

17 CHAIRMAN KEILSON: All right, thank you for
18 the presentation.

19 I think the issue here is prima facie. It's
20 excessive. Certainly, with all the criteria that
21 we work with, it's excessive. We're sympathetic
22 and we recognize the improvements that you're
23 putting in, but we have to look at the bigger
24 picture, and 21 percent, 2,000 square feet over,
25 is really, you know, overreaching in our

1 experience.

2 MR. MURPHY: We do have an alternate plan
3 which we would like to present.

4 CHAIRMAN KEILSON: Maybe you should have
5 started with that.

6 MR. MURPHY: Well, I just wanted to make a
7 comment. The inclusion of driveways and lot
8 coverage is your Village Code, we understand that.
9 That's why we're here. But I will say that it's
10 unusual for an incorporated village to include a
11 driveway, and that is why it's so difficult to
12 create even what we would consider minor
13 improvements because of the code. And because --

14 CHAIRMAN KEILSON: However, we still have to
15 judge it by the Village Code.

16 MR. MURPHY: By the Village Code, I
17 understand that. I just hope that you would take
18 that into consideration because of the location of
19 the house and the amount of driveway that it takes
20 just to do the basic, you know, you've used up,
21 you know, a lot of the allowable coverage.

22 CHAIRMAN KEILSON: Having said that.

23 MEMBER GOTTLIEB: Having said that, and
24 speaking to that, it's not that we're saying we
25 won't give you anything, we just think the

Fisher - 6/25/14

1 application is excessive for what we judge.

2 MR. MURPHY: So plan B.

3 CHAIRMAN KEILSON: Maybe you should go to C
4 right away.

5 MR. MURPHY: We don't have a C.

6 CHAIRMAN KEILSON: You would be surprised how
7 resourceful people become standing at the bar.

8 MR. MURPHY: Well, we did two major things.
9 We actually took some of the pool out.

10 CHAIRMAN KEILSON: Again, you're going to
11 kill us with detail.

12 MR. MURPHY: Fifteen, we got it to 15.

13 MEMBER GOTTLIEB: Now, you could tell us how
14 you got to 15.

15 MR. MURPHY: We got it to 15 by knocking out
16 the end of the terrace, shortening the terrace,
17 eliminating that completely, trimming a couple of
18 the walks to -- although, you know, we were at
19 34 inches just because we thought that was
20 comfortable, we got it down to what's
21 noncompliant, cutting the corners out of the pool,
22 cutting a little bit here and cutting a little bit
23 there. The primary difference is that we've
24 reduced this and we've reduced the request for the
25 shed. And so the shed is --

Fisher - 6/25/14

1 MEMBER HENNER: Is there anything you can do
2 on the driveways at all?

3 MR. MURPHY: Oh, yeah, I'm sorry. We did
4 modify, yes, we did the driveway. That's how we
5 came up with 15. Driveway, terrace, shed, pool,
6 pool patios. We touched everything except for
7 this little area here. Everything else has been
8 trimmed and touched. We got it down to 15 or
9 14.62.

10 MR. PANTELIS: 14.62.

11 MEMBER GOTTLIEB: In raw numbers what's the
12 new coverage is over by instead of --

13 MR. HERNANDEZ: What's the question?

14 MEMBER GOTTLIEB: Instead of 2,026 feet.

15 CHAIRMAN KEILSON: Can we have your name for
16 the record.

17 MR. HERNANDEZ: My name is Francisco
18 Hernandez, 10 Phillips Road, Glen Cove, New York
19 11542. Now it is only 1,386 over.

20 MR. MURPHY: 14.74.

21 MEMBER GOTTLIEB: 650 feet less.

22 (Whereupon, a discussion was held off the
23 record.)

24 MR. PANTELIS: Can you give us some
25 dimensions on the backup here and your dimensions

Fisher - 6/25/14

1 in here as well.

2 MR. FISHER: Remember, the service court is
3 how you enter the garage. So you've got to be
4 able to get into the garage, get out of the
5 garage. Right now if there's cars parked there,
6 basically, I've already hit two of them backing
7 out of the garage late at night. So it is
8 challenging.

9 MR. MURPHY: The backup is 34 feet. The
10 backup is 34 feet from the garage doors. It's not
11 excessive. I think we brought that in from
12 38 feet. 34 he can make it. The courtyard
13 itself, which is tiny, is about 34 feet square
14 with a little pullup. Typical, typical courtyard
15 is about 52 feet.

16 CHAIRMAN KEILSON: Mr. Ryder, do you want to
17 comment on that?

18 MR. RYDER: The code requires a turnaround
19 for houses -- garages that are underground. The
20 turnaround radius is I believe maximum. The
21 minimum we ask is 30.

22 MR. MURPHY: Right. Again, 30 is really
23 tough. Thirty-four you can pull out, not have to
24 hit the curb and pull forward, and currently it's
25 less than that.

Fisher - 6/25/14

1 MEMBER GOTTLIEB: Is this garage underground?

2 MR. MURPHY: No.

3 MEMBER GOTTLIEB: The motor court in the
4 front, what did you say the dimensions are?

5 MR. MURPHY: Thirty-four by 34 and a spur to
6 the left to tuck up.

7 MEMBER GOTTLIEB: To make a K-turn.

8 MR. MURPHY: 34/34.

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

11 MEMBER GOTTLIEB: So I guess I'm not sure who
12 I should address.

13 MR. AVRUTINE: You could address the
14 questions.

15 MEMBER GOTTLIEB: One of the four of you can
16 answer.

17 MR. AVRUTINE: Surely.

18 MEMBER GOTTLIEB: Where the garage door is,
19 what you call the service court, so I understand
20 it's 34 feet to back up. But it looks like you've
21 added an additional area, I'll say heading toward
22 the pool. Is all that square footage necessary?

23 MR. MURPHY: Well, it is. Well, that's the
24 opportunity to park two of the family cars so you
25 can still back straight out. That's 18 feet deep

Fisher - 6/25/14

1 to put the car 18, 18-6, up to 19 and 20-feet wide
2 so that's for the two -- you know, there's three
3 cars at this point to be pulled in here, and you
4 can back out and pull out (indicating). Currently
5 you can't do that.

6 MEMBER GOTTLIEB: So you don't plan on using
7 the garage to park the cars?

8 MR. FISHER: There's only one car parked in
9 the garage. All the other cars are parked
10 outside.

11 CHAIRMAN KEILSON: I guess the question is
12 the need for the motor court or the extent of the
13 motor court.

14 MR. MURPHY: Should we submit this for the
15 record so you can look at this? This is the
16 reduced plan.

17 MR. AVRUTINE: Do you have another copy of
18 this?

19 CHAIRMAN KEILSON: It's not necessary. You
20 don't have dimensions on it anyway.

21 MR. MURPHY: Okay. In my experience, you
22 know, it's minimal obviously what we're looking --

23 MEMBER HENNER: Could you speak up a little.

24 MR. MURPHY: I'm just saying that these
25 dimensions are not excessive. Less than that it

Fisher - 6/25/14

1 just becomes very inconvenient, you know.

2 MEMBER SCHRECK: But if you got rid of the
3 motor court, what are you talking about in terms
4 of overage?

5 MR. MURPHY: If we got rid of that?

6 MEMBER SCHRECK: Yeah.

7 MR. MURPHY: Why even change the driveway
8 then? We still would require a variance.

9 MEMBER SCHRECK: I understand.

10 MR. MURPHY: How much I couldn't say. We
11 could do the math. That's the problem now is that
12 there's barely a court. People try and back from
13 here all the way out.

14 MEMBER SCHRECK: Right. But you could in
15 theory go up the new driveway, right, and sort of
16 do a K-turn and go out, right? You don't need
17 that whole area for the motor court. I'm not
18 saying it's not nice. It's very nice, but I'm
19 trying to see where things could be cut to try and
20 help along the way.

21 MR. FISHER: If I may.

22 MEMBER SCHRECK: Sure.

23 MR. FISHER: Right now we have the issue with
24 safety.

25 MEMBER SCHRECK: Right, right.

Fisher - 6/25/14

1 MR. FISHER: And the second issue is without
2 extending the service court up a little bit, the
3 cars when you park them here, you pull out of the
4 driveway, you hit the cars. There's not enough
5 room. Even if you pull the cars right up to the
6 curb, they still stick out halfway into this
7 driveway, which is -- and this driveway basically
8 just covers the entrance to the garage.

9 In terms of the motor court in the front, if
10 you look at the size, the size of it is not
11 substantially larger than what's there. We are
12 actually just reshaping it and making it a little
13 nicer, putting in a little inlay in the ground and
14 actually adding a couple of more places where cars
15 could park. Right now we have four cars. One
16 goes in the garage, three have to have parking.
17 And if you have a guest or two over it becomes a
18 traffic nightmare. You can't maneuver to get out
19 of the driveway. You can only get right now --
20 the width of this part of the driveway is only
21 wide enough. It also has got like a curve to it,
22 so you can only maneuver one car at a time and
23 what happens is, ultimately, people try to back
24 up, people run over the Belgium block. People get
25 flat tires from hitting the Belgium block and

1 getting stuck on it. And a lot of people just
2 back out, and it's dangerous when you back out
3 because there's no good line of sight until you're
4 into Causeway, and it's a main road, and so the
5 best way to come out of Causeway is to come out
6 head first with the car so you have full
7 visibility.

8 MEMBER HENNER: What's the road? Causeway is
9 on one side.

10 MR. FISHER: Barrett is here.

11 MEMBER HENNER: Do people park on the street
12 there? I don't go back there much because of the
13 mosquitoes, you know. But I'm serious, like on my
14 driveway you can get two cars, and everybody who
15 comes parks on the street. There's nothing
16 written that people who come in the back have to
17 be able to park in the driveway. I don't know if
18 people really park on the street back there. I
19 don't hang out there. It's not a good spot for me
20 to park.

21 MR. FISHER: The curve, you know, goes both
22 ways.

23 MR. MURPHY: And regarding the service court,
24 this little piece that we added on here is only 10
25 feet deep. I mean, it's not even suitable to park

1 in. It's supposed to give you a little
2 opportunity to turn around. So we did our best
3 to, you know, keep it minimum. But it has to
4 work. If we're going to go through any of this,
5 it has to work.

6 MEMBER HENNER: Any possibility of valet
7 parking? Just to move this along.

8 MEMBER GOTTLIEB: Mr. Ryder, a question about
9 drainage. I understand that they're putting in
10 dry wells to cover it all because where they are
11 is slightly elevated from Causeway. Causeway is a
12 -- can be a flood area. All the water from the
13 driveway would be contained on the site and won't
14 run off?

15 MR. RYDER: With additional driveway wells
16 and that Mr. Fisher also has put in shrubbery
17 surrounding the perimeter of Causeway and the side
18 street Barrett, and also bermed as well, so water
19 will be retained on his property.

20 MEMBER GOTTLIEB: Okay, thank you.

21 CHAIRMAN KEILSON: Mr. Avrutine.

22 MR. AVRUTINE: Yes, sir.

23 CHAIRMAN KEILSON: I think at the present
24 level the outcome may not be as favorable as you
25 would like. So we need some further reduction, or

1 we'll vote on it now.

2 MR. AVRUTINE: Well, I'll speak to my client
3 and see what he would like.

4 MR. PANTELIS: Do you want to take a couple
5 of minutes and we'll -- do we want to go onto the
6 next case?

7 CHAIRMAN KEILSON: The next case is an
8 involved case.

9 MR. PANTELIS: That is involved, that's true.

10 CHAIRMAN KEILSON: We'll give you five. Take
11 five.

12 (Whereupon, a recess was taken.)

13 CHAIRMAN KEILSON: Okay, we reconvene. So
14 our consensus is that we could live with a
15 13 percent overage. Whatever that translates to,
16 however you depict it.

17 MR. AVRUTINE: So variance and surface
18 coverage not to exceed 13 percent above what's
19 permitted.

20 CHAIRMAN KEILSON: Correct.

21 MR. PANTELIS: And a modified plan to be
22 submitted to Mr. Ryder in accordance with that.

23 MR. AVRUTINE: Absolutely.

24 MEMBER HENNER: You can work with that?

25 MR. AVRUTINE: Yes.

Fisher - 6/25/14

1 MR. FISHER: We don't have a choice. It's
2 not -- you know, we were looking at it and, you
3 know, scaling down the patio, changing things,
4 cutting the motor court and stuff. You know, I
5 don't think we were very overzealous. We tried to
6 make it usable. I'm spending a lot of money to
7 make the house more usable, more accessible, safer
8 exit and entry.

9 I understand the Board's issues with water.
10 You know, Barrett Road where I live there's -- I
11 know, I've looked into it with the town. Mike can
12 verify it. There's two storm drains that have a
13 direct line that go right out to the bay. The
14 corner of Barrett and Causeway never floods.
15 Barrett Road and the golf course sometimes meet,
16 but that's not caused by my runoff.

17 So you know, and with the enhancements that
18 I'm doing in terms of a lot of landscaping, and
19 the way we -- you know, Mike and I discussed it,
20 and the enhancements of the trees that I now put
21 in, I'm actually containing more of my water as
22 opposed to dumping it onto Causeway or onto
23 Barrett.

24 And so I, you know, I'd like 14 percent, if
25 possible, but if that's not, you know, it would

Fisher - 6/25/14

1 make it a lot easier to work the plan and to, you
2 know, get somewhat of I'm looking for, if the
3 Board could live with that. So it's, you know --

4 MEMBER GOTTLIEB: So with 13 percent you're
5 getting approximately 23 or 2,400 more square feet
6 than you have now. 1,100 by right, and then
7 another roughly thirteen or 1,400.

8 MR. MURPHY: Yes.

9 MEMBER HENNER: So what does another percent
10 translate into in terms of percentage?

11 MEMBER GOTTLIEB: Another hundred feet.

12 CHAIRMAN KEILSON: The proposal is
13 14 percent. We'll take a vote at this point. We
14 don't want to be de minimis at this point.

15 Mr. Henner.

16 MEMBER HENNER: I'm in favor of 14 percent.

17 CHAIRMAN KEILSON: Mr. Gottlieb.

18 MEMBER GOTTLIEB: So Mr. Fisher made a very
19 good argument, very compassionate argument, and as
20 much as I don't wish to say yes and for, I will.

21 MR. FISHER: Thank you.

22 CHAIRMAN KEILSON: Mr. Schreck.

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

24 CHAIRMAN KEILSON: And I will vote for as
25 well.

Fisher - 6/25/14

1 MR. PANTELIS: Maybe, just so the record
2 reflects, I think the Board has had a very strong
3 policy, especially in the past two years regarding
4 coverage, and we've been rather restrictive on
5 that. You do present not only a good argument, I
6 think the whole team as a group indicates the care
7 that you've taken, and in this particular case
8 what appears to be a really substantial amount of
9 landscaping that's been added to the property even
10 in advance of an application I think speaks in
11 your favor.

12 MR. FISHER: Thank you.

13 CHAIRMAN KEILSON: So we're adopting plan B
14 minus.

15 MR. AVRUTINE: Thank you, your Honor. Thank
16 you.

17 MR. RYDER: Thank you.

18 MEMBER GOTTLIEB: Do they have to appear
19 before Building Design for the driveway?

20 MR. RYDER: Board of Building Design approval
21 will be necessary.

22 CHAIRMAN KEILSON: What's the term on this?

23 MR. RYDER: Two years.

24 MR. MURPHY: Building permit application,
25 another Board hearing?

Fisher - 6/25/14

1 MR. RYDER: Different Board. No mailings,
2 postings, things of that nature.

3 MR. MURPHY: It's another presentation based
4 on the results of this?

5 MR. PANTELIS: Right, but it's more
6 architectural.

7 MR. RYDER: Thank you.

8 (Whereupon, the hearing concluded at
9 8:30 p.m.)

10 *****

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

14

15

Mary Benci

16

MARY BENCI, RPR
Court Reporter

17

18

19

20

21

22

23

24

25

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

7 June 25, 2014
8 8:30 p.m.

9 APPLICATION: Nayman
10 21 Herrick Drive
11 Lawrence, New York

12 P R E S E N T:

13 MR. LLOYD KEILSON
14 Chairman

15 MR. EDWARD GOTTLIEB
16 Member

17 MR. MARK SCHRECK
18 Member

19 MR. LESTER HENNER
20 Member

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

23 MR. MICHAEL RYDER
24 Building Department

25 Mary Benci, RPR
Court Reporter

1 MR. HOPKINS: Michael Hopkins, from the firm
2 Hopkins and Kopilow, 100 Quentin Roosevelt Boulevard,
3 Garden City, New York 11530. We represent Mr. Nayman in this
4 application.

5 Mr. Chairman, I've been before the Board. I know
6 that the Board is familiar with the application and the
7 petition. I'd like to, before I get down to the details of
8 the specific variances which are sought, just to bring two
9 things to the attention of the Board.

10 Number one, Mr. Chairman, when Mr. Nayman went to
11 purchase this property, it had been previously subdivided by
12 a predecessor Board back in 1994 into two separate lots. For
13 reasons which are not clear to me, when the closing took
14 place the attorney representing the Naymans took one deed
15 instead of two deeds, and therefore it's been the position of
16 the Board that the property is in fact merged. I bring that
17 to your attention because we will also be going before the
18 Planning Board seeking to be restored to the status quo ante
19 with one slight change.

20 And the one slight change is that whereas as it
21 originally existed the house on the parcel had 9,000 square
22 feet, and the empty parcel close to Broadway had 10,000
23 square feet. We had reversed it in the proposed lines today.
24 The house will have 10,000 square feet and the parcel on the
25 corner will have 9,000 square feet. So what we're trying to

1 do, ultimately, is to be returned, as I say, to status quo
2 ante, bearing in mind that nothing that my clients did are
3 the reason for why the property is merged, but I understand
4 the position of the Village.

5 MEMBER SCHRECK: Mr. Hopkins, just a question.
6 What are the Naymans' intention with respect to the second
7 parcel?

8 MR. HOPKINS: Well, they don't have any intention
9 to do anything with the parcel at the present time. I don't
10 know what the future holds. I know in theory they would love
11 to put a swimming pool on that parcel accessory to this
12 house, but under the code, at least as I understand it, the
13 pool as a stand alone on a parcel is probably forbidden. And
14 so that's one of the reasons why you see the pool being
15 situated on the parcel right now. But it is, as I say,
16 simply the desire to be returned to the status quo ante,
17 i.e., before the closing. And then as time passes if it
18 becomes something where the house is sold, the property is
19 sold, so be it, but at this point there's no intention to do
20 anything with the property except to maintain it as you see
21 it right now.

22 MR. PANTELIS: You're saying status quo prior to
23 the closing, but you are altering the size of each of the
24 lots.

25 MR. HOPKINS: That's what I said before,

1 Mr. Pantelis.

2 MR. PANTELIS: No, I heard, but I think the
3 question then would be -- the Board did ask this question in
4 conference -- what kind of a house, what size house could you
5 put on that other proposed parcel and still be in compliance
6 without variances of the code.

7 MR. CAPOBIANCO: John Capobianco, architect. You
8 could put a good size house of about 2,340 square feet on
9 that property, which two floors is, you know, over 4,500,
10 4,600 square feet. So it's a good size house. And it would
11 comply with the setbacks, the rear yard and building
12 coverage, and you know, with a small patio you would comply
13 with driveway and patio and walkways and you should be able
14 to comply with surface coverage, so you should be able to
15 make a house that would comply.

16 MR. RYDER: Mr. Capobianco, I have to ask you one
17 question. Did you take into account that it's a corner
18 property and the house line setback to Broadway?

19 MR. CAPOBIANCO: Yes. It would be 25 foot on both
20 corners, you know. And actually, the narrower of the two
21 sides, you know, is the front yard, and the wider of the two
22 front yards would be considered the side yard. So you would
23 be able to position a house pretty nicely on that proposed
24 second lot.

25 So when we looked at the design of this house,

1 which is a Tudor house, which we took, you know, I think
2 great pain in trying to make a Tudor house addition look like
3 it wasn't an addition, like the house looked originally like
4 a Tudor, and traditionally, Tudor homes, you know, have small
5 closets, small rooms. The house was substandard in size with
6 regard to the kitchen, there was no family room, a very small
7 breakfast area.

8 MR. HOPKINS: That was -- excuse me, John, I don't
9 mean to be rude. Mr. Chairman, that was the second point I
10 was going to emphasize, which is that it's the desire of the
11 applicant that if the Board approves what's being proposed
12 that when completed people would actually look at it and
13 imagine that that's the house that has stood there since 1929
14 as completed, which is the age of the house as it exists
15 right now. It's the theme that was carried through on
16 virtually every one of the variances that you're going to
17 hear me discuss, as a practical proposition. The desire to
18 keep it architecturally in tune with what's in the area and
19 to have somebody drive by, as Mr. Capobianco said, take a
20 look at it and say that's a handsome house, it's probably
21 been here since before the depression as a practical
22 proposition, as a classic Lawrence house, a very handsome
23 looking house.

24 CHAIRMAN KEILSON: That could be a double-edged
25 sword, because we could look at it and say with some of the

1 variance diminished it could also have been here since 1929.

2 MR. HOPKINS: I suppose one could make that
3 argument. I suppose one could make that point. But again, I
4 was only trying to convey that in doing your balancing
5 argument, that it's been the desire of the applicant just to
6 keep everything consistent with the neighborhood, and I
7 suggest that the theme has in fact been accomplished.

8 MEMBER GOTTLIEB: Mr. Hopkins, before you continue,
9 I want to step back for a moment to something you said
10 previously. You said they might have wanted to put a pool in
11 the second lot. I'll call it lot number two for argument
12 sake. You said you couldn't put a pool on a separate lot.

13 MR. HOPKINS: Yes, that's my understanding. I'm
14 ready to stand corrected, because if you put -- if you put
15 theoretically the pool on the second lot, the pool would then
16 become the main use. Pools are intended to be accessory to
17 a main use.

18 MEMBER GOTTLIEB: I understand. I'm not
19 disagreeing with you. What I'm actually proposing is that
20 you don't divide the lot. You leave it as one lot, and then
21 you can have all that space to put your pool, and this way
22 you don't have to have an application for the pool as
23 applications eight -- as variance eight and nine.

24 MR. HOPKINS: No, you're quite right in the sense
25 that if the entire parcel is considered to be one, at least

1 in theory we would not be down here, I think as a practical
2 proposition for much of anything, except perhaps the front
3 and rear yard height/setback ratios might be the only thing,
4 as a practical proposition. But I do say, Mr. Gottlieb, in
5 fairness to the clients that for them to bear the burden of
6 acquiring the property in the way it was meant to be since
7 1994, and then to have to bear the burden because the
8 attorney at the closing inadvertently merged it, it had
9 nothing to do with what their intention was, and certainly I
10 submit to you with the utmost respect there's nothing wrong
11 with their desire to be restored to that which they thought
12 they were getting in the first instance. I know that they
13 were shocked at least when I was approached about the whole
14 concept of how the heck did this all happen, and I've been in
15 touch with Mr. Pantelis, we've tried to unravel this thing
16 going back over time. And it really is a situation, I
17 repeat, where these poor people are here because of what an
18 attorney did at a closing and for no other reason.

19 If I may, with your permission.

20 CHAIRMAN KEILSON: I didn't follow that last
21 sentence.

22 MR. HOPKINS: I'm sorry?

23 CHAIRMAN KEILSON: They're here because of what the
24 attorney did? Didn't they require the variances anyway?

25 MR. HOPKINS: I said before they would require some

1 of the variances admittedly, so as a practical proposition,
2 for example, because they're putting up the addition, the
3 front setbacks, certain other things, yes, of course it would
4 be required. But if you had the larger parcel, which is one
5 of the reasons why we moved the lot line, the proposed lot
6 line to make it 10,000 square feet instead of 9,000 square
7 feet was basically to mitigate some of the things that were
8 being sought as a practical proposition on this parcel at
9 this time. What I was saying simply, Mr. Chairman, is that
10 this is not a problem that they created, i.e., the merger.
11 That's all I'm suggesting, nothing more than that. And as I
12 repeat, I think it's perfectly understandable that they would
13 like to be returned to the status quo ante, with the
14 exception as Mr. Pantelis says of moving that lot line over
15 to give a thousand square feet addition to the lot where the
16 house is currently situated and leaving the corner lot with
17 9,000 square feet. If I may, with your --

18 CHAIRMAN KEILSON: With the potential of selling it
19 off as a full lot, is that what we're saying?

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

21 CHAIRMAN KEILSON: With potential of selling it off
22 as a full lot, is that what we're saying?

23 MR. HOPKINS: Well, they have a mortgage, so
24 whatever they have they're going to have to keep aware of the
25 fact that they have a mortgage, and I suspect the mortgage is

1 on the entire parcel, as a practical proposition. So this is
2 just reality in so many ways, but the potential is there, I
3 suppose, in theory.

4 CHAIRMAN KEILSON: Otherwise, couldn't they just
5 move the lot line even further than the 10,000?

6 MR. HOPKINS: No, no, no, no, they couldn't because
7 9,000 it has to maintain.

8 CHAIRMAN KEILSON: That's the minimum.

9 MR. HOPKINS: And we have. If you give me a
10 fraction of a second. It's 212-10. In my humble opinion,
11 we're in complete compliance with that and we moved the lot
12 line as we did.

13 CHAIRMAN KEILSON: As far as it can go.

14 MR. HOPKINS: Yes, sir, as far as we could go and
15 still be in compliance with your code, and that was part of
16 the design so that we didn't create any additional problems.

17 From my petition, I don't want to repeat what it
18 says in the petition, you know the family background, you
19 know the family history. The house is a 1929 house, as
20 Mr. Capobianco pointed out, a traditional Tudor of that time,
21 the rooms are somewhat smaller, choppy. The desire is to
22 modernize the house.

23 The variances which are being sought, Mr. Chairman,
24 are as follows. Building coverage, we are seeking
25 5.5 percent over that which is permitted by code. Code would

1 allow 2,440 square feet. We are requesting 2,574 square
2 feet, an overage of 134 square feet, or 5.5 percent for
3 building coverage.

4 The second coverage issue has to do with surface
5 coverage, and what is being requested is 6.5 feet over the
6 code -- I apologize 6.5 percent, 4,130 square feet permitted
7 by code, 4,399.4 square feet being requested. I submitted as
8 prepared by Mr. Capobianco, and that certainly I hope you
9 would find also reasonable.

10 In terms of the front-yard setbacks, pardon me, the
11 existing house has a front-yard setback at the present time
12 of approximately 24.8 feet. The desire, of course, is to
13 maintain that. You're picking it up because we're seeking
14 variances in the front yard and so that would kick in. The
15 proposal is to maintain and be consistent with that
16 front-yard setback with the addition which is proposed to the
17 right of the existing structure, and so the setback would be
18 24.8 feet to be maintained on the existing portion and
19 24.8 feet on the proposed addition.

20 MEMBER GOTTLIEB: May I interrupt you.

21 MR. HOPKINS: Yes, sir, of course.

22 MEMBER GOTTLIEB: I'm looking at what we call a
23 plot plan on the bottom right side, and it looks as if
24 existing is 25.2, proposed 24.8, unless I'm reading it
25 incorrectly.

1 MR. CAPOBIANCO: On the survey that's submitted it
2 shows 24.8 to a different point on the front yard of the
3 house. There is a 28 -- 24.8 number on the survey I believe
4 if you look at it. And there could be 25.2 at the corner,
5 but at a certain point on the house there is 24.8.

6 CHAIRMAN KEILSON: Yeah, the survey does show 24.8.

7 MEMBER GOTTLIEB: Thank you.

8 MR. HOPKINS: Again, in order to maintain the
9 integrity of what's being proposed on the house --

10 MR. RYDER: Excuse me, wait a second. I'm sorry,
11 I'm just a little confused. On the survey we show 24.8 to
12 the proposed two-story addition. On the existing house I see
13 25.2. We're talking about four inches here, but it's
14 still --

15 MR. HOPKINS: I know it's a matter of inches. Do
16 you have a survey with you?

17 MR. RYDER: Yeah.

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

19 MR. HOPKINS: Mr. Chairman, rather than be captured
20 by 24.8 versus 25.2, what is proposed is just keeping the
21 setback consistent on the addition to that which is currently
22 there.

23 The rear-yard setback, again, the desire is to
24 maintain the integrity of the proposed design. The rear-yard
25 setback is supposed to be 30 feet, whereas 27.91 is proposed.

1 I would point out to you, Mr. Chairman, that there
2 is an existing two-car frame and stucco garage to the rear
3 which has I think a 4.5-foot setback, and the proposal is to
4 remove that. So even though admittedly we are requesting
5 approximately 2.1 feet in the rear-yard setback, we will be
6 certainly much better off than the 4.5 feet which currently
7 exists with the garage in the rear.

8 With regard to the setback ratios, again --

9 CHAIRMAN KEILSON: Before we get to that, in the
10 rear of the house you are removing the existing one story?

11 MR. CAPOBIANCO: One-story, two-car garage.

12 CHAIRMAN KEILSON: On the south side.

13 MR. CAPOBIANCO: It's actually on the west side.

14 CHAIRMAN KEILSON: West side, okay, correct, fine.

15 And then you're adding what do we have there, new patio and
16 one-story addition next to the two-and-a-half-story addition?

17 MR. CAPOBIANCO: There's a small one-story addition
18 right on the side of the two-and-a-half-story addition which
19 is the mudroom entrance at the back.

20 CHAIRMAN KEILSON: Okay. All right, continue.

21 MR. HOPKINS: Yes, Mr. Chairman. The next series
22 of variances sought relate to the height/setback ratios
23 particularly in the front, but again, the desire is to
24 maintain on the addition the height -- the front yard
25 height/setback ratio that currently exists, as a practical

1 proposition. 0.74 I believe is permitted by code max; 1.35
2 is requested. And that's also what exists, as a practical
3 proposition.

4 CHAIRMAN KEILSON: Well, it doesn't exist on the
5 full --

6 MR. HOPKINS: No, I said -- I'm sorry,
7 Mr. Chairman. It exists on the existing building, but we're
8 proposing to expand it.

9 CHAIRMAN KEILSON: The overage isn't significant
10 and it's now the full length of the --

11 MR. CAPOBIANCO: No, it's not the full length.

12 MR. HOPKINS: We'll address that right now with
13 your permission.

14 MR. CAPOBIANCO: I'd like to explain that. The
15 reverse gable that you see on the existing portion of the
16 house which is the -- which is set forth of 24.8 feet has a
17 peak height which is really the part that encroaches a small
18 area of the width of the house into the front yard, you know,
19 into the height/setback ratio. Then when you go about
20 another, I guess it's approximately 18 feet, it really is a
21 set back roof which doesn't have that encroachment into the
22 setback ratio. And then what we did is we kind of mimicked
23 the size of that reverse gable on the right side over the
24 garage which does then have that same. So it's not the whole
25 width of the house. It's approximately, you know, ten feet

1 on each side of the ends of the house that encroach into the
2 height/setback ratio.

3 CHAIRMAN KEILSON: The other areas do not encroach
4 at all?

5 MR. CAPOBIANCO: The other areas, if you look at
6 the side elevation here where you see the line that
7 represents the 0.74, the setback ratio, that would comply
8 with the roofs that are in the middle. That would comply.
9 It's just the two reverse gables on the end that encroach
10 into that height/setback ratio.

11 MR. HOPKINS: And that logic, Mr. Chairman, also
12 has some degree of application to the rear yard
13 height/setback ratio which is going to impact -- could we
14 take a look at the rear for the benefit, John.

15 MR. CAPOBIANCO: Again, it's the same kind of
16 thing. It's only the portion of the rear -- the rear of the
17 house which is this bottom left side elevation. The dark
18 shaded area is the additional part that we're building. The
19 lighter shaded area which is back approximately 30 -- 48 feet
20 certainly complies with the height/setback ratio for the
21 rear, so it's only approximately half, a little less than
22 half, and it's really just the gable end that really is the
23 encroachment portion of the height/setback ratio.

24 MR. HOPKINS: That's why I said the logic that
25 applies to the front also has some application here to the

1 rear, Mr. Chairman.

2 In terms of the roof, the existing roof is
3 approximately 34.16 feet; I think 30 is that which is
4 permitted by code. Again, to keep everything consistent, as
5 a practical proposition, that roof height is being carried
6 from the existing house onto the proposed extension as well.

7 MR. CAPOBIANCO: Yes.

8 MEMBER GOTTLIEB: Can I ask Mr. Capobianco a
9 question on that. So I understand if your roof height is
10 34 feet you can't drop it five feet in the middle of the
11 house, but my -- not a proposal, my question is the new
12 extension -- let me rather go back a second.

13 The part of the existing house closest to the
14 street is 16 feet wide.

15 MR. CAPOBIANCO: That's correct.

16 MEMBER GOTTLIEB: And that's the part that really
17 triggers the front height/setback ratio.

18 MR. CAPOBIANCO: That portion right here.

19 MEMBER GOTTLIEB: Then you're adding another
20 21 feet to the far right of the house, and it's the new
21 extension, and that's also 34 feet it's encroaching both in
22 the front-yard setback as well as the height setback.

23 MR. CAPOBIANCO: That's correct.

24 MEMBER GOTTLIEB: I'm in the business of reducing
25 variances, variance requests. At least tonight I am. If

1 that was pushed back five feet and made into compliance, to
2 me it would remove a lot of the bulk that you're seeing as
3 you pull right into the street, because instead of now there
4 being a 16-foot wide edifice up close, 34 feet high, it's
5 going to be 16 and an additional 20. You're going to be
6 doubling the amount of house frontage close to the street.

7 MR. CAPOBIANCO: The only thing encroaching is --
8 you see this triangle area? If you had brought this same
9 roof down to this point, that wouldn't encroach into the
10 height/setback ratio. The reverse gable, because of the left
11 side being a reverse gable and Tudors having some sense of,
12 you know --

13 CHAIRMAN KEILSON: Symmetry.

14 MR. CAPOBIANCO: -- symmetry, we feel that it's
15 not really a major encroachment. I mean, even though it
16 matches the left side, we feel that architecturally it's
17 important to keep that design element. But it's not as large
18 of an area. It's just a triangular portion that actually
19 projects into this plane that you see over here. You see
20 this plane? So I mean, I think it's, you know, the reverse
21 gable.

22 MEMBER GOTTLIEB: It was a two-prong question. One
23 is the height setback, and the other one is that the front
24 yard, because as the house steps back, as several of these
25 houses do on Herrick, I thought you could just come within

1 code and build that extension parallel to where the house is
2 currently where the house is stepped back.

3 MR. CAPOBIANCO: Well, we built it parallel to
4 where it currently is set back on the left side.

5 MEMBER GOTTLIEB: Well, I meant where it's set back
6 on the right side.

7 MR. CAPOBIANCO: Oh, well, that takes away the
8 two-car garage. You see, the problem --

9 MEMBER GOTTLIEB: Or pushes it back further.

10 MR. CAPOBIANCO: Yeah, the problem is one of the
11 great design features of this particular scheme is that we
12 eliminated the structure in the rear yard opening up --

13 MR. HOPKINS: The existing garage.

14 MR. CAPOBIANCO: -- creating open space and then
15 having to find a new home for the two-car garage was the only
16 place to attach it was the side of the house. Then when we
17 moved the line an extra 10 feet we had plenty of room to do
18 that. So it made sense to do that in a way that it created
19 better circulation for the rear yard, it opened up the rear
20 yard, it makes the rear yard more functional and useful.
21 Particularly if the house in the future -- if the property to
22 the, you know, north was sold off in the future or if they
23 built it for another house for their children, it would then
24 have -- this house would stand alone on a 10,000 square-foot
25 lot and that rear yard would be very valuable in the future.

1 So that's why bringing the garage to the front, attaching it,
2 taking the one in the back, creating more open space I think
3 was a big plus planning wise, and I think it has better, you
4 know, area.

5 MR. HOPKINS: If I could just reinforce,
6 Mr. Chairman, the encroachments that have been highlighted
7 are just as Mr. Capobianco described them. The reverse
8 gables at the very discrete locations, it's not that it
9 overwhelms or looms or is imposing as one is looking at it
10 from the street or for that matter from the rear yard, as a
11 practical proposition. And again, the desire is to keep the
12 architectural theme. Anything else you wanted to add on
13 that?

14 MR. CAPOBIANCO: I think it may not appear in
15 reality. It's hard to visualize. You see a wall here, but
16 you have to realize that this whole middle section is set
17 back pretty far and I don't think it appears to be
18 overwhelming with regard to the encroachments to the front
19 yard.

20 MR. HOPKINS: If I could, Mr. Chairman, just two
21 other topics. The garage, it theoretically has to have
22 20-by-20 clearance, if my memory serves me correctly, but
23 there is a small little powder room just in the corner that's
24 intruding a little bit. But again, this is necessitated by
25 the fact that the rear yard is being freed up by the removal

1 of the two-car garage which is actually a fairly tall
2 structure for a two-car garage as well.

3 The only other variance being sought, Mr. Chairman,
4 forgive me, relates to the swimming pool which is proposed in
5 the rear and side yard. You can see it's shaped somewhat
6 like an L on the proposal. And there are -- and that really
7 and ironically has to do with the -- if you just would be
8 kind enough, it's supposed to be 20-foot set back from the
9 pool, 10 feet is proposed. But again, I repeat that there's
10 an existing garage there right now which is only 4.5 feet, so
11 there will be -- even though we're seeking relief, there will
12 be more space between the pool and the rear lot line than
13 currently exists between the garage and the rear lot line.

14 The other variance would be on the side yard which,
15 if my memory serves me correctly, there's supposed to be
16 15 feet, and 7.5 feet is proposed on the side. And just so
17 that we're clear, that's the side that's closer to Broadway,
18 as a practical proposition.

19 I'll answer any questions you may have,
20 Mr. Chairman, or members of the Board.

21 MR. CAPOBIANCO: The other thing is that the
22 existing detached two-car garage in the back yard that is
23 only four point some odd feet, 4.5, has a tremendous
24 encroachment into that height/setback ratio. I mean, it's
25 just --

1 MR. HOPKINS: Existing.

2 MR. CAPOBIANCO: -- existing. It's so much greater
3 than what we're proposing with the proposed by getting rid of
4 the garage. I think it's a big plus creating a lot more open
5 space between the neighbors and the house itself.

6 MR. HOPKINS: Mr. Chairman, with your permission
7 too, I have a series of four letters that have been signed by
8 the neighbors across the street, and there's one neighbor
9 somewhat to the rear I believe adjacent to Mr. Davies that's
10 -- if you would be kind enough -- that's the Rosenberg
11 family, I believe that's number 6 Meadow Lane, so all of whom
12 have endorsed the proposal.

13 CHAIRMAN KEILSON: Manor Lane.

14 MR. HOPKINS: I'm sorry, I believe you're right,
15 sir. I'd like to offer them collectively as Applicant's
16 Exhibit number 1.

17 MR. PANTELIS: Mr. Capobianco, where would you
18 propose to put the pool equipment on this plan?

19 MR. CAPOBIANCO: Usually, you put it in the back
20 yard with the proper setbacks from the property line.

21 MR. PANTELIS: You need 15 feet, right?

22 MR. CAPOBIANCO: And enclosed with a fence.

23 MR. PANTELIS: But you need 15 feet?

24 MR. CAPOBIANCO: Yes. No, I think for the pool
25 equipment I think it's eight feet or is it still 15?

1 MR. RYDER: Fifteen.

2 MR. CAPOBIANCO: So we would maintain it to the 15.
3 We could put it off to the side on the other side because you
4 could run a pipe. We're also maintaining that huge copper
5 beach tree that's in the front, which is one of the big, you
6 know, touchy situations with the Board wanting to keep that
7 tree, and we agree to keep that tree and we think it's a
8 tremendously beautiful tree.

9 MR. RYDER: Board of Trustees. Not this Board.
10 This Board I don't think is aware of that. Thank you for
11 pointing that out.

12 MR. HOPKINS: There's a magnificent tree. We want
13 to maintain that magnificent tree.

14 CHAIRMAN KEILSON: We saw it when we visited the
15 property and we mentioned how beautiful that tree was.

16 MEMBER HENNER: Do you need a variance for the
17 tree?

18 MR. CAPOBIANCO: Almost.

19 MR. HOPKINS: Any questions, Mr. Chairman, we would
20 be delighted to answer.

21 MEMBER GOTTLIEB: Always questions.

22 MR. HOPKINS: Yes, sir.

23 MEMBER GOTTLIEB: Are you removing -- I don't
24 recall if this came up. In the back of the house it looks
25 like there's a one-story den or some addition in the back of

1 the house.

2 MR. CAPOBIANCO: Yes, that's being removed.

3 MR. HOPKINS: That's being removed, yes.

4 MEMBER GOTTLIEB: So that's why you believe you're
5 keeping the same distance 27.8 feet of rear yard versus
6 30 feet of rear-yard setback?

7 MR. CAPOBIANCO: Yes.

8 MEMBER GOTTLIEB: You make mention that you're
9 keeping the rear yard the same distance as it is.

10 MR. HOPKINS: No, no, that was in the front. In
11 the rear yard what I observed before is that even with the
12 slight encroachment into the rear-yard setback that we're
13 discussing it's still infinitely better than the rear-yard
14 encroachment by the existing garage which is probably a 1929,
15 1930 structure as well, and which as Mr. Capobianco points
16 out is a large structure and the height/setback ratio right
17 there has to be enormous, as a practical proposition.

18 MR. CAPOBIANCO: Pretty much fills the whole
19 backyard.

20 MR. HOPKINS: And that will be gone.

21 MEMBER GOTTLIEB: Is there any terrace or patio
22 around the pool?

23 MR. CAPOBIANCO: Yes, there's a five-foot walkway.
24 In fact, right now it's grass, but there's a little patio
25 just to the side, a walkway entering the pool at the shallow

1 end where the steps would be.

2 MEMBER GOTTLIEB: So you walk over grass to get to
3 that?

4 MR. CAPOBIANCO: No. You see the patio end at the
5 end of the house, then there would be grass in between that
6 and the little walkway that's attached to the pool, that's
7 correct.

8 MR. RYDER: Mr. Capobianco, if I may, you say five
9 foot or four foot? Four foot is an allowable.

10 MR. CAPOBIANCO: Four foot.

11 MR. RYDER: We could do that around the perimeter.

12 MR. CAPOBIANCO: Four foot by fifteen.

13 MR. RYDER: Thank you.

14 MEMBER HENNER: It seems to me that, you know, the
15 side lot requirements with respect to the pool are like, you
16 know, like really kind of done away with. I mean, they
17 couldn't really be closer to the property line than you put
18 them.

19 MR. CAPOBIANCO: Seven and a half versus fifteen.

20 MEMBER HENNER: I mean, seven and a half, I hate to
21 measure where we are, but I think it's the end of this desk,
22 it's awfully close to the property line.

23 MR. HOPKINS: We do point out that it replaces a
24 garage which is four and a half feet from the rear property
25 line at the present time, a fairly large structure.

1 MR. CAPOBIANCO: It's also abutting the property
2 and it will remain vacant for quite a long time.

3 MEMBER GOTTLIEB: So on the other hand, you have
4 10 feet to the rear yard property line, and don't tell me
5 again it's better than four and a half feet to the garage
6 because nobody splish splashes around in a garage. No one
7 makes a lot of noise in a garage.

8 MR. CAPOBIANCO: When you have a rear yard and this
9 size property which is required to be 30 feet, and you ask
10 for a pool to have, you know, a setback of 20, you really
11 have no room for a pool.

12 CHAIRMAN KEILSON: Mr. Capobianco, you answered the
13 question.

14 MEMBER SCHRECK: We rest our case.

15 MR. CAPOBIANCO: No pool.

16 MEMBER HENNER: I don't have one.

17 MEMBER GOTTLIEB: If you don't -- if you do wish to
18 keep the pool, you can push the house back so you can have --

19 MR. CAPOBIANCO: Or move the pool to the other side
20 which has more depth in the property. You have 48 feet
21 there.

22 MEMBER GOTTLIEB: Correct.

23 MR. CAPOBIANCO: We could actually flip the pool
24 over so that it would be further away from the rear property
25 line, closer to the house, because at that point you have

1 about 48 feet instead of 28 feet. So you have a lot more
2 rear yard at that side of the property, on the south side of
3 the property, instead of the north side. That's true. And
4 we could flip it over. I mean, we were talking about that
5 earlier, it may be a preferred location, so we might want to
6 do that.

7 CHAIRMAN KEILSON: Why don't we get to plan B
8 immediately, plan C. You can't shoehorn a pool into that
9 location. I applaud everything else you've done.

10 MR. CAPOBIANCO: On the right side.

11 CHAIRMAN KEILSON: Where you are. It's a
12 nonstarter.

13 MR. HOPKINS: We're asking, Mr. Chairperson, if it
14 were to be flipped as it were to the other side of the
15 parcel --

16 CHAIRMAN KEILSON: Without encroachments we have no
17 issue.

18 MR. CAPOBIANCO: Well, I think we would like to
19 hold the line of the house instead of being seven and a half
20 feet, maintain the -- what was that, ten?

21 CHAIRMAN KEILSON: It says eleven one.

22 MR. CAPOBIANCO: Eleven. I like to line up the
23 pool with the house so that it's not really any closer to the
24 property line than the house itself and then try to hold more
25 than ten, maybe fifteen.

1 CHAIRMAN KEILSON: The pool is vastly different
2 than a house line.

3 MR. CAPOBIANCO: I understand; it's on the ground.
4 The house line is out of the ground. I mean -- I mean, you
5 know, the whole fifteen or eleven, I don't think it's much of
6 an encroachment, and then the rear we can increase the ten to
7 fifteen and still have a decent size pool.

8 MEMBER HENNER: Do you need to do an L-shape pool?
9 I think we saw 15 by 30, which might be a little small. By
10 the same token, you can't put an L-shaped pool in that
11 corner.

12 MR. CAPOBIANCO: It's 12 by 24. It's really small.

13 CHAIRMAN KEILSON: I think whatever you're going to
14 do you have to tell us what you're doing so we can evaluate,
15 and sooner than later.

16 MR. HOPKINS: Could we have one minute?

17 CHAIRMAN KEILSON: You have one minute. Or if you
18 want we can have the neighbor speak to the matter.

19 Mr. Davies, would you like to come forward. For
20 the record, your name.

21 MR. DAVIES: My name is Mr. Sam Davies, 2 Manor
22 Lane, Lawrence, New York 11559.

23 Thank you, Mr. Chairman, and everyone on the
24 Zoning Board. I appreciate everything that has been said so
25 far based on these plans. There are a couple of things that

1 came to my attention here tonight which bothers me very much.
2 And that's the --

3 CHAIRMAN KEILSON: I have a suggestion. I think
4 Mr. Capobianco should be present so he can hear the neighbor.

5 MR. DAVIES: Okay, that has to do with the
6 subdivision of the property.

7 CHAIRMAN KEILSON: Can you explain where you live
8 in proximity.

9 MR. DAVIES: Yes, I'm going to explain exactly.
10 I'm going to give some history, because I heard the history
11 from the 1929, so I want to give you my history.

12 CHAIRMAN KEILSON: You've been there since 1929?

13 MR. DAVIES: No, but I came to the neighborhood
14 1984, so I'm here for 30 years. I'm a resident of the
15 Village for 30 years, and I met Mr. Hoffman 30 years ago, the
16 prior owner of the property, and over the 30 years we've had
17 a wonderful relationship, and we put up fences together, and
18 we did a lot of work cutting down trees, et cetera,
19 et cetera, and all the storms we had over those 30 years,
20 including Sandy, we had a wonderful relationship, we had a
21 wonderful quality of life between the both of us. He made
22 beautiful parties there on that beautiful parcel of land that
23 he had and he maintained the property beautifully all of the
24 years, and we appreciated that very much.

25 This issue of the subdivision, when this

1 subdivision came up, Mr. Hoffman wanted to subdivide the
2 property. I had objection to that also, and I spoke here at
3 the Zoning Board at that time about it. And the Zoning Board
4 at that time felt that he could subdivide the property
5 because it is his property, and basically I feel the same
6 way; as a property owner you should be able to do with your
7 property what you can, but based on the law, based on the
8 code, okay. And at that time and I'm sure it's in the record
9 here, the Zoning Board --

10 MR. PANTELIS: I'm sorry, sir. It should have been
11 the Planning Board.

12 MR. DAVIES: Whichever Board it was, I'm sorry.
13 And they stated then that Mr. Hoffman could subdivide, but he
14 would have to -- that the owners of the parcel if he would
15 sell it off, okay, would have to build a home basically
16 exactly per code as was mentioned here, that, you know,
17 variances would be given because the parcel was so small, and
18 frankly, with all due respect to the architect, I don't know
19 how you could build a house there, and the character of that
20 parcel would not be in line, I believe, with the character of
21 the homes that are being built. It would be sort of like
22 squeezed into this beautiful corner piece of property.

23 The issue of the variances, the many variances that
24 they're asking for, in my opinion people have the right to
25 build and, you know, have homes that they believe are

1 conducive to their way of living as long as they do it in the
2 letter of the law, a foot here, a foot there, based on a
3 percentage as the sections state, that's up to the Zoning
4 Board to make a decision. Okay, I can only voice my opinion
5 about it. Being a neighbor of that property for 30 years,
6 I'm the major neighbor of all these other neighbors, and I
7 think if my name was mentioned here and if someone got the
8 impression that I approved of the variances --

9 CHAIRMAN KEILSON: No, it wasn't suggested.

10 MR. DAVIES: Of course, I don't want anybody to
11 think I approved of it beforehand or signed off on it in any
12 way.

13 The issue of the pool obviously mentioned over and
14 over again many times is about 4.8 feet, whatever, that
15 structure to me is a beautiful structure, you know, it
16 actually added to our quality of life over the years.

17 CHAIRMAN KEILSON: Referring to the -- referring --
18 you're referring to the garage?

19 MR. DAVIES: The garage. That garage was blocking
20 the view all the way out to Herrick because the back of my
21 house, and I have some actual pictures if the Zoning Board
22 would like to see them, old-fashioned pictures of what the
23 property looks like. I'm sure you've gone down to see the
24 property. So as was mentioned, rightfully so, that garage
25 does not make any noise. That garage doesn't have a filter.

1 That garage doesn't have anybody jumping into the pool. That
2 garage doesn't have any water. That garage doesn't have any
3 maintenance. That garage is not a security problem of my
4 children or grandchildren in the backyard. The issue of the
5 pool, again, I don't have any problem with somebody having a
6 pool. There's many pools in the neighborhood. I don't think
7 on Herrick there are any pools behind any of those houses on
8 that line, and that's probably because there really isn't
9 enough room there. So they're trying to squeeze this pool in
10 there, and if the setback is the proper setback, if it is
11 20 feet the way it's supposed to be, okay, then it's in the
12 letter of the law, that's whatever the Zoning Board will
13 decide.

14 But as far as the quality of life for us, which our
15 backyard is right there, it would be detrimental certainly to
16 us. I think it would be a lot more detrimental to us than a
17 benefit to the Naymans. I wish the Naymans luck and
18 mazel in their house and, you know, I'm certain we'll be good
19 neighbors, but this issue is a very serious issue and I'd
20 like the Zoning Board to take it under consideration.

21 CHAIRMAN KEILSON: So let me summarize. The
22 primary issue or the issue is the pool?

23 MR. DAVIES: The pool, yes, the pool. The issue
24 with, you know, the other parcel being sold off.

25 CHAIRMAN KEILSON: That's not within our purview.

1 That's not within our purview.

2 MR. DAVIES: The pool is a major issue, yes, yes,
3 absolutely.

4 MEMBER GOTTLIEB: Mr. Davies, before you leave,
5 we've had several applications on Herrick in the past, and
6 Mr. Hoffman always showed up, and I was surprised he wasn't
7 here tonight, but I think in some way he is here with us, and
8 you may be the new Mr. Hoffman of the street.

9 MR. DAVIES: Maybe I learned a lot from him.

10 MEMBER GOTTLIEB: He was a very good advocate of
11 the community.

12 MR. DAVIES: Yes, he was a wonderful --

13 MEMBER GOTTLIEB: I was quite surprised when it was
14 his house the one coming up for a variance.

15 CHAIRMAN KEILSON: Thank you very much.

16 MR. DAVIES: Okay, thank you.

17 MR. HOPKINS: Mr. Chairman, if we could take about
18 one minute with your permission to step outside, and we'll be
19 right back.

20 CHAIRMAN KEILSON: Sure.

21 (Whereupon, a recess was taken.)

22 CHAIRMAN KEILSON: Back on the record.

23 MR. HOPKINS: We listened to Mr. Davies' concerns,
24 and I think the easiest way of dealing with the pool is we
25 will withdraw that portion of the application altogether with

1 the pool.

2 CHAIRMAN KEILSON: Thank you very much.

3 MEMBER GOTTLIEB: We're down to eight variances.

4 CHAIRMAN KEILSON: Down to only eight.

5 Are there any other further questions of the Board
6 of the applicant, attorney, architect? I guess not.

7 Okay. So having said that, and following the
8 statutory criteria in terms of weighing the benefit to the
9 applicant as opposed to the detriment of the community,
10 taking into consideration that every effort has been made to
11 keep the variance requests as many as they are to a minimum,
12 I think we're very cognizant of that, and I think the
13 aesthetics and the symmetry are really a compelling argument.
14 We will at this point vote on the application without the
15 pool request.

16 MEMBER GOTTLIEB: Just to mention that I think this
17 application or the approval, if it is approved, is going to
18 be subject to a subdivision as proposed.

19 CHAIRMAN KEILSON: Correct.

20 MEMBER GOTTLIEB: Without that subdivision -- well,
21 actually --

22 MR. PANTELIS: No, that would be correct.

23 MEMBER GOTTLIEB: It might not be because if it is
24 not divided, then we're fine.

25 MR. PANTELIS: No, if it's not divided, you still

1 need the same variance.

2 MEMBER GOTTLIEB: What I mean is if the property is
3 not divided, we're still good with this. If they decide not
4 to divide the property.

5 MR. PANTELIS: No, you would have to come back here
6 to amend it, because you would have to amend the parcel on
7 which the variance was being granted. Because the record
8 would have to reflect that we had a certain parcel on which a
9 certain set of plans allowed you to build and not conditioned
10 on the variances.

11 MR. HOPKINS: I understand Mr. Pantelis' logic, but
12 my observation would be whether we do or do not get that
13 subdivision the front and rear-yard setback and
14 height/setback ratios won't change. They're still in place
15 and --

16 MR. CAPOBIANCO: You'll eliminate surface coverage
17 and building coverage.

18 MR. PANTELIS: Actually, Mr. Capobianco, you will
19 eliminate; therefore, what we're granting will not be exact.
20 Therefore, I think unquestionably from my position as counsel
21 to both the Planning Board and the Zoning Board you would
22 have to come back here.

23 MR. HOPKINS: I hear what Mr. Pantelis has said.
24 I've been in his position before. I always listen to the
25 advice of Corp. Counsel, even though I might disagree with

1 the position, but I understand exactly what Mr. Pantelis is
2 saying. All I was saying, Mr. Pantelis, is that,
3 realistically speaking, if it's not -- if the subdivision is
4 not granted, the considerations that go into the setbacks and
5 the front height issue --

6 CHAIRMAN KEILSON: Why are we belaboring this at
7 this point?

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

9 CHAIRMAN KEILSON: Why are we belaboring this at
10 this point?

11 MEMBER GOTTLIEB: The reason why is that if the
12 subdivision -- if the subdivision is issued on the original
13 subdivision, eliminating the extra ten feet, then --

14 MR. HOPKINS: We're going to be going for the
15 subdivision, Mr. Gottlieb, with a 10,000-square-foot parcel
16 as we discussed, and a 9,000-square-foot parcel. And
17 Mr. Pantelis has outlined the way it's going to be handled in
18 the event that it's denied and we will abide by what counsel
19 is telling us has to be done.

20 MR. PANTELIS: Let's leave it just conditioned on
21 maintaining the subdivision as proposed.

22 CHAIRMAN KEILSON: We'll be voting on the condition
23 on their obtaining the subdivision; is that correct?

24 MR. PANTELIS: The subdivision as proposed.

25 CHAIRMAN KEILSON: As proposed, very good.

1 So Mr. Schreck.

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

3 CHAIRMAN KEILSON: Mr. Gottlieb.

4 MEMBER GOTTLIEB: For.

5 CHAIRMAN KEILSON: Mr. Henner.

6 MEMBER HENNER: For.

7 CHAIRMAN KEILSON: And I vote for it as well.

8 MEMBER GOTTLIEB: Unanimous.

9 MR. HOPKINS: Thank you very much.

10 MR. CAPOBIANCO: Thank you.

11 MR. HOPKINS: Thank you, Mr. Chairman, it's

12 appreciated, members of the Board. Thank you, Mr. Pantelis.

13 CHAIRMAN KEILSON: How much time?

14 MR. CAPOBIANCO: Planning Board meets in August?

15 CHAIRMAN KEILSON: I have no idea.

16 MR. HOPKINS: Mr. Ryder.

17 CHAIRMAN KEILSON: Mr. Pantelis, is the Planning

18 Board convening this summer?

19 MR. PANTELIS: This is off the record.

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

21 MR. CAPOBIANCO: Three years would be fine.

22 CHAIRMAN KEILSON: Three years.

23 MR. CAPOBIANCO: So we will go before the Board of

24 Building Design.

25 MR. RYDER: Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Whereupon, the hearing concluded at

9:21 p.m.)

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

Mary Benci
MARY BENCI, RPR
Court Reporter