

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 March 18, 2015
7 7:35 p.m.8 APPLICATION: Bais Medrash of Harborview
9 210/214/218 Harborview South
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman14 MR. EDWARD GOTTLIEB
15 Member16 MR. MARK SCHRECK
17 Member18 MS. ESTHER WILLIAMS
19 Member20 MR. KENNETH A. GRAY, ESQ.
21 Village Attorney22 MR. MICHAEL RYDER
23 Building Department24 Mary Benci, RPR
25 Court Reporter

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals. Please turn off your phones, and
4 please, no conversations during the hearing. If
5 you would like to converse, please step out into
6 the hall.

7 Okay. Mr. Ryder, is there proof of posting?

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

10 CHAIRMAN KEILSON: Mr. Ryder, is that posting
11 by the Board of Zoning Appeals?

12 MR. RYDER: That is by the -- yes, correct,
13 by the Village.

14 CHAIRMAN KEILSON: No, I'm asking you a
15 question. Was that posted by the Board of Zoning
16 Appeals?

17 MR. RYDER: That was posted by the Village
18 Administrator.

19 MEMBER GOTTLIEB: Do you mean was it
20 authorized by the Board of Zoning Appeals?

21 CHAIRMAN KEILSON: That's the next question.
22 Was it authorized by the Board of Zoning Appeals?

23 MR. RYDER: No, it was not.

24 CHAIRMAN KEILSON: Do you find that
25 unorthodox?

1 MR. RYDER: I do.

2 CHAIRMAN KEILSON: Mr. Gray, in your
3 experience did you ever come across a situation
4 where contrary to the wishes of the Board of
5 Zoning Appeals there was a posting?

6 MR. GRAY: It's my understanding under
7 applicable law it's the Zoning Board that sets the
8 agenda.

9 CHAIRMAN KEILSON: I see. So for the
10 purposes of the record, I think, let's just make
11 it clear, that there is an E-mail from Mr. Ronald
12 Goldman, who is the Administrator of the Village
13 of Lawrence, on Sunday, February 22nd, to myself,
14 where he directed that the BZA meeting be held as
15 scheduled and that the Bais Medrash matter be
16 posted for that date. Thereafter, and we're going
17 to put this on the record, okay, there was an
18 E-mail from Peter Bee, who I believe is the
19 Village Attorney; is that correct, from your firm?

20 MR. GRAY: That is correct.

21 CHAIRMAN KEILSON: And that he sent an E-mail
22 to the Village Administrator explaining that they
23 had no right to direct that the BZA have that
24 meeting or that the calendar be posted per the
25 directive of the Administrator; is that correct?

1 At least that's what the E-mail reads.

2 MR. GRAY: I don't have the E-mail in front
3 of me.

4 CHAIRMAN KEILSON: I'll pass it to you. So
5 we'll also put it on the record, and it reads
6 that, Mr. Peter Bee, writing to the Village
7 Administrator, "That the BZA is an independent
8 body whose determination as to how and when it
9 will decide matters is independent of Village
10 Administrator control."

11 So we're going to at least put that on the
12 record because we're very concerned about a
13 precedent. Do you want to take a look at it?

14 MR. GRAY: I don't need to take a look at it.
15 I understand what you read, and if that's the
16 content of the E-mail, that's the content of the
17 E-mail.

18 CHAIRMAN KEILSON: Fine. Thank you very
19 much.

20 All right, the first matter to be considered
21 is the Bais Medrash of Harborview. I believe
22 counsel is here this evening. We received
23 communication from Mr. Avrutine.

24 MR. AVRUTINE: Good evening, Mr. Chairman,
25 members of the Board. Appearing for the

1 applicant, Howard Avrutine, 575 Underhill
2 Boulevard, Syosset.

3 As I presume the Board is aware, that there
4 has been a request from Christian Browne, as
5 counsel representing the Septimus family, that
6 tonight's hearing be adjourned to another date. I
7 did correspond by E-mail with Mr. Browne earlier
8 today. He did indicate that he would be here. It
9 might very well be that he went to Village Hall
10 not realizing that the proceedings were taking
11 place here. So I don't know whether the Board is
12 inclined to wait a few moments for Mr. Browne's
13 appearance, because this technically is his
14 request for a postponement. I'm here to just make
15 sure things go as they should. So it's your
16 pleasure, Mr. Chairman of the Board.

17 CHAIRMAN KEILSON: I will accept your
18 suggestion, and let's see if we can move to the
19 next matter and then come back to the Bais
20 Medrash.

21 MR. AVRUTINE: Thank you.

22 CHAIRMAN KEILSON: Thank you.

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

25 CHAIRMAN KEILSON: We're going to recall the

1 Bais Medrash of Harborview.

2 Mr. Avrutine already gave his name.

3 Please.

4 MR. BROWNE: Christian Browne, B-R-O-W-N-E,
5 333 Earle Ovington Boulevard, suite 601,
6 Uniondale, appearing for the Septimus family
7 tonight. I apologize for being late; I went to
8 the Village Hall.

9 CHAIRMAN KEILSON: Was anybody there?

10 MR. BROWNE: No, it looked pretty secure.

11 CHAIRMAN KEILSON: Thank you for that update.
12 So we received a letter from your firm.

13 MR. BROWNE: Yes. It was our application for
14 an adjournment. As you know, my clients have been
15 away; they're coming back tonight. And to give
16 Mr. Avrutine and I a chance to meet and discuss
17 and we're hoping we can come to a resolution of
18 everyone's concerns.

19 CHAIRMAN KEILSON: That would be fabulous;
20 put us out of business.

21 MEMBER GOTTLIEB: I was thinking the same
22 thing.

23 CHAIRMAN KEILSON: The question we have is
24 there was expected to be a traffic study.

25 MR. AVRUTINE: Yes. Well, actually, in light

1 of the adjournment, I thought it would be a good
2 idea to update some of the data. So in the
3 process of doing that, if that's acceptable to the
4 Board.

5 CHAIRMAN KEILSON: I just want to have a date
6 so that they will have an opportunity to review.
7 I'm sure they will have an expert witness, so I
8 would like not to have to adjourn it again,
9 because if they foresee it right before the
10 hearing we'll have to go through the whole process
11 again.

12 MR. AVRUTINE: I will discuss that with
13 Mr. Browne. Does the Board have a new date in
14 mind?

15 CHAIRMAN KEILSON: I would say that we're
16 going to put it on for the April 29th scheduled
17 date.

18 MR. BROWNE: That should be fine.

19 CHAIRMAN KEILSON: What would be fine?

20 MR. BROWNE: No, that date will be fine.

21 MR. AVRUTINE: I'll have the report. I'll
22 reach out to our traffic consultant tomorrow and
23 just verify when we'll have it in.

24 CHAIRMAN KEILSON: So I'd just like you to
25 give the date to Mr. Ryder when you know it.

1 MR. AVRUTINE: Surely.

2 CHAIRMAN KEILSON: And make sure that's
3 sufficient time for you to review and deal with
4 it. And we have Jewish holidays coming up.

5 MEMBER GOTTLIEB: Can we request that it be
6 in within ten days, a minimum of ten days before
7 the meeting?

8 CHAIRMAN KEILSON: How much time do you think
9 you require?

10 MR. AVRUTINE: I'll certainly have it in to
11 the Board within certainly ten days or more before
12 the hearing. Mr. Browne and I can work out our
13 own.

14 MR. BROWNE: I think that would be adequate.
15 I'm not looking to delay anybody.

16 CHAIRMAN KEILSON: On the contrary, we wanted
17 to make sure that we rescheduled it, and since it
18 is of interest to a lot of people we want to make
19 sure that people clear their calendars and that it
20 will be heard on that evening.

21 MR. AVRUTINE: Sure.

22 CHAIRMAN KEILSON: Is there anything else we
23 wanted to mention in that regard?

24 MR. AVRUTINE: Will it be here as well?

25 CHAIRMAN KEILSON: I think so. I think so.

1 MR. RYDER: Mr. Chairman --

2 CHAIRMAN KEILSON: Or maybe downstairs,
3 depending on the size of the crowd.

4 MR. RYDER: -- I have to confirm that as
5 well, Mr. Chairman. I'm not 100 percent sure on
6 this location.

7 CHAIRMAN KEILSON: What was that?

8 MR. RYDER: I'm not 100 percent sure on this
9 location for the 29th.

10 CHAIRMAN KEILSON: Well, we will be required
11 to have a large enough venue, because going back
12 many years one of the problems that arose was that
13 when it was in Village Hall there wasn't adequate
14 seating for the people.

15 MEMBER WILLIAMS: We had it downstairs and we
16 filled the room.

17 CHAIRMAN KEILSON: Yes, correct.

18 MR. RYDER: Do you recommend that we use the
19 downstairs as well?

20 CHAIRMAN KEILSON: I will say yes, the answer
21 is it will be downstairs.

22 MR. AVRUTINE: Thank you very much.

23 MR. BROWNE: Thank you very much.

24 CHAIRMAN KEILSON: As far as the Board is
25 concerned, adjournment?

1 MEMBER SCHRECK: Yes.

2 MEMBER GOTTLIEB: Yes.

3 MEMBER WILLIAMS: Yes.

4 CHAIRMAN KEILSON: Very good. Thank you very
5 much.

6 MR. AVRUTINE: Thank you for your time.

7 MR. BROWNE: Have a good evening.

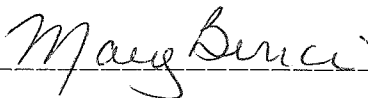
8 (Whereupon, the hearing concluded at
9 7:48 p.m.)

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11 Certified that the foregoing is a true and
12 accurate transcript of the original stenographic
13 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 March 18, 2015
7 7:40 p.m.

8 APPLICATION: Carpenter
9 56 Club Lane
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. MARK SCHRECK
17 Member

18 MS. ESTHER WILLIAMS
19 Member

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

22 MR. MICHAEL RYDER
23 Building Department

24 Mary Benci, RPR
25 Court Reporter

1 CHAIRMAN KEILSON: The next matter to be
2 considered is Carpenter of 56 Club Lane. Will
3 they or their representative please step forward.

4 MR. SCHULZ: I'm Hermann Schulz, with the
5 firm of Innocenti & Webel. We're landscape
6 architects, I'm a registered landscape architect
7 in the State of New York.

8 CHAIRMAN KEILSON: Please proceed.

9 MR. SCHULZ: May I read the variance
10 application that was sent to the Board? I think
11 that's probably the best thing.

12 CHAIRMAN KEILSON: We can summarize it,
13 because we are a hot Board and we've read it and
14 we visited the site, so I think we have some
15 familiarity.

16 MR. SCHULZ: Okay. Pretty much storm damage.
17 Sandy sort of devastated his lawn out front. In
18 addition, it did some damage to the pool area.
19 The water came all the way up to the house. And
20 what we would like to do or the client would like
21 to do is to bring in fill to bring it up to the
22 grade that it was at at one time so he can utilize
23 it again as a play field, and pretty much that's
24 what we want to do. It's a matter of bringing in
25 the fill and grading it.

1 CHAIRMAN KEILSON: So I guess the greatest
2 concern with change of grade is how it impacts on
3 neighbors' properties and the like, and I guess
4 you will be happy to explain why it doesn't affect
5 any neighbors' properties in this case.

6 MR. SCHULZ: The way -- well, the way it's
7 graded it grades out towards the creek.

8 CHAIRMAN KEILSON: Right.

9 MR. SCHULZ: And with the permission that
10 we've gotten from the DEC, they required us to put
11 a 30-foot buffer of American beach grass from the
12 water level on up. So the way we've got it graded
13 it's just basically coming up another 18 inches
14 grading towards that buffer, and that is what
15 would be able to accommodate the amount of water
16 that would be coming down there. Now, it is a
17 fairly flat area to begin with.

18 CHAIRMAN KEILSON: Right.

19 MR. SCHULZ: So and one other thing that we'd
20 like to do is plant some junipers or cedars along
21 the property line and the neighbor's property
22 line. This is the one opposite of the Village
23 property. I'd like to plant a row of cedars down
24 there. Again, I believe that's what was there in
25 the beginning, which was devastated, so we would

1 like to put those back.

2 As to planting, there are a couple of dead
3 trees there. There are some mullberries, there's
4 a cedar there, there is a honeysuckle, which
5 they're not in good shape anymore. So this is
6 something we would like, you know, to take out,
7 remove.

8 CHAIRMAN KEILSON: Are there any other
9 properties being impacted by the change of grade?

10 MR. SCHULZ: No, just that one neighbor if
11 you're looking towards the water on the left.
12 Except for the Village that's -- you know, that's
13 the Village property.

14 CHAIRMAN KEILSON: I understand, okay. Any
15 questions from the Board?

16 MEMBER GOTTLIEB: Do you think that the
17 neighbors will also need the same type of work, or
18 it usually doesn't affect one house a storm like
19 this?

20 MR. SCHULZ: No, it looks like the neighbor
21 to -- again, looking out towards the water on the
22 left-hand side, it looks like that neighbor's got
23 a perfectly good lawn. Now, I don't know how
24 Sandy didn't do any damage to his lawn. I can't
25 really tell you.

1 MEMBER SCHRECK: When was this picture taken?

2 MR. SCHULZ: Excuse me?

3 MEMBER SCHRECK: When was this photo taken?

4 MR. SCHULZ: That was taken probably, I would
5 say, in the middle of the summer.

6 MR. GRAY: 2014?

7 MR. SCHULZ: Uh-hm.

8 MEMBER GOTTLIEB: And do you have a
9 landscaping plan, or did I miss that?

10 MR. SCHULZ: Well, yes. It's on this -- it's
11 on plan sheet number SP.

12 MEMBER GOTTLIEB: I see it, yes.

13 MR. SCHULZ: Again, if you look towards the
14 water on the left-hand side, the planting that we
15 want to do is that row of cedars. Other than
16 that, we don't want to do any more planning.

17 MEMBER GOTTLIEB: And the beach grass.

18 MR. SCHULZ: And the beach grass, yes, that
19 we have to do.

20 MEMBER GOTTLIEB: Okay.

21 CHAIRMAN KEILSON: Okay. Any other questions
22 from the Board?

23 (No response.)

24 CHAIRMAN KEILSON: Anyone in the audience who
25 wants to speak to the matter?

1 (No response.)

2 CHAIRMAN KEILSON: So we're going to discuss
3 the matter.

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

6 CHAIRMAN KEILSON: Mrs. Williams, how would
7 you vote?

8 MEMBER WILLIAMS: I will vote for.

9 CHAIRMAN KEILSON: Mr. Gottlieb.

10 MEMBER GOTTLIEB: I'm for this application.

11 CHAIRMAN KEILSON: Mr. Schreck.

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

13 CHAIRMAN KEILSON: And I will vote for as
14 well. How much time do you think you require in
15 order to do the work? A year will be enough?

16 MR. SCHULZ: We hope to do some seeding in
17 May, so if we can.

18 CHAIRMAN KEILSON: Let's say a year.

19 MR. SCHULZ: Hey, look, we want to get this
20 thing done by the summer.

21 CHAIRMAN KEILSON: Wonderful. Very good.
22 Thank you very much.

23 MR. SCHULZ: Thank you, sir. Thank you.

24 (Whereupon, the hearing concluded at
25 7:45 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

Fiedler - 3/18/15

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

March 18, 2015
7:48 p.m.

APPLICATION: Fiedler
34 Larch Hill Road
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MS. ESTHER WILLIAMS
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Fiedler - 3/18/15

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

4 MR. LEEPER: Good evening. I'm Monte Leeper,
5 the architect for the Fiedler residence. And as I
6 understand it, contrary to most hearings that I go
7 to, you already have my whole case in front of
8 you. So I don't know if I should just reiterate
9 that we are only over by 2.4 percent on an
10 addition that goes into a hidden area of the side
11 yard.

12 CHAIRMAN KEILSON: I think we have to correct
13 the record because that's not accurate.

14 Mr. Ryder, what are the actual numbers?

15 MR. RYDER: The actual numbers for building
16 coverage, I have it here, is 12 percent, I
17 believe, and for surface coverage as per our
18 letter of denial --

19 MEMBER GOTTLIEB: 28 percent.

20 CHAIRMAN KEILSON: 28 percent.

21 MR. RYDER: -- 28 percent.

22 MR. LEEPER: Our overage is 28 percent? I
23 don't believe it is.

24 MEMBER GOTTLIEB: The calculation that you're
25 using are based upon overall building and surface

1 coverage of the lot. We use the overage based
2 upon the percentage that you're permitted. That's
3 why.

4 CHAIRMAN KEILSON: Do you want to withdraw
5 your application?

6 MR. LEEPER: No.

7 MEMBER GOTTLIEB: So when you take the
8 overage and divide it by what's permitted, you're
9 getting 12 percent for building and 28 percent for
10 surface. What I believe you've done was you took
11 the amount of overage and divided it by the total
12 building lot coverage -- total building lot,
13 rather, not coverage.

14 MEMBER WILLIAMS: Size.

15 MEMBER GOTTLIEB: Yes, lot size.

16 CHAIRMAN KEILSON: Yeah. Actually, we
17 apologize because normally the Building Department
18 catches that and brings it to the attention of the
19 applicant, that you don't come in and get --

20 MR. LEEPER: Caught off guard like I am.

21 CHAIRMAN KEILSON: That's correct.

22 MR. GRAY: Mr. Chairman, I believe it was in
23 the denial letter, so that would be the notice to
24 the applicant.

25 CHAIRMAN KEILSON: Very often, and I happen

1 to have E-mailed the Village on it, we are trying
2 to bring it to their attention so that, again,
3 they're forewarned and they can -- yes,
4 absolutely, it's in the denial letter.

5 MR. RYDER: I had this discussion with
6 Mr. Leeper at the Building Department as well. We
7 went over that. I explained that to you about the
8 numbers.

9 MR. LEEPER: It says right here an overage of
10 342.43 square feet.

11 CHAIRMAN KEILSON: Which is 12 percent
12 against the permitted.

13 MR. RYDER: Correct. I don't think I'm
14 connecting here with explaining this.

15 MR. LEEPER: So it's not 12 percent of the
16 entire property. It's 12 percent.

17 MEMBER WILLIAMS: That's what we look at.

18 CHAIRMAN KEILSON: Twelve percent of overage.

19 MR. LEEPER: Of the overage, okay. So then I
20 will restate it that we're over by 342.43 square
21 feet.

22 CHAIRMAN KEILSON: That's correct. The Board
23 here though focuses on percentages. It's a very
24 important factor in our consideration, but
25 nonetheless, you can proceed with your

Fiedler - 3/18/15

1 presentation and then we can discuss it.

2 MR. LEEPER: Okay. Well, I will not refer to
3 the side yard or the hard surfaces because now I'm
4 not sure that my numbers are correct. Were my
5 numbers acceptable?

6 MR. RYDER: Your overage square foot numbers
7 are correct.

8 MR. LEEPER: Okay.

9 MR. RYDER: It's your percentages.

10 CHAIRMAN KEILSON: He's asking about the
11 side-yard encroachments now.

12 MEMBER GOTTLIEB: Those numbers are correct
13 as stated.

14 MEMBER WILLIAMS: Those are fine.

15 CHAIRMAN KEILSON: It's five foot over on one
16 and ten foot.

17 MR. LEEPER: Can we go off the record for
18 just a moment?

19 CHAIRMAN KEILSON: Absolutely.

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

22 CHAIRMAN KEILSON: Back on the record.

23 MR. RYDER: Mr. Leeper, let me ask you a
24 question. The letter of denial -- I don't want to
25 beat a dead horse -- but it shows the numbers

1 there. Did you not look at the letter of denial
2 that I issued?

3 MR. LEEPER: Yes, but we didn't -- we had
4 already submitted the notations that we had, and I
5 didn't see a commentary on that, so I didn't
6 notice that.

7 MR. RYDER: Okay. Because the petition comes
8 in after the letter of denial. You need the
9 letter of denial to file the petition.

10 MR. LEEPER: Right.

11 MR. RYDER: That's why I'm just --

12 MR. LEEPER: I understand.

13 CHAIRMAN KEILSON: And to put it in context,
14 the percentages are very significant by our
15 standards, very significant.

16 MR. LEEPER: All right. Well, I started this
17 entire process with a conversation about this
18 whole thing so that we were compliant, and the
19 discussion about being compliant was at the time
20 that we were compliant, and it was afterward with
21 an apology that it turned out that we weren't
22 compliant, and that's why we're here this evening,
23 because instead of deciding to simply throw
24 everything out, I guess we were encouraged to move
25 forward because we were only adding a small area

1 to the property which is the 342 square feet. And
2 because we were adding it into an area where at
3 one time apparently there was a moratorium for the
4 side yard and we had 10 feet, which is what we're
5 continuing to propose, and because of where it is
6 relative to the street view because it's -- if
7 you're looking at the photographs again, as I
8 mentioned in this petition, it's hidden, you
9 really can't see where this addition is and it's
10 135 feet from the closest property on that side.

11 It meets the requirements of drainage. We
12 had a soil boring done and did drainage
13 calculations. We did shading to show that we are
14 not shading significantly to cause any harm to any
15 other property. That we're not really restricting
16 access to emergency equipment or any safety
17 conditions, that we meet the criteria of New York
18 State law for the five reasons I gave to make this
19 request.

20 CHAIRMAN KEILSON: So you have to understand,
21 in the post-Sandy era, we have been very loathe
22 and reluctant to allow any significant
23 construction because the Village is suffering from
24 issues of water, and we have to be very responsive
25 to that problem. So unless there's some very,

1 very compelling needs or reasons, we are -- we
2 look very -- what should I say -- we look very
3 conservatively on any construction, and there has
4 to be some very good reason to go forward with it.

5 MR. LEEPER: Well, one reason --

6 CHAIRMAN KEILSON: And certainly percentages
7 of this magnitude we have not allowed recently.

8 MR. LEEPER: Well, one reason I can give
9 based on what you just mentioned is that, one, we
10 are, relatively speaking, approximately eight to
11 ten feet above any flood area. We are uphill from
12 where we actually are right now. This is actually
13 high ground in the X zone. It's an excluded zone.
14 So relatively speaking, this is one of the higher
15 areas of Lawrence. So it's not in a flood area.

16 MEMBER GOTTLIEB: One of our concerns is,
17 yes, you're in a higher area, but that runoff is
18 going to flow into the lower areas. It doesn't
19 get absorbed into the ground. And that's what
20 you're getting at, yeah, you're above the flood
21 zone, well above it, but the folks below you are
22 not. There is one other and I just --

23 MR. LEEPER: Can I just interrupt for just
24 one moment?

25 CHAIRMAN KEILSON: Of course.

1 MR. LEEPER: The point of our drainage
2 calculations and the dry wells that we're showing
3 was for any built structure to collect that
4 rainwater, and the only rainwater we otherwise
5 would be talking about is the naturally occurring
6 hillside or higher property which under any
7 circumstances are not manmade and would have
8 contributed to the downhill flow anyway. And I
9 honestly thought that was the purpose of doing the
10 drainage calculations and providing the proper
11 retention.

12 CHAIRMAN KEILSON: It's certainly one of the
13 considerations, but again, we've been very
14 reluctant to allow expansion in this post-Sandy
15 era unless there's some compelling reason, or if
16 it were a very narrow, you know, request. But
17 we're talking about a property that has a lot
18 going on already on the property. And the fact
19 that the house, the other neighbor's house is at a
20 distance is a consideration, but you are
21 encroaching down to 10 feet to a property line.
22 And we have not recently allowed any encroachment
23 to that point.

24 MR. FIEDLER: I'm Marvin Fiedler, living at
25 34 Larch Hill Road. This is my wife Symma. We

1 are the owners of 34 Larch Hill Road. We are
2 living here already on that street for 25 years.
3 I'm not doing this -- I'm not, you know, 35 years
4 old. I'm not doing this for extra bedrooms or to
5 make my house any nicer. I have spinal stenosis.
6 I wear a brace on my foot. It's becoming more and
7 more difficult for me to go up to the second
8 floor. And I can walk now; however, I look into
9 the future, and I'm really looking to make a large
10 bedroom there for myself when and if I need it. I
11 hope I don't, but that's really the main reason.
12 It's not an aesthetic reason. It's not to make my
13 house bigger. I'm not in that stage of life. And
14 this is really why I'm doing it. So there is a
15 very, very good reason. Because you're mentioning
16 you don't really usually do it unless there's a
17 reason. This is a medical reason.

18 CHAIRMAN KEILSON: We appreciate that. I
19 know it was noted in the application and, of
20 course, that plays an important role in our
21 consideration. And then in such an instance we
22 have to evaluate the size of the request, because
23 we're supposed to really keep the approval to the
24 minimum necessary to afford whatever kind of
25 relief you may have. So at that point we would be

1 looking at, you know, exactly what's been
2 requested.

3 MR. FIEDLER: I mean, I have no neighbors at
4 all anyplace around me. I mean, the house that
5 was on Larch Hill Road, it's gone.

6 CHAIRMAN KEILSON: It's gone from the Heller
7 estate.

8 MR. FIEDLER: I have the whole park. I used
9 to have two houses there. There's a whole park
10 there. I'm not really infringing on anybody's
11 property. They can't even see it, there's nothing
12 there, which I was very happy about it, but
13 there's total privacy there. I can't see anybody.
14 It's on the side there where nobody can even see
15 it from the front of the house, from the side of
16 the house, you know.

17 CHAIRMAN KEILSON: You won't tell anybody,
18 right?

19 MR. FIEDLER: I won't.

20 MEMBER GOTTLIEB: So Mr. Chairman, if I can
21 mention something to Mr. Ryder.

22 CHAIRMAN KEILSON: One question: Was there
23 ever a variance previously requested? You're over
24 right now on existing on the surface area. Is
25 that how the house has been all the years?

1 MR. FIEDLER: Yes.

2 CHAIRMAN KEILSON: Mr. Gottlieb.

3 MEMBER GOTTLIEB: So Mr. Ryder, and this is
4 going back to your letter of denial in the third
5 paragraph. I believe there's an error. So we
6 need to adjust the variance accordingly, adjust
7 the request. It seems to me on the plans there
8 are two 10-foot side-yard requests, and on the
9 denial it looks as if there's one 10-foot request
10 for 25-foot aggregate. I believe it's 20-feet
11 aggregate. It doesn't really change the
12 application or its decision. It should just be
13 pointed out that there are two side yards that are
14 10 feet.

15 CHAIRMAN KEILSON: Ed, what are you saying?

16 MEMBER GOTTLIEB: There's 10 feet on this
17 side, 10 feet on this side, but this indicates
18 there's an aggregate of 25 feet. The aggregate is
19 20 feet.

20 MR. RYDER: Fifteen on one side and 10 on the
21 other. That gives an aggregate of 25.

22 MEMBER GOTTLIEB: I see two 10s.

23 MEMBER WILLIAMS: It's 10, 10 and 15. The 15
24 is the one.

25 MR. RYDER: The aggregate is the other side,

1 Ed.

2 MEMBER WILLIAMS: All the way to the left.

3 MEMBER GOTTLIEB: It's 15, but on that same
4 -- on that same plane it's also 10 feet where the
5 extension is.

6 MEMBER WILLIAMS: Those are both 10. That's
7 10 and the other side is 15.

8 MEMBER GOTTLIEB: But there's another side
9 yard here. So you're considering that as one side
10 yard?

11 CHAIRMAN KEILSON: Off the record.

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

14 CHAIRMAN KEILSON: Back on the record.
15 Can you share with us what you're adding.

16 MR. LEEPER: In terms of space --

17 CHAIRMAN KEILSON: Whatever you're expanding
18 has to relate somehow to the need. So if you can
19 describe -- we're looking at the first-floor plan.
20 I guess can you describe exactly what you're
21 adding.

22 MR. LEEPER: Yes. We are adding a bedroom.
23 We're adding a bathroom for that bedroom, and a
24 laundry space that's expanded from the existing
25 laundry that's adjacent to that. And we're

1 expanding the kitchen. The kitchen is expanding
2 by -- well, two feet out into the area of what was
3 the room next-door.

4 MS. FIEDLER: We're not adding a bedroom. We
5 have a small bedroom there. We're just making it
6 larger.

7 MR. LEEPER: There is a bedroom.

8 CHAIRMAN KEILSON: One person speak at a
9 time, otherwise she won't be able to.

10 MR. LEEPER: There is a small bedroom, but we
11 are enlarging the footprint of that space, of that
12 bedroom space.

13 MEMBER WILLIAMS: That's where it says guest
14 room?

15 MR. LEEPER: Yes, that is the guest room, and
16 we are -- it was a bathroom. We are putting in a
17 bathroom for that expanded bedroom. And as I
18 mentioned, we have an expanded laundry that was
19 expanded from the adjacent laundry which was part
20 of the kitchen area, and the kitchen is being
21 enlarged.

22 MEMBER WILLIAMS: Which way is it going out,
23 which way?

24 CHAIRMAN KEILSON: Let's go off the record.

25 (Whereupon, a discussion was held off the

1 record.)

2 MEMBER GOTTLIEB: What's the size of the
3 guest room?

4 MR. LEEPER: The new guest room is 13 feet
5 one inch wide, and it's 16 feet deep.

6 MEMBER GOTTLIEB: And the adjoining bathroom,
7 please?

8 MR. LEEPER: The adjoining bathroom is 8 feet
9 4 wide, and it's 7 feet 7 and three-quarters to
10 the angle. It's about 8 feet across, otherwise.

11 MEMBER SCHRECK: And the laundry room?

12 MR. LEEPER: It's just that there's a corner
13 of it you can see is taken off mainly so that we
14 meet the continued template.

15 MEMBER GOTTLIEB: So you wouldn't go past the
16 10-foot encroachment to keep it within?

17 MR. LEEPER: Exactly, exactly. Again, at the
18 very beginning of the planning of this the
19 information that I got was different than it was
20 once we submitted it, and we had worked to a
21 zoning requirement that basically changed. And in
22 the process I had to go back to Dr. and
23 Mrs. Fiedler and ask them did they want to
24 continue because of the fact that the information
25 had now changed. And they felt that yes, they

1 felt that we had gone this far and this was a need
2 that he, Dr. Fiedler, has expressed to me several
3 times that he really has a need for, and so I am
4 compelled as his architect to proceed.

5 MEMBER GOTTLIEB: When you said the
6 information changed --

7 MR. LEEPER: Yes.

8 MEMBER GOTTLIEB: -- the zoning laws?

9 MR. LEEPER: No. I make it a point with
10 every municipality that I work with to go in
11 first, present what we are planning on doing and
12 discuss what we are planning on doing, and
13 basically from that do a zoning analysis with the
14 representative from the municipality. Not on my
15 own, in an office somewhere, but at the counter or
16 in an office at the municipality.

17 The reason I do that is because often, as
18 often as possible, I like to avoid such a hearing
19 as this if it's possible, and in that case the
20 information I had to work from was what this was
21 developed into. And later on, I found out that as
22 I said, again, with an apology that what I had
23 been told was not in fact exactly what needed to
24 be done and that it would definitely require a
25 zoning variance. Of course, that was a

1 disappointment to us as well because it wouldn't
2 have been our pleasure to stand before a Zoning
3 Board if we didn't have to. But we found
4 ourselves in that situation, and the choice was
5 then to try to modify this in some other way which
6 presented a hardship in several different ways,
7 and therefore, it would have cost the Fiedlers
8 more for them to have to have us change
9 everything. It would have taken space a different
10 way. It would have caused structural issues. It
11 would have caused plumbing issues. It would have
12 caused drainage issues.

13 I had to look at all of that; I had to
14 evaluate all of that. The decision was that since
15 we weren't asking for a large area and that we
16 were able to put this in the most innocuous place
17 we could find on the property relative to the
18 distance to the neighboring property and the
19 distance to the street and the relative view from
20 the street, this was the best choice and that's
21 why we're here this evening.

22 MR. FIEDLER: If I may.

23 CHAIRMAN KEILSON: Please.

24 MR. FIEDLER: The problem was there is a --
25 in the very, very beginning we were told that we

1 were going to get a one-time exemption and somehow
2 that didn't work out either. I don't really
3 understand what it meant, but that's what they
4 told us.

5 MR. LEEPER: It was for the distance between
6 25 feet and 10-foot distance.

7 MR. RYDER: I can explain that. The one-time
8 exemption is for an existing house line. You're
9 allowed the one-time exemption to continue it
10 either front or back. Here this is an addition to
11 the house. There's no existing house line.
12 That's why the side yard.

13 MEMBER GOTTLIEB: That's how they get you.

14 CHAIRMAN KEILSON: Bait and switch.

15 MR. LEEPER: It was concerning, to say the
16 least, and again, it's not our pleasure to have to
17 make this request.

18 CHAIRMAN KEILSON: Most people enjoy coming
19 here.

20 MR. LEEPER: That was a nice way of putting
21 the fact that we really --

22 CHAIRMAN KEILSON: Mr. Capobianco, don't you
23 enjoy coming here?

24 MR. CAPOBIANCO: Love it.

25 MEMBER SCHRECK: How large is that laundry

1 room?

2 MR. LEEPER: If I were a zoning attorney this
3 is exactly what I would want.

4 CHAIRMAN KEILSON: Yes.

5 MEMBER SCHRECK: What is the size of the
6 laundry room?

7 MR. LEEPER: The size of the laundry space is
8 8 feet 4 -- I'm sorry, wait a second. It's
9 9 feet 2 by 5 feet 7 and a half. Currently, it's
10 a closet in the existing house.

11 MEMBER WILLIAMS: Is that the entire second
12 floor? Is that what it is? The picture we have
13 here of the second floor plan, is it only part of
14 it?

15 MR. LEEPER: That's just a cut-away of the
16 area that contributes to the load.

17 MEMBER WILLIAMS: So there's more.

18 MR. LEEPER: Correct.

19 CHAIRMAN KEILSON: Is there anyone in the
20 audience who wants to speak to the matter?

21 (No response.)

22 CHAIRMAN KEILSON: Here's what we're going to
23 do. As you indicated, there are statutory
24 criteria that we have to observe in evaluating a
25 request for the variance. And the essence is to

1 weigh the benefit to the applicant against any
2 detriment to the health, safety and welfare of the
3 neighborhood. I think if we look at your request,
4 and take into consideration the particular
5 circumstances of the applicant and his need to
6 move the master bedroom to the first floor, and
7 he's already warned me that I'm going to have to
8 face that as well, so I think if we just focus on
9 the fact that it's really only 342 feet of
10 overage, and I think we can look at that a little
11 bit differently, and I think we may give
12 appropriate consideration to, you know, the
13 particular need in this case. And so I would
14 think that the benefit to the applicant in this
15 case would outweigh, considering the fact that it
16 doesn't look like there will be any issues of
17 water spill-off and the like and it will be
18 absorbed by the dry wells, et cetera.

19 And so I will pass it to my colleagues to
20 vote. Mr. Schreck.

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

22 CHAIRMAN KEILSON: Mr. Gottlieb.

23 MEMBER GOTTLIEB: I vote for.

24 CHAIRMAN KEILSON: Mrs. Williams.

25 MEMBER WILLIAMS: For.

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1 CHAIRMAN KEILSON: And I will vote for as
2 well. And we'll give you two years, and so it
3 doesn't mean you have to take it.

4 MR. RYDER: Mr. Chairman, I don't think it's
5 visible from the street, so no Board of Building
6 Design.

7 CHAIRMAN KEILSON: Wonderful. Thank you very
8 much.

9 MS. FIEDLER: Thank you.

10 MR. FIEDLER: Thank you.

11 (Whereupon, the hearing concluded at
12 8:08 p.m.)

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

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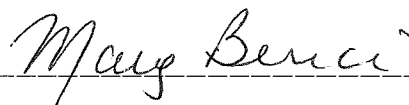
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MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 March 18, 2015
7 8:08 p.m.

8 APPLICATION: Gottlieb
9 96 Chauncey Lane
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. MARK SCHRECK
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. KENNETH A. GRAY, ESQ.
19 Village Attorney

20 MR. MICHAEL RYDER
21 Building Department

22
23
24
25 Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The last matter this
2 evening is the family Gottlieb.

3 MR. GOTTLIEB: Mr. Chairman, I request that I
4 recuse myself in this application and I'll walk
5 away from the --

6 CHAIRMAN KEILSON: Well, you can advocate for
7 yourself.

8 MR. GOTTLIEB: I would prefer to do it from
9 the other side of the Bench.

10 CHAIRMAN KEILSON: Of course, of course, and
11 you're bringing your entire family forward.

12 MR. GOTTLIEB: Okay, thank you.

13 CHAIRMAN KEILSON: I think, Mr. Gottlieb,
14 your colleagues would like to meet your family.

15 MR. GOTTLIEB: Family, would you care to step
16 forward.

17 CHAIRMAN KEILSON: All these years, we never
18 had the opportunity.

19 MR. GOTTLIEB: I'd like to introduce myself,
20 Edward Gottlieb, and Stefanie Gottlieb are the
21 applicants, 96 Chauncey Lane, Lawrence, New York.
22 I'm accompanied by my wife, Mrs. Gottlieb, and her
23 youngest and only son, but our youngest child,
24 Eric, who occasionally appears.

25 CHAIRMAN KEILSON: Welcome to the Board of

1 Zoning Appeals.

2 MR. CAPOBIANCO: John Capobianco, 159 Doughty
3 Boulevard, Inwood.

4 MR. GOTTLIEB: By introduction, I've been
5 living in our house for 29 years, almost 30 years,
6 living in the Village since we first got married
7 in 1983. We're not new to the Village of
8 Lawrence. We've been rather involved in various
9 organizations and institutions within the Village,
10 and we plan to stay in our home for the
11 foreseeable future, and then some.

12 CHAIRMAN KEILSON: Did you have any prior
13 variances?

14 MR. GOTTLIEB: Not that I'm aware of. Nor do
15 I believe the prior owners had any variances. The
16 house dates back to 1892, and I believe that there
17 were no zoning laws then by the position of our
18 house.

19 CHAIRMAN KEILSON: The Indians were living
20 there at the time.

21 MR. GOTTLIEB: So our proposal is a one-story
22 addition to the rear of the house. It will
23 consist of an enlarged kitchen, a small family
24 room and a guest room.

25 CHAIRMAN KEILSON: Is there any need?

1 MR. GOTTLIEB: Yes. The need is that our
2 house was built in 1892 and is substantially
3 insufficient in size. We have a small kitchen.
4 The house doesn't really function well in terms of
5 in order to get to the kitchen from the front of
6 the house you need to walk through a hallway, the
7 living room, dining room, transition room, and
8 then you're in the kitchen.

9 CHAIRMAN KEILSON: By then you've lost your
10 appetite.

11 MR. GOTTLIEB: By then you've lost half your
12 groceries, I'm told.

13 CHAIRMAN KEILSON: I see.

14 MR. GOTTLIEB: So the need is that although
15 we've been living in our house for many years and
16 raised our three children here, my wife and I find
17 that it's really quite insufficient in size, as
18 well as it's -- as well as the flow.

19 Our architect, Mr. Capobianco, is here who
20 has redesigned the home so that it's going to be a
21 center hall -- center hall --

22 MR. CAPOBIANCO: No, it's a side hall.

23 MR. GOTTLIEB: It's still going to be a
24 side-hall colonial, but there will be access. You
25 can walk through the house instead of around the

Gottlieb - 3/18/15

1 house to get into the kitchen. I'll just make my
2 few points.

3 So we live in a Residence C2, and in C2 the
4 side yards are much closer than in perhaps much of
5 the rest of the Village. So there are seven
6 houses on Auerbach Lane. We are the seventh house
7 from starting at Main Street going down Auerbach
8 Lane, and our rear yard would be their side yard.
9 They all have side yards that are parallel to
10 Auerbach, but in our case it's called a rear yard.

11 So because it's our rear yard, we have a
12 30-foot rear-yard requirement, while our neighbor
13 just to the north has a 15-foot side-yard
14 requirement. We're asking you to consider that in
15 our extension. We're not looking to go to the
16 15-foot line, only to approximately 23 feet.

17 MR. CAPOBIANCO: 22.9, yeah.

18 MR. GOTTLIEB: 22.9. I'm trying not to keep
19 this going on too long.

20 There was no other practical way to
21 accomplish this expansion without requesting
22 relief of the Zoning Board. We've worked with our
23 architect for over a year, and the intent was not
24 to come before the Board. Unfortunately, we came
25 so close and couldn't accomplish our goals without

1 coming before the Board; therefore, we are here
2 tonight seeking a 7-foot rear-yard variance.

3 CHAIRMAN KEILSON: Can you bring it down to
4 5 feet?

5 MR. GOTTLIEB: Can we negotiate here? We are
6 not going to request any surface coverage,
7 building coverage, height/setback ratio, front
8 yard, side yard, just one small 7-foot rear-yard
9 encroachment.

10 CHAIRMAN KEILSON: How do the neighbors feel
11 about it?

12 MR. GOTTLIEB: Our neighbors, I do have a few
13 letters of support, just a few. Some I believe
14 were E-mailed to you.

15 CHAIRMAN KEILSON: Yes.

16 MR. GOTTLIEB: So we have letters from Kelly
17 Gott, who has appeared before the Board before. I
18 have a letter from the Oliners, the Cascardis, the
19 Bienstoks who live directly across the street, the
20 Brickells who are the house next door. They have
21 also appeared before the Board. And the Steins,
22 who are the most affected and they are next-door
23 as well. In fact, you will find there are two
24 letters from the Brickells.

25 CHAIRMAN KEILSON: He and she?

1 MR. GOTTLIEB: I'm sorry?

2 CHAIRMAN KEILSON: He and she?

3 MR. GOTTLIEB: No, actually they're both from
4 he, but he sent them twice, two different letters,
5 two different E-mails. So the seven letters I'll
6 submit as an exhibit, the only exhibit, Exhibit 1.

7 MR. RYDER: Applicant's Exhibit.

8 MR. GOTTLIEB: Applicant's Exhibit, thank
9 you.

10 Mr. Capobianco, would you care to explain.

11 MR. CAPOBIANCO: Yes. Architecturally, we're
12 hoping to -- well, we're going to --

13 CHAIRMAN KEILSON: Hoping to.

14 MR. CAPOBIANCO: Well, we're going to match
15 the existing siding, vinyl siding. It could be a
16 cedar impression in a cream color, tan color. The
17 roof would tie in to the existing roof. So
18 basically, it's a one-story extension which will
19 improve those lines, and it kind of just squares
20 off the back of the house. And you've seen the
21 elevation. There's also a fireplace that would
22 project slightly -- which is a two-foot projection
23 which would go into the rear yard as well. The
24 fireplace would be in the center of the family
25 room. It would be only a one-story height. It

1 would not be a chimney; it would be a gas type
2 fireplace with a direct vent. And the deck to the
3 side which is immediately to the east will be a
4 Trex or some kind of a maintenance-free product
5 that would blend in nicely with the siding. And
6 the railing would also match the railing that was
7 there before.

8 It's fairly simple, I think. The two sides
9 line up. The extension lines up with the existing
10 house both on the west and the east side, and it's
11 really a low, low height. It doesn't create any,
12 I think, shadowing or any issues with that, with
13 the neighbor. And I think it's a pretty good
14 application. It's holding 21.2 on the side, which
15 is really considered a side yard, not a front
16 yard. And the front yard that exists is 24.9 at
17 the corner of the deck to 17.3 at the other corner
18 of the front entrance.

19 So because Chauncey is the narrower of the
20 two lengths, Chauncey is the front yard, Auerbach
21 is really the side yard, and opposite Chauncey is
22 the rear yard, and that's why we are getting the
23 variance.

24 MEMBER SCHRECK: Is there a lot of flooding
25 in that area? Do we have to be concerned about

1 water runoff?

2 MR. CAPOBIANCO: Have you had a lot of
3 flooding in the area?

4 MR. GOTTLIEB: During Sandy we were very dry,
5 if that's an indication, and typically there is no
6 flooding. We're not in the flood zone. I would
7 like to also point out that while we're looking at
8 a 23-foot rear yard, we're maintaining almost a
9 48-foot side yard, and that was the purpose of
10 turning the house sideways, so we're going to have
11 a much larger side yard which will also be quieter
12 because it won't be on Auerbach, it will be on
13 Chauncey.

14 CHAIRMAN KEILSON: While you're here do you
15 want to ask for more?

16 MR. GOTTLIEB: Should I sit there?

17 MEMBER WILLIAMS: You're putting the bedroom
18 downstairs?

19 MR. GOTTLIEB: The bedroom downstairs we
20 don't foresee for ourselves. We have both of our
21 mothers who are well into their eighties. What
22 happened was while we were planning this out,
23 Stefanie's mother was briefly hospitalized and
24 then had to stay at her brother's house because
25 there was no place else for her to go, and it made

1 us realize because we are doing this extension
2 that there wasn't very much more to put in a
3 roughly 10-by-10 room, and we had the ability to
4 take care of either one of our mothers when we get
5 to that point.

6 MEMBER WILLIAMS: Very smart.

7 CHAIRMAN KEILSON: Very noble.

8 MEMBER WILLIAMS: I think it's smart to have
9 a bedroom on the downstairs floor.

10 CHAIRMAN KEILSON: Okay. Any further
11 questions of the Board? Is there anyone in the
12 audience who wants to speak to the matter?

13 (No response.)

14 MR. GOTTLIEB: Eric, do you have any
15 comments?

16 ERIC GOTTLIEB: No.

17 CHAIRMAN KEILSON: Okay. The statutory
18 criteria suggests that we should weigh the benefit
19 to the applicant as opposed to any detriment to
20 the neighborhood. And I think having done so
21 we're very comfortable with the very modest
22 request before us. It's a nice change to have
23 Mr. Capobianco representing someone who is not
24 over the top.

25 MR. CAPOBIANCO: Given the fact it's a rear

1 extension and will match any siding, will this
2 need to go before the Board of Building Design?

3 MR. RYDER: Yes. But we could still move the
4 permit along, if that's an issue.

5 MR. CAPOBIANCO: Okay.

6 CHAIRMAN KEILSON: That's a good idea.

7 Mrs. Williams.

8 MEMBER WILLIAMS: For.

9 CHAIRMAN KEILSON: Mr. Schreck.

10 MEMBER SCHRECK: For.

11 CHAIRMAN KEILSON: And I vote for.

12 How much time do you need, four years?

13 MR. CAPOBIANCO: Two years.

14 MR. GOTTLIEB: Mr. Capobianco says two years.

15 MR. CAPOBIANCO: Two years.

16 CHAIRMAN KEILSON: And without further ado,
17 we adjourn. Wishing you all a happy Passover
18 season.

19 MR. CAPOBIANCO: Thank you, you too.

20 (Whereupon, the hearing concluded at

21 8:30 p.m.)

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25

Gottlieb - 3/18/15

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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