

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 May 30, 2012
7 7:38 p.m.8 APPLICATION: Verschleiser
9 95 Briarwood Lane
10 Lawrence, New York

11 P R E S E N T :

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

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals. I request that you please turn
4 off your cell phones. And, please, any
5 conversations conduct them outside in the hallway.

6 Proof of posting, Mr. Castro.

7 MR. CASTRO: Yes, Chairman, I offer proof of
8 posting and publication.

9 CHAIRMAN KEILSON: Very good. Thank you very
10 much.

11 Before we begin, we're going to ask
12 Mr. Pantelis to offer the preamble explaining the
13 whys and wherefores and the procedures of tonight.

14 MR. PANTELIS: I like "the preamble."

15 I had to really pop a cough drop a minute
16 ago. It's a question of coughing or speaking with
17 a cough drop, so if you'll forgive me.

18 The Board is obligated under state law to
19 consider variances based on certain standards that
20 are in state law. The Board is very familiar with
21 the standards. Those of you who have attorneys
22 also know that, also know those standards.

23 But besides that, we're a local Board. The
24 Board is very familiar with each and every one of
25 the properties that are before you, the

1 applications that are before you, the residences
2 and so on. It's a very hot Board. In fact, it
3 was so hot I didn't think we were going to get out
4 here tonight considering the discussions.

5 But please, when you get up, indicate, you
6 know, what your application is all about, please
7 give the particulars for it, and indicate the
8 variances that you're requesting and we'll go from
9 there.

10 Mr. Chairman.

11 CHAIRMAN KEILSON: Thank you, Mr. Pantelis.

12 All right, one of the matters this evening,
13 Spiegel, has been withdrawn.

14 The first matter we're going to address
15 tonight is Verschleiser. Would they or their
16 attorney please step forward.

17 MR. GOLDMAN: Good evening, Mr. Chairman,
18 members of the Board. For the Verschleisers,
19 Ronald Goldman, 17 Auerbach Lane, Lawrence,
20 New York. Good evening, Mr. Chairman.

21 CHAIRMAN KEILSON: Mr. Goldman, as you're
22 probably aware, at this point there's been a
23 request for an adjournment by the neighbors, the
24 Oliners. The request was received over two weeks
25 ago, and he's called a number of times to request

1 that we honor that request for an adjournment.
2 And generally speaking, in light of the fact that
3 he's the neighbor most affected by the event, the
4 general inclination is to allow for an
5 adjournment, and if you want to comment on that.

6 MR. GOLDMAN: If I might, Mr. Chairman, just
7 so the record is clear, I would note that the
8 Verschleisers are both present here tonight, that
9 the Verschleisers are prepared to proceed.

10 Nevertheless, notwithstanding that, they're
11 good neighbors and they appreciate the fact that
12 this matter was adjourned once before on their
13 behalf. And it's my understanding, so the record
14 is clear, that Mr. Oliner was unavailable this
15 evening due to the pressing issues of business and
16 that that was his reason for not being here. The
17 reason I state that, because at least that's our
18 understanding, and obviously I can't speak as to
19 what he advised the Board, was because in the
20 interim the record should be clear that efforts
21 were made to meet with the Oliners, and in fact
22 they did. That in the last adjourn date on April
23 the 30th was in fact -- we didn't have -- we
24 didn't proceed on that date because the
25 Verschleisers in deference to a correspondence

1 that's even longer than two weeks, but more like
2 two months, in deference to a very long and
3 lengthy list of complaints that Mr. Oliner
4 submitted to the Board, not the Verschleisers, but
5 directly to the Board, which the Board was
6 gracious enough to share with us so that we could
7 address those issues, in deference to that we
8 asked for an adjournment because we felt that at
9 that point we couldn't comply or try even at that
10 point to reconcile the issues with Mr. Oliner.

11 Notwithstanding that, in the past few months
12 we have indeed made every effort to do so. We've
13 met with him. And in order to make sure that
14 there was peace between all the parties, I took it
15 upon myself to be present. He's an attorney, I
16 might add, so there was no feeling of impropriety,
17 and I indicated to him that if he wished to have
18 an attorney present I would defer to that as well.

19 At that meeting all the issues that were
20 raised in that correspondence were addressed. And
21 we asked him specifically whether there were any
22 other issues, because if there were, just list
23 them and then we would do our best to comply,
24 recognizing the fact that based on that an
25 adjournment might be asked for anyway. He

1 indicated to me at that time that there were no
2 further issues, notwithstanding that he wasn't
3 certain, one, whether he wanted to procure counsel
4 prior to tonight, or whether he was going to
5 proceed with asking for an adjournment.

6 To date, he hasn't corresponded with us to
7 indicate what his plans were. He doesn't have to,
8 but we would ask in the future if he corresponds
9 with the Board he at least is requested to
10 correspond with us as well so that we can make
11 allowances.

12 The Verschleisers are here, and we understand
13 that as good neighbors we're agreeing to that
14 adjournment, but we would ask this be the final
15 adjournment and that if he has any issues, whether
16 they be retaining counsel who wants to proceed
17 with the discussions, or whether he has any other
18 issues, notwithstanding his representation to me
19 that he didn't, that he so advise us before the
20 next adjourn date because these folks are losing
21 time and to the extent that there's a necessity to
22 build or make an effort to build before the
23 winter, et cetera, et cetera, each of these months
24 adjournments impact negatively on them. So I'd
25 ask simply for that courtesy and I appreciate the

1 courtesy of being permitted to make a record.

2 I'd also ask what the next adjourn date is so
3 that we can once again have the expense of
4 notices, et cetera.

5 CHAIRMAN KEILSON: The next adjourn date
6 would be June 27th, and from my point of view we
7 certainly should put it down as a final
8 adjournment. In light of the fact that it has
9 gone on so long, I think it's at this point in
10 time it's due for, you know, review by the Board.

11 MR. GOLDMAN: It's ripe.

12 CHAIRMAN KEILSON: It's ripe. How does the
13 Board feel about it?

14 MEMBER GOTTLIEB: Agreed.

15 MEMBER HENNER: I just want to clarify
16 something you said twice, and that was that you
17 indicated that Mr. Oliner said that he had no
18 other issues. I took that to mean that he didn't
19 have any other issues to raise as opposed to that
20 he agreed with your present -- the presentation
21 that was made to him at the meeting.

22 MR. GOLDMAN: No, that he had no -- to us he
23 did not raise any other issues above and beyond
24 the ones that were contained within the letter,
25 that we advised him of all the efforts we were

1 making to respond to those. He had no response to
2 that. That's, of course, his prerogative and it's
3 his prerogative to appear before you. But we
4 certainly, in the interests of expediting this
5 matter asked him right here, right now, if you've
6 got something else beyond the letter, you're not
7 bound by that letter, what do you have to say?
8 And he had nothing to add.

9 CHAIRMAN KEILSON: I think I might add that
10 post your meeting, the Village didn't receive
11 communication asking for the adjournment. So,
12 obviously, it wasn't resolved sufficiently at your
13 meeting irrespective of what impressions you might
14 have of it.

15 MR. GOLDMAN: Right. No. I appreciate that,
16 Mr. Chairman. That's why I regret that he didn't
17 correspond with us and let us know.

18 CHAIRMAN KEILSON: Fair enough.

19 How does the Board feel?

20 MEMBER GOTTLIEB: Yes.

21 MEMBER WILLIAMS: Fine with the adjournment.

22 MEMBER SCHRECK: I'm fine that it's marked
23 final.

24 CHAIRMAN KEILSON: So it's adjourned to the
25 27th.

Verschleiser - 5/30/12

1 MR. GOLDMAN: We'll be here with bells on.

2 (Whereupon, the hearing concluded at

3 7:46 p.m.)

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

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10 MARY BENCI, RPR
11 Court Reporter
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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
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6 May 30, 2012
7 7:46 p.m.

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

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
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24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Rudman.

2 MR. GOLDMAN: Good evening, Mr. Chairman.

3 This is the matter of Rudman, 576 Atlantic Avenue.

4 Recognizing the fact that this is a Board
5 that's aware of the issues that are involved, I
6 would note that --

7 CHAIRMAN KEILSON: Might I suggest, it may be
8 a little unorthodox, but I know there are a number
9 of neighbors here this evening and it's my -- it's
10 my -- I have a premonition that there's going to
11 be a request for an adjournment based on the
12 communication that we received to date. So if you
13 wouldn't mind that we could at least hear from the
14 neighbors as to what their requests may be, if
15 that be the case, so we don't get launched into
16 the whole presentation and then have to deal with
17 the adjournment request.

18 MR. GOLDMAN: I'm more than happy.

19 MR. PANTELIS: I think the Chairman is asking
20 is there anyone who has an interest in this matter
21 who would like to be heard before the Board
22 determines to hear the case?

23 Give your name and address.

24 MR. GRAHAM: Thank you. George Graham. I
25 own and reside at 562 Atlantic Avenue. I'm

1 actually here with a number of my neighbors who
2 are also owners on Atlantic Avenue, including the
3 neighbors just adjacent to the property. We're
4 the owners of that property, and we were just
5 notified. I guess I'm just outside the 300 feet
6 where formal notices were sent, and I just
7 received information about the proposed variance
8 this weekend. And none of us have had a chance to
9 review these plans in detail, consult with both
10 the applicant, potentially attorneys and
11 architects to understand what impact, if any, this
12 approving this variance would have on our
13 properties.

14 At this point we don't know if we're going to
15 object, but we haven't had the time given the long
16 holiday weekend to make that assessment. So we're
17 requesting from the Board that we get -- that we
18 ask for a 30-day adjournment to your next meeting
19 so we can all talk about this and hopefully come
20 to a resolution so this can be addressed
21 appropriately.

22 CHAIRMAN KEILSON: I assume you represent the
23 sentiments of those other neighbors so we don't
24 have to speak to --

25 MR. GRAHAM: Yes.

1 CHAIRMAN KEILSON: Mr. Goldman, do you want
2 to comment before?

3 MR. GOLDMAN: Yes, I would, Mr. Chairman.

4 First of all, to the extent that someone is
5 beyond the 300 foot, one, we're not sticklers here
6 and we're all neighbors and we all have to live
7 together.

8 Notwithstanding that, it becomes a question
9 too of a last-minute adjournment that prejudices,
10 obviously, the applicant in terms of there is a
11 loss of time and to the extent that architects
12 have been retained and are present here.

13 What I would respectfully ask is one of two
14 things. There are other matters that are on here
15 tonight, and I would ask that this matter just be
16 recessed to permit the folks to step outside.
17 These are all intelligent people. The architect
18 is here, Norman Wax, who is well respected in our
19 community and known to all parties. Let us
20 present the presentation first of all to them,
21 because to the extent that this is one of the
22 situations where it's a second floor on a house
23 that's been there, a pre-existing situation, this
24 is not a dramatic mc-mansion. This is not
25 bordering on people's properties, et cetera. And

1 once -- these are folks of good will. I'm certain
2 that to the extent that if they can be satisfied
3 and their concerns be addressed -- their possible
4 concerns be addressed that we be permitted to do
5 so.

6 In the alternative as well, then I would ask
7 that we be permitted to make our application to
8 the Board. They can certainly get a copy of the
9 minutes and then respond to that or through
10 counsel.

11 Not to mention the fact that I would like to
12 confirm that counsel has in fact been retained and
13 not merely been considered. Because what's
14 happening here is that there's a concern that
15 there might be issues that might arise, and to the
16 extent that notice was sent to neighbors, perhaps
17 not beyond the required 300 foot, but we have
18 notice of service, we have the names, et cetera, I
19 respectfully ask that Mr. Wax be given the
20 opportunity, and certainly no harm can come of
21 that and to the extent that the folks can feel
22 comfortable and we can proceed, there's no
23 prejudice to any party, particularly if we don't
24 appear before the Board and it's outside. It only
25 can give them a leg up and --

1 CHAIRMAN KEILSON: I think one of the
2 concerns is if they have intentions of retaining
3 counsel, then I think it's not an appropriate
4 exercise.

5 MR. GOLDMAN: It's -- well, to the extent
6 that, one, they're not dispositive here. Their
7 opinions and concerns and views are relevant to
8 the Board; but independent of whether neighbors
9 were here or not, the Board has its own
10 independent obligation to decide whether pursuant
11 to the law this is an appropriate application.
12 They're here to express concerns, and assuming
13 they're valid that's okay, but possible concerns
14 to preclude a presentation isn't necessarily
15 certainly not within the confines of the law.
16 This isn't a case where they're entitled to
17 counsel because they're being prosecuted or
18 defended or whatever else.

19 What I'd respectfully ask again is -- and
20 there's no definitive --

21 CHAIRMAN KEILSON: Mr. Goldman, we've always
22 defended the value of having the ability to get
23 counsel. You, as counsel to the Board for
24 seventeen years, know full well that if any such
25 occurrence ever arose that we were extremely

1 sympathetic to people who wanted an opportunity to
2 retain counsel. The matter is on for the first
3 time, and I can't really come to grips with the
4 prejudice being given to your client by having it
5 adjourned for 30 days.

6 MR. GOLDMAN: Then I respectfully ask -- I'm
7 not saying that they --

8 CHAIRMAN KEILSON: One minute.

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

11 MR. GOLDMAN: I would renew my application to
12 permit them to engage Mr. Wax in conversation, see
13 how that works out, and perhaps, as I say, this is
14 not -- we're not browbeating anyone in the back of
15 a police room not to have a lawyer. To the extent
16 that if they can resolve it and save themselves
17 the expense of a lawyer and the burden of having
18 to deal with a lawyer we might be doing them a
19 favor.

20 CHAIRMAN KEILSON: Mr. Graham.

21 MR. GRAHAM: To respond, unfortunately, I'm
22 not an attorney so I won't be as eloquent as
23 Mr. Goldman in responding here. But what I would
24 tell you, that actually two of the people who are
25 present are within the 300 feet, and also to my

1 understanding I'm actually on the Board of the
2 Rockaway Hunting Club, and I spoke to the manager,
3 Frank Argenta, who I think many of you know, and
4 Frank was not in receipt of any notice of this
5 variance, and so their presence isn't here and
6 they're directly across the street from this
7 property.

8 So I think that there are a number of issues
9 we'd like to talk with counsel, with the architect
10 and with the applicant, and I don't feel that any
11 of us would like to be rushed into a decision and
12 have some meeting outside the door where we're in
13 a sense browbeaten to understand what these plans
14 are going to be and what the impact is going to be
15 on our properties.

16 We'd love to schedule a meeting with the
17 applicant and their attorney and their architect,
18 and once we're able to arrange for the same
19 experts, legal and architectural, to join us, we'd
20 love to sit down and understand the plans in
21 detail. And I don't feel that's the kind of thing
22 that needs to be done right outside of this room
23 at this moment.

24 MEMBER HENNER: I'd like to ask who are the
25 other neighbors beside yourself? I mean, I see

1 who they are, but I'd like the names.

2 MR. BENTON: Allan Benton. My wife and I
3 live at 566 Atlantic Avenue. We're within the 300
4 feet.

5 MEMBER HENNER: Did you get notice when they
6 said they mailed them out?

7 MR. BENTON: We received a letter from the
8 Rudmans, yes.

9 MEMBER HENNER: You did. And that was a
10 while ago?

11 MR. BENTON: About a week ago, ten days.

12 MR. MACGUIRE: John Macguire, 544 Atlantic
13 Avenue.

14 MEMBER HENNER: Are you part -- are you
15 within the 300 feet?

16 MR. MACGUIRE: No.

17 MEMBER HENNER: So you didn't get a notice?

18 MR. MACGUIRE: No.

19 MR. MURRAY: I'm Arthur Murray, and my wife
20 owns the house -- dancing lessons, no.

21 MEMBER HENNER: You're next-door?

22 MR. MURRAY: My wife owns the house adjacent
23 at 572.

24 MEMBER HENNER: Next-door?

25 MEMBER GOTTLIEB: Which is next-door, yes.

1 MEMBER HENNER: And you also got the notice
2 from the Rudmans?

3 MR. MURRAY: Well, her son lives in the house
4 and he didn't get us a notice. I think he's not
5 able to be with us tonight. But the first thing
6 we heard about it really was two days ago.

7 MR. GOLDMAN: Excuse me. If I could, just so
8 that the record is abundantly clear, we have a
9 letter of support from the following residents,
10 and one of which is Thomas Murray, 572 Atlantic
11 Avenue, addressed to the Village of Lawrence,
12 indicating that: We the undersigned residents are
13 in favor of the Zoning Board of the Village of
14 Lawrence granting the application of Ephraim and
15 Rachel Rudman. It's also signed by the residents
16 of 582 and 570.

17 CHAIRMAN KEILSON: Preserve that for your
18 presentation. We're going to assume that notice
19 was given appropriately.

20 MR. GOLDMAN: Right. I just want to be
21 confirmed.

22 CHAIRMAN KEILSON: We're comfortable that
23 notice went out. We know from past experience
24 that people don't necessarily notice the notice
25 until it's brought to their attention.

1 MR. GOLDMAN: Right. I don't want the
2 Murrays to feel that anything was thrust upon
3 them. That, in fact, Thomas signed it and
4 discussed it with the Rudmans, so that the record
5 is clear in terms of neighborliness.

6 MR. PANTELIS: I think it's probably
7 regrettable that the notice or the request is on
8 short notice, but I think you as an experienced
9 attorney realize that very often we come down with
10 our experts and clients and we have to adjourn a
11 matter on the first time on.

12 MR. GOLDMAN: I do indeed.

13 CHAIRMAN KEILSON: I think in light of the
14 explanation Mr. Graham expressed, I think we have
15 no choice but to consider the adjournment, and I
16 think it's the sentiment of the Board.

17 MEMBER GOTTLIEB: I would agree.

18 MEMBER HENNER: Are you asking me?

19 CHAIRMAN KEILSON: Yes, sure.

20 MEMBER HENNER: I'm not thrilled that this
21 was done today, that a letter came from an
22 attorney today six hours before this meeting, and
23 it was a little bit misleading because he hadn't
24 been retained. His letter stated that he had been
25 contacted and requested an adjournment. Just

1 contacting a lawyer doesn't really kind of cut it.
2 On the other hand, I do understand the concerns,
3 and if that's the case, but I would also indicate
4 that the same as they did on the other one,
5 perhaps mark it final.

6 CHAIRMAN KEILSON: No more adjournments.

7 MR. GOLDMAN: And let's just indicate --

8 MEMBER HENNER: There's an element of
9 unfairness.

10 MR. GOLDMAN: The Rudmans again, just want
11 the record to be clear, that we appreciate the
12 request for the adjournment, but the neighbors
13 because at the end of the day irrespective of the
14 application we all have to still remain neighbors,
15 so let it be clear that they're trying to be good
16 neighbors and that there was no effort here to
17 slip anything past anyone or rush anything past
18 anyone.

19 CHAIRMAN KEILSON: We appreciate that.

20 MR. GRAHAM: So again, I was notified of this
21 situation this weekend, and as you can imagine, it
22 was a very long weekend, and I spoke to a couple
23 of people to get the names of an attorney late
24 yesterday. I did not get a chance to talk to all
25 my neighbors about the terms of retaining an

1 attorney. This attorney who has represented the
2 Hunt Club offered to write a letter in advance of
3 the meeting with all of us to be formally
4 retained, and I just want to give you the
5 background, that I would think that in retaining
6 an attorney at today's rates that it would be
7 appropriate for all the people that are going to
8 pay that bill to meet with the attorney and be
9 comfortable before they engage one.

10 MEMBER HENNER: That wasn't my point and I
11 don't want to debate with you. I'm happy to see
12 all of you. Everyone here is a resident and a
13 neighbor.

14 The part I objected to was a lawyer. And I
15 am a lawyer, okay. And when I saw that he wrote a
16 letter saying he had been contacted, he didn't say
17 he was retained, but yet having just been
18 contacted he also requested an adjournment. And
19 similarly, the same way you don't want to pay
20 legal fees, I'm assuming and I don't know
21 Mr. Rudman all that well, but he's paying a
22 lawyer, he's paying an architect to come down and
23 get an adjournment tonight. Okay, so looking at
24 it from his point of view, he's getting adjourned
25 tonight and he's paying a double set of fees while

1 the neighbors contacted a lawyer who they didn't
2 retain, but yet that lawyer who was contacted
3 asked the Chairman for an adjournment.

4 You're all entitled to ask for an adjournment
5 and that's being granted. You didn't have to go
6 through a lawyer to say he was contacted, with an
7 anonymous -- he didn't mention anybody's name but
8 you as well, because I'm sure you saw the letter.
9 That's the part I objected to, not to you not --
10 not to you being represented by counsel. That's
11 all.

12 CHAIRMAN KEILSON: So we're talking about an
13 adjournment to the 27th of June, a final
14 adjournment.

15 MEMBER GOTTLIEB: Is it necessary to quote a
16 final?

17 CHAIRMAN KEILSON: I think so in light of the
18 circumstances. There's no reason why we shouldn't
19 expect to have the matter addressed before then.

20 MR. GRAHAM: Mr. Chairman, I'm not sure that
21 it's appropriate to make it final. We haven't had
22 any opportunity to really review these plans.
23 You've already just had another case that had
24 multiple adjournments.

25 CHAIRMAN KEILSON: Mr. Graham, there are

1 special circumstances tonight. I think you had
2 more than adequate time, a month to review the
3 plans. It's not a complicated matter, it really
4 isn't, and I think if you were -- if you're
5 diligent about your concerns I think you can meet
6 and form an opinion and a position long before
7 then.

8 MR. GRAHAM: Okay. Thank you, Mr. Chairman.

9 (Whereupon, the hearing concluded at
10 8:00 p.m.)

11 *****

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

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16 _____

17 MARY BENCI, RPR
18 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 May 30, 2012
7 8:00 p.m.

8 APPLICATION: Silber
9 125 Sutton Place South
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. MARK SCHRECK
21 Member

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

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Silber.

2 MR. GOLDMAN: At the risk of overstaying my
3 welcome, but I've done so brilliantly until now,
4 Ronald Goldman, on behalf of the Silbers,
5 17 Auerbach Lane.

6 Mr. Chairman, and members of the Board, we're
7 here on behalf of the Silbers, which is 125 Sutton
8 Place. This matter had been on once before and
9 the Board expressed certain concerns. This is a
10 particularly unique situation. You will recall
11 that this is a home that now there's a pressing
12 need. I have medical testimony in terms of the
13 peculiarities, unfortunately, of Mrs. Silber's
14 mother's situation, which is a combination of
15 physical infirmity as well as dementia. I'm happy
16 I'm here with you people and not outside.

17 MEMBER GOTTLIEB: That's what you say now.

18 MR. GOLDMAN: True, that's true. I may
19 welcome an exit.

20 The Silbers are before you really out of
21 desperation in terms of providing a residence, and
22 almost -- as I indicated in the petition of
23 creating almost a hospital facility for their
24 mother. The last time we were here you focused
25 quite correctly on four specific areas of concern.

1 The first one was whether there could be some
2 accommodation within the interior design of the
3 current residence that would provide for
4 Mrs. Silber's mother. That we've gone over with
5 John Capobianco. There's a representative from
6 his office here today, indicating that the nature
7 and interior layout of the home is such that it's
8 a series of steps, a marble floor, smaller
9 bathrooms, a myriad of rooms on the first floor,
10 none of which could be redesigned to accommodate
11 what's really required here, which is pretty much
12 a hospital facility for Mrs. Silber's mother, as
13 well as not one, but two aides that would have to
14 be with her on a 24-hour basis and providing all
15 the necessary space for, unfortunately, the
16 various medical equipment, et cetera. This is a
17 relatively young woman; physically on certain
18 levels there's, with God's help, a life expectancy
19 here where it's requiring a reorganization of
20 their family life as well as the physical home.
21 So to the extent that Mr. Capobianco sought to
22 comply, there's representations made that it just
23 can't be done internally.

24 Their other indication was that if it could
25 somehow be adjusted to become somewhat less

1 invasive of the space and whether some
2 accommodation could be made to move the physical
3 out door somewhat closer or closer to their home,
4 further away from the adjoining property, and that
5 was done as you can see on -- I believe on the
6 adjusted plans with a move of two and a half foot
7 further away than it was when we presented it
8 originally, and that was again in compliance with
9 the second request of the Board.

10 The third one was to somehow gain some kind
11 of perspective on what it is that's being sought
12 here, and to that extent, there was a novel
13 approach. As you can see the property facing the
14 property, the property to the left is a gimongous
15 amount of space of well over 5,000 square feet.

16 CHAIRMAN KEILSON: Gimongous equates to how
17 many square feet?

18 MR. GOLDMAN: Gimongous is in excess of
19 5,000. And without belaboring the point, the
20 Silbers have made every effort to acquire that
21 property through extensive correspondence with the
22 Village in order to buy that land. They might as
23 well buy the land because to the extent for the
24 entire duration of time that they've lived there
25 they've maintained it, it's landscaped, everybody

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1 thinks they own it anyway, including the adjoining
2 neighbor who is well over fifty some odd feet away
3 from them, but always thought that they were
4 bordering on the Silbers when in fact it was that
5 portion that belonged to the Village.

6 CHAIRMAN KEILSON: Would that be Morton?

7 MR. GOLDMAN: No, that is the Pressners. And
8 the Pressners, I might add, who are the one and
9 only neighbors who are really involved, have
10 submitted a letter that's unlike the form letters
11 that we always submit; it really goes into detail
12 indicating that they're the immediate neighbors of
13 the Silber family for fifteen years, we've watched
14 them raise their sons, found them to be
15 outstanding neighbors, et cetera, but we are aware
16 of and have reviewed their plans to bring the
17 garage structure forward so as to create a
18 suitable living space for Barbara Silber's mother
19 and her attendants. As the nearest neighbor to
20 the proposed addition, we are confident that the
21 addition will not in any way intrude on our space
22 or on the look and feel of our beautiful
23 neighborhood. We would actually be thrilled to
24 have Barbara's mother living here with her loving
25 family in a setting that can accommodate her needs

1 in an appropriate, respectful and dignified
2 manner. We have previously supported and continue
3 to support the Silbers' proposal to buy some or
4 all of the Village's property between our homes,
5 which would have made the issue of side
6 clearance -- that's how they refer to it --
7 irrelevant. If the Village will not allow them to
8 purchase the property, we fully support their
9 plans to build this addition onto their property
10 to accommodate Barbara's ill mother. And it's
11 signed by Jerry and Judy Pressner.

12 I introduce it at this point as Applicant's
13 Exhibit 1; it can be deemed marked, whatever is
14 good. But I mention that because that's the
15 neighbor that's most affected, but that's not
16 really true. The neighbor that's most affected
17 here is the Village of Lawrence. And to the
18 extent that no one is asking at this point, the
19 Village won't sell it, the Village won't lease it,
20 the Village is more than thrilled to let the
21 Silbers use it, we've taken the liberty of
22 contacting the representative of the Village, to
23 wit, the Mayor, indicating to him that, one, as a
24 component of our request that he allows us to
25 engage in efforts to purchase the property. He

1 indicated for reasons best known to him, though
2 they're articulated in terms that the Village
3 prefers not to sell property, not to forego,
4 et cetera; it sets a precedent, they might build a
5 library on other space, but that's a whole
6 different issue, et cetera.

7 CHAIRMAN KEILSON: That's not for tonight.

8 MR. GOLDMAN: That's correct. So the point
9 remains that at that point the question was posed
10 to him, well, then as a neighbor, the Village
11 being a neighbor in this context, do you have any
12 problem with the Silbers proceeding according to
13 the request? And he's indicated to us that he
14 does not, as Mayor.

15 Now, it should be noted in fairness to him
16 that this was not raised with the entire Board,
17 but he as Chief Executive of the Village expressed
18 his personal, and in capacity as Mayor that he
19 would have no problem as a neighbor permitting
20 this to go forward.

21 CHAIRMAN KEILSON: Let me state for the
22 record I've spoken to the Mayor, and the
23 sentiments that you've expressed reflect
24 accurately on his feelings. As always, but for
25 the policy the Village has of not selling

1 property, this would be an ideal situation where
2 the people have already kept the property up to
3 snuff and beyond, so from his perspective they
4 certainly have no objection.

5 MR. GOLDMAN: Thank you. And to the best of
6 our knowledge, no one else does either. On the
7 other side there's no opposition, across the
8 street there's no opposition. The only people who
9 could remotely be impacted would be the Pressners,
10 and as you've heard from their letter they have no
11 problem.

12 So the last issue then is the Board's trying
13 to consider the peculiarity of this situation.
14 What we've taken the liberty of doing is
15 suggesting to you, and I think you have the chart
16 in front of you, that clearly the original lot,
17 which we've listed as original, but let's call it
18 the current lot and we've compared it.

19 CHAIRMAN KEILSON: I'm sorry, do we have a
20 copy?

21 MR. RYDER: We have extras.

22 MR. GOLDMAN: So to be brief, what we've done
23 here is --

24 CHAIRMAN KEILSON: Uncharacteristically so.

25 MR. GOLDMAN: What we've done -- now I've

1 lost my train of thought -- is that what we've
2 done is we've got the original lot compared to
3 what would be if we were to consider the expanded
4 lot, which for all intents and purposes is
5 certainly within the purview and the control,
6 whatever, of the Silbers. And having done so I
7 will be not even brief, I will be nonspeaking to
8 the point of referring this to the Board for your
9 consideration, indicating that on the facts that
10 the numbers are supportive of the application.

11 MR. PANTELIS: I think one of the things that
12 the Board could take notice of is that even if the
13 Village were inclined to try to sell it to a third
14 party, you would have a lot which on its face
15 could not -- could never be used as a building lot
16 and, therefore, the issue of whether the Village
17 will or will not is not as important as the fact
18 that you've got an unbuildable piece of land in
19 between, and so to that extent it does provide a
20 buffer.

21 CHAIRMAN KEILSON: All right, I appreciate
22 that you pointed that out. I think the chart that
23 was prepared is very much dispositive of the issue
24 because our greatest concern from our perspective,
25 of course, is overbuilding, irrespective of the

1 particular reasons and the circumstances.

2 Here we have an unusual amount of excess
3 building coverage which taken in conjunction with
4 the expanded lot brings it down dramatically to
5 still a significant number. But again, in light
6 of special circumstances I think it's compelling
7 to give way in this particular case. So on the
8 surface coverage issue this appears totally in
9 taking into consideration the lot next-door.

10 Any questions from the --

11 MEMBER GOTTLIEB: Just a few questions.

12 CHAIRMAN KEILSON: Please.

13 MEMBER GOTTLIEB: Was there any consideration
14 given to the excess runoff that the new structure
15 will create?

16 MR. GOLDMAN: Yeah. I believe that there
17 were plans that were -- the issue of drainage was
18 considered.

19 Why don't you stand up and just note your
20 appearance.

21 MR. HIGHAM: My name is Daniel Higham. I'm
22 an associate of John Capobianco, architect.

23 Any initial drainage or runoff would be
24 addressed in the construction-document phase of
25 the project, and there would be adequate dry wells

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1 provided for any additional structures that were
2 constructed.

3 MR. GOLDMAN: I would also note too that it's
4 being built on ground that's already covered; in
5 other words, there's no new grass that's being
6 taken up because it's moving forward, and I
7 believe that there's pavement there already. So
8 from that point of view I don't believe that
9 there's new grass, if you will, that's being
10 uprooted in order to provide for this.

11 CHAIRMAN KEILSON: Yeah, but I think
12 Mr. Gottlieb is correct. The Village has immense
13 concern now about the water issues that we are
14 facing in the Village and, therefore, every new
15 construction we are taking particular note and
16 we're asking that a specific plan for the runoff
17 be submitted to the Village where the Village can
18 at least be taken into consideration as far as
19 whatever the plans are. I'm sure your applicant
20 will have no issue with that. You obviously have
21 good neighbors and are most concerned about it.

22 MR. RYDER: If I may, Mr. Chairman, that's
23 designed for three-inch rainfall per hour.

24 MR. HIGHAM: Correct.

25 MR. RYDER: That would be acceptable. This

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1 application was originally submitted three months
2 ago.

3 MR. GOLDMAN: Yes.

4 MR. RYDER: That's why it's fallen into not
5 having the design.

6 MR. GOLDMAN: I would note again, and I don't
7 know, maybe it's not relevant to the fact that
8 it's being built on a space that already has the
9 driveway, the pavement, et cetera. So even in
10 terms of runoff, the same rain, as Mr. MacLeod
11 said, the same rain that falls on the roof is
12 currently falling on the pavement. Nevertheless,
13 we're obviously going to provide for everything.

14 CHAIRMAN KEILSON: The rain keeps falling.

15 MR. PANTELIS: It's not 100 percent true, but
16 it's in the ballpark.

17 MEMBER GOTTLIEB: Does the pond ever
18 overflow? What happens to the excess water in the
19 pond during those periods of rain?

20 MR. RYDER: There is a drainpipe that we have
21 that runs through two properties on Lake -- Gerry?

22 MR. CASTRO: Lakeside Drive South.

23 MR. RYDER: Lakeside Drive South. That is
24 cleaned on a monthly basis which does back up, but
25 if we stay on top of maintenance, which we are

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1 doing a better job of, hopefully there should be
2 no problem with the pond backing up.

3 MEMBER GOTTLIEB: I see I touched on
4 something I didn't know about.

5 CHAIRMAN KEILSON: Mrs. Williams has a
6 particular concern living on the pond, or near the
7 pond. Any questions from --

8 MEMBER SCHRECK: No.

9 CHAIRMAN KEILSON: -- the people to the left
10 of me? Mrs. Williams, any questions?

11 MEMBER WILLIAMS: No.

12 CHAIRMAN KEILSON: Are there any neighbors
13 who want to speak to the matter or anyone who
14 wants to speak to the matter?

15 (No response.)

16 CHAIRMAN KEILSON: Mrs. Williams wants to
17 clarify. We had an issue regarding the patio that
18 seemed not to have a permit in the file. So by
19 approving the existing surface area coverage we're
20 incorporating that.

21 MEMBER WILLIAMS: If you approve it it's
22 officially approved.

23 CHAIRMAN KEILSON: Everything gets approved
24 thereby.

25 Okay. So taking into consideration the

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1 normal criteria that we use in evaluating the
2 variances and the benefit to the applicant as
3 opposed to any detriment to the community or the
4 like may take place, I think with marked
5 perspective I think we've come down to decide that
6 we'll probably vote, but we'll probably come down
7 approving it subject to getting the water --

8 MR. RYDER: Condition.

9 CHAIRMAN KEILSON: -- as a condition that
10 they have a plan for the spill-off on the water.

11 And again, I just want to emphasize the
12 unorthodox circumstances here that allow for the
13 building overage that we normally would not allow
14 you to have, Mr. Goldman.

15 MR. GOLDMAN: I understand that, nor do I
16 deem this to be a precedent.

17 CHAIRMAN KEILSON: Very good, happy to hear
18 it.

19 Okay, we'll have a vote now. Mr. Gottlieb.

20 MEMBER GOTTLIEB: For.

21 CHAIRMAN KEILSON: Mrs. Williams.

22 MEMBER WILLIAMS: I just want to comment that
23 I believe that the Silbers deserve an extra
24 commendation for how beautifully they've kept the
25 Village property.

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1 MR. GOLDMAN: Thank you on their behalf.

2 CHAIRMAN KEILSON: I think Mr. Goldman as
3 president of the Lawrence Association will see to
4 it they get a plaque at the next meeting.

5 Mr. Henner.

6 MEMBER HENNER: In favor.

7 CHAIRMAN KEILSON: Mr. Schreck.

8 MEMBER SCHRECK: For.

9 CHAIRMAN KEILSON: Obviously, it carries, and
10 two years, although I'm sure based on the
11 circumstances --

12 MR. GOLDMAN: Much less than that.

13 CHAIRMAN KEILSON: And I guess in a sense we
14 apologize to the Silbers for holding you over for
15 a period of time, but there is a process here,
16 okay.

17 MR. GOLDMAN: We'll expedite things, we
18 trust, before the Board of Building Design as
19 well.

20 CHAIRMAN KEILSON: Very good.

21 MR. GOLDMAN: Thank you, Mr. Chairman. Thank
22 you, members of the Board.

23 CHAIRMAN KEILSON: Have a good evening.

24 (Whereupon, the hearing concluded at
25 8:15 p.m.)

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



MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 May 30, 2012
7 8:15 p.m.8 APPLICATION: Popack
9 350 Longwood Crossing
10 Lawrence, New York

11 P R E S E N T :

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

1 CHAIRMAN KEILSON: The last matter this
2 evening is Popack. Would they or their
3 representative step up.

4 MS. SCELFO: Good evening, Mr. Chairman. My
5 name is Rachel Scelfo. I'm an attorney with the
6 law firm of Farrell Fritz, P.C., 1320 RXR Plaza,
7 Uniondale, New York, and I'm here representing the
8 applicants, Joseph and Paris Popack.

9 CHAIRMAN KEILSON: Our condolences to the
10 Popack family on the loss of Mr. Popack, Sr.

11 MS. SCELFO: Mr. Chairman, just to start, a
12 brief introduction. We have Thomas Domanico, the
13 architect for the project here tonight, as well as
14 Mrs. Popack to help me answer any questions that
15 the Board may have.

16 I'd also like to start by submitting the
17 revised house plans by Thomas Domanico and note
18 for the record that the new building elevations
19 are last revised May 7th, 2012. If I may submit
20 that for the record.

21 MR. PANTELIS: Just in terms of the record,
22 have these already been submitted to the Building
23 Department --

24 MS. SCELFO: Yes.

25 MR. PANTELIS: -- or they're brand-new?

1 MS. SCELFO: No.

2 MR. PANTELIS: Then I think we already deemed
3 them. We have them as part of the record. Is
4 this what the Board has?

5 MS. SCELFO: That's the old book.

6 MR. PANTELIS: Oh, so we have new books
7 tonight.

8 MS. SCELFO: New books. But the new book is
9 just the revised plans and they're very handy, a
10 small size for the Board's review as we go
11 through.

12 CHAIRMAN KEILSON: Send it up.

13 MR. PANTELIS: Just so the record is clear,
14 are these the same plans that you have in the book
15 that have been submitted to the Building
16 Department?

17 MS. SCELFO: Correct, yes.

18 MR. PANTELIS: So I think counsel's
19 representation is fine, thank you.

20 MS. SCELFO: Mr. Chairman, are you ready for
21 me to proceed?

22 CHAIRMAN KEILSON: Please proceed.

23 MS. SCELFO: Okay. As I'm sure the Board may
24 recall, Mr. and Mrs. Popack are seeking to
25 construct a new two-story, 7,488 square-foot

1 residence on their 4.21 acre lot located at
2 350 Longwood Crossing. The property is also known
3 as Nassau County Tax Map number 41, block H, lots
4 460, 61, 66, 67, 473 and 474.

5 The application requires five area variances
6 which were previously addressed by the applicants
7 and their representatives at the public hearing of
8 March 20th, 2012. Since this is a continuation of
9 that earlier hearing, there's no need to
10 incorporate by reference that prior testimony as a
11 continuation; all of that testimony carries over
12 as part of the overall record.

13 The variances previously sought and discussed
14 with the Board were for a building area coverage,
15 6,728 square feet is permitted, 7,488 square feet
16 is proposed, which results in a 760 square-foot
17 variance.

18 Also, discussed at the last hearing, a
19 surface area coverage variance is required. For
20 this size lot 19,894 square feet is allowed,
21 20,134 square feet is proposed, which is a
22 variance of only 240 square feet, or 1.2 percent.

23 A side-yard setback variance is required; 30
24 feet is the required setback, proposed is 25 feet
25 8 inches.

1 And then last we have the side-yard height
2 setback ratio variance and the building height
3 variance, which I will discuss in further along
4 with Mr. Domanico.

5 CHAIRMAN KEILSON: The numbers changed since
6 the last time, correct?

7 MS. SCELFO: That's correct. That's what I
8 was about to get into.

9 CHAIRMAN KEILSON: Okay.

10 MS. SCELFO: Since that March hearing and in
11 response to the dialogue with the Board, as well
12 as other representatives of the Village, the
13 applicants have seen fit to modify their proposal.
14 The proposed changes substantially reduced two of
15 the variances, the building height as well as the
16 side-yard height setback ratio.

17 First, to go over how the building height is
18 reduced, I would refer the Board to sheet A-5 of
19 the revised plans, and we've highlighted the
20 elevations that are at issue. And I think that
21 that's the best way to see these changes. First,
22 the height to the top of the decorative parapet
23 roof has been reduced to 33 feet 6 inches. This
24 is down from 38 feet as per the building
25 inspector's denial back in March, his denial dated

1 March 2nd. This new feet -- this new height of
2 33 feet 6 inches only applies to a small portion
3 of the overall parapet roof, which will be further
4 addressed by Mr. Domanico. The height to the main
5 parapet is 31 feet, and this is the height of the
6 home for the vast majority of the structure. The
7 height to the flat roof is now 28 feet 3 inches.
8 And this is down from 29 feet, again, as per the
9 building inspector's denial the last time we were
10 here, March 2nd, 2012.

11 Second, with this reduction in height, the
12 variance relief for side-yard height setback ratio
13 is also reduced. That variance is reduced from
14 1.2 to 1.08. And just as a reminder to the Board,
15 the Popacks in 2004 their approval permitted the
16 higher ratio of 1.2 which we are no longer
17 seeking. Because of the reduced height, that
18 variance is actually coming down to 1.08.

19 We feel that with these changes the proposed
20 home is in character with the other existing
21 residences in the area. We had previously --

22 CHAIRMAN KEILSON: Was it out of character
23 previously?

24 MS. SCELFO: No.

25 CHAIRMAN KEILSON: No, okay.

1 MS. SCELFO: No, I'm not submitting that it
2 was. I'm just saying that --

3 CHAIRMAN KEILSON: It's more in character.

4 MS. SCELFO: -- that was and so is this.

5 Well, I think that my clients were being
6 responsive to comments of the Board, and the home
7 is in character with many other existing
8 residences in the area, which in our previous
9 booklet, not to confuse the Board with number of
10 booklets --

11 CHAIRMAN KEILSON: That was a book, that was
12 a previous book.

13 MS. SCELFO: The previous book, that had
14 contained quite a few references to other homes in
15 the area, as well as the backup with respect to
16 the heights that we had obtained from the Building
17 Department.

18 But at this point I would like to introduce
19 Mr. Domanico to elaborate on the changes to the
20 plans since the last public hearing and how he was
21 able to accomplish this lowering of the overall
22 height, if it would please the Chairman.

23 CHAIRMAN KEILSON: It would please the
24 Chairman that we don't go through every detail as
25 to why and wherefore. We understand where the

1 changes have been made. If there's something
2 specifically that you want to add or the like,
3 unless there's some questions.

4 MR. DOMANICO: If there's any questions, I'd
5 be happy to --

6 MEMBER GOTTLIEB: I have one question. I
7 don't see it here. Do you have a site plan that
8 shows how the site lays out on the property in
9 relation to the two neighbors that are objecting
10 to this? I mean, it could be in any one of these
11 books.

12 MS. SCELHO: We do have a site plan.

13 MR. DOMANICO: I'm not sure if there was an
14 aerial.

15 CHAIRMAN KEILSON: Would A-1 be what we
16 should be turning to?

17 MR. DOMANICO: A-1 is obviously the plot plan
18 of the property.

19 CHAIRMAN KEILSON: Mr. Castro says yes and
20 no. So which is the no?

21 MR. CASTRO: Do you see some neighboring
22 property lines but no houses --

23 CHAIRMAN KEILSON: I see.

24 MR. CASTRO: -- on there?

25 MR. DOMANICO: Thomas Domanico, 77 Merrick

1 Road, Lynbrook, New York 11563.

2 MS. SCELFO: We have the plot plan,
3 Mr. Chairman, which is sheet A-1. We also have
4 the aerial in tonight's booklet which shows the
5 subject property and surrounding homes which I
6 think is helpful with that.

7 MEMBER WILLIAMS: On the cover?

8 MS. SCELFO: On the cover, right on the
9 cover. We also discussed it, I believe, at a
10 previous hearing, and then when Mr. Mitchell, the
11 surveyor, was here, I believe he testified on that
12 subject.

13 But also, we're just taking a quick look
14 through our file to see if we could find the
15 radius map, but that should be part of the
16 Village's official file here that we previously
17 submitted because that's how we got our
18 information for the radius mailing.

19 CHAIRMAN KEILSON: I think we all have radius
20 maps. Let's see if we can find them.

21 MR. PANTELIS: That still wouldn't show you
22 residences anyway. That would show property
23 lines.

24 MS. SCELFO: Were you looking in a particular
25 direction, Mr. Gottlieb, as far as what

1 neighboring properties you were concerned about?

2 MEMBER GOTTLIEB: Actually, you know what it
3 was, I have neighboring houses on this -- I have a
4 radius map.

5 MS. SCELFO: Okay, excellent.

6 MEMBER GOTTLIEB: This is the third set of
7 files. I didn't have them all in a particular
8 order that I could reach them. So the reason why
9 I was trying to understand it is the direction in
10 which the house was being laid out. That's what I
11 never actually saw on the site plan.

12 CHAIRMAN KEILSON: Perhaps the architect can
13 step forward. We'll go off the record so the
14 Board can understand how it's laying out.

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

17 CHAIRMAN KEILSON: Ladies and gentlemen,
18 please let's go back on the record.

19 Mr. Gottlieb, did you get your questions
20 answered?

21 MEMBER GOTTLIEB: My questions were answered.

22 CHAIRMAN KEILSON: Do you know where the
23 house is going to be built?

24 MEMBER GOTTLIEB: On the vacant lot, yes.

25 CHAIRMAN KEILSON: That's very good, very

1 profound.

2 Okay. Is there anything else you wanted to
3 add at this point?

4 MS. SCELFO: I don't have anything unless the
5 Board had any questions, and then Mr. Domanico he
6 was able to, you know, just kind of answer your
7 questions as well. I would just want to be sure
8 that everything was fully addressed.

9 CHAIRMAN KEILSON: We made sure everything
10 was addressed. I just want to indicate that we've
11 had a series of letters of objection from
12 neighbors.

13 MS. POPACK: Pardon me?

14 CHAIRMAN KEILSON: We have a series of
15 letters of objection from neighbors.

16 MS. POPACK: Currently? Sorry.

17 MR. PANTELIS: Please.

18 CHAIRMAN KEILSON: We have a letter from
19 March from the Lauers and we had a follow-up
20 letter in May from the Lauers which we're going to
21 enter into the record. Have counsel seen those
22 letters?

23 MS. SCELFO: No, I have not.

24 CHAIRMAN KEILSON: I see.

25 MR. PANTELIS: Do we have copies?

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1 MR. RYDER: Sure.

2 CHAIRMAN KEILSON: Just make sure we have
3 copies.

4 MS. POPACK: Can I say something?

5 CHAIRMAN KEILSON: Not yet. At the
6 appropriate time.

7 MR. PANTELIS: We have a letter from Elliot
8 and Marilyn Lauer dated May 23rd, 2012, and a
9 second letter attached to it dated March 16th,
10 2011 which is an earlier letter. That letter was
11 addressed to Jean Marie Colina at Farrell Fritz.
12 The May 23rd letter is addressed to the Board.
13 And then we also have what hasn't been referenced
14 yet is an E-mail.

15 CHAIRMAN KEILSON: Before we get to that --

16 MR. PANTELIS: I was just going to mention
17 both of them.

18 CHAIRMAN KEILSON: I would like them to at
19 least take a look at the letters.

20 MR. PANTELIS: Yes. The second one, just so
21 we know what we're discussing, is an E-mail from
22 Joe Perlow, dated May 18th, to Michael Ryder,
23 Village of Lawrence. We'll make copies of these
24 if you'd like to take a look at them first.

25 CHAIRMAN KEILSON: We have a letter from

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1 Ronni Berman back from last year, November.

2 MS. POPACK: We have that.

3 CHAIRMAN KEILSON: That one you have?

4 MS. POPACK: Yes.

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

7 CHAIRMAN KEILSON: Counsel, we're not going
8 to go line by line so I don't think you have to.
9 Just a couple of questions, so we'll at least
10 address it on the record.

11 All right, so the Lauers have expressed
12 concern about the height and the bulk and the
13 like, and I think based on our review of the
14 properties and the proximity to the Lauers, I'm
15 not sure that we have similar concerns. We've all
16 visited the site and I'm not sure we share those
17 concerns particularly now that the height has been
18 dropped down and the encroachment is not to their
19 side. So I think one the things which is really
20 not an issue tonight but is part of neighborliness
21 is the -- I guess, that which was personalized in
22 terms of the way the other Popack property had
23 been kept and, obviously, that's a significant
24 thrust of their letter.

25 What is the relationship of the owner of the

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1 other Popack to the applicant?

2 MS. POPACK: Okay. Does it have to go on the
3 record?

4 MR. PANTELIS: Name and address, please.

5 CHAIRMAN KEILSON: Introduce yourself.

6 MS. POPACK: Paris Popack, owner of
7 350 Longwood Crossing with my husband Joseph.
8 Does this have to go on the record?

9 MS. SCELFO: Could we have like one minute?

10 MS. POPACK: Basically, it's a family member.
11 I have a lot to say. I can tell you how I really
12 feel and what's been going on in my life
13 personally with the situation, but I don't know if
14 I want it on record.

15 MR. PANTELIS: Is there a relationship in
16 terms of the ownership of the property?

17 MS. POPACK: There is a relationship; it's my
18 stepson and daughter-in-law.

19 MS. SCELFO: But you and your husband do not
20 own that property?

21 MS. POPACK: No, but we wanted to. Let's
22 leave it at that.

23 CHAIRMAN KEILSON: Any of the egregious
24 behavior described, I think people in the Village
25 are well aware of, is not something that --

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1 MS. POPACK: It is so -- do you want me to
2 speak? I don't know what to do because it's
3 embarrassing to us. It's embarrassing to us.

4 MEMBER WILLIAMS: All you have to say is I
5 have no control. It's finished.

6 MS. SCELFO: You have to say it's not your
7 property even though this is the same last name.

8 MS. POPACK: Yes.

9 MS. SCELFO: And that maybe some of the
10 concerns stated are also concerns that Mrs. Popack
11 has, well, relating to the upkeep.

12 MS. POPACK: Okay.

13 CHAIRMAN KEILSON: Thank you.

14 MS. POPACK: I also feel -- this I will put
15 on record: I really feel that the Lauers have
16 come out against us because they've had issues
17 with my stepson in the past. When I've had
18 variances, when I came here before you in 2004,
19 they didn't even come to the meetings, they didn't
20 say a word, but now all of a sudden I'm on the
21 radar now because of my stepson.

22 CHAIRMAN KEILSON: So back when we had the
23 2004 variance hearings, they did not have any
24 objections?

25 MS. POPACK: No. And also, I just should

1 state also that Perlow -- that Mr. Perlow and
2 Mr. Lauer also have high houses that are 36 feet
3 high and they can actually use that space.

4 CHAIRMAN KEILSON: We won't reanalyze the
5 height of the house.

6 MS. POPACK: No, okay. I'm just saying that
7 they have it.

8 CHAIRMAN KEILSON: Let's talk about Perlow's
9 objections because we do have a concern in terms
10 of access to the property. Mrs. Berman brought it
11 up in terms of use, her access, and now Mr. Perlow
12 has brought it up. And presumably, the Board has
13 become aware that there is a hearing tomorrow
14 night at the Planning Commission and that there is
15 some intention of a sale of the property from
16 Perlow to the Popacks; is that correct?

17 MR. PANTELIS: Actually, for the record, it's
18 the Village Planning Board, and a request is being
19 made to subdivide a portion of the Perlow property
20 and transfer it to the Popack property which
21 almost seems a little inconsistent with some of
22 the comments that are made in the Perlow letter.

23 MS. SCELHO: Particularly, that that was the
24 result of a stipulation of settlement of a court
25 matter and it was a settlement. So they agreed to

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1 it and signed it.

2 MS. POPACK: Right.

3 MS. SCELFO: So that transfer, which we'll be
4 discussing with the Planning Board tomorrow night,
5 is something that he is --

6 MS. POPACK: Agreed.

7 MS. SCELFO: -- effectively a co-applicant to
8 that application as he is bound to be by that
9 stipulation of settlement.

10 CHAIRMAN KEILSON: So that flies in the face
11 of the objection that he seems to be offering.

12 MS. POPACK: Yes.

13 MS. SCELFO: I believe so. And I apologize,
14 these documents are lengthy, so I just kind of
15 skimmed through them.

16 CHAIRMAN KEILSON: No, it should be incumbent
17 on the Village when we get letters of objection to
18 forward it to the other party --

19 MR. RYDER: You're right, Mr. Chairman.

20 CHAIRMAN KEILSON: -- so they come prepared.
21 Mr. Ryder, you'll do better next time.

22 MR. RYDER: We'll do better, promise.

23 MS. SCELFO: And especially in this case
24 we've been working with Mr. Perlow. He had to
25 endorse that other application before the Planning

1 Board, so he's familiar with myself, Anthony
2 Guardino, Farrell Fritz, my paralegal Jean Marie
3 Colina. We've all been in touch with him many
4 times, so I am quite surprised to see this when he
5 could have, of course, cc'd me or anyone else.

6 CHAIRMAN KEILSON: Perhaps that's why he's
7 not available to attend the hearing tonight.

8 All right, having said that, I think there is
9 a concern about what is the plans for Hollywood
10 Crossing.

11 MS. POPACK: I plan to use it every day.

12 CHAIRMAN KEILSON: Those of us who visited
13 the site know that we feel like we're going into
14 the wilderness when we get onto Hollywood
15 Crossing. What is the intention assuming that
16 you're able to acquire additional property there?
17 Will the main ingress and egress be through
18 Hollywood Crossing for the Bermans?

19 MS. POPACK: Okay. I would say it would
20 probably be very half and half because the house
21 is designed similar to the house that was knocked
22 down where the garage faces the Longwood Crossing
23 private road. So my husband will probably just do
24 what he always did for six, seven years when we
25 lived there; he came right in and went right into

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1 the garage from Longwood Crossing. And that's how
2 this house was designed.

3 CHAIRMAN KEILSON: Did the Bermans object at
4 any point to the use of the --

5 MS. POPACK: No.

6 CHAIRMAN KEILSON: How about construction
7 vehicles during the years of construction?

8 MS. POPACK: Then we had Edelstein back in
9 2004 outside, basically said if you don't agree to
10 put -- if you don't agree to use your Hollywood
11 Crossing access, then I'm going to object to your
12 motion -- I'm going to object to your plans if you
13 don't agree to use that as your construction
14 vehicle access. It makes sense anyway to use
15 that. I don't know how they can maneuver around
16 Edelstein's corner. I'm not really sure because
17 they have railroad ties and weird things going on
18 there.

19 CHAIRMAN KEILSON: So the intention of the
20 construction vehicles is to access through
21 Hollywood Crossing?

22 MS. POPACK: Well, that was an agreement I
23 made with Mr. Edelstein. I don't know if I can
24 break that agreement, a verbal agreement that I
25 made with him back in 2004.

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1 MEMBER HENNER: I don't think he still lives
2 there.

3 MS. POPACK: I mean, they're going through a
4 divorce. Do you know -- do you understand what
5 I'm saying? Like, I made an agreement with this
6 gentleman that I would use Hollywood Crossing as
7 my main access for --

8 CHAIRMAN KEILSON: Well, I don't think we
9 have any problem. What's the preference in the
10 Village?

11 MS. POPACK: Is that what you want me to do?

12 MR. RYDER: Hollywood Crossing is probably
13 more preferable.

14 MS. POPACK: I agreed. I totally agreed and
15 I would not want to take that back. I made an
16 agreement with the gentleman.

17 MR. RYDER: With the widening of the driveway
18 it's all contingent on the Planning Board.

19 MS. SCELFO: That's what I was just going to
20 add, Mr. Chairman. The property to be acquired
21 from the Perlows is going to widen that access off
22 of Hollywood Crossing, so that might, you know,
23 make this even more visible. It's going to be
24 wider. So I think that is addressing what
25 Mr. Perlow is saying, even though he's well aware

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1 of that, obviously, as effectively having endorsed
2 the application for tomorrow night.

3 MEMBER GOTTLIEB: How much wider will that
4 driveway be, please; do we know?

5 MS. SCELFO: We do. We have an exact number
6 on that. It's on file with the Village. I just
7 did not bring my entire Planning Board application
8 for tomorrow night with me. So that's something
9 that --

10 MEMBER WILLIAMS: Approximately?

11 MEMBER GOTTLIEB: Do we know in the Village?

12 MR. RYDER: Approximately about four feet,
13 approximately.

14 MS. POPACK: My road won't get wider driving
15 up the majority of the road because it currently
16 has telephone poles and cobblestones. Mr. Genack
17 who used to live there allowed us in a legal
18 document submitted to Nassau County, stamped,
19 signed and delivered, that I could put my
20 cobblestone into the five-foot easement. So it
21 is, I don't know, maybe 15 --

22 MS. SCELFO: Fifteen feet I want to say.

23 MS. POPACK: So that's not going to get
24 wider. The mouth of the road is where you'll get
25 a few extra feet where the Perlows actually

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1 planted arborvitae, or whatever; that will have to
2 come out, and it will have to be wider. It will
3 be cobblestone. It will be, you know, pretty.

4 CHAIRMAN KEILSON: Mr. Ryder, it's important
5 that we condition this on use of Hollywood
6 Crossing, particularly for the construction
7 vehicles. I mean, can the construction vehicles
8 go through the Berman -- the Berman trail?

9 MR. RYDER: I believe most vehicles can, yes.

10 MEMBER WILLIAMS: Even with the bend?

11 MR. RYDER: With the bend there's wires, but
12 I do believe the smaller vehicles can get through
13 there.

14 MEMBER GOTTLIEB: What about the vehicles
15 delivering steel and brick?

16 MR. RYDER: Hollywood Crossing they can get
17 through there. It's 14 feet wide.

18 MEMBER GOTTLIEB: Even with the bend and the
19 telephone poles?

20 MR. RYDER: It should be fine.

21 MR. PANTELIS: Customarily, the Building
22 Department could as part of the issuance of the
23 permit implement or require a plan for
24 construction vehicles and it's not necessary for
25 the Board to condition it, but I think it's on the

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1 record now that it's a concern, and it's something
2 Mr. Ryder could look at in the process of
3 approving a construction plan.

4 MEMBER SCHRECK: Do we know definitively what
5 is preferable? Because if we don't, we shouldn't
6 really condition it.

7 CHAIRMAN KEILSON: We're suggesting to let
8 the Building Department now that they've heard the
9 sentiments expressed, and we know Mrs. Berman
10 expressed concerns about the traveled road, so I
11 think, and if in fact they're going to widen it in
12 some fashion Hollywood Crossing to make it more
13 accessible, so obviously, the sentiment is for the
14 Building Department to take a good long look at
15 it, and I'm sure that will be in everybody's
16 interest.

17 MR. PANTELIS: In the normal course of
18 events, the contractor or contractor main -- the
19 general contractor would meet with Mr. Ryder and
20 he'll indicate as he could make these written
21 conditions as part of the permit.

22 CHAIRMAN KEILSON: How about water spill-off
23 and the like; do we have a plan in terms of that?

24 MR. RYDER: We're going to look for a
25 dry-well design. Maybe the architect can answer

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1 better to that regarding the three inches.

2 MR. DOMANICO: I'm completely familiar with
3 the state code as to accommodating three inches of
4 rainfall. Obviously, we're right next to
5 wetlands. We might have some issues with high
6 water, but I don't think that that is something
7 that we cannot overcome.

8 CHAIRMAN KEILSON: All right. I think it's
9 important that the plan be approved by the
10 Building Department. It's become an issue of note
11 in the Village today with concerns over the water.
12 We have had some discussion about certain
13 moratoriums and some types of construction, so to
14 forestall that we're trying to get the people who
15 are doing major construction in the Village, such
16 as this project, to have a --

17 MR. DOMANICO: That will be included in the
18 construction documents.

19 CHAIRMAN KEILSON: Okay.

20 MR. RYDER: We'll condition that as well.

21 CHAIRMAN KEILSON: Absolutely. Now we have
22 Mr. Gottlieb.

23 MEMBER GOTTLIEB: So now I'm going to start.
24 The side-yard setback which is short by four feet
25 four inches, which neighbor is that closest to,

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1 please?

2 MS. POPACK: Popack.

3 MS. SCELFO: Popack.

4 MEMBER GOTTLIEB: So that's the stepson. So
5 we don't compare that, okay. That's because of
6 the -- I needed the site place to know how I can
7 answer those questions.

8 MS. SCELFO: And that setback has previously
9 been approved as part of the 2004 application.
10 The same exact variance was previously granted.

11 CHAIRMAN KEILSON: But as we explained to
12 Mr. Guardino, that was history, and this is a new
13 Board and there's new sentiments here.

14 MEMBER WILLIAMS: Did the other Popacks own
15 the property at that time too?

16 MS. POPACK: No, that was Schmelk.

17 MEMBER WILLIAMS: Schmelk?

18 MS. POPACK: Yes.

19 CHAIRMAN KEILSON: Are there any other
20 questions from the Board?

21 MEMBER SCHRECK: Mr. Ryder, do you remember
22 if Mr. Lauer objected in the 2004 variance? I
23 know there was a representation that he hadn't.
24 But I want to know from the Village perspective.

25 MR. RYDER: We can look into that. I can't

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1 answer that. I do not know.

2 MEMBER HENNER: Were you on then?

3 CHAIRMAN KEILSON: 2004, yeah. I don't
4 recall, I don't recall.

5 MS. SCELFO: Well, I think that whether they
6 did or didn't, we addressed their concerns today
7 through the questions of the Board. I think we
8 got to -- I think we've got to what they were
9 complaining about so.

10 MEMBER GOTTLIEB: I'd like to ask a question
11 about Longwood Crossing. That's a private road
12 where your house is, right?

13 MS. POPACK: It's owned by Edelstein and
14 Berman. It's a private road.

15 MEMBER GOTTLIEB: Is the cost of maintenance
16 on that shared by all parties, or is it only
17 Edelstein and Berman who share in the cost of
18 plowing and fixing potholes and such?

19 MS. POPACK: Have you seen the road?

20 MEMBER GOTTLIEB: So they don't fill the
21 potholes?

22 MS. POPACK: I don't mean to be sarcastic,
23 but yeah. Okay, in the past when we lived there I
24 did give money to Edelstein; whether he shared
25 that with Berman or not, that's another question.

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1 I don't know whether they found out; they didn't
2 quite get along. Not living there, I haven't.
3 But certainly, if they asked us I don't think we
4 would say no, but it never really, you know,
5 occurred to me since I'm not really going there
6 now, they're living there. I did mention to
7 Mrs. Berman -- I guess, I don't know if she wrote
8 the letter yet, I didn't know about the letter,
9 but I did say to her when you're ready to repave
10 the road let me know.

11 MR. PANTELIS: So you just have an easement
12 over that road?

13 MS. POPACK: I have a forever easement over
14 the space, and I offered to pay for re -- re --
15 you know, repaving the whole thing, you know, with
16 her. She wanted to ask another neighbor and she
17 said, well, the other neighbors may not want to do
18 it, but we offered to help repave it.

19 MEMBER GOTTLIEB: But her objection, her not
20 wanting you to use that road, she may object to
21 it, but the fact is you have a legal right, you
22 have a legal easement there?

23 MS. POPACK: Yes, I do.

24 CHAIRMAN KEILSON: Any further questions? Is
25 there anyone in the audience who would like to

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1 comment who hasn't commented?

2 (No response.)

3 MS. SCELFO: It's all us.

4 CHAIRMAN KEILSON: Okay. I think we have
5 reviewed it thoroughly. I think the five criteria
6 that we use in judging and evaluating variances, I
7 think the benefit to the applicant certainly
8 outweighs the detriment, if there is any, to the
9 community or to the neighbors. I think we've made
10 an effort to be responsive to the concerns of the
11 Board, the reduction of the height, and certainly
12 the surface area coverage is very, very
13 de minimis, and I think all in all I think there's
14 been, you know, a real effort and I think we take
15 cognizance of that and we'll vote at this point.

16 And so, Mr. Gottlieb.

17 MEMBER GOTTLIEB: Can you start with
18 Mr. Schreck this time?

19 CHAIRMAN KEILSON: Yes. Mr. Schreck.

20 MEMBER SCHRECK: I'm going to vote in favor.

21 CHAIRMAN KEILSON: Mr. Henner.

22 MEMBER HENNER: I'm in favor.

23 CHAIRMAN KEILSON: Mrs. Williams.

24 MEMBER WILLIAMS: In favor.

25 CHAIRMAN KEILSON: Mr. Gottlieb.

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1 MEMBER GOTTLIEB: I will agree with my three
2 constituents.

3 MR. PANTELIS: Colleagues.

4 MEMBER GOTTLIEB: Colleagues.

5 CHAIRMAN KEILSON: And I will vote in favor
6 as well. And I guess two years you certainly
7 have. If you need more, we'll deal with it at
8 that time. And the Board of Building Design.

9 And I look forward to the party that all your
10 neighbors will make for you when you go there.

11 MEMBER HENNER: I just want to say this
12 matter has been on for a long time. I'm pretty
13 new, but it's been on pretty much as long as I've
14 been on, and I do want to say that, Rachel, I
15 didn't get your last name.

16 MS. SCELFO: Scelfo.

17 MEMBER HENNER: Well, whatever, I couldn't
18 get it. I just want to say for the record that I
19 think you did a great presentation.

20 MS. SCELFO: Oh, thank you.

21 CHAIRMAN KEILSON: We'll write a note to
22 Mr. Guardino.

23 MS. SCELFO: Thank you. He is a partner in
24 our group, so that would be awesome.

25 MEMBER HENNER: I'm sorry that Mr. Popack

1 couldn't be here tonight, but I understand he's
2 sitting shivah. No disrespect to you that tonight
3 when it was just the women handling this
4 application, it flew right through.

5 MR. DOMANICO: I spoke a little bit.

6 MEMBER HENNER: I just wanted you to know
7 that.

8 MS. SCELFO: Thank you. Thank you for being
9 so welcoming, and your Building Department has
10 been very helpful throughout, so I really
11 appreciate it.

12 (Whereupon, the hearing concluded at
13 8:54 p.m.)

14 *****

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

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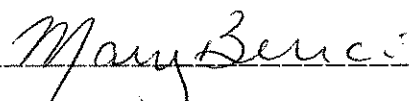
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MARY BENCI, RPR
Court Reporter