

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

May 28, 2014
7:39 p.m.

APPLICATION:

Lebovic
67 Sutton Place
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. JOEL GANZ
Member

MR. THOMAS V. PANTELIS, ESQ.
Village Attorney

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Lebovic - 5/28/14

1 CHAIRMAN KEILSON: Welcome to the Lawrence
2 Board of Zoning Appeals. And I'd request that if
3 there are any conversations, please take them
4 outside. Please turn off all cell phones.

5 Thank you very much.

6 Proof of posting.

7 MR. RYDER: Mr. Chairman, I apologize. I
8 offer proof of posting (indicating).

9 CHAIRMAN KEILSON: Thank you very much.

10 We welcome alternate, Mr. Ganz. Thanks for
11 joining us again so we have a complete and full
12 complement.

13 A couple of paperwork matters. Lebovic of
14 67 Sutton Place has sent in a letter asking for an
15 extension of their variance and explained that due
16 to the storm in Toronto, similar to the Hurricane
17 Sandy, their work, I guess, on the local
18 Sutton Place home was delayed. So they're asking
19 for, I believe, a year's extension. At least that
20 was the conversation I had with Mr. Lebovic. So
21 all right? Has the construction begun?

22 MR. RYDER: Yes, it has begun, the framing.

23 CHAIRMAN KEILSON: Okay. Mr. Schreck.

24 MEMBER SCHRECK: I'll vote for.

25 CHAIRMAN KEILSON: Mr. Gottlieb.

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1 MEMBER GOTTLIEB: One year, for.
2 CHAIRMAN KEILSON: Okay. Mrs. Williams.
3 MEMBER WILLIAMS: For.
4 CHAIRMAN KEILSON: And Mr. Ganz.
5 MEMBER GANZ: For.
6 CHAIRMAN KEILSON: Okay. One-year extension.
7 (Whereupon, the hearing concluded at
8 7:40 p.m.)

9 *****

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

May 28, 2014
7:40 p.m.

APPLICATION: Stern
201 Broadway
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. JOEL GANZ
Member

MR. THOMAS V. PANTELIS, ESQ.
Village Attorney

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

Stern - 5/28/14

1 CHAIRMAN KEILSON: The matter of Stern,
2 201 Broadway. They're on the calendar for
3 tonight, and we have a letter requesting an
4 adjournment pending their receipt of a C of O for
5 their home. So we will adjourn it to the next
6 available date, which is June 25th.

7 MR. RYDER: Correct.

8 CHAIRMAN KEILSON: Okay. So you'll mention
9 to Mr. Stern, or Rabbi Stern, that we've acceded
10 his request for the 25th.

11 MR. RYDER: I will.

12 (Whereupon, the hearing concluded at
13 7:41 p.m.)

14 *****

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

18
19 Mary Benci
20 MARY BENCI, RPR
21 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 28, 2014
7 7:41 p.m.

8 APPLICATION: Edelman
9 229 Juniper Circle 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 MR. MARK SCHRECK
17 Member

18 MS. ESTHER WILLIAMS
19 Member

20 MR. JOEL GANZ
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Edelman,
2 229 Juniper Circle South.

3 MR. HOPKINS: Good evening. My name is
4 Michael Hopkins, of the law firm of Hopkins &
5 Kopilow, 100 Quentin Roosevelt Boulevard,
6 Garden City, New York 11530, here on behalf of the
7 Edelmanns, and with me is Mr. John Macleod.

8 Mr. Chairman, good evening. This is an
9 application that relates to a piece of property
10 located at 229 Juniper Circle South. Before I
11 begin, I have a series of letters from the
12 adjacent neighbors, bearing in mind that this has
13 no neighbor to the rear. There's a major roadway
14 to the rear of the property, but we do have a
15 series of approvals from the neighbors to the left
16 and to the right, across the street, et cetera,
17 for a total of one, two, three, four, five, six,
18 seven, eight of the neighbors, all of whom have
19 taken a look at the plans and would recommend its
20 approval. I'd like to offer that, please,
21 collectively as Applicant's Exhibit number 1
22 (handing).

23 MR. PANTELIS: We'll have these marked.

24 MR. HOPKINS: Mr. Chairman, very briefly,
25 this property, as I mentioned, is located at

1 229 --

2 CHAIRMAN KEILSON: Mr. Hopkins.

3 MR. HOPKINS: Sir.

4 CHAIRMAN KEILSON: What strikes me is the
5 text of the letters seems to be identical.

6 MR. HOPKINS: This sometimes happens,
7 Mr. Chairman, particularly if people are of the
8 same opinion.

9 CHAIRMAN KEILSON: I see.

10 MR. HOPKINS: All right, and yes, they are.

11 CHAIRMAN KEILSON: Just pure happenstance.

12 MR. HOPKINS: With a little bit of luck
13 thrown in on top it comes that way. But I can say
14 to you in good faith, obviously, that the
15 neighbors -- it's a young neighborhood. The kids
16 are trending, the neighbors are trending younger.
17 They see what's being discussed. They enjoy
18 what's being discussed, and I think they envision
19 this to be a major upgrade to the area.

20 CHAIRMAN KEILSON: And no doubt they have
21 aspirations as well.

22 MR. HOPKINS: I would suspect any young
23 couple with growing families would have
24 aspirations in that regard as well, yes, indeed,
25 no sense in trying to deny or avoid it.

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1 In any event, we have a situation here where
2 this is 229 -- let me just tell you a little
3 background of the people who live there, the
4 Edelmans. Mr. Edelman is a long-time resident of
5 Lawrence. The family has resided at that location
6 for the past seventeen years. Mr. Edelman
7 reminded me that he's a volunteer for Hatzalah
8 Ambulance Corp. He is a stalwart in my humble
9 opinion in the community. He has five children
10 ranging in age from sixteen to six at the present
11 time. The house is very tight and constrained for
12 a family of that size.

13 Mrs. Edelman's mother, a widow, oftentimes
14 comes to the house. There is a need which is not
15 currently met by the present house.

16 I want to also specifically bring to your
17 attention that under Village Code Section 212-35F,
18 as in Francis, there is a one-time exemption with
19 regard to the setbacks on the east side of the
20 property. 212-35, by the way, is generically
21 entitled Encroachments, and F deals with
22 encroachments of the type that are under
23 consideration in this particular parcel.

24 CHAIRMAN KEILSON: Well, they're not
25 requesting a variance for the exempted.

1 MR. HOPKINS: No, we're just bringing to your
2 attention what exists there, what they're entitled
3 to under the code.

4 CHAIRMAN KEILSON: Let's discuss the
5 variances.

6 MR. HOPKINS: You've got it. We'll move
7 right on it as a practical proposition. There are
8 a series of variances that are sought. I'll take
9 them in turn.

10 The first one, as you know, is building
11 coverage. As to building coverage requested, the
12 work that is being done by Mr. Macleod is
13 14 percent in excess of code. That is, in my
14 humble opinion, relatively reasonable when
15 everything is said and done for a large family
16 needing the space so that people aren't doubled up
17 in rooms, as a practical proposition. Mr. Macleod
18 will speak at great length about that.

19 CHAIRMAN KEILSON: Fourteen percent doesn't
20 relate to the size of the family. It relates to
21 the size of the requested variance.

22 MR. HOPKINS: Well, of course.

23 CHAIRMAN KEILSON: The excess.

24 MR. HOPKINS: I don't know if the family is
25 going to increase by 14 percent next year, but one

1 never knows, so I'll be careful with what I say.
2 It is 14 percent in fact over maximum permitted
3 building coverage. However, in terms of surface
4 coverage, even with that, as a practical
5 proposition, they're within code.

6 CHAIRMAN KEILSON: Let's not discuss things
7 that we're not asking for.

8 MR. HOPKINS: Okay. The second one concerns
9 variances with regard to front-yard setback, and
10 the front-yard setback is necessitated for
11 purposes of a porch which is envisioned on the
12 plans. The porch is for aesthetic reasons. It
13 gives a certain balance and a very pleasant
14 presentation of the house to the public face that
15 it presents, and maybe as the parents get older
16 they would enjoy sitting on a rocking chair out
17 front watching the neighborhood and watching the
18 children. So there is an aesthetic reason, as a
19 practical proposition, which I think is very
20 complimentary to the house and very complimentary
21 to the contemplated development.

22 And the setback there that's being asked for
23 is approximately one and a half feet; 30 feet is
24 required in the front-yard setback. It's
25 generally 32 feet one inch, if my memory serves me

1 correctly, but at the point where the porch is
2 contemplated to be, it would 28 feet 6 inches. I
3 submit to you, Mr. Chairman, that's also
4 reasonable.

5 MEMBER GOTTLIEB: This is an open air porch,
6 with no walls?

7 MR. HOPKINS: That's my understanding.

8 MR. MACLEOD: That is correct. It is open on
9 the right-hand side and on the front. Half of it
10 on the left-hand side is slightly enclosed by the
11 wall of the garage, and the part that we're
12 requesting the variance for is about 10 feet 7
13 inches wide. It's just where the steps project
14 out slightly towards the street by one foot six
15 into the front-yard setback.

16 MEMBER GOTTLIEB: Thank you.

17 MR. HOPKINS: I also point out to you,
18 Mr. Chairman, that there are side-yard setbacks
19 that are being discussed. The side-yard aggregate
20 is supposed to be not less than 30 feet and
21 15 feet for each side. Basically, what we're
22 asking is to maintain the side yards that
23 currently exist. Now, admittedly, it's going to
24 be extended back somewhat along the house. And
25 the side-yard aggregate we also ask to be

1 maintained. That's going to also be extended
2 somewhat back towards the house because the
3 development of the house is going to the rear,
4 which it's not envisioned that it's going to have
5 any major impact, because as they say, there are
6 no neighbors to the rear. You have the major road
7 behind the property, as a practical proposition.

8 The other has to do with the roof. Let me
9 just say that the roof currently is 25 feet 10
10 inches. It's a combination roof, 27 feet by code,
11 if my memory serves me correctly, 30 feet is
12 requested. Again, that works for aesthetic
13 reasons. But also, Mr. Chairman, that house is in
14 a major flood zone. There is no, as I understand
15 it, subsurface storage whatsoever. Storage has to
16 be someplace, as a practical proposition. And it
17 is thought that perhaps that the attic will serve
18 that purpose, realistically speaking. Dormers are
19 also requested, but that's mostly for aesthetic
20 reasons.

21 MR. MACLEOD: John Macleod, 595 Park Avenue,
22 Huntington, New York.

23 The attic space is also being used for
24 relocation of the boiler and hot water equipment,
25 as it is currently located in a crawlspace, and as

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1 we know this house is in a flood zone, so the
2 first thing to get flooded would be the
3 crawlspace. So we have relocated that to the
4 attic space and it will be a direct vent system
5 located in one corner of the attic.

6 MR. HOPKINS: Dormers are also requested.
7 They are not permitted as of right, as we know.
8 The dormers are thought to be, again, an aesthetic
9 compliment to what this house is expected to look
10 like, and because the storage, the heating plan,
11 as Mr. Macleod is talking about, as envisioned
12 will be on the attic level. The height is seven
13 and a half feet, eight inches, as a practical
14 proposition.

15 MR. MACLEOD: Yes.

16 MR. HOPKINS: So they really can take
17 advantage of storage.

18 MEMBER WILLIAMS: The attic is eight feet,
19 you said?

20 MR. HOPKINS: I'm sorry?

21 MEMBER WILLIAMS: The attic height is eight
22 feet?

23 MR. MACLEOD: Yes.

24 MR. HOPKINS: I believe that's correct. But
25 it will serve a legitimate purpose, and that

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1 legitimate purpose is storage, because there's
2 simply no place else in the parcel. They can't go
3 down below grade, below surface. Nothing, as a
4 practical proposition, would be tolerated down
5 there. I don't know if FEMA would permit it, as a
6 practical proposition. I just don't know.

7 CHAIRMAN KEILSON: Well, if it's in the flood
8 zone, FEMA would not.

9 MR. HOPKINS: That's what I'm driving at,
10 Mr. Chairman. They really have no alternative.
11 And again, the house, you have seen Mr. Macleod's
12 products before. It's a very handsome
13 presentation. I think the neighbors are -- even
14 though they signed very similar letters, they are
15 not exactly identical, but they see the beauty in
16 what's being contemplated here. And yes, there
17 might be self-interest. Of all people in the
18 world we know that that motivates people. But
19 it's a handsome addition, as a practical
20 proposition.

21 If you have any questions, Mr. Chairman, or
22 any of the members of the Board, I'd be delighted
23 to answer them.

24 CHAIRMAN KEILSON: Is there any history of
25 prior variances?

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1 MR. HOPKINS: I don't think there have been
2 any variances on this property, if memory serves
3 me correctly.

4 MR. RYDER: In 1998 there was a variance for
5 a one-story side and rear addition.

6 MR. PANTELIS: Which is what they're building
7 over now.

8 MR. HOPKINS: That is correct. That's the
9 exemption that's being sought, yeah, but that
10 should be it, as a practical proposition, correct?

11 MR. RYDER: Referencing prior variances, yes.

12 MR. PANTELIS: Just a clarification,
13 Mr. Macleod. Your interior head room in the attic
14 space, your plans call out six foot eight inches;
15 is that correct?

16 MEMBER WILLIAMS: On the side.

17 MR. PANTELIS: Because you just said eight
18 foot.

19 MEMBER WILLIAMS: No, that's on the side.
20 The center is eight feet.

21 MR. PANTELIS: Center is eight feet.

22 MR. MACLEOD: Six foot eight is the window
23 head height, the header size, and the ceiling
24 height is eight feet.

25 MEMBER GOTTLIEB: So Mr. Hopkins, you paint a

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1 picture of sort of a hardship because it's in the
2 flood zone, and you have to find a place for the
3 HVAC plant and mechanicals, and yet I'm looking at
4 this picture and I see all the adjacent houses in
5 the Juniper area are about 25, 26 feet high, and
6 now you have one very attractive looking design
7 but it's going to be, in my opinion, towering over
8 the neighbors, and this is my concern about the
9 height. You are permitted 30 feet, but in a mixed
10 roof you are permitted 27.

11 MR. HOPKINS: Correct. This is the irony of
12 the situation is that had it been a pitched roof
13 it would have been 30 feet without exception.
14 Because it's defined as a combination roof, it's
15 27 feet, if my memory serves me correctly. Having
16 still said that, this is a problem that I,
17 Mr. Chairman, envision other families down in that
18 particular circle will be addressing in due course
19 as they come before this Board. I really don't
20 see, Mr. Gottlieb, I guess perhaps our -- I went
21 around that block several times and looked at it,
22 and the houses are all very similar, as a
23 practical proposition. And yes, I suppose if one
24 looked at -- if one takes a snapshot and imagines
25 a static situation going forward for an extended

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1 period of time, you might come to the conclusion
2 that this particular house seems to tower over
3 other houses. But I think realistically it's not
4 going to be a static situation. Everybody is in
5 the flood zone out there. Let's be candid and
6 blunt. Let's be candid and blunt.

7 MEMBER GOTTLIEB: We have a similar street
8 that started with one house a little higher than
9 the rest and now they're all there (indicating).
10 It's called Harborview North.

11 MEMBER WILLIAMS: What's the need for eight
12 feet for storage space? Eight feet is a normal
13 sized living space. We normally have six feet
14 attic storage, six and a half. It's usually done
15 that way so that we can be reassured that it's not
16 living space. So here you are putting eight feet.

17 MR. MACLEOD: We are putting eight feet. It
18 is a standard height that you would recognize to
19 be able to walk around comfortably, and there will
20 be certain portions of that taken up with
21 air-conditioning units and duct work running
22 around, because we don't have a crawlspace or a
23 basement to be able to put half of that type of
24 equipment in. Usually, half is up and half is
25 down. And in this situation, you know, we have

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1 the opportunity to build some space on top which
2 will be very useful for storage and also for
3 accommodating all this equipment.

4 I would point out that the height that you're
5 referring to, the 30 feet, is to the maximum
6 height of that roof, but this house is actually
7 maintaining eight-foot ceiling heights on both of
8 the main levels and so the plate height, if you
9 look at the drawing on page A4, you'll see that
10 the exterior wall height is not increasing. The
11 gutter height is not increasing from what it
12 currently is.

13 MEMBER GOTTLIEB: I'm sorry. Can you say
14 that one more time.

15 MR. MACLEOD: The first and second floor both
16 have eight-foot ceiling heights.

17 MEMBER GOTTLIEB: Correct.

18 MR. MACLEOD: And they will be maintained at
19 eight feet. The second-floor addition will be
20 built to match the existing second floor
21 eight-foot ceiling height. You quite often see
22 requests for nine foot six, even ten feet on some
23 other people's as well.

24 CHAIRMAN KEILSON: On your drawing.

25 MR. MACLEOD: But here we are keeping the

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1 plate height at the existing height, and that
2 usually the vertical wall is where you feel the
3 height of the building, rather than the roof which
4 is sloping away from you. This style of roof does
5 have the flat area in the center, but as you can
6 see on the drawing I've maintained a reasonable
7 pitch around the perimeter so that it will not be
8 discernable from the street to most people that
9 there is a flat spot on the roof.

10 MR. HOPKINS: All of which ultimately
11 addresses the issue, Mr. Gottlieb, of looming
12 over, as a practical proposition, to mitigate the
13 appearance of it being a plot that's looming over
14 the adjacent houses, and I think it very
15 successfully accomplishes that. So I would think
16 from an aesthetic perspective that the design in
17 fact works to do that.

18 CHAIRMAN KEILSON: I think, Mr. Macleod, you
19 know, previously we've had to come back to you to
20 ask for certain drawings that would facilitate our
21 appreciation and understanding of looming or not
22 looming, and I would just like to go on the record
23 that going forward just provide it so that it
24 eases our burden, because we're sitting here
25 trying to imagine in our minds' eye what this is

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1 going to look like as compared to other houses on
2 the block. We had it last month where we asked
3 you to provide drawings, and it was very
4 compelling when we had the drawings in hand so we
5 don't have to sit here and hypothecate what
6 something would look like. So I'd appreciate it,
7 and if the Building Department --

8 MR. RYDER: Taking my notes.

9 CHAIRMAN KEILSON: -- okay, would see to it
10 that we get those drawings, I think it will ease
11 these questions.

12 I think the other issue that we have to raise
13 is, as you know, 14 percent is on the high side in
14 terms of building excess. And we don't have a
15 threshold, per se, but having come before us so
16 many times I think you have a sensitivity for the
17 type of excess that we can generally guide
18 ourselves by, and 14 percent is significantly
19 higher than what we've done in the past. And so I
20 think it's important to try to explain to us why
21 this should be different and then, of course, in
22 light of Mr. Hopkins already leading to the
23 possibility that it will serve as a precedent, as
24 you know, that's one of the things we are always
25 concerned with.

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1 MR. MACLEOD: I'd be happy to address those
2 points. Most of the addition on this project is
3 on the second floor, and I will address that first
4 because it's easy to see the difference between
5 what we have now and what is proposed. On drawing
6 A6 you will see the existing floor plan of the
7 first and second floor.

8 CHAIRMAN KEILSON: Hold it. Okay.

9 MR. MACLEOD: So on page A6 in the bottom
10 right-hand corner you see the existing
11 second-floor plan at a smaller scale than the main
12 drawings, but you will be able to see there are
13 four bedrooms on the second floor, a master
14 bathroom and central bathroom for the three
15 children's bedrooms to share. And you will also
16 notice on that plan that there is a good amount of
17 roof area around this existing space towards the
18 rear and to the left, which is our target area for
19 expanding on it.

20 And if you now take a look at the
21 second-floor plan, which is on page A3, you will
22 see that the footprint has generally been filled
23 in towards the rear and to the left, and by
24 adjusting the location of the interior walls we've
25 been able to gain an additional three bedrooms on

1 this level.

2 CHAIRMAN KEILSON: By the way, Mr. Gottlieb
3 wanted to know why everything is bedroom number
4 two.

5 MR. MACLEOD: I have no good explanation for
6 that, except a typographical error.

7 CHAIRMAN KEILSON: I thought it was like
8 Monte, the card game.

9 MR. MACLEOD: It's true, we do have a lot of
10 bedroom number twos; six in fact.

11 CHAIRMAN KEILSON: So there are more than two
12 bedrooms on that floor?

13 MR. MACLEOD: There are.

14 CHAIRMAN KEILSON: How many are there?

15 MR. HOPKINS: Mr. Chairman, you will recall
16 that George Foreman named all five of his children
17 George, but we all knew he had five children.

18 MR. MACLEOD: We have a total of seven
19 bedrooms on the second floor and we have the
20 master bathroom plus one, two, three other
21 bathrooms for the other bedrooms to share.

22 Now, we did not come any further forward.
23 You'll notice there's still some roof space
24 towards the front, but we did not want to fill in
25 all of the roof space and make the house have a

1 very high and heavy front aspect to the street.
2 So I maintained it as a setback from the gutter
3 line of the first floor where we have the roof
4 over the garage on the left and a proposed roof
5 porch on the right and in the center.

6 And this is going to follow us down when we
7 start to talk about the first floor, you will see
8 why that is aesthetically important as well as has
9 practical uses in the porch area which we'll get
10 to in a moment.

11 But on this upper level we're striving to get
12 this number of bedrooms for the family, and I
13 think we've managed to accomplish an adequate
14 number of bedrooms for what their requirements
15 are. We did need a little bit as we were
16 designing it, we needed a little bit of extra
17 space that the existing footprint did not provide,
18 and that led us to design -- to fill in the lower
19 floors rear right-hand corner which we expanded
20 slightly to create a nice den. There was no den
21 on the ground floor in this first layout.

22 CHAIRMAN KEILSON: Let's just stay on the
23 second floor. Any questions from the Board
24 regarding the second-floor layout? I gather that
25 the children will no longer be squeezed as

1 described by Mr. Hopkins.

2 MR. HOPKINS: That is correct. They will
3 have some room to grow up as children, which is a
4 wonderful thing.

5 MEMBER SCHRECK: How many bathrooms are we
6 talking about here?

7 MR. MACLEOD: We have three bathrooms for the
8 children to share, and a master bathroom for the
9 master suite.

10 MEMBER GOTTLIEB: So that would make four.

11 MR. MACLEOD: Basically, each bathroom will
12 be shared by two bedrooms.

13 MR. HOPKINS: If I could add just one or two
14 quick things, Mr. Chairman. Number one, vis-à-vis
15 the 14 percent, again, I repeat, Rock Hall Road is
16 the major roadway to the rear. That's what
17 distinguishes in some measure the area variance
18 being sought as being any type of precedent,
19 because there's no neighbor in the back
20 theoretically to be interfered with or affected by
21 what's being discussed.

22 MEMBER WILLIAMS: I think that's the least
23 concerning in terms of how it looks back is not
24 the concern. You keep saying there's no neighbor
25 there.

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1 MR. HOPKINS: I think we're saying the same
2 thing, as a practical proposition. I'm not
3 suggesting that it's the critical element, but
4 it's certainly something that distinguishes it,
5 let's say, from one of the internal parcels there,
6 where there would be a neighbor to the rear or
7 perhaps off to the side.

8 And Mr. Chairman, with regard to the height,
9 assuming that there were other virtually identical
10 applications sometime in the future, one could
11 perhaps argue that this is a precedent, but I
12 repeat what I mentioned before, Mr. Macleod has
13 done something architecturally in terms of
14 mitigating that, quote, looming as you put it, as
15 a practical proposition. But the way he's done
16 the roof line and everything else here so that
17 it's not this monolithic block that I think you
18 would be legitimately concerned about, and I think
19 it's been very adequately addressed in the plans.

20 MEMBER GOTTLIEB: But I believe that's a
21 totally separate and apart issue than the
22 14 percent.

23 MR. HOPKINS: Yes, sir, of course, it is.

24 MEMBER GOTTLIEB: Okay. The 14 percent
25 addresses more so, for example, I imagine this is

1 about a 40 feet -- a 40-foot deep house as
2 proposed on the right-hand side and it's longer
3 than it was in the past. So if I was the neighbor
4 to the right facing the house, or the neighbor to
5 the west, I'm going to have a little bit less
6 light and a little bit less air than I had
7 yesterday.

8 MR. HOPKINS: But I did mention,
9 Mr. Gottlieb, in the initial presentation that
10 while we are maintaining the side-yard setbacks,
11 they are being elongated, as a practical
12 proposition. You are absolutely correct.

13 CHAIRMAN KEILSON: How about responding to
14 what Mr. Gottlieb raised.

15 MR. HOPKINS: I'm sorry, I didn't hear the
16 question.

17 CHAIRMAN KEILSON: I said how about
18 responding to the point that he raised.

19 MR. HOPKINS: All I'm suggesting,
20 Mr. Chairman, is that I did raise the points
21 before, number one. Number two, the neighbor
22 adjacent being aware of that which is being
23 contemplated has no objection, as a practical
24 proposition.

25 CHAIRMAN KEILSON: He doesn't mind that

1 there's more shadow and the light is being
2 interfered with?

3 MR. HOPKINS: I don't know. I haven't done a
4 shadow study. I'm not a hundred percent convinced
5 that --

6 MEMBER GOTTLIEB: We believe the neighbor
7 hasn't either.

8 MR. HOPKINS: I wouldn't know, Mr. Gottlieb.
9 I haven't inquired.

10 CHAIRMAN KEILSON: Well, maybe the neighbor
11 is here tonight and we'll discuss it with him.

12 MR. HOPKINS: Give me a moment, Mr. Chairman,
13 if you would be kind enough.

14 CHAIRMAN KEILSON: We're moving down to the
15 first floor. Were you about to comment on the
16 right-hand side one-time exemption?

17 MR. MACLEOD: And there are -- it's a moot
18 point.

19 MEMBER GOTTLIEB: Except for the surface
20 coverage.

21 MR. MACLEOD: Except for the surface
22 coverage, correct, still is a current point of
23 discussion.

24 MR. RYDER: Building coverage.

25 MR. MACLEOD: Building coverage, yes. So the

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1 one percent on this project represents 24 square
2 feet, and we're asking for the full 14 percent
3 which we realize is a little more than what you
4 would like to normally approve.

5 CHAIRMAN KEILSON: We would all like, right.

6 MR. MACLEOD: So but in effect we're looking
7 at about 100 square feet discussion, this is
8 correct.

9 CHAIRMAN KEILSON: Yes.

10 MR. MACLEOD: We would really like to not
11 reduce anything, but if I can explain where some
12 of that square footage is, and it's not actually
13 part of the house, it is part of the front porch.
14 We have 169 square feet of open porch. It has a
15 roof over it, but it is an open porch; it doesn't
16 have any closing walls. So there is an airiness
17 factor to that, so that does not add to the bulk
18 of the house. So the front porch which we really
19 did not want to lose, but it does represent about
20 six percent of this building coverage. As such --

21 CHAIRMAN KEILSON: Six percent of the 14
22 percent?

23 MR. MACLEOD: No, six percent --

24 CHAIRMAN KEILSON: Overall?

25 MR. MACLEOD: -- overall. If one percent is

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1 twenty-four percent, 169 is --

2 MR. RYDER: Twenty-four feet.

3 CHAIRMAN KEILSON: I'm sorry, reduce it to
4 its simplistic.

5 MR. MACLEOD: What I'm saying is that the
6 part of the overage that's -- let's say there's an
7 overage beyond the regular overage of four
8 percent --

9 CHAIRMAN KEILSON: Why don't we use whole
10 numbers. There's an overage of 328 square feet.
11 So of the 328 square feet, the porch accounts for?

12 MR. MACLEOD: 169.

13 CHAIRMAN KEILSON: So that's more than half,
14 okay. That's an enlightening number.

15 MR. MACLEOD: And as such it's an open type
16 structure. It is going to be used.

17 CHAIRMAN KEILSON: It's not contributing to
18 the bulk that Mr. Gottlieb just pointed out.

19 MR. HOPKINS: That is correct.

20 MR. MACLEOD: It does have a practical
21 purpose where the kids will be -- the parents will
22 be waiting for the children to come off the bus or
23 waiting for the bus to arrive. It does have a
24 practical purpose from that, as well as aesthetic,
25 probably more practical than aesthetic. But if

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1 you look at the front elevation, you will see I've
2 really tried to balance out the look of the house
3 and change the look of the existing house which is
4 similar to many of the neighbors' houses, and that
5 porch really does contribute to that in a large
6 fashion.

7 The first-floor expansion in the rear, which
8 it does project about three, three and a half feet
9 beyond the existing rear right-hand corner, again,
10 we just stretched it a little bit, we filled in a
11 blank spot in that rear corner which is an alcove
12 with nothing happening there. We squared out the
13 house and then just added a few more feet to make
14 that a really useable space for the family as a
15 sitting room, a family room off of the new kitchen
16 and breakfast area as it was remodeled.

17 CHAIRMAN KEILSON: How many square feet is
18 that?

19 MR. RYDER: Is it on the site plan,
20 Mr. Macleod?

21 MR. MACLEOD: Yes, thank you. The area of
22 the first-floor addition is 149 square feet. That
23 includes the projecting part and the inset corner
24 part.

25 And again, this is the corner that we were

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1 talking about that did not necessarily need to
2 have a variance.

3 CHAIRMAN KEILSON: Mr. Macleod, could you
4 step forward just for a moment. We're off the
5 record so we can clarify.

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

8 CHAIRMAN KEILSON: So if there are any
9 neighbors or anyone who would like to speak to the
10 matter, please step forward, identify yourself for
11 the record, and feel free to express your thoughts
12 on it.

13 MR. ADLER: Steven Adler. I'm the neighbor
14 to the right side facing the house. I have no
15 objections to any of the plans.

16 CHAIRMAN KEILSON: Did you sign the letter?

17 MR. ADLER: I think my wife signed it.

18 CHAIRMAN KEILSON: And did you review the
19 plans?

20 MR. ADLER: Yes.

21 CHAIRMAN KEILSON: Do you know the effect
22 that the construction will have on your house?

23 MR. ADLER: Yes.

24 MEMBER GOTTLIEB: Are you planning on
25 appearing before us any time in the immediate

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1 future?

2 MR. ADLER: Nothing in the immediate future.

3 CHAIRMAN KEILSON: Are your children squeezed
4 into an inadequate number of bedrooms?

5 MR. ADLER: I'm still a few short.

6 CHAIRMAN KEILSON: Okay, good luck.

7 Any other neighbors?

8 MS. TWERSKY: I guess that would be me.

9 CHAIRMAN KEILSON: Let Mary know your name
10 and address.

11 MS. TWERSKY: Leahchana Twersky, 233 Juniper
12 Circle East. I guess that makes me the neighbor
13 to the left. I have reviewed the plans.

14 CHAIRMAN KEILSON: You have or have not?

15 MS. TWERSKY: I have seen the plans. I have
16 signed the letter. Although I put my legal name,
17 which is Amy, so I don't know if that makes a
18 difference. And the Edelmans are great neighbors.
19 If this gets to keep them on the block I think
20 that would be wonderful. They were a power
21 station during Hurricane Sandy. They had a
22 generator in their house. They had people come by
23 to use whatever they needed. I definitely would
24 love to keep them next door. So if this would
25 help, then please approve it.

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1 CHAIRMAN KEILSON: Okay, thank you very, very
2 much. Any other neighbors?

3 We don't normally entertain this type of
4 situation. But we have a very light calendar and
5 we thought we would accommodate if we can. Bear
6 with us.

7 (Whereupon, a recess was taken.)

8 CHAIRMAN KEILSON: We're going back on the
9 record. So let's just quickly summarize the
10 variances that are being requested so we can lay
11 it out for the Board in terms of a vote.

12 MR. PANTELIS: Well, I think if there's a
13 modification, at least I'd like to get the
14 modification on the record.

15 CHAIRMAN KEILSON: We'll start with the
16 building coverage which is being modified which
17 the request was -- the proposed was 328 square
18 feet of excess over the permitted, and the request
19 is being reduced to 253 square feet, correct?

20 MR. MACLEOD: That is correct, sir.

21 MR. PANTELIS: We need that on the record.

22 CHAIRMAN KEILSON: You will submit to the
23 Building Department the plans consistent with
24 that.

25 MR. MACLEOD: It will reflect that and that

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1 area will be removed from the plans in the area of
2 the front porch.

3 CHAIRMAN KEILSON: Correct. I assume the
4 other variances that are being requested will
5 remain.

6 MR. MACLEOD: There will be actually an
7 effect on this. The front-yard setback will no
8 longer be a front-yard variance.

9 CHAIRMAN KEILSON: Okay, good. That's
10 eliminated. So why don't you go through the
11 variances.

12 MR. HOPKINS: I'll go through it,
13 Mr. Chairman. As Mr. Macleod pointed out, that
14 reduction to the number that was quoted by the
15 Chair, the front-yard setback, as a practical
16 proposition, which was requested to accommodate
17 the porch is now moot as I understand it.

18 The side yard or what we discussed
19 previously, they will remain the same in term of
20 the requested relief, as will the height, as well
21 as the request for the dormer.

22 Although you didn't question it,
23 Mr. Chairman -- I'm sorry, that's fundamentally it
24 then. It would be the height, the dormer and the
25 side yards in particular.

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1 CHAIRMAN KEILSON: Okay. So the Zoning Board
2 will take -- will weigh the benefit -- will weigh
3 the benefit of the variances to the applicant as
4 opposed to any detriment to the neighborhood, and
5 following the statutory -- the five statutory
6 criteria we will weigh it and we will ask the
7 Board to take into consideration all the
8 presentations from the neighbors as well as from
9 the applicant's attorney and the architect in
10 particular. And so we will begin with Mr. Ganz.

11 MEMBER GANZ: I vote for.

12 CHAIRMAN KEILSON: Mrs. Williams.

13 MEMBER WILLIAMS: For.

14 CHAIRMAN KEILSON: Mr. Gottlieb.

15 MEMBER GOTTLIEB: For.

16 CHAIRMAN KEILSON: Mr. Schreck.

17 MEMBER SCHRECK: For.

18 CHAIRMAN KEILSON: The Chair votes for. And
19 two years --

20 MR. HOPKINS: Two years, Mr. Chairman,
21 please.

22 CHAIRMAN KEILSON: -- is sufficient?

23 MR. HOPKINS: Yes, sir.

24 MR. RYDER: Board of Building Design.

25 CHAIRMAN KEILSON: And Board of Building

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1 Design.

2 MR. HOPKINS: Thank you, Mr. Chairman. Thank
3 you, members of the Board.

4 CHAIRMAN KEILSON: We thank the neighbors who
5 have come and we thank the trustee, Mr. Edelman,
6 for gracing us with your presence.

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

9 *****

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

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Mary Benci

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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 May 28, 2014
7 8:30 p.m.

8 APPLICATION: Verschleiser
9 190 Briarwood Crossing
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. JOEL GANZ
21 Member

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

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Verschleiser, will they or
2 their representative.

3 MEMBER GOTTLIEB: For full disclosure and
4 transparency, I personally retained Mr. Capobianco
5 to do work for our home. I do not see any reason
6 why I cannot be impartial at this hearing. I will
7 not recuse myself.

8 CHAIRMAN KEILSON: Okay, Mr. Capobianco.

9 MR. CAPOBIANCO: Well, Mike Hopkins, the
10 attorney, is representing this case, as well as I
11 am here. I just wanted to pass out some handouts
12 of the rendering of the house. This is actually a
13 photograph of the house. He will come in and
14 start with the application. But just to get
15 started, the property, you know, which is on
16 Briarwood Crossing is on a property that is pretty
17 long, narrow, linear, and it has a building
18 envelope which is somewhat unrealistic to build
19 onto because it would literally mean you have to
20 turn the house sideways on the property. So what
21 we have is we have a width -- oh, here is
22 Mr. Hopkins now. I just started.

23 MR. HOPKINS: Can I get my folder, please, if
24 you don't mind.

25 MR. CAPOBIANCO: I was just showing them the

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1 property in terms of the size and the shape and
2 configuration which kind of created the side-yard
3 variance because of that. We require a 70-foot
4 total side yard. The front of the house has
5 approximately a 60-foot total side yard. To the
6 north side of the house it would be 31 -- 29 feet.
7 South would be 31 feet. So across the front of
8 the house you have about a 60-foot aggregate
9 versus what you would require, 70 feet. The
10 initial design which had a height greater than 30
11 was reduced down to 30 to comply to the 30-foot
12 height.

13 The surface coverage variance is also
14 something that we didn't have to go for because we
15 met the surface coverage requirement. But I'd
16 like Mr. Hopkins to start because he will explain
17 a little more about the family's needs and
18 requirements, and then, you know, in between I'll
19 be presenting.

20 CHAIRMAN KEILSON: You can tell us what you
21 forsook.

22 MR. HOPKINS: Well, what I'd like to do,
23 first of all, Mr. Chairman, thank you, again,
24 Michael Hopkins, Hopkins & Kopilow, on behalf of
25 the Verschleisers.

1 Once again, I do have a series of approvals
2 from the neighbors on behalf of this contemplated
3 project. Not all of the neighbors, but one of the
4 adjoining neighbors, some neighbors across the
5 street as well, a total of one, two, three four,
6 five, six, seven people. I'd like to submit them
7 collectively as Applicant's Exhibit 1 (handing).

8 CHAIRMAN KEILSON: Does the text resemble
9 each other in any way?

10 MR. HOPKINS: They have a remarkable
11 resemblance.

12 MR. PANTELIS: In all fairness, as a zoning
13 attorney I do the same thing, identical letters.

14 MR. HOPKINS: There is an E-mail; however,
15 there is a very nicely phrased E-mail, as a
16 practical proposition.

17 CHAIRMAN KEILSON: I think we're in receipt
18 of that, are we not?

19 MR. HOPKINS: I think the E-mail was directed
20 to you, Mr. Chairman.

21 MR. PANTELIS: We'll mark it as an
22 Applicant's Exhibit.

23 MEMBER GOTTLIEB: Mr. Hopkins, while we
24 review the letter, in the past you told us that
25 you're very familiar with this area with the

1 Village of Lawrence, growing up nearby.

2 MR. HOPKINS: I went to Hewlett High School.
3 Lawrence was our cross-town rival. I like
4 Lawrence. My partner was a member of the school
5 board for some years, but it doesn't make him a
6 bad person. He didn't like it that I went to
7 Hewlett.

8 MEMBER GOTTLIEB: That's more than I was
9 getting at. What I wanted to mention is this
10 property was formerly the estate of Robert Hart.
11 Robert Hart was the Chairman of this Board for
12 many years.

13 MR. HOPKINS: In fact, that was brought to my
14 attention by Mr. Capobianco. The history of this
15 particular parcel is really very, very
16 interesting.

17 MEMBER GOTTLIEB: And from what recall, I
18 don't know for sure, but I believe that parcel was
19 in his family from his grandfather.

20 MR. HOPKINS: I wouldn't be at all surprised.
21 At the risk of being -- perhaps saying a little
22 too much myself, my wedding reception was at the
23 Rockaway Hunt Club. I would not have otherwise
24 qualified for being a member at the time, but
25 that's where the reception was because we had a

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1 friend who was a friend who knew somebody who was
2 a member. And yes, again, at the risk of being
3 offensive, my grandparents were domestics and
4 bricklayers and masons who worked in this area for
5 many, many, many, many, years. And so my father
6 when I was a kid used to take me down to the
7 country club and say we were not permitted there.

8 SPEAKER: Neither were we.

9 CHAIRMAN KEILSON: Can I suggest we save
10 this?

11 MR. HOPKINS: It's a touching story, but the
12 question was asked by Mr. Gottlieb.

13 CHAIRMAN KEILSON: He apologizes for asking.

14 MR. HOPKINS: It's quite all right. In any
15 event, the neighbors' approval you have as a
16 practical proposition. This particular parcel
17 makes it utterly unique. Again, it has to do with
18 the narrowness and the depth of it.

19 The Hart residence, I believe Mr. Capobianco
20 will confirm, was situated somewhat farther back
21 on the parcel than the contemplated improvement,
22 but the relative width, John, of the Hart house
23 was very similar to what you see being proposed
24 here as a practical proposition.

25 I'm sorry. Just give me a fraction of a

1 second, if you would be kind enough.

2 The Verschleisers are here. They're the
3 parents of six children ranging in age from
4 twenty-one to five months. Like any other family,
5 a relatively large family, I don't know if it's
6 going to be improving by -- increasing by
7 14 percent over the next year or two, but they
8 need the space.

9 It's a 40,000-square-foot parcel, a little
10 bit more than 40,000 square feet, double A zone,
11 as a practical proposition. I know the neighbor
12 to the right as one faces the house has expressed
13 approval for that which is being discussed. The
14 neighbor to the left has not expressed approval,
15 but I did see an E-mail from the neighbor to the
16 left, it was questioning certain things.

17 CHAIRMAN KEILSON: Can we focus on the
18 variances.

19 MR. HOPKINS: I'd like the Court to know that
20 most people are in favor, as a practical
21 proposition.

22 The variances that which are being discussed,
23 Mr. Chairman, are one at a time -- forgive me --
24 the maximum building coverage what is being
25 requested is seven percent. I think that

1 Mr. Capobianco mentioned before that originally it
2 was envisioned that something on the order of in
3 excess of ten percent was going to be sought, but
4 the plan has been reworked, and a seven percent
5 increase is requested.

6 CHAIRMAN KEILSON: I would appreciate if we
7 don't have to hear about what you contemplated
8 doing and discuss what is being considered.

9 MR. HOPKINS: What is being requested is an
10 overage of 340 square feet on the maximum building
11 area permitted, which is roughly seven percent.
12 We would still be within maximum surface coverage
13 if that relief were granted.

14 With regard to the side-yard setbacks,
15 30 feet, as you know, Mr. Chairman, are required.
16 Twenty-four feet is requested on one side and a
17 little bit more than 24 feet on the other side.
18 And just so that we are very clear, if you look at
19 the proposed improvement on the left side of the
20 house, which would be I guess technically the west
21 side, at the front, it's -- actually, the setback
22 30 is required, but 29 is provided for. There's a
23 little bit of a bump-out which decreases that --
24 forgive me -- increases the setback requirement
25 towards the rear of the house. On the other sides

1 of the house the setback is uniformly kept at --
2 what is it, John, approximately?

3 MR. CAPOBIANCO: At the front of the house
4 it's 31.

5 MR. HOPKINS: 31.

6 MR. CAPOBIANCO: And at the rear it's 24.

7 MR. HOPKINS: That is correct. So as a
8 practical proposition, the aggregate is 70 feet on
9 the aggregate side-yard setbacks. I think what is
10 being requested is 48.5 feet which would be
11 21 feet 6 inches below that which is required by
12 code.

13 MR. CAPOBIANCO: That's at the smallest point
14 of the house -- at the widest point of the house.

15 MR. HOPKINS: I thought I had pointed out
16 that we're talking about at a very discrete point
17 towards the rear of the proposed improvement. The
18 setback ratio --

19 MEMBER GOTTLIEB: It bears repeating. It's
20 only toward the rear and it's a smaller portion
21 that protrudes out.

22 MR. HOPKINS: That is correct. The setback
23 ratio, I'll let Mr. Capobianco address as a
24 practical proposition.

25 In terms of the enter/exit dimensions for the

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1 attached garage, John, do you want to talk about
2 that for a second. I think 30 feet is required,
3 24.33 feet is supplied. So we're asking for a
4 waiver, as a practical proposition, of five feet
5 six inches, approximately.

6 MR. CAPOBIANCO: That's correct.

7 Any parking lot today that has 90-degree
8 angle parking has 22 to 24-foot backup. So 24
9 backup works. You know, it's what would be
10 required in a commercial parking lot, so we feel
11 that's adequate room to back and turn around and
12 pull out.

13 MR. HOPKINS: Also being requested,
14 Mr. Chairman -- John, did you put the -- has that
15 been marked as an exhibit?

16 MR. CAPOBIANCO: This is marked as an
17 exhibit. I actually gave them handouts.

18 MR. HOPKINS: Terrific. Dormers are being
19 proposed. They're being proposed primarily for
20 aesthetic reasons, as a practical proposition.
21 You can see the enhancement it makes to the
22 presentation of the front to the street. There is
23 also a setback being required -- requested for the
24 pool, twenty -- 30 feet is required, 20 feet is
25 proposed, a waiver of 10 feet, and the pool is to

1 the rear of the house as you can see on the plan.

2 Many of the variances are precipitated by the
3 existence of the two-story garage with a carriage
4 house, as a practical proposition. If that were
5 completely eliminated, I think I made a
6 misstatement in my petition that it would have
7 decreased the overage from seven percent down to
8 three and a half percent. In fact, it probably
9 would have brought it totally within code, as a
10 practical proposition.

11 MR. CAPOBIANCO: Yes, it would have.

12 MR. HOPKINS: The one unalterable that's
13 unaffected by the existence of the carriage house
14 really, Mr. Chairman, is primarily the setbacks.
15 The discrete locations are depicted towards the
16 rear of the house.

17 CHAIRMAN KEILSON: Why was it unalterable?

18 MR. HOPKINS: It means, as a practical
19 proposition, given the relative narrowness, what I
20 sometimes refer to as wasted property.

21 CHAIRMAN KEILSON: Due to the positions of
22 the house if it were placed elsewhere.

23 MR. HOPKINS: I suppose one could
24 theoretically talk about moving it back a little
25 bit, but then you confront the fact that you have

1 to deal with the existing two-story carriage house
2 probably being at what would be functionally a
3 front yard. And as a practical proposition, I
4 just think it upsets the front and the rear yard
5 which they would like to look I guess out towards
6 one of the holes at the Rockaway Hunt Club, where
7 I was never permitted to play, but that's another
8 story another time.

9 In any event, and I think as a practical
10 proposition there are other houses that they open
11 out into Briarwood Crossing. So yes, you're
12 right, theoretically, if the house were moved back
13 it might mitigate some things but it might
14 aggravate other things.

15 MR. CAPOBIANCO: Now, it pulls to the center
16 of the property with the front yard and rear yard
17 almost being equal in depth and size, so it was a
18 good location for the house.

19 MEMBER GOTTLIEB: I'm very familiar with the
20 property. I know this is a -- oh, you weren't
21 done, sorry.

22 MR. HOPKINS: I'm done.

23 CHAIRMAN KEILSON: Are you finished with your
24 presentation?

25 MR. HOPKINS: Yes, sir.

1 CHAIRMAN KEILSON: Okay, so now let's --

2 MEMBER GOTTLIEB: I think you convinced him
3 of that.

4 CHAIRMAN KEILSON: Mr. Gottlieb.

5 MEMBER GOTTLIEB: I'm rather familiar with
6 the property before and after the house was
7 removed, but I have a question. You're looking
8 for surface coverage.

9 CHAIRMAN KEILSON: No, building coverage.

10 MEMBER GOTTLIEB: Building coverage. I've
11 done that three times tonight already.

12 You're looking for a small amount of building
13 coverage. Why are you removing 196 feet off the
14 carriage house and not the entire carriage house?
15 Why do you need the carriage house?

16 MR. MACLEOD: Well, that part is in disarray
17 and really needs major repair. So we just thought
18 we would make it smaller to bring down the overall
19 building coverage calculation.

20 MEMBER GOTTLIEB: What would the carriage
21 house be used for?

22 MR. CAPOBIANCO: It's used now for a garage,
23 if they can pull a car in, you know, from the back
24 street.

25 MEMBER GOTTLIEB: Right now you can't.

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1 MR. CAPOBIANCO: Right now we have like a --
2 either they will use it for a garage or not
3 because we already supplied a two-car garage, but
4 then it would be used as a guest house on top
5 because there is an apartment, or rooms up there
6 and a bathroom that can used. But you know, that
7 part interior-wise would be cleaned up and fixed,
8 but basically the side or the south side of that
9 carriage house we took off in order to bring down
10 the required building coverage.

11 MEMBER WILLIAMS: The way it looks to me is
12 it would be very practical as a cabana.

13 MR. CAPOBIANCO: Yes. It's probably going to
14 function more as a cabana than a guest house.

15 MS. VERSCHLEISER: A cabana/guest room.

16 MR. CAPOBIANCO: Yeah, mostly a cabana.

17 MEMBER WILLIAMS: The interior part is going
18 to be totally rebuilt?

19 MS. VERSCHLEISER: Yes.

20 CHAIRMAN KEILSON: We have to have people
21 identify themselves.

22 MR. HOPKINS: I'm sorry. This was
23 Mrs. Verschleiser who was just speaking, and this
24 is Mr. Capobianco.

25 CHAIRMAN KEILSON: Thank you.

1 MEMBER GOTTLIEB: So the carriage house
2 1,000-foot footprint is staying?

3 MR. CAPOBIANCO: Yeah.

4 CHAIRMAN KEILSON: But if it were removed,
5 you would no longer have an issue on building
6 coverage?

7 MR. CAPOBIANCO: That's correct, yes.

8 MEMBER GOTTLIEB: So we're still looking at
9 seven percent or --

10 CHAIRMAN KEILSON: 340 square feet.

11 MR. CAPOBIANCO: 340 over. The carriage
12 house what we're leaving is 1,000 square feet.

13 CHAIRMAN KEILSON: All right, the pool
14 obviously can be relocated in order to avoid the
15 encroachments.

16 MR. CAPOBIANCO: Well, we were talking about
17 turning the pool anyway for orientation of the
18 sun. The neighbor who is on that side is here
19 tonight, and, you know, they thought it would be
20 nicer to turn the pool so it would be coming into
21 the yard more. But the narrow side of the pool
22 would still probably be 25 feet from the property
23 line. So it increased the 20 to 25, because as
24 you turn it the property line as you see across
25 the back goes in a southerly direction, so as you

1 turn the pool this way, you're going to have more
2 room here of land, so it could be that it would
3 work at the 30. I think it might work at the 30,
4 because what would happen if you turn this way,
5 you have all this property. So the question is
6 that can we alleviate that particular variance
7 request for the pool. We can.

8 CHAIRMAN KEILSON: Okay.

9 MEMBER GOTTLIEB: One down.

10 MR. CAPOBIANCO: One down. Well, I knocked
11 two off already, height and surface coverage.

12 CHAIRMAN KEILSON: That's correct. So let's
13 just go through them again. So building coverage
14 we understand is attributable primarily to the
15 carriage house. We have to think about that one.

16 The setbacks are attributable to the location
17 of the house and the house being located there
18 because of the unusual narrowness of the property.
19 And the reason that you're not fronting on Village
20 Way is because it's much more attractive to front
21 on Briarwood Crossing.

22 MR. CAPOBIANCO: Yes, that's correct.

23 CHAIRMAN KEILSON: Any questions from the
24 Board on that aspect?

25 MEMBER GOTTLIEB: No. But when I look at

1 that from the street I'm looking at a 29-foot side
2 yard and 31 on the other. So from a visual
3 perspective it's not -- it doesn't encroach,
4 correct.

5 CHAIRMAN KEILSON: Very good. All right, the
6 height/setback ratios are attributable to the way
7 the house is laid out.

8 MR. CAPOBIANCO: That's correct, because of
9 the two side yards; the front and rear work.

10 CHAIRMAN KEILSON: The turning -- I guess the
11 turning ratio backup 24 feet is more than
12 adequate.

13 MR. CAPOBIANCO: Yes.

14 MEMBER GOTTLIEB: Can we talk about this for
15 a second?

16 CHAIRMAN KEILSON: Please.

17 MEMBER GOTTLIEB: The 24 feet where you have
18 it, it looks to me like it's completely paved to
19 the edge of the property line.

20 MR. CAPOBIANCO: Well, actually, we brought
21 it two feet away with some shrubbery and planting.
22 We would like to keep it three feet away with the
23 curb so this way if a car does back up, the tires
24 don't go -- you know, they won't hit the fence or
25 the shrubbery. So it will clear 22, and then you

1 will have about a two-foot area that the bumper or
2 the tail --

3 MEMBER GOTTLIEB: There's a two-foot buffer
4 between the property line.

5 MR. CAPOBIANCO: That's correct.

6 CHAIRMAN KEILSON: Dormers.

7 MR. CAPOBIANCO: They're roof enhancements.
8 I like to use that word, roof enhancement, in the
9 front and the rear. You can see in the rendering
10 they add a lot to the appearance of the house in
11 keeping with the Lawrence, you know, vernacular,
12 and if you look behind you at the old 1897 house
13 dormers, it looks very nice.

14 CHAIRMAN KEILSON: Mr. Hart would be
15 heartened.

16 MR. CAPOBIANCO: He would be. I knew him
17 very well, great golfer. He was a great drinker.
18 I knew him very well. And he would be proud of
19 the dormers.

20 MR. PANTELIS: Mr. Capobianco, on that
21 carriage house, any history to that in terms of
22 what's the age and historical significance in
23 terms of keeping it? I don't mean landmark.

24 MR. CAPOBIANCO: It's not a landmark, but I
25 would say that, you know, they were heartbroken

1 about the house coming down, so we didn't want to
2 take the carriage house down. We wanted to leave
3 it up so like a piece of Bob Hart would still be
4 there. It's really an old carriage house and it's
5 a beautiful carriage house. It needs a little
6 cleaning up and it's a valuable area. I mean, you
7 could use it for, like they said, a cabana.

8 MR. RYDER: Estimated age, John?

9 MR. CAPOBIANCO: It's a hundred plus years.

10 SPEAKER: 1882.

11 MR. HOPKINS: Pre-code, pre-village.

12 MEMBER GOTTLIEB: Let me ask you a question
13 about the survey, because I believe there was some
14 dispute about that piece that bumps out eleven
15 feet on one side, 20 on the other, and 95 feet in
16 length. At one point there was a dispute of whose
17 it was because there was a fence running through
18 it, so that's all been resolved?

19 MR. CAPOBIANCO: Yes.

20 MEMBER GOTTLIEB: Looking at the survey,
21 there was a reference to an easement. That
22 easement seems to run right up to where that
23 bump-out is.

24 MR. CAPOBIANCO: That's the back corner here.
25 That is an existing easement. That will remain in

1 place.

2 MEMBER GOTTLIEB: Any idea why that easement
3 was there?

4 MS. VERSCHLEISER: It's just a bunch of
5 shrubs.

6 MR. CAPOBIANCO: It could be an access. It's
7 not utility.

8 MR. HOPKINS: Mr. Capobianco was referring to
9 the easement. It was on the corner of the parcel
10 back by Village Way, just so the record is clear.

11 CHAIRMAN KEILSON: Any other questions from
12 the Board? Okay, is there anyone in the audience
13 who would like to speak to the matter?

14 MR. MARANS: I'm a neighbor, Hillel Marans,
15 191 Briarwood Crossing. I'm not one of the
16 signers of the letter.

17 CHAIRMAN KEILSON: So you're an original?

18 MR. MARANS: I'm an original, and I probably
19 wouldn't have signed the letter mostly because I
20 have some grammatical objections to the
21 composition. I would have composed my own, but I
22 don't think I have any objections to what we've
23 heard here. The house is a beautiful house, and I
24 think it --

25 CHAIRMAN KEILSON: Where do you live in

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1 reference?

2 MR. MARANS: Right directly across the
3 street. I think the architecture will compliment
4 our own house, so we're fine with it. I just want
5 to say in front of the Board though that the
6 neighbor to the left, Farbman, who is in Florida
7 and could not be at the meeting did have some
8 objections, and I think they sent an E-mail to the
9 Board which --

10 CHAIRMAN KEILSON: We have her letter. We
11 will be reading into the record and we will be
12 addressing it.

13 MEMBER GOTTLIEB: Dr. Marans, as a matter of
14 reference, I think your dad bar mitzvah'd me some
15 years ago.

16 MS. KAPLAN: I'm Dr. Marans' wife,
17 Shirley Kaplan. I just want to ask something
18 because I know all of you are very familiar with
19 the whole real estate area in back Lawrence. I
20 don't know eight neighbors near there. Where are
21 eight neighbors coming from that are signing
22 letters?

23 CHAIRMAN KEILSON: We'll be happy to share
24 with you the letters.

25 MS. KAPLAN: How far are they away from the

1 actual building?

2 CHAIRMAN KEILSON: I didn't study the
3 letters, but there's a radius map, and the letter,
4 a notification has to go out from the applicant
5 indicating that they're applying. So it's very
6 possible there are eight neighbors, and in truth
7 any neighbor within the Village can register.

8 MS. KAPLAN: So then respectfully just take
9 it into account that we're -- to take a look of
10 who is thinking this is a fine idea, whatever the
11 plans are, which it may be a fine idea. Just take
12 that into account.

13 Also, it's important to know, and I realize
14 there's a very big difference between what the law
15 -- between what the law provides and you having to
16 color into the lines in between and what's at your
17 discretion, and what aesthetically happens to a
18 neighbor when you're used to looking out your
19 window and things change. And it depends from the
20 position of the neighbor when you're directly
21 opposite something and you've lived somewhere for
22 approximately sixteen years, and you had -- it was
23 very countrified and all of a sudden you have a
24 big property outside your main areas in your home
25 that you congregate. I don't know how that

1 factors in. I don't even know aesthet -- I'm not
2 sure. I don't know. But I think that for me
3 personally, I do a lot of my work, my desk work
4 looking out at the piece of property, and ever
5 since everything was vacated over there I've been
6 looking at that for a year. That's not -- you
7 know, that's not great either. But that said, I
8 just hope that it factors in in the overall
9 conferring on the aesthetics of the property, and
10 I'm sure you're all very experienced in this and I
11 see you take your work seriously, so please do so.

12 CHAIRMAN KEILSON: We do take into
13 consideration items such as you've raised. We all
14 live in Lawrence and we all are aware of the
15 impact of construction going on within view of our
16 properties. And that's why, generally speaking,
17 we're very concerned about encroachments or where
18 the application is beyond that which is the norm.

19 In the instant case, of course, subject to
20 the decision of the Board, I think overall there
21 has been some restraint here in terms of what
22 might have been offered, you know, as far as the
23 application. I'm taking Mr. Capobianco's word,
24 I'm sure they had maybe more grandiose thoughts,
25 and they tailored it to the general tenor of the

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1 Board, which is in light of Sandy and events
2 culminating from Sandy we've been very sensitive
3 to overbuilding in the Village.

4 Okay, anyone else? Please step forward.

5 MR. NAUMBERG: Good evening. My name is
6 Avi Naumberg, and that's my wife Rebecca. We're
7 here on behalf of the Verschleisers. We live at
8 196 Briarwood Crossing, which is the house
9 immediately to the right of the property that
10 we're talking about. I'm here to hope that -- you
11 know, to express our feelings toward what is
12 mentioned and discussed tonight. We are very for
13 and we approve very much the plans that have been
14 discussed tonight. I think that these plans would
15 impact or probably do impact us more than anyone
16 else and, you know, we wanted to reiterate our
17 ratification of these plans. So I think that if
18 we're okay with it in terms of the setbacks, in
19 terms of how the house is situated, I think that
20 should play an important role and factor in the
21 Board's decision.

22 CHAIRMAN KEILSON: There's no question that
23 as a neighbor and certainly the ones that are most
24 impacted it weighs very heavily in our review.
25 Unfortunately, a lot of neighbors come down and

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1 they are concerned with reciprocity and so they
2 are more indulgent than as the Board can be as you
3 can well imagine.

4 Just a quick question. There's going to be a
5 driveway now next to your property.

6 MR. NAUMBERG: Correct.

7 CHAIRMAN KEILSON: You've taken that into
8 consideration, I assume?

9 MR. NAUMBERG: There's always been a driveway
10 there.

11 MEMBER WILLIAMS: It's going to be closer.

12 CHAIRMAN KEILSON: Okay, thank you very much.

13 MR. NAUMBERG: Thank you. Have a good
14 evening.

15 CHAIRMAN KEILSON: Any other neighbors?

16 (No response.)

17 CHAIRMAN KEILSON: I'd like to read into the
18 record, we do have a letter in support from the
19 Jungreises, and we would -- it is supportive, so
20 we will leave it at that.

21 There is a letter of concern from Farbman,
22 Fred and Judith Farbman, and in brief we'll put it
23 into the record but they live at 182 Briarwood,
24 next-door to the proposed building, and there are
25 several issues that they're raising. "We're

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1 concerned that the process of building will damage
2 our tennis court, fencing and/or pool. The tennis
3 court and lights are immediately next to the
4 building site. I would like to have something in
5 writing that should there be any damage to our
6 property the Verschleisers would be responsible
7 for all repairs. Our court and pool were both
8 renovated last year and are in perfect condition
9 now. We're concerned that they stay that way. We
10 also would like to be assured that there would be
11 high/large plantings on the side of their home
12 immediately next to our court. When we put in our
13 pool we were required to have evergreens planted
14 along the entire back. We would like to have the
15 same considerations." Okay.

16 MR. PANTELIS: I think, Mr. Chairman, with
17 respect to the damage issues, building permits are
18 conditioned upon certain procedures, and the
19 Building Department should be able to supervise
20 that. I don't think anything is needed in writing
21 with respect to that issue. As far as the
22 landscaping is concerned, that would be within the
23 Board's discretion if it relates to the requested
24 side-yard setback.

25 CHAIRMAN KEILSON: Okay.

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1 MEMBER GOTTLIEB: I'd like to say this speaks
2 to 30-foot setbacks for structures, 30-foot
3 side-yard setbacks.

4 CHAIRMAN KEILSON: Mr. Hopkins.

5 MR. HOPKINS: Well --

6 CHAIRMAN KEILSON: Have you seen this letter?

7 MR. HOPKINS: I have not. I saw a similar
8 E-mail from the Farbman's, and I obviously agree
9 with what Mr. Pantelis said that their complaint
10 has to do with something more inherent than just
11 construction activity than any of the variances
12 that are being discussed.

13 CHAIRMAN KEILSON: How about the request for
14 plantings along the property?

15 MR. CAPOBIANCO: Well, if you look at the
16 site plan that we've delineated, we show plants
17 along the Farbman's property line. I spoke with
18 the Farbman's last week, and I explained to them
19 because they were unclear as to the position of
20 the house relative to their property, so I
21 explained to them that the front of our house was
22 close to the rear, or east end, of their tennis
23 court. So they were very happy with that. You
24 know, the concern about possibly damaging during
25 construction --

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1 MR. HOPKINS: Don't worry about that.

2 MR. CAPOBIANCO: -- I don't think that's a
3 problem.

4 CHAIRMAN KEILSON: Let's not address that.

5 MR. CAPOBIANCO: We were planning on planting
6 a screen of evergreen.

7 MR. PANTELIS: What are you calling for there
8 and would you accept it as a condition of approval
9 if the Board were so inclined?

10 MR. CAPOBIANCO: Yes. We're planning on
11 putting, you know, trees that block or, you know,
12 give, you know, privacy. It would be an
13 evergreen, either a Leyland cypress type or
14 arborvitaes, you know they need a lot of sun,
15 either a red cedar or Leyland cypress.

16 MR. PANTELIS: Minimum height planted
17 initially.

18 MR. CAPOBIANCO: They would probably be six
19 feet high initially.

20 MS. VERSCHLEISER: Initially five or six
21 initially.

22 MR. CAPOBIANCO: Probably start five or six
23 and they grow rapidly.

24 MEMBER GOTTLIEB: They grow very fast.

25 MR. CAPOBIANCO: Particularly the Leyland

1 cypress. That's what they were planning on that
2 side, and also some screening around by the pool
3 side for their own privacy.

4 MR. RYDER: John, for record purposes, are we
5 calling that property line between the neighbors
6 the north side property line?

7 MR. CAPOBIANCO: Well, north is kind of in
8 that direction, you know (indicating). It's like
9 I would say the back is north, the front is south,
10 but it's really north, northeast. The back is
11 northeast.

12 MR. RYDER: Thank you. That side property
13 line, for the record, we're going to call
14 northeast.

15 MR. CAPOBIANCO: I would call it northeast.
16 Well, actually, it's the south side. It's
17 actually southeast, southwest. South is like this
18 way (indicating). Maybe I'll call this like you
19 said.

20 MR. RYDER: This side (indicating).

21 MR. CAPOBIANCO: Yes. Oh, that side over
22 here?

23 MR. HOPKINS: Is that the Farbman side?

24 MR. CAPOBIANCO: Farbman side, west.

25 MR. HOPKINS: And the other side is which

1 residents?

2 MR. CAPOBIANCO: Naumberg.

3 CHAIRMAN KEILSON: It was just brought to my
4 attention the Farbman property is for sale; is
5 that correct?

6 MR. CAPOBIANCO: Yes.

7 CHAIRMAN KEILSON: So they're concerned about
8 the successor. All right, any further questions
9 from the Board on any of the variances?

10 (No response.)

11 CHAIRMAN KEILSON: As I understand it, we had
12 initially started with eight variances. We're
13 down to seven. The pool is going to be relocated
14 so that a variance will not be required; is that
15 correct?

16 MR. CAPOBIANCO: Yes.

17 CHAIRMAN KEILSON: Mr. Hopkins, is that
18 correct?

19 MR. HOPKINS: Yes.

20 MR. CAPOBIANCO: I'd rather keep it at the
21 25-foot setback. I know it's between 20 and 30,
22 but it would be better 25 feet. If it has to be
23 30, then it has to be 30.

24 MS. VERSCHLEISER: I've got four boys.

25 MR. HOPKINS: Mr. Chairman, what are you

1 comfortable with?

2 MR. CAPOBIANCO: It projects into the yard
3 and --

4 MR. HOPKINS: Let's state bluntly.

5 CHAIRMAN KEILSON: I'm not going to be
6 swimming there, and I'm not the neighbor.

7 MR. CAPOBIANCO: The neighbor that it most
8 effects is not concerned. He was just
9 recommending that we rotate it for the orientation
10 of the sun.

11 CHAIRMAN KEILSON: To me the property, the
12 size of the property, the scope of the project I
13 don't see justification. We have so many requests
14 for pool variances and I can't see this being
15 justified. That's my sense.

16 MS. VERSCHLEISER: The only thing I want to
17 ask, if I can, the only justification is that I
18 have four boys, and I kind of wanted to leave them
19 a nice space just to do their thing. I feel like
20 if there's a pool jutting too much --

21 CHAIRMAN KEILSON: I'm sorry, but with all
22 due respect if they can't do their thing in the
23 property left over, I don't know what their thing
24 is then.

25 MS. VERSCHLEISER: It's a boy thing.

1 CHAIRMAN KEILSON: I have four boys as well
2 that did their thing. But that's the sentiment of
3 the Board.

4 MR. CAPOBIANCO: We would hold the 30-foot
5 setback requirement.

6 CHAIRMAN KEILSON: I think it's a judicious
7 decision.

8 MEMBER GOTTLIEB: Mr. Hopkins, just a quick
9 question before you speak to your clients again.
10 The carriage house won't be used for third-party
11 rentals?

12 MR. RYDER: It can't be.

13 MR. HOPKINS: I would understand that it
14 would not be rented.

15 MR. PANTELIS: It can't be by Village Code.

16 MR. HOPKINS: By code it's prohibited I
17 think.

18 MR. PANTELIS: Yes.

19 MEMBER GOTTLIEB: We know it's done within
20 the Village. It has been done.

21 MR. HOPKINS: I suspect it might have been
22 done in the past, but the Verschleisers are saying
23 to me it's not going to be rented to any third
24 party. Correct, sir?

25 MS. VERSCHLEISER: No.

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1 MR. VERSCHLEISER: Yes.

2 CHAIRMAN KEILSON: Having said that, having
3 reviewed the plans, having many extensive
4 discussions on it, now we're down to seven
5 variances as presented. I prefer not to state
6 them all at the present time. And you are aware
7 there will be an undertaking as far as the
8 plantings separating their property, screening
9 their property from the Farbman property, subject
10 to the review of the Building Department. And
11 because of any concerns about any damages is not
12 within the purview of our Board, and I am sure
13 they will be good neighbors and they will be
14 scrupulous in assuring that nothing on the
15 neighbors' property gets damaged. It will be
16 remediated in the event that it does happen.

17 So taking into consideration the benefit to
18 the applicant as opposed to any possible detriment
19 to the neighborhood and to anyone else, and taking
20 into consideration the very beautiful rendering by
21 Mr. Capobianco, we applaud that, by the way.

22 MEMBER GOTTLIEB: Yes, we do.

23 CHAIRMAN KEILSON: So we'll take a vote.
24 Let's start with Mr. Ganz.

25 MEMBER GANZ: I vote for.

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1 CHAIRMAN KEILSON: Mrs. Williams.

2 MEMBER WILLIAMS: Another practical
3 proposition, so I'll definitely vote for.

4 CHAIRMAN KEILSON: Mr. Gottlieb.

5 MEMBER GOTTLIEB: I'd like to reiterate that
6 Verschleisers actually are very good neighbors. I
7 live across the street from them, and they're
8 wonderful neighbors, and I vote for this
9 application regardless of the compliment.

10 MEMBER SCHRECK: So do I. I vote for.

11 CHAIRMAN KEILSON: I vote for. And two
12 years.

13 MR. HOPKINS: Two years would be fine.

14 CHAIRMAN KEILSON: Are you sure? Okay. And
15 on that note --

16 MR. RYDER: Board of Building Design as well.

17 CHAIRMAN KEILSON: -- Board of Building
18 Design, and we adjourn to June 25th.

19 (Whereupon, the hearing concluded at
20 9:06 p.m.)

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Verschleiser - 5/28/14

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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