

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 November 19, 2014
7 7:37 p.m.

8 APPLICATION:

9 Lowy
10 9 Lakeside Drive West
11 Lawrence, New York

12 P R E S E N T:

13 MR. LLOYD KEILSON
14 Chairman

15 MR. EDWARD GOTTlieb
16 Member

17 MR. MARK SCHRECK
18 Member

19 MR. LESTER HENNER
20 Member

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

23 MR. MICHAEL RYDER
24 Building Department

25 Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals. Please turn off phones and the
4 like, and please, no cross-conversations.

5 Mr. Ryder, proof of posting.

6 MR. RYDER: I offer proof of posting,
7 Mr. Chairman.

8 CHAIRMAN KEILSON: Thank you very, very much.

9 MR. GRAY: Would you like me to say
10 something?

11 CHAIRMAN KEILSON: It's a short agenda, so
12 we'll handle it.

13 The first matter before us will be Lowy of
14 9 Lakeside Drive West. We have a request from
15 them for an adjournment to the next date, which is
16 December 17th. Any issues from the Board?

17 MEMBER SCHRECK: No.

18 CHAIRMAN KEILSON: So Lowy will be adjourned
19 to the 17th of December.

20 (Whereupon, the hearing concluded at
21 7:38 p.m.)

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1 Certified that the foregoing is a true and
2 accurate transcript of the original stenographic
3 minutes in this case.
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5 Mary Benci

6 MARY BENCI, RPR
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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 December 4, 2014
7 7:38 p.m.

8 APPLICATION: Zimmer
9 190 Lakeside Drive 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 MR. LESTER HENNER
19 Member

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

22 MR. MICHAEL RYDER
23 Building Department

24 Mary Benci, RPR
25 Court Reporter

1 CHAIRMAN KEILSON: The next matter is Zimmer
2 of 190 Lakeside Drive South. Is there anybody
3 here on their behalf?

4 MR. ZIMMER: Yeah.

5 CHAIRMAN KEILSON: Please step forward.
6 Please identify yourself for the record.

7 MR. ZIMMER: My name is Eric Zimmer, and I
8 live at 190 Lakeside Drive South in Lawrence,
9 New York 11559.

10 CHAIRMAN KEILSON: Okay. Mr. Zimmer,
11 actually, you're here this evening for two
12 variances, right?

13 MR. ZIMMER: I came last time for one
14 variance and --

15 CHAIRMAN KEILSON: That was granted.

16 MR. ZIMMER: Right, but I made a mistake. I
17 thought I only needed one; it turns out I needed
18 two.

19 CHAIRMAN KEILSON: So tonight you're really
20 here for one then?

21 MR. ZIMMER: Right, for the second one. It
22 was kind enough for the Board to open it up for me
23 for the second time.

24 CHAIRMAN KEILSON: Right, very kind.

25 MR. ZIMMER: It is. It will save me some

1 money also, so.

2 CHAIRMAN KEILSON: Always a good idea. So
3 please just give us a quick overview of what
4 you're requesting.

5 MR. ZIMMER: The request is to build a deck
6 behind my house. The issue is I'm -- I'm -- the
7 issue is that there's a setback from the property
8 behind my house which is owned by -- it's a
9 two-foot strip by the Village and the County land.
10 There's supposed to be a 40-foot setback, but due
11 to like the irregular shape of my property, my
12 yard is to the side of the house. So there's no
13 real room behind the house to build anything. In
14 fact, my house itself is within the setback also.
15 It's 35 feet from the edge of the property also.
16 Because of the size of the lot I'm able by right
17 for the surface coverage, if I'm able, if I only
18 keep it eight inches off the ground, and that was
19 -- I'd like to make it I think a foot eight inches
20 so it's level with my kitchen when you step
21 outside. That was actually the mistake. We
22 didn't realize that there's different places,
23 different rules, but we didn't realize the height
24 if it's above eight inches you need a variance.

25 CHAIRMAN KEILSON: Right. I think the

1 compelling information is that really is it backs
2 onto Rock Hall Road, does it not?

3 MR. ZIMMER: Right. There's no neighbor
4 behind the property. It's Rock Hall Road and
5 there's still a large distance to the road itself.

6 CHAIRMAN KEILSON: Any questions from the
7 Board?

8 MEMBER GOTTLIEB: Just the deck that you're
9 proposing, is it a concrete slab under it, or is
10 it open and can water permeate through the deck?

11 MR. ZIMMER: There will not be a concrete
12 slab under it and it will be open. There's going
13 to be like a pergola, but an open pergola, and
14 just for like the holiday of -- that's the main
15 reason I'm building it, the holiday of Sukkoth.
16 So I can cover it for the week, but just for that
17 week for the holiday, otherwise it's a totally
18 open deck, and there's no concrete slab under it.

19 MEMBER GOTTLIEB: So the water can permeate
20 through?

21 MR. ZIMMER: Yeah, the water can permeate.
22 There will be two pylons to support it, but it's
23 not --

24 CHAIRMAN KEILSON: Any further questions from
25 the Board? Anyone in the audience who wants to

1 comment?

2 (No response.)

3 CHAIRMAN KEILSON: Okay. I think the benefit
4 to the applicant certainly is there, and we don't
5 see any detriment in terms of the community. I
6 think it fits the statutory criteria for approval
7 of the variance. We will vote. The Board will
8 vote. We'll start with Mr. Henner.

9 MEMBER HENNER: Favor.

10 CHAIRMAN KEILSON: Mr. Gottlieb.

11 MEMBER GOTTLIEB: Considering the odd lot,
12 the odd shape of the property and that you do have
13 no neighbors on that side because it's a public
14 area, I will vote for.

15 CHAIRMAN KEILSON: All right, Mr. Schreck.

16 MEMBER SCHRECK: I will vote for as well.

17 CHAIRMAN KEILSON: And I will vote for as
18 well.

19 MR. ZIMMER: Thank you very much.

20 CHAIRMAN KEILSON: Do you need more than a
21 year, let's say?

22 MR. ZIMMER: A year should be fine.

23 CHAIRMAN KEILSON: Should be fine.

24 MR. ZIMMER: I hope so.

25 CHAIRMAN KEILSON: I hope so as well. I hope

1 you didn't forget anything else.

2 MR. ZIMMER: I hope so also.

3 MR. RYDER: Well, Mr. Chairman, if I may make
4 one suggestion, that we grant this variance on the
5 condition that it runs in line with the existing
6 variance so it expires at the same time.

7 CHAIRMAN KEILSON: Okay.

8 MR. ZIMMER: That's fair.

9 CHAIRMAN KEILSON: How long did you appear
10 before us, several months?

11 MR. ZIMMER: It's like a month or two maybe.

12 CHAIRMAN KEILSON: So you will coincide it
13 with whatever the expiration date might be.

14 MR. ZIMMER: Thank you very much.

15 (Whereupon, the hearing concluded at
16 7:43 p.m.)

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


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MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 November 19, 2014
7 7:43 p.m.

8 APPLICATION: Jacobowitz
9 43 Lawrence Avenue
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. MARK SCHRECK
17 Member

18 MR. LESTER HENNER
19 Member

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

22 MR. MICHAEL RYDER
23 Building Department

24 Mary Benci, RPR
25 Court Reporter

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1 CHAIRMAN KEILSON: Jacobowitz, 43 Lawrence
2 Avenue.

3 MR. HOPKINS: Good evening, Mr. Chairman.

4 CHAIRMAN KEILSON: Good evening, Mr. Hopkins.

5 MR. HOPKINS: Good evening to everyone.
6 Michael Hopkins, from the law firm of Hopkins and
7 Kopilow, 100 Quentin Roosevelt Boulevard, Garden
8 City, New York, on behalf of the Jacobowitz
9 family. To my left is Mr. Warren Meister, the
10 architect on the project. And good evening to
11 everybody.

12 Let me preface my comments by saying that
13 there is something I just want to clarify in case
14 I created any confusion, Mr. Chairman, in the
15 application.

16 CHAIRMAN KEILSON: You did, point number four.

17 MR. HOPKINS: Oh, brother, do I realize it,
18 and I apologize. Obviously, it was not
19 intentional. I've been before this Board too
20 often. My reputation I hope is one of straight
21 shooting. It was totally unintentional.

22 CHAIRMAN KEILSON: That's what I said; the
23 others felt otherwise.

24 MR. HOPKINS: And I understand why. This is
25 not a -- basically an extension of the existing

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1 home, but fundamentally a knockdown and rebuild.

2 CHAIRMAN KEILSON: Oh, did you know that?

3 MEMBER SCHRECK: No.

4 MR. HOPKINS: They haven't fallen off the
5 chair so there's still hope.

6 Let me, if I may, Mr. Chairman, and with your
7 permission, as you know we had had an application
8 some time ago. We listened to concerns of
9 neighbors, and taking into account the concerns of
10 the neighbors we submitted a new plan and a new
11 petition which brings us down here tonight. The
12 single most fundamental change is that we've
13 narrowed the dimension of the footprint of the
14 proposed construction from 49 feet down to
15 45 feet, which had a major impact on the relief
16 which was sought in the initial petition.

17 What do I mean by that? Well, initially, we
18 were seeking five variances. As a practical
19 proposition with this new petition, there are two
20 variances which are being sought.

21 CHAIRMAN KEILSON: Mr. Hopkins, please don't
22 go over what you --

23 MR. HOPKINS: I just finished. That was the
24 extent of the presentation. We also have
25 tonight, we also have the streetscape, which the

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1 Board has requested, and we also have a shadow
2 study, as a practical proposition.

3 CHAIRMAN KEILSON: Our compliments to
4 Mr. Meister on the streetscape; it was very
5 helpful.

6 MR. HOPKINS: Yes, indeed, and any technical
7 questions on how it was done, any technical
8 questions on the studies or the construction, of
9 course I'm going to yield to Mr. Meister.

10 Generally speaking, what are we dealing with?
11 43 Lawrence Avenue, Lawrence, New York, Section
12 40, Block E as in even, Lot 107, it's in a B zone,
13 allowable coverage for this parcel consisting of
14 14,971.5 square feet is as follows. Allowable
15 coverage building is 2,937.15 square feet, surface
16 coverage is approximately 5,442.59 square feet.
17 The current structure is a two-and-a-half-story
18 brick dwelling with an attached garage.

19 The variances which are being sought,
20 Mr. Chairman, are overage on the building coverage
21 of 197.25 feet. That would be 6.7 percent of the
22 building coverage issue.

23 CHAIRMAN KEILSON: I'm sorry, what was the
24 amount of square foot over?

25 MR. HOPKINS: I have it as 197.25, all right,

1 sir?

2 CHAIRMAN KEILSON: No, because the code relief
3 sheet reads 304.

4 MR. HOPKINS: Are you sure you're not looking
5 at the original one?

6 MEMBER GOTTLIEB: They both said 304.

7 MR. HOPKINS: I apologize. Let me just be
8 very clear.

9 CHAIRMAN KEILSON: Okay.

10 MR. HOPKINS: That was in the original
11 petition. That would have been 10.36 percent. As
12 it is now envisioned it's going to be 197.25
13 square feet, or 6.7 percent. I do point out that
14 this is within the -- and even if you were to
15 grant the relief tonight in terms of surface
16 coverage, we're well within that which is allowed
17 for surface coverage.

18 I'd also like to hand up for the record a
19 series of approximately nine letters by neighbors.

20 CHAIRMAN KEILSON: Only nine?

21 MR. HOPKINS: If I had longer I might be able
22 to get a few more. I'd like to have these marked
23 as Applicant's Exhibit 1, or A, however you would
24 like to mark it, and that, by the way, includes
25 the abutting properties that have also endorsed

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1 that which is being sought here. Now --

2 CHAIRMAN KEILSON: Are they all different
3 texts, or they just happen to be coincidentally?

4 MR. HOPKINS: I think you will pretty much see
5 it's pretty much a uniform letter, and that is
6 what we have to hand up to you today.

7 CHAIRMAN KEILSON: Okay.

8 MR. HOPKINS: Now, as I mentioned to you
9 before, since we've narrowed the footprint of the
10 property, we have requested the following, as a
11 practical proposition. The aggregate side-yard
12 setback is 35 feet in this particular zone. We
13 originally requested 26 feet, which is existing.
14 Now, as a practical proposition, that is becoming
15 academic. The request for the aggregate --

16 CHAIRMAN KEILSON: What's becoming academic?

17 MR. HOPKINS: Well, the aggregate, as a
18 practical proposition. On the right side
19 originally we had 10 feet proposed, 15 feet is
20 required. With the shrinking of the footprint we
21 have functionally taken it down to nothing, as a
22 practical proposition. So what we are dealing
23 with primarily here is the following: Simply the
24 lot coverage which is going to 6.7 percent in
25 excess, and the dormers which as a practical

1 proposition are fundamentally an aesthetic request
2 at this particular point in time.

3 Now, the reasons for the relief are stated in
4 the petition at paragraphs eight and nine, talking
5 about the size of the family, the religious
6 concerns which are being sought, and I also note
7 for the Board that historically this Board's been
8 very sensitive to these issues and that needs of
9 this type you've been very sensitive to in terms
10 of the size of the family, also in terms of the
11 religious needs, and in prior cases that I've been
12 fortunate enough to represent in front of this
13 Board you've taken those things into account. I
14 also believe that the relief requested is well
15 within that which historically this Board has
16 approved, and I would request in this particular
17 case that the two relatively modest variances be
18 granted. That's the building coverage as well as
19 the issue of the dormers.

20 Let me also point out, but I'll yield to
21 Mr. Meister on this, the shadow studies have been
22 done; you have them in front of you. They show
23 you the studies at different times of the year and
24 different hours of the day, and as you can see
25 from the shadow studies that which is being

1 proposed has virtually no impact as a practical
2 proposition on any of the abutting properties.

3 With regard to the streetscape, which
4 Mr. Meister also did, he had as it currently
5 exists and he has it as proposed. Once again, the
6 streetscape in my humble opinion, but if you have
7 any questions Mr. Meister can confirm as a
8 practical proposition well within that which this
9 box illustrates at the present time.

10 As you know, the legal standards are under 7
11 dash -- forgive me -- 7-712, is this going to
12 produce an undesirable change to the character of
13 the neighborhood? No. It's an absolutely
14 magnificent project that Mr. Meister has come up
15 with. The neighbors are okay with that which is
16 being sought. I think it's magnificent. I'm sure
17 he does too.

18 Can it be accomplished in any other method?
19 As a practical proposition, again, the answer is
20 no. We've cut back the footprint from 49 to 45
21 feet. We've taken into account and tried to be
22 very sensitive to that which the neighbors seek.
23 Given the family, given the religious needs, I
24 think that what we're proposing is acceptable.

25 Is it substantial? I submit, no, it's not.

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1 CHAIRMAN KEILSON: A 45 percent increase in
2 the house is not substantial?

3 MR. HOPKINS: No, we're talking about
4 substantial in terms of that which is sought,
5 which is the 6.7 percent, okay. That is the
6 standard. The standard is substantial as against
7 that which is permitted by code, and in that
8 context which is --

9 CHAIRMAN KEILSON: No, but the 197 feet has to
10 be accounted for. Why don't they do without the
11 197 square feet --

12 MR. HOPKINS: I think to --

13 CHAIRMAN KEILSON: -- if you're already
14 increasing the house by 45 percent.

15 MR. HOPKINS: I'm going to let Mr. Meister
16 address from a technical point of view why these
17 issues come up. But as a practical proposition,
18 in this particular case, as I mentioned before,
19 when the architect does his plans and takes into
20 account the things that have to be done, this is
21 the way it's being proposed to be done. As I say,
22 initially when the neighbors were concerned about
23 it, we cut it back, as I say, the footprint by --

24 CHAIRMAN KEILSON: Mr. Hopkins, you're
25 reverting again to what might have been, could

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1 have been. Let's deal with what we have tonight.

2 MR. HOPKINS: Okay. What we have tonight --

3 CHAIRMAN KEILSON: Why don't you let

4 Mr. Meister address it.

5 MR. HOPKINS: I will let him address it if you
6 would be kind enough to let me go first.

7 Here's the irony of the situation. If we were
8 to build as of right with that which exists at the
9 present time with a 49-foot -- 49-foot width front
10 footprint, we would actually be aggravating
11 certain things. The reality of the situation is
12 that which is proposed in terms of the plans
13 submitted by Mr. Meister I think as a practical
14 proposition accommodate that which this family is
15 seeking to do without causing any major problems
16 to anybody. The technical reasons --

17 CHAIRMAN KEILSON: I'm sorry, I don't
18 understand what you're saying. You could have
19 done what, that you're foregoing that? I'm not
20 following.

21 MR. HOPKINS: What I said was that had we kept
22 the 49-foot footprint in terms of the width of the
23 property --

24 CHAIRMAN KEILSON: If you kept the 49 --

25 MR. HOPKINS: Right, instead of scaling it

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1 back to 45 feet, as a practical proposition.

2 CHAIRMAN KEILSON: I think you're encroaching
3 on his technical area.

4 MR. HOPKINS: I'm sorry.

5 MR. MEISTER: It's okay. Warren Meister,
6 22 Kendall Drive, New City, New York.

7 If we had done this job as a renovation, my
8 research with and my discussions with Mr. Ryder
9 basically said that if we had a one-time exemption
10 of keeping the existing house where it is so we
11 were -- if we did this as a renovation, we would
12 have had 49-foot wide frontage instead of a
13 45-foot wide frontage.

14 MR. RYDER: With the one-time exemption.

15 MR. MEISTER: With the one-time exemption,
16 correct. Doing the renovation for the program
17 that the clients wanted was just from a cost
18 perspective much more money than basically
19 knocking the existing house down and starting from
20 new.

21 MEMBER SCHRECK: But you're a very talented
22 architect, Mr. Meister, so surely you could
23 perhaps remove 197 feet and still make this
24 project work and it would be within code and we'll
25 be happy.

1 MEMBER GOTTLIEB: While you're contemplating
2 my colleague's comments, I'll say that when I look
3 at the shadow drawings what I do see is a
4 comparatively bulky house.

5 MR. MEISTER: A comparatively what?

6 MEMBER GOTTLIEB: Comparatively bulkier from
7 the houses left and right which you don't see from
8 the streetscape. It's a little boxier. It's a
9 little bit larger because you're covering so much
10 more space. I was looking at the numbers also, as
11 Mr. Schreck pointed out, you're let's say 200
12 feet, for argument's sake, 197, again, you're 200
13 feet over, but you're adding 1,400 feet, 1,400
14 buildable feet onto what's already there. It
15 seems that in a 3,231.34 proposition you can take
16 off some of that extra space and not have to --
17 the reason why I say this is this is apparently
18 new construction, and as much as we can I'd like
19 to see new construction work as best it can within
20 the confines of the zoning.

21 MR. MEISTER: Okay.

22 MEMBER GOTTLIEB: So I understand there are --
23 sometimes there are things as a practical
24 difficulty and we accommodate for that. And this
25 seems like we want a lot of house, which obviously

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1 most of our residents do. And I'm asking if
2 there's a way to scale this closer to what's
3 permitted, which is 2,937 square feet.

4 MR. HOPKINS: I just want to be very clear.
5 Are you asking is there some way of scaling it
6 back to being in compliance with zoning
7 requirements on the issue of building coverage?

8 MEMBER GOTTLIEB: Yes.

9 MR. HOPKINS: Down to zero. In other words,
10 withdraw the request for a variance on that
11 particular topic?

12 MEMBER GOTTLIEB: That would be nice.

13 MR. MEISTER: I'm not sure I can.

14 MR. HOPKINS: I don't know that that's doable,
15 but what I would ask is your permission, just give
16 me a few minutes, if I could be kind enough to
17 speak to the architect and the clients.

18 CHAIRMAN KEILSON: No problem.

19 MR. HOPKINS: And perhaps if we could
20 reconvene in five minutes.

21 MEMBER GOTTLIEB: So you have an idea of where
22 I'm going with this. As far as the dormers on the
23 front of the house, I don't have an issue; I think
24 it helps the house. I think it helps the
25 appearance of the house and it doesn't create a

1 nuisance or any sort of improper look. And as far
2 as the five feet, you're actually adding four feet
3 into the side yards, so I don't have a problem
4 with the side yards. I can't speak for my
5 colleagues, but I don't have a problem with the
6 side yard required for that variance.

7 MR. HOPKINS: Just if you could give us five
8 minutes. I don't know if you have anything else
9 on the calendar.

10 MEMBER GOTTLIEB: We're done after this, I
11 think.

12 (Whereupon, a recess was taken.)

13 MR. HOPKINS: Mr. Chairman, we're back.

14 CHAIRMAN KEILSON: All right, gentlemen, we're
15 back on the record.

16 MR. HOPKINS: All right. Mr. Chairman, I've
17 discussed with the clients and I've discussed with
18 Mr. Meister. If just by way of preamble before I
19 focus in on exactly what we're talking about,
20 again, the architect in designing his plans takes
21 into account the needs of the family as I've
22 described in the petition. This is what he's come
23 up with, with approximately six percent or
24 whatever the heck it was over that which is
25 permitted.

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1 CHAIRMAN KEILSON: Could you speak up, speak
2 up a little bit.

3 MR. HOPKINS: We've located at page A5, A5, if
4 you want to take a look, and there is a breakfast
5 nook room, however you would like to describe it,
6 as A5 on the bottom right.

7 CHAIRMAN KEILSON: On the left of the
8 breakfast room.

9 MR. HOPKINS: Yes. What we could do is take
10 that projection -- do you see where the projection
11 is, Mr. Chairman? Basically move it in and pick
12 up approximately 100 square feet that way.
13 Mr. Ryder is looking at it correctly right now.
14 Basically moving that in and we pick up
15 approximately 100 square feet that way, and we
16 would then reduce -- the requested building
17 coverage would be reduced down to 97 square feet.

18 MR. RYDER: I don't want to explain the
19 application, but he's looking to slide the
20 octagon --

21 MR. MEISTER: Slide the octagon into the
22 kitchen, a portion of the kitchen.

23 MEMBER GOTTLIEB: The reduction would be how
24 many square feet?

25 MR. HOPKINS: Approximately 100 square feet.

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1 MEMBER GOTTLIEB: So half.

2 MR. HOPKINS: Down to about 97 square feet at
3 that point.

4 MEMBER HENNER: Anything you can do about
5 those closets upstairs?

6 MR. MEISTER: What closet?

7 MEMBER HENNER: I don't know, the ones that
8 were bigger than my bedroom. It's okay, it's
9 okay. Just a joke.

10 MR. MEISTER: If you want --

11 MEMBER HENNER: You can enlarge my bedroom?

12 MR. MEISTER: No, no. I will, but if you
13 want, I can take a portion of the master bedroom
14 and push it back in too, that would --

15 MR. RYDER: That would?

16 MR. MEISTER: -- bring it down.

17 MR. HOPKINS: So basically, Mr. Chairman,
18 we're talking less than 100 square feet in excess
19 of building coverage of that provided for by code.
20 And if you look at A5, that element is going to be
21 literally slid in.

22 MR. MEISTER: I would take --

23 CHAIRMAN KEILSON: Off the record.

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

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1 MR. RYDER: I have a question regarding when
2 you say slide the octagon addition. How many feet
3 in total? Five feet?

4 MR. MEISTER: Probably about five feet, right.

5 MR. RYDER: And the master bedroom you would
6 look to --

7 MR. MEISTER: Square that out.

8 MR. RYDER: Five feet as well?

9 MR. MEISTER: Yeah.

10 MEMBER GOTTLIEB: Master bedroom on A6?

11 MR. MEISTER: Yes.

12 MEMBER GOTTLIEB: Your master bedroom terrace.

13 MR. MEISTER: Well, the master bedroom terrace
14 comes in automatically because we would reduce --

15 MEMBER HENNER: Otherwise --

16 MEMBER GOTTLIEB: Otherwise it's cantilevered.

17 MR. MEISTER: Yes.

18 MR. RYDER: Mr. Meister, that would be a
19 number that's more than 100 square feet.

20 MR. MEISTER: Without a doubt.

21 MR. RYDER: Do you have a total on that?

22 MR. MEISTER: It's getting awfully close to
23 200. If it's -- it's awfully close.

24 CHAIRMAN KEILSON: If you're not asking for
25 the variance for excess building coverage then we

1 have to know that. We have to know what's being
2 asked for.

3 MR. MEISTER: I can get it probably within --
4 I was comfortable with 100 square feet, so I have
5 that 97 just so that the architectural things I
6 can line the things up so that things won't look
7 awkward.

8 CHAIRMAN KEILSON: I'm not following. So are
9 we staying with the breakfast room or talking
10 about the bedroom? Please clarify.

11 MR. MEISTER: The bedroom may become part of
12 that, yes. I'm not saying no. And if that does,
13 then the variance obviously is not needed.

14 MR. HOPKINS: Well --

15 CHAIRMAN KEILSON: Do you understand as a
16 practical matter, as a practical matter we have to
17 vote on something? If there is no request for a
18 variance, we don't have to vote on it. We can
19 just vote on the requested variances.

20 MR. HOPKINS: Well, if there's no request for
21 the variance on the issue of building coverage.
22 The others --

23 CHAIRMAN KEILSON: Obviously.

24 MR. HOPKINS: Mr. Chairman, in speaking to the
25 architect, he believes that he can pick up

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1 150 square feet total including the sliding in of
2 that element that we described before.

3 MR. MEISTER: Yes. With the bedroom up on top
4 because those two, that corner has to align.

5 MR. HOPKINS: So if we can reduce the request
6 to approximately --

7 MR. MEISTER: 47 square feet.

8 MR. HOPKINS: 47.25 square feet. That's the
9 way we would propose to do it as described by
10 Mr. Meister. If that would meet with your
11 approval on this and the other request, I believe
12 it can be done.

13 CHAIRMAN KEILSON: I think the issue we have
14 is we have to know what we're voting on.

15 Mr. Gray?

16 MEMBER HENNER: Are you saying that it will be
17 47 feet over, but you're not sure whether it will
18 be a combination of the bedroom and the kitchen or
19 somewhere else?

20 MR. MEISTER: I'll make sure it's 147 square
21 feet over, right.

22 MR. HOPKINS: No, no. It will become if we
23 pick up 150 square feet, we will have excess of
24 47.25 square feet over that which is permitted by
25 code. But the problem that the Board is running

1 into is they have to have something they can vote
2 on tonight and we're being a bit amorphous as to
3 what exactly it is other than sliding in that one
4 element inside; is that correct, Mr. Chairman?

5 CHAIRMAN KEILSON: I'd ask from counsel.

6 MR. GRAY: Based upon the record that we have
7 before us here, if this Board wanted to vote on
8 the issue of granting a variance of 50 square feet
9 above the allowed 2,937 square feet, subject to
10 the applicant submitting new plans to be approved
11 by the building inspector, I think that would be
12 sufficient for the variance that they're seeking
13 on that issue. You still have to vote on the
14 other two variances.

15 CHAIRMAN KEILSON: We well understand that.

16 MR. HOPKINS: Other variances -- if I may,
17 Mr. Chairman, that was the only variance that
18 seems -- that has been sought that seems to pose a
19 problem, and if we can get it to the point where
20 as counsel said it would be simply 50 feet over
21 that which is permitted by code on the issue of
22 building coverage, new plans can be submitted
23 hopefully that would meet with your approval.

24 CHAIRMAN KEILSON: We'll certainly consider
25 that.

1 MR. RYDER: 1.5 percent overage. Is that what
2 you have with 50?

3 MR. HOPKINS: Whatever the calculation is.

4 MEMBER SCHRECK: If you're pulling in that
5 breakfast nook, won't that affect your other
6 variance requests, like the side yard?

7 MR. GRAY: That's the back.

8 MR. RYDER: It's less than that.

9 CHAIRMAN KEILSON: Is there anyone in the
10 audience who wants to speak to the matter for or
11 against?

12 (No response.)

13 CHAIRMAN KEILSON: Any further questions of
14 the Board? So we're going to put the question to
15 the Board in terms of the proposed variances as
16 follows. On the building excess coverage we're
17 discussing 60 square feet.

18 MR. GRAY: Fifty.

19 CHAIRMAN KEILSON: Fifty square feet, I'm
20 sorry, 50 square feet.

21 MR. MEISTER: I'll take 60.

22 CHAIRMAN KEILSON: Fifty square feet, and
23 you'll submit plans to the Building Department so
24 they will be able to --

25 MR. MEISTER: Yes.

1 CHAIRMAN KEILSON: -- finalize exactly where
2 that location will be. In addition, we have the
3 side yards as we've discussed. And you are asking
4 for the dormers.

5 MR. MEISTER: Correct.

6 CHAIRMAN KEILSON: And we'll be evaluating it
7 based on the statutory criteria in terms of the
8 benefit to the applicant as opposed to any
9 detriment to the community, and I won't bother
10 reading through all the criteria as Mr. Hopkins
11 has done, and we'll make an evaluation at this
12 point and I'll ask for a vote from the Board.

13 Mr. Schreck.

14 MEMBER SCHRECK: What is the overage again,
15 the number?

16 CHAIRMAN KEILSON: Fifty square feet.

17 MEMBER SCHRECK: In terms of the percentage.

18 CHAIRMAN KEILSON: It will be approximately
19 1.5, 1.6.

20 MR. RYDER: Correct.

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

22 CHAIRMAN KEILSON: Mr. Gottlieb.

23 MEMBER GOTTLIEB: For.

24 CHAIRMAN KEILSON: And Mr. Henner.

25 MEMBER HENNER: For.

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1 CHAIRMAN KEILSON: And I vote for. And two
2 years?

3 MR. MEISTER: Two years.

4 MR. HOPKINS: Two years, Mr. Chairman.

5 CHAIRMAN KEILSON: Take the two years.

6 MR. HOPKINS: Thank you, sir.

7 CHAIRMAN KEILSON: Board of Building Design.

8 MR. RYDER: Board of Building Design, yes.

9 CHAIRMAN KEILSON: We apologize for the change
10 in the last month where in the eleventh hour we
11 had to ask for additional information, but you've
12 been very enlightening and very helpful.

13 MR. MEISTER: Thank you.

14 CHAIRMAN KEILSON: Thank you.

15 (Whereupon, the hearing concluded at
16 8:17 p.m.)

17 *****

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

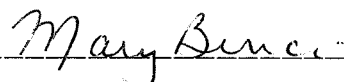
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MARY BENCI, RPR
Court Reporter

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

November 19, 2014
8:17 p.m.

APPLICATION: Augenbaum
64 Lord Avenue
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MR. LESTER HENNER
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Okay, the next matter this
2 evening will be Augenbaum.

3 MR. HOPKINS: Good evening, Mr. Chairman.
4 Michael Hopkins from the firm of Hopkins and
5 Kopilow, 100 Quentin Roosevelt Boulevard, Garden
6 City, New York, on behalf of the Augenbaum family.

7 Mr. Chairman, as you know the history, very
8 briefly, an application was originally submitted
9 that has altered the application which is now
10 before you concerning the property located at
11 64 Lord Drive in a residence zone C, as in
12 Charles. The lot is 17,514 square feet. It's a
13 little bit different than the lots abutting the
14 property as a practical proposition, as I'm sure
15 you're all aware. The maximum building coverage
16 is 3,176 square feet. Maximum surface coverage is
17 6,088 square feet. Currently, as we all know and
18 there are photographs attached, there's a
19 three-story brick dwelling with a detached garage.
20 It's basically been abandoned for a while and is
21 completely boarded up. I also have a high index
22 of suspicion that the house was built by my late
23 grandfather probably back before the first world
24 war. I'm sorry, we propose --

25 CHAIRMAN KEILSON: I missed the important part

1 about his grandfather.

2 MR. HOPKINS: Let me tell it again. I said I
3 have a high index of suspicion that that house was
4 built by my grandfather, but that's something --

5 CHAIRMAN KEILSON: Does he have a mechanic's
6 lien on it?

7 MR. HOPKINS: You know what, if the man were
8 still around I'd work it out for him.

9 We propose to remove and replace that with a
10 new dwelling and detached garage, and I would hope
11 that everybody will agree to get rid of that
12 eyesore that currently exists there at this point
13 because it is going to be good for the
14 neighborhood.

15 The variances which are sought are the
16 following. We're talking about building coverage
17 of 283 square feet above that which is allowed by
18 code. That translates into roughly 8.9 percent.
19 Again, I point out to you, Mr. Chairman, that even
20 if you were to grant the entirety of the relief
21 sought, that that is well within available and
22 allowable surface coverage.

23 Side-yard setback, the left side required is
24 15 feet by code, requested is 13.5 feet. What we
25 had done in terms of the comparison of these plans

1 to the originally submitted plans was basically
2 move the footprint over and up towards the front.
3 We've requested a 13.5-foot setback on the left
4 side; existing and originally proposed was 11.5.
5 So we've made that request. We've actually
6 diminished that request by a fair amount. The
7 aggregate side-yard setback sought --

8 CHAIRMAN KEILSON: What was the last comment,
9 diminish it from?

10 MR. HOPKINS: Well, we are requesting a
11 13.5-foot setback. In the plans that had been
12 originally some months ago --

13 CHAIRMAN KEILSON: I thought we're not going
14 to go there.

15 MR. HOPKINS: But I was responding to your
16 question.

17 CHAIRMAN KEILSON: You mentioned that. Please
18 do not bring up what might have been, could have
19 been in the past. Let's talk about what's before
20 us tonight. How's that?

21 MR. HOPKINS: Yes, sir, we'll talk about
22 what's in front of us tonight.

23 CHAIRMAN KEILSON: Every application we have
24 the same discussion.

25 MR. HOPKINS: No, but I understand your

1 comments, and I'll continue.

2 CHAIRMAN KEILSON: You've spent a lot of time
3 on this already in anticipation, so please give us
4 the courtesy of focusing on what you're asking.

5 MR. HOPKINS: Okay. We're asking for on the
6 side-yard setback on the left 13.5; 15 is required
7 by code. Aggregate side-yard setback is 35 feet;
8 we're requesting 28.5 feet. The side yard height
9 ratio setbacks allowed is 1.5, requested is 1.6.
10 The garage, two-car garage would ordinarily be
11 required once proposed, but as I point out in the
12 petition, Mr. Chairman, there's a long run of
13 driveway to accommodate off-street, on-site
14 parking.

15 The roof, it's a combination roof. It's a
16 maximum of 27 feet; 30 is proposed. And let me
17 take -- bring to your attention that care has been
18 taken in this case as in other cases involving
19 combination roofs to make sure that the house did
20 not appear bulky, as a practical proposition, and
21 Mr. Macleod and his design has taken that into
22 account. Dormers are not permitted but we are
23 requesting dormers. It will fit in superbly with
24 the neighborhood.

25 The reasons for the relief are found at

1 paragraphs eight and nine of the petition. This
2 is a young family, a growing family; they have
3 three children right now. It is anticipated that
4 there will be more children coming, hence the need
5 for the space. I would say, as I mentioned in the
6 other application, the BZA has been very
7 historically sensitive to the needs of the family
8 and the religious considerations that go into an
9 application of this type.

10 We submit that under these circumstances that
11 the hardship of a growing family has all been
12 taken into account by Mr. Macleod. The size of
13 the parcel, the dimensions of the parcel, the
14 configuration of the parcel, and that I would
15 think as a practical proposition that this Board
16 has historically considered these concerns as
17 being appropriate in granting relief.

18 I also just if I could, Mr. Chairman, for the
19 record, I know that you want to get down --
20 obviously, in an ideal world there would never be
21 a request for a variance. I understand that, I
22 really and truly do. As I pointed out to you in
23 the past, I am inside government and outside. It
24 doesn't make me a bad person. Maybe I would be
25 called a hermaphrodite. I wouldn't be offended by

1 it.

2 But ZBAs exist for the purpose of being the
3 safety valve. When the code starts to work a
4 hardship, and the code specifically, I'm talking
5 about the Village Code now to be precise, the
6 standards as you are very much familiar with. And
7 so while we may strive to get down to zero percent
8 on such issues as building coverage, sometimes
9 when the architect does the plans and he takes
10 into account what the needs are of the family,
11 what are the religious concerns of the family,
12 what is the size of the family, is it anticipated
13 that the size of the family will increase, and
14 this is a young family, he takes all of those
15 things into account when he draws up his plans. I
16 just wanted to reinforce that as a practical
17 proposition. I'd also point out to you --

18 CHAIRMAN KEILSON: Isn't it so as a practical
19 proposition the Board is limited to granting the
20 minimum variance necessary to address the need for
21 the variance?

22 MR. HOPKINS: Oh, yeah, you're not to be
23 gratuitously generous. No, I'm not suggesting
24 that at all. You know I'm not. I know that you
25 know what the standards and requirements are, and

1 I'm not suggesting that anything which is sought
2 is anything beyond that which we really and
3 honestly believe is appropriate under the
4 circumstances.

5 I also point out to you that there is a
6 streetscape that has been prepared by Mr. Macleod,
7 to refer any technical questions to him. Shadow
8 studies have also been performed. I think it's
9 your observation to make, and in terms of
10 streetscape and shadow studies there's minimal, if
11 any, in fact as a practical proposition. The
12 legal standards again, under 7-712-b, as in boy,
13 lists them all. Perhaps the one thing that you
14 might look at and say is, is it self-created?
15 Well, maybe this "hardship" is self-created, but
16 the reality of the situation is that this family
17 is going to grow. It needs the space now and it's
18 going to continue to need the space in the future.
19 In fairness to this family, referring to the
20 Augenbaum family, I think it would be both from
21 your point of view economically wise in terms of
22 utilizing the resources to deal with it now as a
23 practical proposition. I don't know if there are
24 going to be three more or ten more or one more,
25 but it is anticipated that the family is going to

1 expand. So if it's self-created, then, well, I
2 think God looks benignly on large families, at
3 least I hope God does as a practical proposition.

4 MEMBER HENNER: Can I ask you a question? You
5 don't feel like granting the variance for so many
6 bedrooms is putting additional pressure on them to
7 have more children so they need the variance to
8 inspire them so it shouldn't inspire guilt that
9 they told the Zoning Board they were going to have
10 lots of kids?

11 MR. HOPKINS: They should only be so lucky. I
12 repeat, at this point I'm going to defer to
13 Mr. Macleod. He can explain to you what's been
14 done and why it's been done from the engineering
15 point of view. And as a practical proposition, if
16 you have any other legal questions, then
17 Mr. Macleod will yield to me.

18 So John, if you would be kind enough to go
19 through that which is being sought, why, and the
20 various studies.

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

23 Good evening, members of the Board.

24 I know you're very familiar with this project,
25 and I won't go into it in great detail describing

1 what we're doing. You already have reviewed the
2 plans, but one of the things I did want to focus
3 on is that the street study that you had requested
4 and the shadow study did actually reveal some
5 interesting things that I consider to be in favor
6 of this submission, so I'd like to ask you to open
7 your street scene drawing and I just wanted to
8 point out a few things on this particular page,
9 drawing ST1.

10 You will see on this page not only did I do a
11 street scene, but I also put on the relevant
12 properties and dropped the surveys in place so
13 they're all next to each other and you can see
14 what is happening on the street in terms of
15 proximity and size of each individual lot.

16 So if we look, first of all, at the existing
17 street scene which is in the -- which is in the
18 middle of the page, it's the top row of houses
19 that you see there. Number 64 Lord Avenue is the
20 subject property and it looks very similar to some
21 of the other houses on the street, but we know
22 it's in a very poor state of repair and I think
23 the neighborhood is looking forward to it going
24 away. On the line before that we can see the
25 proposed house in the center there. And what I'd

1 like to point out is that although the house is a
2 larger house than most of these other houses
3 presented on the street, it is of similar scale.
4 The height is at 30 feet to the combination roof.
5 But I've tried to address the bulk by adding some
6 interesting dormers and gables and other details
7 to the front of this house to break up that
8 massing. And so the front of the house here is
9 actually broken up in quite a number of facets and
10 the height of the roof is similar to the peaks of
11 the other houses on the street.

12 Now, the other thing I wanted to point out on
13 this drawing is you'll notice that we positioned
14 the house somewhat centrally on the property. It
15 is actually a little bit further away from the
16 left-hand property line than it is now. The
17 existing house is eleven and a half feet from the
18 left-hand property line. And we are moving it
19 towards the center of the property by two feet,
20 increasing that eleven and a half to thirteen and
21 a half. We're not quite at the fifteen, but we're
22 at thirteen and a half on that side. And we did
23 maintain fifteen on the right-hand side.

24 So we've centralized it, and in doing so we
25 are still if you look at the elevations, I think

1 that illustrates it best, and if you could also
2 refer to the site plans of the other houses you
3 will notice that our thirteen and a half and our
4 fifteen are much larger than any of the other
5 houses on this block. There are some at twelve,
6 side yards at 6.6, 10.2, 13.9 is the largest and
7 which has a combining number of six. So then you
8 can see that again when you look at the elevation.
9 We are a good distance from the other houses and
10 certainly from the property lines we've maintained
11 the highest average setbacks on this street.

12 Further, further, I'd like to just point out
13 that we do have a larger property here and
14 although it's not part of the building code I
15 think it is a relevant thing to notice that the
16 size of the house on a particular property is
17 represented as a ratio to that property and I can
18 just tell you by doing a quick takeoff on the
19 street here that starting at Hards Lane, the Hards
20 Lane house has a building coverage of the lot of
21 about 25 and a half percent. The next house,
22 number 58, has about a 24.1 percent coverage.
23 Skipping the subject house for a second, the house
24 to the left of the subject property, number 72,
25 has a building coverage of 27 and a half percent,

1 and the house on the corner of Central which is a
2 larger property is actually at 15 and a half
3 percent.

4 Our property is at 17 percent. So we are
5 lower than the average and lower than the three
6 immediate houses around us in relation to the size
7 of the property. I just thought that was an
8 interesting figure.

9 CHAIRMAN KEILSON: It's also skewed by the
10 depth of the property, which is well beyond any of
11 the other properties; is that not so?

12 MR. MACLEOD: It is. It is. And I think that
13 despite that, it is relevant that the percentage
14 coverage of the lot is something which is
15 considered to be an important factor in the size
16 of the house. I believe it is.

17 CHAIRMAN KEILSON: One can massage the figures
18 in your favor and then otherwise.

19 MR. MACLEOD: I'm not saying they're in my
20 favor. I'm saying these are the numbers for you
21 to consider.

22 MEMBER GOTTLIEB: The way I think our Village
23 Code works is that larger properties have a
24 smaller allowable percentage of coverage.

25 MR. RYDER: That's correct.

1 MEMBER GOTTLIEB: So by using an overall
2 number like this it works obviously to your
3 argument, but it doesn't support the Village Code
4 which is what we first and foremost --

5 MR. MACLEOD: I did point out it was not part
6 of the code before I started discussing it.

7 MEMBER GOTTLIEB: And I'm reiterating it and I
8 agree. Hopefully, I didn't throw you off because
9 this is not even the first point.

10 MR. MACLEOD: So this is the streetscape which
11 I don't think does anything of detriment towards
12 our proposal, and I'd like to also just put that
13 in and skip to the shadow studies which I believe
14 you have.

15 MEMBER GOTTLIEB: Mr. Macleod.

16 MR. MACLEOD: Yes.

17 MEMBER GOTTLIEB: Prior to putting away the
18 street ST-1, I'm probably going to come back to it
19 again, but maybe if I can just address my point
20 now. Looking at the subject house, which
21 obviously has deeper property than the houses left
22 and right, the position of the house or the depth
23 of the house goes completely to the end of the
24 house to the -- the property line to the house of
25 the left where if they're in their backyard and

1 they look to the south, I think it's to the south,
2 they actually have no view past this house.
3 Similarly, the house to the south has completely
4 no view to the north. The depth of this house
5 completely blocks any light, or rather any vision
6 whereby, you know, previously I think the house --
7 I'm calling it the house to the left because I
8 don't have the number. The house that's 27
9 percent coverage used to be able to look from
10 their backyard right through to Hards Lane. So
11 just because we have the ST-1 out I wanted to
12 bring it up. You can go back to it later if you
13 prefer.

14 MR. HOPKINS: If you don't mind,
15 Mr. Chairman, what I do have is I have letters
16 from the neighbors I think Mr. Gottlieb is
17 referring to in support of the application.

18 CHAIRMAN KEILSON: Why don't you hold that in
19 abeyance, hold that in abeyance.

20 MEMBER GOTTLIEB: It was just a point which
21 I'll bring up again later, or not, because you
22 have that diagram out.

23 MR. MACLEOD: The neighbor that you're
24 specifically referring to on the left has seen the
25 plans and has expressed support for the property

1 for this project and we have a letter to that
2 effect.

3 MEMBER HENNER: He mentioned two neighbors.

4 MR. MACLEOD: The other neighbor I'm sure will
5 speak for himself.

6 MR. RYDER: What is the address of that
7 neighbor, John, to the north?

8 MR. MACLEOD: To the north is number 72.

9 MR. RYDER: Sorry, Mr. Macleod.

10 MR. MACLEOD: I just wanted to briefly look at
11 the shadow studies which were interesting and did
12 reveal that the travel of the sun -- I don't know
13 if you had a chance to study them.

14 CHAIRMAN KEILSON: We did.

15 MR. MACLEOD: Every day of the year, every
16 minute of the day has a different shadow, with the
17 exception of March 21st and September 21st, which
18 happen to coincide because of the shape of the
19 earth. We're at extreme differences on December
20 and June, but spring and fall are very similar.
21 We have shown you June, September and December.
22 And June, which is the warmest time of year, of
23 course the shadows are the shortest, and it does
24 illustrate that the shadows do not really impact
25 the neighbor to the north which is where the most

1 of the shadows would be. It actually arrives
2 pretty much at the greatest shadow it just about
3 reaches the property line, and as the day
4 progresses and it goes towards the rear the shadow
5 is mostly in our own backward. And that's the
6 case also in the other seasons of the year as you
7 work your way through those shadow diagrams. The
8 winter is obviously the longest shadows. People
9 spend the least amount of time outside in their
10 swimming pools, et cetera, and so if there is a
11 shadow cast, as every house casts a long shadow in
12 the winter, it has the least amount of impact on
13 the neighbors' yards.

14 CHAIRMAN KEILSON: The shadow study does give
15 a pronounced look of how the house now compares
16 depth-wise to the neighbors.

17 MR. MACLEOD: So it does.

18 CHAIRMAN KEILSON: How much deeper is the
19 proposed house than the current house? If you
20 know.

21 MR. MACLEOD: I don't have the exact number,
22 but looking at the drawing, the same drawing
23 number ST-1, you can see the existing house which
24 is superimposed on that plan, and I would say that
25 the existing house perhaps represents 60 percent

1 of what we are proposing. The width of the house
2 is virtually the same as what is there, with a
3 slight movement to the right. One of the things
4 that we are also trying to do with the positioning
5 of this house, we did have it a little further
6 back. We redesigned it slightly and brought it
7 forward. We wanted to have as least impact on the
8 street as possible while maintaining enough space
9 to request a circular driveway to come in and out.
10 And our setbacks, which again I'd like to just
11 point out on the street, the average setback up
12 and down the street is more in the 30s, between 30
13 to 38 range, and we are set back a little bit
14 further than that to the bulk of the house at
15 45 feet. So we have tried to keep -- kept our
16 presence on the street to a minimum.

17 CHAIRMAN KEILSON: Okay.

18 MR. HOPKINS: I'd like now, Mr. Chairman, with
19 your permission I'll offer the --

20 CHAIRMAN KEILSON: Certainly.

21 MR. HOPKINS: -- the approximately nine
22 letters from property owners in support of the
23 project (handing).

24 MEMBER HENNER: Is this the same nine from the
25 other?

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

2 MEMBER HENNER: Is this the same nine from the
3 other property?

4 MR. HOPKINS: I just duplicated them, that's
5 all.

6 MEMBER GOTTLIEB: No, he means from the other
7 application.

8 MR. HOPKINS: Yeah, this is something I just
9 keep using, next week, and then next month I'll
10 have them again. No, they are not.

11 MEMBER GOTTLIEB: So Mr. Hopkins, to address
12 the comment that you made that -- or maybe as I
13 understood it, and you were probably addressing me
14 when you thought that I don't think we need to
15 give variances for new construction. It's
16 certainly --

17 MR. HOPKINS: I didn't say that at all. I
18 certainly didn't mean to intimate that at all.
19 All I'm trying to reinforce is that you are
20 functioning as the safety valve if those criteria
21 under 7-712 are met. The architect has hopefully
22 to your satisfaction explained why these variances
23 are sought from a technical point of view, and I
24 would hope that they satisfy you. That that which
25 is sought here is that which is the minimal relief

1 that is sought in order to accomplish what we're
2 trying to do. At least I hope you're satisfied;
3 if not, Mr. Gottlieb, ask away any questions you
4 have. We'll answer away as best we can.

5 MEMBER GOTTLIEB: I thought you'd never allow
6 me. This is new construction as it is. I will
7 agree with you that the eyesore of the past fifty
8 years is about to go away, which is wonderful, but
9 you have requests for seven variances. We can
10 start from the very beginning, if you would.
11 You're building a house from the existing which
12 was approximately 2,100 feet. You're going to
13 3,500 feet. It's a 1,400-foot increase.

14 First question, you know, do you need the
15 extra 283 square feet? You've got almost four
16 full stories, if you include a 10-foot-high
17 basement, first floor, second floor and attic
18 space. Is it necessary to build out an additional
19 283 beyond what -- and I guess I'll look at you
20 Mr. Macleod, is it necessary to go out an
21 additional 283 square feet?

22 MR. MACLEOD: So we have designed this around
23 the needs of the family and the future expansion,
24 and taking into consideration the property size
25 and the future usage of the property, you know, we

1 have come to a design that would suit the family's
2 needs and it was not any wider than the existing
3 house. I know it is deeper for sure. We took
4 advantage of the depth of the property to expand
5 the house in that direction.

6 MEMBER SCHRECK: How does that answer my
7 colleague's question about the height of the
8 ceilings, about having a ten-foot ceiling in the
9 basement?

10 MR. MACLEOD: Ten-foot ceiling in the
11 basement, we could actually have a 12-foot ceiling
12 in the basement if we chose to design it that way
13 because it doesn't affect the height of the
14 structure. We do, however, have to keep the first
15 floor at two feet above grade to keep clear of
16 water damage and termites; that's actually New
17 York State code, but we're two feet above grade.

18 MEMBER HENNER: What are the heights on the
19 other floors?

20 MR. MACLEOD: Nine-foot-six on the first
21 floor, and eight-foot-six on the second floor, and
22 seven feet in the attic space.

23 MEMBER GOTTLIEB: So we're talking about
24 variance request number six. We just kind of
25 skipped around.

1 MR. MACLEOD: We did, we jumped to building
2 height there.

3 MEMBER GOTTLIEB: So if we go to number six,
4 and we're going to come back to one. But because
5 my colleagues happened to mention that everybody
6 likes high ceilings, that seems to be the trend,
7 the way things go now. My trend is to try to
8 reduce the number of variances that are requested
9 unless they're truly and absolutely necessary, as
10 we are charged with, to repeat Mr. Chairman's
11 comments, the minimal variance needed.

12 MR. MACLEOD: Yes. So nine-foot-six, you
13 know, is a reasonable height. It is more of a
14 popular height these days than fifteen, twenty
15 years ago when eight feet was the standard which
16 seems very low to most houses now, and people who
17 are building new houses are doing major
18 renovations do usually request nine and a half,
19 even ten feet, if we can fit it in on some of the
20 structures. Usually we do drop down a little bit
21 in the second floor to scale it back a little bit,
22 and in this case we're dropping down one foot as
23 we go up the stairs.

24 MEMBER GOTTLIEB: So the second floor is
25 eight-foot-eight?

1 MR. MACLEOD: Eight-foot-six.

2 MEMBER GOTTLIEB: And the attic is seven foot?

3 MR. MACLEOD: The attic is seven feet clear
4 from the surface of the floor to the underside of
5 the flat ceiling joists. These numbers add up to
6 as you see on the plans 30 feet on an outside
7 dimension, and 30 feet is -- we understand 27 feet
8 is the combination roof factor. We're asking for
9 a variance of three feet.

10 MR. HOPKINS: I would also -- excuse me, if I
11 may for a moment. Historically, under similar
12 circumstances, the Board has looked at combination
13 roofs of 27 feet with dimensions that we're
14 talking about, the heights of the ceiling, and is
15 aware that these things factor into the design
16 aspect of what Mr. Macleod is trying to do to
17 accommodate this family. It's -- I hope it's not
18 that you have to go back to an eight-foot ceiling
19 on new construction. I don't know what, if any,
20 impact that would have on resale value of the
21 house down the road. I really, truthfully don't
22 know. I repeat, that historically on applications
23 similar to this a combination ceiling when 25 is
24 otherwise the maximum of 30 for a combination,
25 that you even allowed historically 30 feet with

1 heights of ceilings on the floors akin to what is
2 being proposed here.

3 MEMBER HENNER: The heights of the neighboring
4 property on that streetscape are they all the
5 same?

6 MR. MACLEOD: Very similar if you look at the
7 streetscape. The gutter lines are approximately
8 the same. We might be a few inches higher. But
9 the age of the houses on the street probably have
10 nine-foot ceilings. It was actually more popular
11 then.

12 MEMBER HENNER: So are those 30 feet?

13 MR. MACLEOD: To the ridge.

14 MR. HOPKINS: Yes.

15 MR. MACLEOD: To the ridges, yes. So we are
16 looking to match that height, and again, I know
17 you look at every project individually, but
18 historically 30 feet has been an acceptable number
19 for a few years for combination roofs and so that
20 is why we designed it in that fashion.

21 CHAIRMAN KEILSON: I think the emphasis should
22 be put on the fact that, as we said, we look at
23 each case unto itself because there are other
24 factors that go into it in terms of impact of the
25 neighbors and the like. So I don't think you can

1 say that as a rule we are guided by any one
2 standard other than certain maximums, and
3 certainly in a new construction situation where
4 there's a plethora of variance requests we have to
5 be fairly judicious to protect the situation. So
6 I think --

7 MR. MACLEOD: Can I?

8 CHAIRMAN KEILSON: Sure.

9 MR. MACLEOD: This type of a roof, although it
10 is referred to as a combination roof and has
11 certain code limitations put upon it, it does
12 actually give a better and less wall exposure than
13 a gabled roof. If we are allowed to have a
14 30-foot high gabled structure, which we are, and
15 we had gables, double gables even would be
16 permitted on each side of this, we would have a
17 30-foot high vertical stucco, brick, whatever the
18 material is, wall facing each and every neighbor.
19 Here, we're going up to a gutter line at around
20 21 feet and then we're angling away from that
21 property, and by doing that although it is a
22 combination roof with a stipulation of 27 feet, we
23 are actually giving them the advantage of better
24 than a gabled roof at 30 feet.

25 CHAIRMAN KEILSON: Except that in that

1 situation since it would be more egregious it
2 would be that the encroachments would not be
3 allowed, and therefore the impact would be
4 diminished. You are asking for an encroachment,
5 plus, so it's a recipe --

6 MR. MACLEOD: On the right side we're not
7 actually asking for an encroachment. We do have
8 15 feet.

9 CHAIRMAN KEILSON: But with the aggregate.

10 MR. HOPKINS: Yes, there's --

11 MR. MACLEOD: Again, comparing the aggregate
12 on the street, if we are trying to find a norm for
13 the street we have the largest aggregate on the
14 street.

15 CHAIRMAN KEILSON: By the same token, yours is
16 the deepest by far.

17 MR. MACLEOD: But it has the same width.

18 CHAIRMAN KEILSON: As I say --

19 MEMBER GOTTLIEB: So we're using certain
20 depths and widths to present a point or argue
21 another point.

22 MR. MACLEOD: I would think that's reasonable.

23 MEMBER GOTTLIEB: I wouldn't expect you to say
24 differently, okay.

25 MR. RYDER: Mr. Macleod, if I may, you have

1 nine-six, nine-foot-six inches on the first floor,
2 ten foot in the basement, eight-foot-eight inches,
3 correct me if my numbers are wrong, on the second
4 floor, seven feet in the attic. The height, yes,
5 each application is interpreted differently, you
6 know, based on the merits of its own individual
7 application. Here, because you're going out so
8 far in the back, that that long -- that height
9 continues that much further. So the idea here,
10 and I'm not speaking for the Board, is if you
11 bring it down to -- not 27, but if you bring it
12 down it will be that much more of a wall effect to
13 the neighboring properties.

14 MR. MACLEOD: The wall effect is still -- is
15 related to the room heights. When we get to the
16 ceiling that's where the gutter is approximately
17 in that location. So if we were to say what is
18 the way to reduce the height of this building?
19 Well, we could take a slice off the top and reduce
20 it by a few inches or a foot perhaps. That in
21 itself is going to change the number from 30 to
22 perhaps 29. It's not really going to change the
23 height of the gutter because the gutter remains in
24 its place as a result of how we build houses. The
25 roof rafters sit on top of the walls. And the

1 second floor wall is at a certain height. So in
2 order to lower the gutter height we would have to
3 actually chop out of each one of these
4 floor-to-ceiling heights.

5 And now we can reduce -- you know, there's
6 ways to reduce a few inches here and there. We
7 could consider changing the structure of the
8 house. Instead of using 12-inch joists, we can
9 use 10-inch joists at closer centers and gain a
10 couple of inches between each floor. That's one
11 way to pick up a few inches through the height of
12 a building. Another one is to, as I said, take a
13 slice off the top and reduce the attic ceiling
14 height to say six and a half feet or
15 six-foot-four, just something that's still
16 walkable or usable, and we can use it for storage,
17 but not for living space obviously, but with those
18 inches together I could come up with a foot to
19 lower the height. So that's one way to get a
20 little closer to 27, but 27, if I take 27 feet and
21 put it on this house it is going to be a very
22 short mansard roof and it will take away from the
23 aesthetics considerably.

24 MR. RYDER: But two feet is possible?

25 MR. MACLEOD: One foot. One foot I think is

1 something I can do without losing the aesthetics
2 of the house and without making it look too short
3 for the street as well, because when you're
4 standing in the street you look up, the top line
5 you see. You don't see the flat roofs. You see
6 the angled roofing going up, you see the gables,
7 and if you make those too short and too squat it's
8 going to lose proportion. It's going to lose the
9 aesthetic feel from the street.

10 So I understand, you know, what the code is
11 and what we are trying to do, what you're trying
12 to approve or give approval for, short a house,
13 but I don't think it's an advantage for this house
14 to do so.

15 MEMBER HENNER: Can we move on to another
16 variance? Are we done with the height thing?

17 MEMBER GOTTLIEB: Let's go back to number one.

18 MEMBER HENNER: Can we go back to number one
19 for a second. I read your petition, and in terms
20 of the need, you know, I'm looking at number
21 eight: Petitioners recently purchased the
22 premises to accommodate their growing children
23 ages three, five and nine.

24 So I count a family of five at the moment, and
25 when I count bedrooms, and I don't like to count

1 bedrooms but it's there, it seems to me that it is
2 like in either the ten, eleven-bedroom range. Am
3 I miscounting or is it more?

4 MR. MACLEOD: We have master plus four on the
5 main level, on the main bedroom level.

6 MEMBER HENNER: I thought it was more than
7 that. I see master and five bedrooms. They're
8 just called bedrooms one through five. Master
9 bedroom and bedrooms one, two, three, four.

10 MR. MACLEOD: Yes, you're right. I'm sorry.

11 MEMBER HENNER: So I have six there.

12 MR. MACLEOD: You have master plus five, but
13 we have a young family with intention to --

14 MEMBER HENNER: I didn't finish counting.
15 Let's finish counting. I have six there. Then on
16 I think the floor below they have a guest room.

17 MR. MACLEOD: It's actually the library/study,
18 but it has the potential for perhaps a pull-out
19 couch in there if needed on occasion.

20 MEMBER HENNER: Below that I think is another
21 three bedrooms.

22 MR. MACLEOD: And those would be for
23 occasional guests.

24 MEMBER HENNER: It doesn't matter to me who
25 sleeps in it. But you're asking for -- you know,

1 why stop at ten? Why not put in fifteen? I mean,
2 at the end of the day, if you come to the Zoning
3 Board, and you've been here a million times,
4 Mr. Hopkins, a million times two tonight, and the
5 issue -- you know, it's kind of rare, I think
6 usually when somebody comes in, the applicant
7 comes in and asks for space for a growing family,
8 it's because either they're already there and
9 they've outgrown the house and you say, okay,
10 look, I've been here for fifteen years and I've
11 got lots more people living here than when we
12 first came here, so you can understand that.

13 Here, somebody recently purchased a house and
14 has a family of five. So, you know, you wouldn't
15 necessarily go out and buy a house with eleven
16 bedrooms. So here -- I mean, I don't think. Most
17 people buying -- you know a family of five doesn't
18 buy an eleven-bedroom house, but I could be wrong
19 on my thought process here. But over here to say
20 we have a growing family, at some point the people
21 who live there now, and I checked the ages a
22 little bit, at some point some of them are going
23 to be moving out. So sooner or later you don't
24 necessarily need eleven bedrooms there, and if --

25 MR. MACLEOD: Well, I think I disagree with

1 you on that.

2 MEMBER HENNER: Okay, let me just finish.

3 CHAIRMAN KEILSON: Let him finish.

4 MEMBER HENNER: The concept is if you're
5 coming here and part of this is to show a hardship
6 and a need, and I think if somebody landed from
7 Mars and just sat here and didn't know anybody,
8 didn't know anything, just hears there's a family
9 of five applying for a variance and needs almost a
10 ten percent variance on the square footage and is
11 asking for eleven bedrooms, and they only have
12 four being used right now, it seems like that
13 could be an area where somebody could say maybe
14 you could cut back on that so you don't need that
15 much extra variance space.

16 Do you know what I'm saying?

17 MR. MACLEOD: I understand what you're saying.

18 MEMBER HENNER: I'm trying to be objective.

19 MR. MACLEOD: I think that the number of
20 bedrooms in a new house, you have the opportunity
21 to plan for the future, and I can't speak for the
22 family, but they have three, they would like to
23 have more is what I'm told, and I hope they do.
24 And as far as the ages of the kids, moving out, as
25 soon as they move out they may be getting married

1 and coming back to live at home, or even not get
2 married but coming back and live at home.

3 MEMBER GOTTLIEB: So if let's say we're not
4 counting bedrooms, you have a 77-foot-wide
5 property, and I'm guessing this is about a 10,000
6 square foot house, when you add up the three
7 floors of living going through the attic, we don't
8 believe anyone will use that for living space.

9 MR. RYDER: Can't.

10 MEMBER GOTTLIEB: You need a shoehorn to fit
11 this into the property, and you've done it.
12 You've done a beautiful job, but you're still over
13 by 283 feet, and I think you can at least reduce
14 it by 283 feet, easily. Given the size of that
15 house and these -- just variance number one. We
16 can move on to variance two if you like.

17 CHAIRMAN KEILSON: Why don't you.

18 MR. MACLEOD: Let's do that.

19 MEMBER GOTTLIEB: You know what, we kind of
20 addressed the side-yard setbacks. You explained
21 that you're thirteen and a half on one side,
22 aggregate 28 and a half. We understand it's --
23 the side-yard setbacks don't account for the fact
24 that this is only a 77-foot wide property. So I
25 think we may have some -- I can live with some of

1 that for now. You mentioned you don't need a
2 two-car garage because you've got a 100-foot
3 driveway, which doesn't count towards surface
4 coverage if I'm not mistaken.

5 MR. MACLEOD: That's correct, yes.

6 MEMBER GOTTLIEB: So you have an extra 3,000
7 feet of surface coverage, which is a gift because
8 you've chosen to do a detached garage instead of
9 an attached garage. You're asking for a one-car
10 garage. It seems that no matter what the code is,
11 you're proposing it as this is what I want, I want
12 ten bedrooms, I want an extra 283 feet, I want a
13 one-car garage, I want it detached so you don't
14 include the driveway as part of my surface
15 coverage. It just doesn't seem to stop. This is
16 new construction. Whether you want to admit it's
17 new construction, maybe you should be more
18 stringent or not, this is not an existing family
19 that has outgrown a house, as Mr. Henner said. In
20 a word, it's just too much. It's seven variances
21 and it doesn't seem to matter what the code is,
22 you just put in whatever you could. I've got a
23 problem with the application.

24 MR. MACLEOD: I see that.

25 So the one-car garage, you know, this was a

1 request for a one-car garage to take up less
2 square footage so that we could have more living
3 space on the ground floor of the house, and that's
4 what it is. They would rather have a nicer sized
5 living room than an extra garage full of bicycles
6 and other things. So the one-car garage was
7 deemed enough of a storage space or enough for one
8 car in the winter.

9 MEMBER GOTTLIEB: There's no hardship for a
10 one-car versus a two-car garage. How do I tell
11 the next applicant coming in next month you have
12 to have a two-car garage? All of sudden is this
13 the new standard? And I know every application is
14 different. There's no hardship here. It's just I
15 want a bigger den, so I don't want a two-car
16 garage.

17 MR. HOPKINS: Well, if I may, the issue of the
18 garage, and Mr. Gottlieb, I do understand exactly
19 what you're driving at, but pardon the pun, in the
20 garage issues. But really, garages are designed
21 to be of assistance in getting vehicles off the
22 street and taking care of on-site -- forgive me,
23 taking care of vehicles being stowed or left back
24 on the street. To the extent that that's the
25 motivation of why codes are developed that you

1 have provisions for garages, and that's really the
2 motivation. They want the vehicles off the street
3 and onto your property. Preferably, they would be
4 warehoused in a garage when they are not in use,
5 but I think we all know from reality that garages
6 tend to become just major storage areas, as a
7 practical proposition. But to the extent that
8 what the code tries to do is get the vehicles off
9 the street and onto the property, the driveway
10 serves that particular purpose. It really and
11 truly does.

12 To the extent that you say there's no hardship
13 with regard to the garage, I'm not going to say
14 that your point is not well taken. I understand
15 what you're saying. Believe me, I do. But to the
16 extent that the request is to try to get the cars
17 off the street, we have addressed that with the
18 fact that we have a relatively long run of
19 driveway to accommodate. That's all I was trying
20 to point out in the petition. I'm not going to
21 argue with you too much, Mr. Gottlieb, whether or
22 not there is or is not per se a hardship vis-à-vis
23 the garage.

24 MEMBER HENNER: I think --

25 MR. HOPKINS: What I'm trying to show is that

1 given the garage does not aggravate anything with
2 regard to the reason for the garage when these
3 things originally came into the code 40, 50, 60
4 years ago and have been periodically revised.

5 MEMBER HENNER: I don't think that the point
6 was the garage per se and the parking per se. The
7 issue here is that by utilizing the variance for
8 the one-car garage it extrapolates into more
9 buildable square feet elsewhere.

10 MR. HOPKINS: That's why I didn't quibble too
11 much with Mr. Gottlieb. I understood his point.

12 MEMBER HENNER: Well, I want to reinforce
13 that, okay. And by doing that, so you know, so
14 it's like -- it's like double-dipping. On the one
15 hand you're getting the advantages; you're getting
16 the extra square footage by doing the
17 single-family garage -- the single-car garage. We
18 have a growing car family in my house. A
19 single-car garage, okay, you're getting the
20 benefit there, and then on top of that you're
21 asking for more square footage elsewhere, even
22 though you're getting the square footage by virtue
23 of the variance if it's granted for the garage.
24 So it's a double-dip and I think that's the issue.

25 MR. HOPKINS: I hear you clearly, and it's one

1 of the reasons I didn't quibble with Mr. Gottlieb.
2 Fully understood.

3 CHAIRMAN KEILSON: Any further questions from
4 the Board right now?

5 MEMBER GOTTLIEB: No.

6 CHAIRMAN KEILSON: We'd like to hear from the
7 audience, and then we can come back to discuss the
8 points that were raised. Is there anyone in the
9 audience that wants to speak to the matter?
10 Mr. Miller.

11 For the record, state your name and address.

12 MR. MILLER: Edward Miller, 58 Lord Avenue.

13 So as the adjacent neighbor who I think that
14 the --

15 CHAIRMAN KEILSON: You're to the south,
16 correct?

17 MR. MILLER: To the south. I think that the
18 Board has actually described what I was going to
19 describe, which is that our property becomes
20 walled in as a result of the within-code, legal
21 construction that the new owner is entitled to do.
22 It will dramatically alter our experience of our
23 property. It will not be what we moved to
24 Lawrence to live in.

25 The property on the south side of us, which

1 was grandfathered in, is built right up to the
2 property line, and it also extends from the very
3 front of our house all the way to the end of our
4 property. So we are about to have all wall all
5 the time.

6 So why am I here? I'm here because,
7 unfortunately, I think we could have worked this
8 out. I was only approached by the new owner on
9 Sunday, and I think that just with a little
10 thought some seemingly huge problems can be
11 resolved.

12 The reason we don't feel intruded by our
13 southern neighbor is because we put up trees. We
14 put up a screen which totally block the windows
15 above, and a fence that totally blocks the windows
16 below. So you don't change your clothes in front
17 of an open bedroom window on the second floor, but
18 by and large our experience of our backward
19 barbecue and stuff like that we feel like we have
20 privacy.

21 So with a little bit of thought and a little
22 bit, just a little bit of compliance with the
23 side-yard aggregate code, the same thing could
24 easily be done here. It just takes a little
25 consideration and thought.

1 Right now the plan calls for a driveway
2 running right up to the property line, and that's
3 because the hip bone is connected to the neck
4 bone, and if the house is moved just a little bit
5 to the right, just have that house coming a little
6 bit more to the right, then there's not enough
7 room to have the bay windows and the driveway. So
8 you end up with a situation where there's no room
9 for a two and a half foot or really three-foot
10 apron along the driveway next to the fence
11 separating our properties to plant the trees that
12 can provide the screening that the Augenbaums are
13 going to want, okay, because I'm sure we're going
14 to get along. We've gotten along so far, but
15 we're not going to be wanting to look at each
16 other, you know, all day, every day, and the trees
17 will do that but only if they have a place to
18 grow.

19 Now, there's a fantastic Hollyberry, I think
20 it's actually called a mistletoe tree. It's an
21 evergreen, it's there year-round. It's huge; it
22 blocks out two full panels of bedroom windows.
23 It's coming down for the driveway. It's coming
24 down. But it takes a few years, and hopefully as
25 good neighbors we'll figure out how to get some

1 good screening in there.

2 But the Board has to give us the space to work
3 it out between ourselves, and really the way to do
4 that is to be very careful in how the variance is
5 granted. I'm not saying don't grant these people
6 variances on the side lot. They bought a thin
7 property. They want a big house. It's not a
8 hardship. God bless them, they want a big house,
9 let's help them get a big, nice house. They have
10 a big, nice family, but let's give them what they
11 could at most reasonably expect.

12 They knew the code when they bought it. The
13 code calls for a 35-foot aggregate. Could they
14 reasonably have expected a variance? I think so.
15 A little bit. Maybe to the extent of the existing
16 structure. The existing structure is out of code.
17 If they knock it down and replace it, I'm telling
18 the Board, I'm asking the Board, to give them a
19 bit of a variance on the aggregate, but don't let
20 them pull that house any closer to mine. I'm
21 going to be faced with a wall all day, every day
22 until those beautiful trees the Augenbaums are
23 going to plant hopefully come in, but don't bring
24 the house even closer.

25 So I don't know if the Board could, but if

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1 they could grant a variance in a form where it
2 says that the side of the house cannot be moved
3 from its present footprint. Now, it's just one
4 little addition that comes out and that's the
5 width they want for the whole Wailing Wall effect
6 that we're going to have, give it to them. But
7 don't give them more than what the present
8 blueprint is. That is, to us, to my family, that
9 is by far the most important point that we can
10 make tonight, and I don't think it's often that
11 you have an adjacent owner who hasn't really been
12 consulted coming in and asking for a variance on
13 the part of the homeowner. But I'm asking you to
14 limit it so that we can have enough room, because
15 we -- actually, me and Mr. Augenbaum were out with
16 a tape measure and it was just last night, the
17 night before -- last night, me with a coat and him
18 without, and there just isn't time to assimilate
19 all the information. But I know one thing. If
20 you keep the house on its present footprint as far
21 as the width goes, we're going to work it out.
22 It's going to be okay and it's going to be a lot
23 better than I thought because there is a solution,
24 and the solution was something that really came up
25 just sitting down and trying to figure it out.

1 CHAIRMAN KEILSON: You understand the fact
2 that it would have to be moved closer to the
3 neighbor to the north?

4 MR. MILLER: No. If it remains on the present
5 blueprint.

6 CHAIRMAN KEILSON: It would be in the same
7 location as it presently is in as under the
8 proposed. Under the proposed the house is being
9 moved a little more central so it's impacting by
10 one foot on your side and it's improving the side
11 yard on the --

12 MR. MILLER: I think that I would -- I would
13 really dig in on that point and say these folks
14 can legally build a 6,000 square foot home. They
15 can figure out how to house everybody nice and
16 cozy without bringing that whole thing a foot
17 closer to us. We're going to be close enough.

18 MEMBER GOTTLIEB: Before you disappear,
19 Mr. Miller, I'm sorry, I know they have more, but
20 I just have a question as to what you said. What
21 is the distance now between your property line and
22 the existing house?

23 MR. MILLER: Okay. The distance -- all we
24 measured last night was from the property to the
25 fence, which has been up there for over twenty

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1 years, and that is sixteen-foot-three, I believe,
2 three inches, sixteen foot three inches, I think.

3 MEMBER HENNER: That's a foot and a half over.

4 MEMBER GOTTLIEB: That wasn't on the --
5 there's a -- what do we call this?

6 MEMBER SCHRECK: Streetscape.

7 MEMBER GOTTLIEB: That wasn't on the
8 streetscape indicating the distance.

9 MR. MILLER: And the point I'm making is that
10 the aggregate is something which is real. That's
11 a part of the law, and in this case there's --
12 yes, there's a quirk in the law that allows
13 legally the construction of an overpowering, two
14 times the size of my house, house right next to me
15 because of the length of the lot. So that quirk
16 in the law allows the purpose of the code to be
17 somewhat defeated, and then we are going to get
18 some overbuilding from our perspective.
19 Certainly, if you came to our house you would feel
20 more like you're in Brooklyn than in Lawrence
21 given the proximity and size and lack of the
22 visibility, other than the adjacent walls, but
23 let's -- I don't want to say compensate for that.
24 I just -- you know, I wanted to mention it, but
25 I'm just asking for the -- I'm not even asking for

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1 the law to be enforced because that would require
2 35 foot which would require over -- over 25 feet
3 or, I'm sorry, well over 20 feet on my side and
4 I'm not asking for that.

5 But just on that point about asking for the
6 law to be enforced, we live next-door to the house
7 and it's very good that someone is buying it and
8 the blight is being removed. The blight doesn't
9 have to be removed with a 6,000 square foot house;
10 a 3,000 square foot house will remove the blight.
11 So I don't think that should really play a big
12 role.

13 I wanted to mention that for years we called
14 the Village when our kids were growing up, there's
15 raccoons in that house for over 25 years, and the
16 Village was never able to figure out a way via our
17 tax dollars to help us with the problem of raccoon
18 infestations. So my kids grew up afraid to go out
19 the side of the house at night. And I got
20 surprised by some raccoons under the car by myself
21 a few times over the years.

22 MEMBER HENNER: There was a growing raccoon
23 family, I understand.

24 MR. MILLER: Bigger than any human family and
25 they got enough room in a 3,000 square foot

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1 facility. But we're just asking now for the
2 Village to, you know, to apply the law somewhat.

3 MEMBER HENNER: Can I ask you a question?

4 MR. MILLER: Yeah.

5 MEMBER HENNER: It's actually for any of the
6 participants.

7 CHAIRMAN KEILSON: No, no, no.

8 MEMBER HENNER: Okay. The driveway that's --
9 at the moment, is the driveway going to the house
10 on the other side of the house?

11 MR. RYDER: Yes.

12 MEMBER HENNER: Right now? So there's an
13 existing garage not next to you, it's on the other
14 side?

15 MR. MILLER: Yes.

16 MEMBER HENNER: And the driveway is on the
17 other side.

18 MR. MILLER: We're getting a lot of stuff on
19 my side.

20 MEMBER HENNER: I was just curious. I'll
21 address it to you, but if somebody else knows the
22 answer, feel free to interrupt. Is there -- was
23 there a reason why the driveway is being moved to
24 your side, so to speak, as opposed to the
25 existing?

1 CHAIRMAN KEILSON: Mr. Miller, I think we'll
2 address that.

3 MR. MILLER: I wish it wasn't. I mean, we
4 don't want to be -- we would like a yard between
5 us so that we could at least, you know, have
6 trees, and what I'm trying to actually do is
7 compensating for the fact that there's a driveway
8 being moved to our side of the house which is
9 going to rip out the trees that presently shield
10 it, and again, the mention of they're just moving
11 it a foot over, I believe is something that is not
12 going to be a good basis for a ruling from the
13 Board. I think it has to be very clear that it
14 remains the footprint on our side, that that
15 footprint cannot be moved. So rather than talking
16 about feet, because my read of the map is that
17 there's something way off.

18 In other words, the blueprint shows a 10-foot
19 driveway, it shows a bay window with inches
20 between it and the driveway and it shows it
21 hugging the property line. Yet last night when we
22 measured to the fence that's been up there for 20
23 years, it was 16 and a half feet from the property
24 line and there's a good three feet more up to the
25 official property line. So from the footprint,

1 they should not be allowed to deviate from the
2 footprint, and unless that's clear I believe that
3 we could have future misunderstandings and serious
4 ones.

5 CHAIRMAN KEILSON: Okay, anything further?

6 MR. MILLER: On the -- on the height of the
7 roof -- you know, I don't understand all the
8 discussion. All I know is that our houses on the
9 block have the arched roofs and they're 30 at the
10 peak, and anything that's going to exceed the
11 code, I assume the code was not written by silly
12 people. It's going to be felt on the ground.
13 We're on the ground. We're right next to that
14 wall. It will become more massive, more
15 overpowering. It will block out the sun more, and
16 an arched roof simply complying with the code, at
17 least, you know, we can see some light up there,
18 and I've got to say and I don't want to be rude,
19 but I don't know what a family would be storing in
20 a storage space on a third floor that requires
21 7-foot-high ceilings, and I think the code isn't
22 silly and that's why it says if you're going to
23 build a flat roof it's 27. That's there in part
24 to discourage people from building seven-foot tall
25 ceilings in a third floor which could easily be

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1 converted into living space. And I don't think
2 the Board should be in the practice of saying,
3 well, the Augenbaums are nice people and we take
4 them at their word, they would never do that. And
5 let's say they are, not everybody is, and the code
6 has to be enforced equally, and this is a place
7 where it really is important if you want to keep
8 the third-floor rule.

9 MR. RYDER: Mr. Miller, I just want to address
10 that. The third floor by New York State
11 residential code requirements says that if they
12 were to finish it, that it would, one, need a
13 variance from the state and they would have to
14 sprinkler the entire building. I just wanted to
15 put that on the record.

16 MEMBER GOTTLIEB: Mr. Ryder, that would happen
17 if someone was to apply for a permit to do that
18 type of work, right?

19 MR. RYDER: Correct.

20 CHAIRMAN KEILSON: Have you had recent
21 applications for third floors?

22 MR. RYDER: I've had one or two, yes.

23 MR. MILLER: Anyway, I think I took enough of
24 your time, and I appreciate it. The bottom line
25 is the new buyers knew what they were buying.

1 They knew the code when they bought it. There's
2 no hardship, thank God, here. They want more.
3 They want to build it bigger, and I think it's
4 more than big enough. As a matter of fact, from
5 where we're going to be sitting it's way too big
6 under what the code presently permits.

7 CHAIRMAN KEILSON: Thank you very much.

8 MR. MILLER: Thank you.

9 CHAIRMAN KEILSON: Does anyone else in the
10 audience want to speak to the matter? Please step
11 forward. Please identify yourself for the record.

12 MR. JACOBOWITZ: Michael Jacobowitz, 72 Lord
13 Avenue. Rather than take up anyone's time for any
14 more --

15 CHAIRMAN KEILSON: No problem.

16 MR. JACOBOWITZ: I once upon a time sat before
17 this Board asking for variances myself, and at
18 that point in time I only had three kids and I
19 went for the minimal amount of rooms that I
20 thought that I needed, and it was a mistake.
21 Honestly, three rooms suddenly can become four
22 rooms, five rooms, six rooms, seven rooms, maybe
23 even ten rooms; it happens.

24 You guys have really enough in front of you in
25 terms of all the technical pieces, but when you

1 started on the ten rooms, look, we're all getting
2 older. We have our parents, we have our in-laws,
3 some of us have grandparents. People want to come
4 over the house, and ten rooms, it sounds like a
5 lot, but it gets filled very, very quickly. My
6 grandmother used to say, you know what, you should
7 fill up all the rooms. And ultimately, we
8 personally have filled up all of our rooms, and in
9 those days we probably should have asked for more.
10 So I can definitely understand the Augenbaums
11 asking for ten rooms. I understand Mr. Miller
12 having difficulty with certain things. But I
13 think that on the ten rooms that would be
14 something that would be a mistake if they're
15 building a new house if they weren't accommodated
16 for. In terms of --

17 CHAIRMAN KEILSON: Just to clarify, I think
18 that they're using the ten rooms to give a sense
19 of the scope of the project. They're really
20 talking about the 283 square feet in excess, plus
21 the garage that's being manipulated in order to
22 give more.

23 MR. JACOBOWITZ: Absolutely. And I'm sure
24 your team will figure out a way to accommodate for
25 the ten rooms, or maybe one garage or two. But

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1 coming from someone that didn't ask for enough, I
2 understand why they need that.

3 MR. RYDER: If I may, you can also go file a
4 building permit for an addition.

5 MR. JACOBOWITZ: By the way, that's really
6 what I was looking for. I appreciate it. Have a
7 good night.

8 Finally, the house as it stands, and I think
9 Ed will agree, has been a disaster. There are
10 more raccoons than there are children in all of
11 our families together, and we look forward to the
12 house being built and, hopefully, it will be built
13 quickly because the agony has been worse than the
14 building I think in terms of this taking its time.
15 So hopefully, it will give these guys what they
16 need within the due process that matters.

17 CHAIRMAN KEILSON: Before you step away, you
18 can understand the impact of Mr. Miller's request,
19 that the house will be --

20 MR. JACOBOWITZ: I will leave that between
21 Mr. Miller and you guys.

22 CHAIRMAN KEILSON: Let me finish, let me
23 finish. He's asking that the house be moved
24 further towards you, in effect.

25 MR. JACOBOWITZ: Well, what Mr. Miller

1 actually asked was that the house not be -- the
2 house not be touched in its width at all. He
3 really is -- you know, what he platformed and
4 grandstanded, and what the Chairman had really
5 felt that he was asking was that it should be
6 moved towards -- towards us.

7 CHAIRMAN KEILSON: It should be moved to the
8 old footprint. The old footprint would be closer
9 to your property.

10 MR. JACOBOWITZ: Correct.

11 CHAIRMAN KEILSON: I just want you to
12 understand.

13 MR. JACOBOWITZ: Understood. And again, I
14 figure that ultimately the decisions that are
15 going to be made are going to be made, but I
16 wanted to -- in terms of the space that they need,
17 I understand that the space that they need is what
18 they need, and I understand what Mr. Miller's
19 concern is, and I understand what Mr. Augenbaum's
20 concern is.

21 CHAIRMAN KEILSON: Well, Mr. Miller wouldn't
22 mind if they moved it another three feet to your
23 property.

24 MR. JACOBOWITZ: Yes, and he wouldn't mind if
25 the driveway was in your driveway, we heard.

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1 MEMBER GOTTLIEB: Maybe you wouldn't have an
2 opposition if the driveway was left on your side.

3 MR. JACOBOWITZ: No, honestly, if they were
4 able to rework it and the driveway was on my side,
5 I have to thank the Augenbaums, they have given me
6 a driveway for the last several months, and I
7 wanted to find out if adverse possession, I've
8 been open and notorious and my car has been there
9 for at least the last twelve or thirteen years and
10 so if this doesn't quite work out I think that
11 it's mine. Anyway, thank you very much.

12 CHAIRMAN KEILSON: Thank you very much.

13 Mr. Hopkins, Mr. Macleod.

14 MR. HOPKINS: Yes, sir.

15 CHAIRMAN KEILSON: I think you have heard a
16 great deal.

17 MR. HOPKINS: I did hear a great deal.
18 Mr. Chairman, some of the things --

19 CHAIRMAN KEILSON: Would you like us to take a
20 break for a short while so you can caucus?

21 MR. HOPKINS: What I want to discuss with you
22 is to see whether or not this is something that
23 might be fruitful, as a practical proposition,
24 because I think we can address some of the issues
25 raised by Mr. Miller without -- but I don't know

1 that we can -- I don't know that we can get to a
2 point where it addresses everything, but it seems
3 to me that the single most critical thing from his
4 perspective, and Mr. Miller, please feel free to
5 correct me if I'm wrong --

6 CHAIRMAN KEILSON: No, don't, please.

7 MR. HOPKINS: With the Chair's permission.

8 CHAIRMAN KEILSON: Everything is directed to
9 the Chair.

10 MR. HOPKINS: If we were to move the footprint
11 on the Millers' side of the house --

12 MR. MACLEOD: Shall I explain it?

13 MR. HOPKINS: Please, about a foot or so.

14 MR. MACLEOD: Okay, so what we are proposing
15 to alleviate Mr. Miller's concerns is to actually
16 and also to reduce the square footage by at least
17 two percent is if we do narrow the house by about
18 a foot or 14 inches, that will bring us back --
19 according to the survey, that will bring us back
20 to the existing footprint of the existing house.
21 And it will not get any closer to the other
22 neighbor on the north, number 72. It will be
23 maintained at 13 and a half. We're actually going
24 to reduce the width of the house by one foot,
25 let's say 14 inches, to meet the footprint that

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1 Mr. Miller is referring to, and that would -- that
2 would be something that I think might make the
3 neighbor a little happier, as well as reducing the
4 square footage of the house. The house has a
5 length to it and by the time you take 14 inches of
6 that it's probably a little over two percent by
7 cutting that one-foot slice down through the
8 house.

9 MEMBER GOTTLIEB: So what would the total
10 reduction or overage in square footage be?

11 MR. MACLEOD: We would then be reducing that
12 by about 70 square feet by doing that 14-inch
13 slice.

14 MEMBER GOTTLIEB: So you're at a hundred and
15 -- rather 200.

16 CHAIRMAN KEILSON: 213.

17 MEMBER GOTTLIEB: 213 over.

18 MEMBER HENNER: What about the question of the
19 driveway, why it's on this side, why you're moving
20 it from one side to the other. Does it have to be
21 moved?

22 MR. MACLEOD: There wasn't much room on the
23 left-hand side. If you look at that eleven and a
24 half feet that was there, now it's 13 and a half
25 proposed, but we started off with putting the

1 driveway on a more or less restricted side of the
2 house.

3 MEMBER HENNER: Does it impact on the design
4 of the house if the driveway stayed where it is?

5 MR. MACLEOD: Well, we would have to shift the
6 whole design 180 degrees to have the kitchen and
7 everything else on the other side because there is
8 a side entrance off that driveway coming into a
9 mudroom and there is a relational --

10 MEMBER HENNER: It would be closer to his car.
11 Mr. Jacobowitz would be happier. No problem.

12 MR. BALTER: I just have a question.

13 CHAIRMAN KEILSON: Mr. Balter, I'm sorry, I'll
14 let you talk. Let's just --

15 MR. BALTER: It's a question.

16 CHAIRMAN KEILSON: In a moment. In a moment.
17 So again, let's go item by item.

18 MR. MACLEOD: So to -- we would suggest
19 putting the house footprint at 16.2 feet from the
20 property line as illustrated on the survey,
21 prepared by Perfect Point. This is a survey of
22 the existing conditions. And we're currently
23 requesting -- the plans request 15 feet. We're
24 suggesting 16.2 feet, which would be a 14-inch
25 reduction in the size of the house from the

1 right-hand side.

2 Now, there are other things that I can do in
3 terms of trying to reduce the square footage
4 slightly more. I'd like to discuss that with my
5 clients.

6 CHAIRMAN KEILSON: We'll give you time for
7 that. I think you have to take into account the
8 discussion of the garage. We just can't
9 willy-nilly ignore the fact that you're cutting
10 down to a single garage which gives you the
11 liberty to, you know, to put your square footage
12 elsewhere. So I think that has to be taken into
13 account. The other thing is the discussion about
14 the height. Depending on where --

15 MR. MACLEOD: Again, the height, as I
16 expressed before, I can lose a foot out of the
17 height.

18 CHAIRMAN KEILSON: I'll tell you what, rather
19 than do it piecemeal, if you would like to take
20 each of the points, in fact let's just make a
21 quick list of the points which really mirror the
22 requested variances. You have the building
23 coverage.

24 MR. MACLEOD: Building coverage is currently
25 8.9 percent overage.

1 CHAIRMAN KEILSON: Whatever, it's 283 square
2 feet. What you're going to do to mitigate that.
3 You have the discussion about the side yard, we
4 already discussed, but you'll address that, moving
5 it over to accommodate Mr. Miller. The question
6 of the garage and possibly flipping the driveway.
7 Again, I don't know how one thing is tied to the
8 other. The height of the roof and what we could
9 do to mitigate it. So again, assist Mr. Miller.
10 Dormers we have no issue with. Screening we
11 discussed with moving of the house, there will be
12 no issue putting in the screen to accommodate. Is
13 there anything else we didn't mention?

14 MR. RYDER: Glazed windows.

15 CHAIRMAN KEILSON: I think that, you know, not
16 for now, but glazed windows should be discussed in
17 order to give the privacy. Mr. Schreck, anything?

18 I'd just like to give courtesy to Mr. Balter
19 who is here. He wanted to ask a question.
20 Identify yourself for the record.

21 MR. BALTER: Howard Balter. I live at
22 268 Pearsall Place.

23 CHAIRMAN KEILSON: Please.

24 MR. BALTER: So the question is in terms of
25 the height of the house, the shadow study does

1 show that it will have no impact on the light for
2 the neighbors. What did the shadow study show?

3 MR. MACLEOD: It did illustrate that the
4 shadow it moves around the house, obviously, and
5 it's longer at different times of the year, but it
6 has no impact on the house to the south,
7 Mr. Miller's house, and in the summer when we are
8 at our warmest temperatures the shadow is very
9 close to the house, the sun is very high in the
10 sky and it does not impact the neighbor to the
11 north's backyard.

12 MR. BALTER: So if we lowered the house from
13 30 at all would that give more light to the
14 neighbors if we lowered the house?

15 MR. MACLEOD: It would have no impact I would
16 say.

17 MR. BALTER: My other question was the
18 driveway, to move the driveway from the left to
19 the right, is that within code? That's not a
20 variance. If we wanted to by code, we could move
21 it to the right, correct?

22 MR. MACLEOD: Yes, yes.

23 CHAIRMAN KEILSON: Okay. All right, so you
24 know what's before you.

25 MR. HOPKINS: Yes, if you would be kind enough

1 to accommodate us for five minutes.

2 CHAIRMAN KEILSON: We're going to hang out
3 here till all hours, whatever is necessary.

4 Off the record.

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

7 CHAIRMAN KEILSON: Back on the record.

8 MR. HOPKINS: Mr. Chairman, I hope what we are
9 going to say would meet with the approval of the
10 Board. What we would propose to do is on -- I'll
11 just quote the Millers' side of the house, the
12 Millers' side of the property. We're going to
13 move that back 14 inches from the property line as
14 Mr. Macleod has previously stated.

15 CHAIRMAN KEILSON: Fourteen inches?

16 MR. HOPKINS: Fourteen inches more than what
17 we have already proposed from the property line.

18 MR. MACLEOD: The number will be 16.2 feet set
19 back from the right-hand property line.

20 MR. HOPKINS: That's number one.

21 MR. MACLEOD: Which matches the existing.

22 MEMBER HENNER: Do you have a copy of the
23 survey? I have it too. I'm told, and I haven't
24 done this, that the 16.2 that's on the survey
25 right now, okay, that that's actually the distance

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1 between the house and the fence, not the distance
2 between the house and property line. Am I hearing
3 that correct?

4 MR. MACLEOD: You may be hearing it, but the
5 certified survey shows it's 16.2 feet to the
6 property line.

7 MEMBER HENNER: I'd appreciate it if you could
8 ask your clients, because I was told he was part
9 of a measurement that measured 16.2 to the fence.

10 MR. AUGENBAUM: The measurement last night --

11 CHAIRMAN KEILSON: Could you please identify
12 yourself for the record.

13 MR. AUGENBAUM: Nachum Augenbaum, 1024 Reads
14 Lane, hopefully 64 Lord in the future. We
15 measured last night. It was 13.8 from the house
16 to the fence.

17 MEMBER HENNER: Okay.

18 MR. HOPKINS: If you take notice on the survey
19 that calculates perfectly to what the survey
20 shows.

21 CHAIRMAN KEILSON: Fine, okay. So back again
22 on the record. In terms of 16.2 from the
23 right-hand property line.

24 MR. HOPKINS: That is correct. And to the
25 rear of the house, John, tell them how much

1 proposed.

2 MR. MACLEOD: So we also are proposing to
3 reduce the depth of the house by two feet which
4 will give a further reduction of two percent --
5 which will be 96 square feet which represents a
6 little over two percent. We'll also remove the
7 front covered porch which represents another
8 approximately two percent. We would be reducing
9 the footprint of the house by overall by six
10 percent from the proposed submission today.

11 MEMBER GOTTLIEB: What's the square footage
12 number that you're reducing it to?

13 MR. MACLEOD: So we would be reducing it down
14 to leave remaining --

15 MR. RYDER: Two percent. Two percent and
16 total overage of 96 square feet.

17 MR. MACLEOD: So we will be requesting an
18 overage of two percent which represents 64 square
19 feet.

20 MR. HOPKINS: Mr. Chairman, the --

21 CHAIRMAN KEILSON: Let's continue.

22 MR. HOPKINS: What we're going to do with
23 regard to the issue of privacy on the Miller's
24 side, the windows that seem to be a problem will
25 be glazed in such a way as to eliminate the risk

1 of any privacy concerns that Mr. Miller may have.
2 We are requesting that the single-car garage
3 remain. And I can't think of anything.

4 MEMBER HENNER: What was the last thing about
5 the garage?

6 MR. HOPKINS: We are requesting that the
7 single-car garage as proposed remain. So I think
8 that covers everything.

9 CHAIRMAN KEILSON: Height?

10 MR. MACLEOD: And the height we will reduce
11 the height in the storage attic space to
12 six-foot-six.

13 MEMBER GOTTLIEB: Which makes a roof line of?

14 MR. MACLEOD: Leaving the roof line at 30
15 feet.

16 MEMBER GOTTLIEB: So that doesn't change.

17 MR. RYDER: If I may.

18 MR. MACLEOD: I misunderstood something.

19 MR. RYDER: The third-floor attic area as the
20 plans are submitted it's an unfinished area. It's
21 at a ceiling height that could be used for
22 habitable space. He's going to reduce that to a
23 six foot six inch height which makes it
24 uninhabitable.

25 CHAIRMAN KEILSON: That wasn't the goal.

1 MEMBER GOTTLIEB: How do you make it six-six
2 without reducing the roof height?

3 MR. RYDER: Framing on the inside, you fur it
4 out.

5 MEMBER SCHRECK: How does that satisfy the
6 issues with the height?

7 MEMBER GOTTLIEB: Mr. Miller had a height
8 issue.

9 CHAIRMAN KEILSON: Mr. Macleod had indicated
10 there's a possibility of reducing the height by a
11 foot or so.

12 MR. HOPKINS: Not a foot, Mr. Chairman, but if
13 you're talking about six inches, we had discussed,
14 quite frankly, doing it internally to render the
15 space virtually uninhabitable.

16 CHAIRMAN KEILSON: That wasn't the issue.

17 MR. HOPKINS: I understand, Mr. Chairman.
18 We're sorry, we misunderstood.

19 MR. RYDER: And you know, I maybe didn't get
20 that message clear, so I'm sorry to the Board.

21 MR. HOPKINS: So but if we reduced that attic
22 height from seven down to six feet six inches, the
23 roof will come down from 30 to 29 feet six inches.

24 CHAIRMAN KEILSON: We're getting different
25 messages. I like talking to the architect on

1 that.

2 MR. MACLEOD: We would propose to reduce the
3 height of the building by six inches to
4 29-foot-six, and at the same time that would
5 result in reducing the ceiling height in the attic
6 space to six-foot-six.

7 CHAIRMAN KEILSON: Okay. So let's just go
8 through the list again, okay. 16.2 feet from the
9 right-hand property line. Reduction of the excess
10 building coverage will be two percent, equating to
11 64 square feet. Glazed windows in the windows
12 that overlook Mr. Miller's property. Single-car
13 garage. Reducing the height of the building to 29
14 feet six inches. Screening in terms of along the
15 property line, what we were discussing?

16 MR. HOPKINS: Well, what we proposed was for
17 the privacy that was of concern was that due to
18 the glazing of the windows so that there wouldn't
19 be any privacy issue, that's what we're proposing.

20 CHAIRMAN KEILSON: We discussed --

21 MR. RYDER: I did, I discussed it with
22 Mr. Macleod. You said the feasibility is just not
23 there for the plantings?

24 MR. MACLEOD: Can I just talk to my client for
25 one second, please?

1 CHAIRMAN KEILSON: Please. I think it's an
2 important point.

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

5 MR. HOPKINS: Just so if I make a mistake,
6 John, just correct me. I apologize. What we
7 would propose to do is on the property line on the
8 Millers' side is to install a six-foot fence for
9 how long?

10 MR. MACLEOD: Screening between the houses.

11 MR. HOPKINS: So it would basically run from a
12 point beginning approximately --

13 MR. MACLEOD: From the front of our house all
14 the way to the rear.

15 MR. HOPKINS: I'm being told from the front of
16 the house as proposed, literally to the rear of
17 the property on the Miller side.

18 CHAIRMAN KEILSON: We're not in a position to
19 do that. That's against code.

20 MR. RYDER: Board of Building Design
21 guidelines permits a maximum five-foot fence.

22 MR. HOPKINS: All right, so we'll do a
23 proposed five-foot fence.

24 MEMBER HENNER: I thought the issue was bushes
25 or trees or whatever it was so one is not looking

1 at that whole side of the house there. Wasn't
2 that the discussion or am I missing it?

3 MR. HOPKINS: I thought the issue was
4 primarily one of privacy and concerns with regard
5 to privacy with the use of the house to the rear,
6 of the property to the rear. Please excuse me.
7 But I don't think there's any room, as a practical
8 proposition, to put up that which you're
9 discussing. There's physically no room.

10 MEMBER HENNER: That fence that's showing up
11 there now is coming down, so there is a wooden
12 fence.

13 MR. HOPKINS: It's anticipated that the fence
14 is coming down. So what the architect,
15 Mr. Macleod, is suggesting is perhaps if we put a
16 bed that's raised two feet. I don't know if it's
17 two feet wider, whatever it may be. And then
18 seeing if you could squeeze it in there.

19 CHAIRMAN KEILSON: I think it's important.

20 MR. MACLEOD: Yes, we will provide a two-foot
21 planting bed along the side of the driveway right
22 on the property line and put evergreens for
23 screening.

24 MEMBER GOTTLIEB: Two-foot planting bed and
25 the fence?

1 MR. HOPKINS: No, no, no.

2 CHAIRMAN KEILSON: No.

3 MEMBER GOTTLIEB: Because then there's no room
4 to grow, that's why I asked.

5 MR. HOPKINS: That's why the fence has to come
6 down and no new fence put up. There just wouldn't
7 be enough room.

8 CHAIRMAN KEILSON: Okay. I just want to wait
9 for Mr. Ryder to return so we can summarize.

10 Mr. Miller, do you want to comment?

11 MR. MILLER: Yeah. The issue of the fence and
12 that it's coming down and how to deal with this, I
13 just -- I don't think that it can be properly
14 resolved tonight. I think it's something that has
15 to be discussed.

16 As far as the fence coming down, it's been
17 there over twenty years, and I've researched it.
18 I spoke with Yuri Kaplan, the owner, and he told
19 the prospective buyers, he showed them the law of
20 the case that all I have to do is go to court and
21 get a declaratory judgment.

22 And when I spoke to Mr. Balter also at the
23 outset I referred him to that law. So you know,
24 and by the way, when I bought the house, the
25 actual driveway is over the property line so it's

1 -- it's not a -- it's not a weak case for --

2 MEMBER HENNER: Whose actual property?

3 MR. MILLER: My driveway is over their
4 property line, so if they're talking about that
5 we're going to solve the property -- the privacy
6 issue by bringing down the fence, they're just
7 going to be -- it's going to create havoc with
8 that.

9 CHAIRMAN KEILSON: How high is the fence? How
10 high is the fence?

11 MR. MILLER: I don't know. I don't know the
12 footage.

13 MEMBER SCHRECK: Approximately.

14 CHAIRMAN KEILSON: Approximately.

15 MR. MILLER: Five foot five and a half.

16 MEMBER HENNER: What's on your side of the
17 fence, the driveway?

18 MR. MILLER: Driveway.

19 MEMBER HENNER: You're saying that the
20 driveway encroaches on their property?

21 MR. MILLER: That property is over the
22 property line when I bought it, and under the law
23 if I went to court for a declaratory judgment I
24 would get it.

25 MEMBER HENNER: You have to prove adverse

1 possession.

2 MR. MILLER: Yeah. But it was before the new
3 law came in. So what I'm saying is that we need
4 more time to sit down and talk. I was first
5 approached by the new buyer, the Augenbaums,
6 Sunday night, and it's simply too much information
7 to process and discuss.

8 CHAIRMAN KEILSON: Is it the intention to take
9 down the fence?

10 MR. HOPKINS: As I understand it, that fence
11 is on the property of the Augenbaums. And yes, I
12 had mentioned before the intention is to take down
13 the fence. It's not going to be left standing, as
14 a practical proposition.

15 MR. MILLER: I would go straight for an
16 injunction. I was trying to avoid this whole --

17 MR. HOPKINS: Mr. Chairman, the issue of
18 whether there is or there is not an adverse
19 possession, is not -- really is not for the
20 consideration of this Board. The Board operates
21 off the property lines. We have surveys clearly
22 showing that the fence is located 2.5 feet west of
23 the property line. Everybody knows where the
24 property line is. So that's all you can --

25 CHAIRMAN KEILSON: Done. Mr. Gray.

1 MR. GRAY: Sir.

2 CHAIRMAN KEILSON: Can we just caucus for a
3 moment?

4 MR. GRAY: Sure.

5 CHAIRMAN KEILSON: Off the record.

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

8 CHAIRMAN KEILSON: What are you proposing?
9 Let's go back to the screening.

10 MR. MACLEOD: We propose planting Leyland
11 cypresses along the property line.

12 MR. GRAY: Just for clarification, it wasn't a
13 planter box. It was a planting bed.

14 MR. MACLEOD: Planting bed, an area to plant
15 trees in.

16 MR. RYDER: What is the height, John, excuse,
17 me, Mr. Macleod, on the Leyland cypresses?

18 MR. MACLEOD: We would probably start off with
19 perhaps 9 foot high and let them grow.

20 MR. RYDER: Thank you.

21 CHAIRMAN KEILSON: Okay. So Mr. Miller, any
22 further comment right now?

23 MR. MILLER: Yeah. It's not a viable
24 solution, because if, as I heard today, they
25 intend to take down the fence, I would immediately

1 go and seek an injunction to prevent the fence
2 from coming down. The way, just to explain, the
3 way it is, the reason I would enforce my rights
4 under the law is our driveway actually extends
5 over the property line for the 25 years we've
6 lived here. If in fact they put up a fence on the
7 property line, I would literally not be able to
8 open my car doors.

9 CHAIRMAN KEILSON: You understand this is not
10 the venue for that discussion. You understand
11 that?

12 MR. MILLER: No, but what I'm saying in terms
13 of the practical solution of the problem, it is
14 not known that what they are proposing is feasible
15 because it is going to set off a number of other
16 issues.

17 MEMBER HENNER: Mr. Miller, I'm a real estate
18 guy, lawyer, okay. I don't know if you are or
19 not.

20 MR. MILLER: I am.

21 MEMBER HENNER: You are, so you know very
22 well, if you have a claim for adverse possession
23 you are welcome to go and make it. But let me
24 finish.

25 MR. MILLER: I wasn't going to speak.

1 MEMBER HENNER: You were just about to yawn,
2 which is worse. I can go either way. No problem.
3 The problem is that if there's a legitimate claim
4 for adverse possession, I suppose you're welcome
5 to make it and they're welcome to fight it. For
6 the purposes of the Zoning Board, we issue a
7 variance and say they have to be 16 and a half
8 feet from the property line, we're not determining
9 the property line. If you have a good claim, they
10 have a good claim. Somebody has to make that
11 determination. That doesn't happen here,
12 otherwise -- let me just finish. Otherwise, this
13 thing could last forever. Their application could
14 be pending while the zoning -- while your adverse
15 possession claim is lingering.

16 MR. MILLER: Is that the present footprint,
17 16.2?

18 MEMBER HENNER: You have the survey.

19 MR. MILLER: That is the present setback.

20 MR. RYDER: 16.2 feet.

21 MR. MILLER: Okay. So the footprint would not
22 be altered.

23 MEMBER HENNER: No, but if you're claiming
24 that the property line is the fence line, even
25 though the fence line appears to be two and a half

1 feet within their property, subject to your
2 adverse possession claim then the fence is only 13
3 point something from there.

4 MR. MILLER: As long as the house stays on the
5 footprint I'm convinced we'll work it out. I'm
6 convinced if I were approached before Sunday we
7 would have worked it out by now. As long as it
8 doesn't move closer we'll work it out in some way.

9 MR. HOPKINS: I just want to be very clear,
10 the measurement will be taken from the property
11 line as on the surveys.

12 CHAIRMAN KEILSON: We indicated that.

13 MR. HOPKINS: And we indicated before that the
14 footprint of the house is going to be altered in
15 the way that we've described it, as a practical
16 proposition.

17 MR. MILLER: I'm not understanding. Is the
18 footprint moving or not?

19 MR. RYDER: If I may.

20 CHAIRMAN KEILSON: Please, Mr. Ryder.

21 MR. RYDER: For the record, with all
22 applications the measurement is taken from the
23 property line. Just for the record.

24 CHAIRMAN KEILSON: Okay. And currently we're
25 showing the footprint as 16.2.

Augenbaum - 11/19/14

1 MR. RYDER: 16.2 feet.

2 CHAIRMAN KEILSON: Okay, so that's what we are
3 going to discuss.

4 MEMBER HENNER: From the property line, not
5 the fence.

6 CHAIRMAN KEILSON: All right. So once again,
7 in order to --

8 MR. MILLER: I'm very sorry. Can I just ask
9 one question to my counterpart?

10 CHAIRMAN KEILSON: We'll make that exception.
11 Go ahead.

12 MR. HOPKINS: You should have addressed it to
13 the Chairman.

14 MR. MILLER: Just so I understand, the
15 foundation line of the house is not moving closer
16 to my house; is that correct?

17 MR. HOPKINS: I'll make a response to that by
18 saying --

19 MR. MACLEOD: The house, the proposed
20 foundation will be on this line which is 16.2 from
21 the property line.

22 MR. MILLER: Okay.

23 CHAIRMAN KEILSON: Okay. Thank you very much.
24 Okay, for purposes of the vote, let's just once
25 again summarize. It will be 16.2 from the right

1 side property line, right-hand property line.

2 MR. GRAY: That's going to be one of the
3 conditions.

4 CHAIRMAN KEILSON: Correct.

5 MR. RYDER: Southerly.

6 CHAIRMAN KEILSON: Excess building coverage
7 will be two percent.

8 MR. RYDER: Correct.

9 CHAIRMAN KEILSON: Whatever that translates
10 into.

11 MR. MACLEOD: 64 square feet.

12 CHAIRMAN KEILSON: Two percent.

13 MR. GRAY: 63 and a half.

14 MR. RYDER: Just go with it, John.

15 CHAIRMAN KEILSON: Yes.

16 MEMBER HENNER: Shave another quarter inch.

17 CHAIRMAN KEILSON: Glazed windows.

18 MR. GRAY: That's a condition on all or just
19 the east -- the southerly side?

20 CHAIRMAN KEILSON: The southerly side as it
21 overlooks the rear yard. The aggregate will be
22 the byproduct of whatever the 16.2 will be now and
23 13.5 remains, right.

24 MR. GRAY: Mr. Chairman, the glazing on the
25 windows, you say the rear side or the southerly

1 side?

2 CHAIRMAN KEILSON: Southerly, the southerly
3 rear side.

4 MR. GRAY: Thank you.

5 CHAIRMAN KEILSON: Okay. We'll bring down the
6 height of the house to 29-6.

7 MR. GRAY: And the height of the attic space
8 to six and a half feet.

9 CHAIRMAN KEILSON: Okay. Thereby reducing it,
10 yes. The attic had to be reduced to six-six,
11 thereby reducing the overall height to 29-6, and
12 then we'll have screening along the property line,
13 two-foot planting bed.

14 MR. RYDER: I would like to just say 9-foot
15 Leyland cypresses. I don't want to get into the
16 planting bed.

17 CHAIRMAN KEILSON: Fine, okay. I think that
18 covers it comprehensively.

19 MEMBER GOTTLIEB: One-car garage.

20 CHAIRMAN KEILSON: And a one-car garage.

21 MR. GRAY: But for the variances that are
22 requested the minimum side-yard setback on the
23 northerly side of the property is now going to be
24 11.5, not 13.5; is that correct?

25 CHAIRMAN KEILSON: No, that's not correct.

1 MR. MACLEOD: It would remain at 13.5.

2 MR. GRAY: So you still need the one and a
3 half foot variance on that side then?

4 MR. MACLEOD: That is correct.

5 MR. GRAY: And on the aggregate side-yard
6 setback we're maintaining 28 and a half?

7 MR. HOPKINS: That's going to go up by --

8 CHAIRMAN KEILSON: It's more.

9 MR. MACLEOD: It will be 29.7.

10 MR. GRAY: 29.7.

11 MR. MACLEOD: 16.2 plus 13.5.

12 MR. GRAY: So requiring a 5.3 variance on the
13 aggregate.

14 MR. MACLEOD: Right.

15 CHAIRMAN KEILSON: Okay.

16 MR. GRAY: And on the side yard height/setback
17 ratio that doesn't have to be recalculated based
18 on these changes.

19 MR. MACLEOD: That's as per the chart, I
20 believe.

21 MR. GRAY: The garage. Roof dormers, did you
22 mention those?

23 MEMBER GOTTLIEB: Not yet.

24 MR. GRAY: I apologize.

25 MEMBER GOTTLIEB: That was next actually.

1 CHAIRMAN KEILSON: Dormers --

2 MEMBER GOTTLIEB: Mr. Macleod, if you have a
3 second, you're on tonight. The dormers, can you
4 just review why dormers are important in an
5 application like this.

6 MR. MACLEOD: They're mainly there for
7 aesthetic purposes, to break up the long line of
8 the mansard, to give some articulation to that
9 plane.

10 MEMBER GOTTLIEB: In the front or on the side?

11 MR. MACLEOD: Both, all around.

12 CHAIRMAN KEILSON: For anybody living in the
13 attic who would have some light in there.

14 MR. HOPKINS: You might just turn around,
15 Mr. Gottlieb, to see --

16 MEMBER GOTTLIEB: That's this building.

17 MR. HOPKINS: I know.

18 MR. MACLEOD: We're following the style of the
19 Village.

20 CHAIRMAN KEILSON: Okay.

21 MR. RYDER: I just mentioned to Mr. Gray that
22 I'd like the revised plans in before I send the
23 approval letter out.

24 CHAIRMAN KEILSON: I think that won't be an
25 issue. I think in order for clarity I think it

1 behooves us to do so. I think we've framed the
2 question, pardon the pun, and I think hopefully
3 the benefit to the applicant certainly outweighs
4 the detriment to the community and the effort to
5 remove the blight from that block, and all the
6 two-legged and four-legged creatures that inhabit
7 that building right now.

8 So we're going to put it to the Board for a
9 vote.

10 MEMBER GOTTLIEB: I'll just make a comment
11 first. Mr. Chairman, it was very generous of you
12 to spend the last hour and a half allowing this to
13 be recalculated and meeting the needs -- or
14 meeting most of the needs of the neighbors, if not
15 all of them.

16 MR. HOPKINS: I would certainly endorse that.
17 Thank you, sir.

18 CHAIRMAN KEILSON: Fine. I thank all the
19 Board members for their patience, and the people
20 in the audience for their understanding. It's
21 been a challenging evening.

22 Mr. Henner.

23 MEMBER HENNER: I always spend time in the
24 same ratio as the number of bedrooms. So a
25 four-bedroom house gets less time than a

1 twelve-bedroom house. I vote in favor.

2 CHAIRMAN KEILSON: Mr. Gottlieb.

3 MEMBER GOTTLIEB: For.

4 CHAIRMAN KEILSON: Mr. Schreck.

5 MEMBER SCHRECK: For.

6 CHAIRMAN KEILSON: And the Chair votes for.

7 And two years, two and a half years, what would
8 you prefer?

9 MR. HOPKINS: Two is fine, sir.

10 CHAIRMAN KEILSON: Okay, thank you.

11 MR. RYDER: Two years, and Board of Building
12 Design.

13 CHAIRMAN KEILSON: And we adjourn until
14 December 17th. Thank you for your patience and
15 your understanding.

16 (Continued on the following page.)

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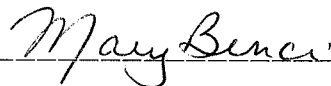
1 MR. HOPKINS: Thank you very much.
2 MR. MACLEOD: Thank you and good night.
3 MR. RYDER: Good night, Mr. Hopkins. Good
4 night, Mr. Macleod.

5 (Whereupon, the hearing concluded at
6 10:30 p.m.)

7 *****

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

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MARY BENCI, RPR
Court Reporter