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INCORPORATED VILLAGE OF LAWRENCE  
BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

October 29, 2009  
7:40 p.m.

APPLICATION:           Scharf  
                          15 Keewaydin Road  
                          Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON  
Chairman

MR. ELLIOT FEIT  
Member

MS. ESTHER WILLIAMS  
Member

MR. ELY TENDLER  
Member

MR. EDWARD GOTTLIEB  
Member

MR. RONALD GOLDMAN, ESQ.  
Village Attorney

MR. DANIEL J. HERRON  
Building Inspector

Mary Benci, RPR  
Court Reporter

1 CHAIRMAN KEILSON: The first matter this evening is  
2 Scharf.

3 MR. GOLDMAN: I'll be brief, but it's important,  
4 particularly now with the record.

5 CHAIRMAN KEILSON: The preamble?

6 MR. GOLDMAN: Please.

7 CHAIRMAN KEILSON: By all means.

8 MR. GOLDMAN: For the purposes of the record and  
9 also for the purposes of the applicants, as well as any  
10 observers or any people in the community who have any  
11 comments, you should recognize the fact that this Board  
12 had the opportunity prior to tonight to review any  
13 application, and while they don't meet necessarily to  
14 confer because there's an Open Meetings Law, they can,  
15 as individuals, review the materials, discuss it one or  
16 two among themselves, and certainly in the particular  
17 case of this Board even make site visits.

18 Therefore, this evening you will notice perhaps  
19 that they may not have a full presentation and you may  
20 think that someone is getting short shrift. That's not  
21 the case at all. What is happening is they're honing in  
22 on certain salient points. So it's not as if it's  
23 prejudged, nor as if anyone is being ignored.

24 Having said that, Mr. Chairman, I would ask you to  
25 proceed.

1 CHAIRMAN KEILSON: Thank you.

2 Mr. Rosenfeld.

3 MR. ROSENFELD: Meir Rosenfeld, P.C., 466 Central  
4 Avenue, second floor, Cedarhurst, New York, on behalf of  
5 the petitioner.

6 In the interest of brevity and acknowledgement of a  
7 hot Board, this is an application that we originally  
8 submitted in July, and after extended conversations with  
9 the Building Department and members of the Board and the  
10 Village Attorneys, we went back to the drawing board  
11 several times, and this application is apparently the  
12 third or actually the fourth incarnation of the plans,  
13 that each have been successively reduced to the point  
14 where we are now seeking overage on building area  
15 coverage of less than 15 percent, and overage on surface  
16 area coverage of less than 10 percent.

17 In addition, we seek to maintain the right under  
18 the code to build a 30-foot-high roof, and I will  
19 explain, if the Board wishes me to --

20 CHAIRMAN KEILSON: Please do.

21 MR. ROSENFELD: -- why that is necessary.

22 The Building Department saw fit to -- saw this as a  
23 combination roof, whereby the law requires a  
24 27-foot-high roof. In effect, in the earliest  
25 incarnation of the plans there was -- it was

1 contemplated a French mansard style roof which is, in  
2 fact, flat in several places. The architects, plural,  
3 as well as the petitioners then adjusted it to make a  
4 gable roof, but realizing a gable roof, and so the pitch  
5 on the plans is that of a fully gabled roof.

6 However, the roof line was abbreviated in order to  
7 keep it within the 30-foot prerequisite of the Village  
8 Code. So in effect, there are very few -- and the Board  
9 has in front of it, if I may refer to the plans,  
10 drawings or a schematic, rather, of the roof line, and  
11 that is A-6, and for those members of the Board who are  
12 adept at reading these things, probably better than I,  
13 you can see there are very few, if any, flat surfaces.  
14 It is -- all the arrows, if you're all with me, the  
15 arrows indicate slopes, and there's really almost  
16 nothing, the turrets don't have the slope on it, but  
17 they are -- you can see the elevation, that they do not  
18 exceed the 30 feet.

19 So in fact, I believe this is an issue of more or  
20 less of semantics or designation. I think this is an  
21 abbreviated gable roof that is within the 30-foot  
22 language of the law.

23 In addition, there is a variance sought for the  
24 garage and the driveway, and as I will point out, the  
25 architect has provided, because of the peculiar shape of

1 the lot and the curvature going in, has provided for a  
2 24-foot turnaround on the garage, and I believe that  
3 I've presented this to the Board before and I believe  
4 that it's known that Lawrence is one of the few  
5 villages, certainly I think the only village I think  
6 within Long Island and one of only three I believe in  
7 New York State, that mandate anything other than a  
8 24-foot radius of the turnaround. And I'm not sure what  
9 the etymology of that is, but I think that I may have  
10 actually been present for it because we had an issue  
11 with a driveway that went below grade and there was --  
12 and we wanted to make -- there was a run-off issue, and  
13 I think Mr. Feit is nodding because I think he was on  
14 board when we were here, and I think very shortly after  
15 that the Trustees put in that it was to be a 30-foot  
16 radius.

17 So I think that just in looking at the history of  
18 the legislation it was -- it was something that was put  
19 in for other than safety reasons. This is not below  
20 grade. The driveway here is -- we've -- in  
21 consideration of the neighbors, we've moved the driveway  
22 even closer to the walkway to the center of the property  
23 and further away from the neighboring property which  
24 allows -- it caused us additional overage on the surface  
25 coverage, but it was a small price to pay to offset it

1 because what you do have is more or less a straightaway;  
2 you know, there's more driveway now.

3 CHAIRMAN KEILSON: How many feet separate the two  
4 properties?

5 MR. ROSENFELD: At what point? It's a little  
6 misleading.

7 CHAIRMAN KEILSON: At the entrance of the driveway.

8 MR. ROSENFELD: At the entrance of the driveway  
9 we've adjusted it so that it appears to be 24 -- about  
10 55 from the entrance of the driveway from the property  
11 line.

12 MEMBER GOTTLIEB: No, no, no.

13 CHAIRMAN KEILSON: From the neighbor's driveway.

14 MR. ROSENFELD: Oh, you mean at the point where  
15 it's -- I don't know. I believe that it's probably  
16 right up against, right up against their property line  
17 which, in essence, I believe is probably less onerous  
18 than having the house -- than having the driveway next  
19 to the house. And at any rate --

20 MEMBER WILLIAMS: You have two cars.

21 MR. ROSENFELD: Basically, right, it would be --  
22 from what I understand and from what I remember from  
23 visiting the site.

24 CHAIRMAN KEILSON: No, we're talking about the  
25 entrance to the driveway from the street.

1 MR. HERRON: At the street.

2 CHAIRMAN KEILSON: That's one of the concerns.

3 MR. ROSENFELD: At the entrance to the driveway  
4 from the street, here to here, is 50 feet.

5 CHAIRMAN KEILSON: No, no, no.

6 MR. GOLDMAN: You might want to focus on the reason  
7 for the question is there is some concern that there may  
8 be two driveways from two different properties.

9 MR. ROSENFELD: No, no, no, no. So in essence, the  
10 answer is really correct, and I stand by my answer,  
11 because the driveway on the neighbor's lot is straight  
12 and it's at the property line. The distance from the  
13 entrance to the neighbor's driveway and the entrance to  
14 this, to the subject driveway, is approximately 50 feet.  
15 We moved it.

16 MEMBER WILLIAMS: How is that?

17 MR. ROSENFELD: If I may approach.

18 MR. GOLDMAN: Let the record reflect that they're  
19 now discussing this and referring to the maps to  
20 determine where the driveways are.

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

22 MR. ROSENFELD: All right. So now that I  
23 understand the question, and I apologize for my naivete  
24 and ignorance, the entrance to the other driveway on the  
25 cul-de-sac is separated by approximately 10 feet. I

1 understood this was a concern for the Board, and in the  
2 interest of addressing that, upon advice of the Building  
3 Department and others, what we have endeavored to do,  
4 and the applicants are willing to state on the record,  
5 is that the driveways will be separated by mature  
6 arborvitae or similar bushes, as well as a lighted pier  
7 showing the address of the subject house.

8 MEMBER GOTTLIEB: It's a problem. You don't want  
9 on the building line high arborvitaes because if both  
10 cars are going out at the same time they can't see each  
11 other. You need something low at least.

12 MR. ROSENFELD: Very good point.

13 MR. GOLDMAN: It would have to be graded.

14 MEMBER WILLIAMS: Our concern is safety, more than  
15 aesthetics.

16 MR. ROSENFELD: I would think that the law in the  
17 Village of Lawrence is that nothing higher than six  
18 feet, right, Dan?

19 MEMBER GOTTLIEB: That's a fence.

20 MR. HERRON: For a fence, yes.

21 MR. ROSENFELD: Let's put it this way: We're  
22 certainly willing in the interest of safety, which is  
23 certainly a concern for my clients as well, I can tell  
24 you that we can separate it, we can make a clear  
25 distinction with a pier.



1           MEMBER WILLIAMS: One of my concerns is this  
2 property is -- it's just for an example why I would be  
3 concerned for the Scharfs. It's a property that's been  
4 rented often. They may not know who the next renter is  
5 of that property, and that person may not be aware of  
6 their little children or whatever else. I think it's  
7 something that they should address for their own safety.

8           MR. ROSENFELD: One of the things -- I'm not sure  
9 if there is a utility pole there. What I have seen in  
10 some similar instances, as a matter of fact on my block  
11 there's a similar situation and there are parabolic  
12 mirrors installed on the power lines, which, you know,  
13 so that you can see, everybody can see what's coming. I  
14 don't know if there is one there. If there is one  
15 there, I would say that the Scharfs are probably very  
16 interested in making sure that that is addressed because  
17 it's the safety for everybody.

18           However, in addressing in case it's not there, I  
19 would -- you know, under ordinary circumstances people  
20 are looking for privacy, so I'm willing to acknowledge  
21 that we need higher shrubbery. In this case, as  
22 Miss Williams pointed out, there's no reason for that  
23 and/or the safety reason. So we'd be more than willing  
24 to put in lower shrubbery or whatever, and I will do  
25 this. I would stipulate that we will install or create

1 whatever barriers the Building Department reasonably  
2 feels is in the best interests of the residents of the  
3 Village.

4 CHAIRMAN KEILSON: Okay.

5 MEMBER WILLIAMS: Just it's not a normal case and  
6 I'm not quite sure what the best way to go about this  
7 is.

8 CHAIRMAN KEILSON: They'll work with the Building  
9 Department.

10 MR. ROSENFELD: Whatever they say, we'll stipulate;  
11 and should you decide to grant the variance it will be  
12 granted based on that.

13 MR. HERRON: Is it going to be 10 feet away from  
14 the property line?

15 MR. ROSENFELD: The pier, yeah. The entrance to  
16 the driveway of the subject property will be 10 feet  
17 away from -- at least 10 feet away from the driveway.

18 MEMBER WILLIAMS: Run that the long way.

19 MR. ROSENFELD: I mean, you couldn't have it go  
20 straight up because it would go right into the house,  
21 and then you really have possibly a turnaround issue  
22 because then you have cars turning around, backing out  
23 into the street. I do want at this point --

24 MEMBER WILLIAMS: I think if the Building  
25 Department feels it's comfortable --

1 MR. ROSENFELD: I think in their interests they --  
2 I think they actually would like to put in the pier,  
3 something that will differentiate, because, as has been  
4 mentioned, we don't want somebody coming in and going  
5 into the wrong driveway.

6 CHAIRMAN KEILSON: That's right.

7 MR. ROSENFELD: I'd like to submit at this point  
8 four letters of support on behalf of the petitioners,  
9 and note also for the record that my clients approached  
10 Dr. Pockros, who is the neighbor who would be affected  
11 by this who said, from what I understand, that he is  
12 very much in favor of it. Anybody in the Building  
13 Department or the Board can call him. He was told by  
14 his father never to sign anything he doesn't have to  
15 sign.

16 CHAIRMAN KEILSON: He's renting; is that correct?

17 MEMBER WILLIAMS: He owns it. He rents it out.

18 MR. GOLDMAN: He's the owner.

19 The record should reflect that the applicant  
20 submitted collectively as Applicant's 1 letters of  
21 support from 245 Juniper Circle East, 8 Keewaydin Road,  
22 11 Keewaydin Road, and 6 Keewaydin Road and it's being  
23 submitted to the Board for their review in support of  
24 the application (handing).

25 CHAIRMAN KEILSON: Why don't you finish up on the

1 variances.

2 MR. ROSENFELD: I believe I addressed the 30 feet,  
3 the overage, the dormers. There will be -- once again,  
4 this is a John McCloud not special because he's working  
5 in concert with somebody else, but we do have our  
6 decorative dormers here. In the interest of keeping the  
7 grand tradition of Lawrence homes alive, they will be  
8 decorative.

9 CHAIRMAN KEILSON: Okay. How many children do the  
10 Scharfs have?

11 MR. ROSENFELD: Six currently.

12 CHAIRMAN KEILSON: Six currently, okay.

13 MR. ROSENFELD: Six.

14 CHAIRMAN KEILSON: In discussing the need, because  
15 we have ten bedrooms and eleven bathrooms, share with us  
16 the need.

17 MR. ROSENFELD: The Scharf family, as it's the lone  
18 outpost in the suburbs, the petitioners, the rest of the  
19 family live in Manhattan. Unfortunately, they don't  
20 smell the greenery. And they also get together often  
21 for family occasions. The Scharf home here is intended  
22 to be the focal point for family events and holidays;  
23 and in addition, Mr. Scharf's parents are somewhat  
24 elderly and would not be able to avail themselves of any  
25 of the upstairs bedrooms, and the plans reflect that

1 they would need to be ensconced on the main floor in the  
2 custom that they are accustomed to. And frankly, their  
3 current house simply cannot accommodate even their  
4 immediate family.

5 MEMBER GOTTLIEB: With all these visitors, is there  
6 enough parking in this driveway to keep cars off the  
7 street during holiday?

8 MR. ROSENFELD: Well, the driveway is long enough.

9 MR. GOLDMAN: People from Manhattan don't have  
10 cars.

11 MR. ROSENFELD: Correct, they take the Town Car.  
12 And, you know, it's a legitimate question. I think that  
13 the plans call for enough -- you know, there is a  
14 two-car garage, I believe, and there is room in the  
15 driveway. And you know, the Pockroses are never there,  
16 so they can use the parking in their driveway.

17 CHAIRMAN KEILSON: Any other questions from the  
18 Board?

19 MEMBER GOTTLIEB: Just so that we covered all the  
20 issues, except we just went over building and --

21 MR. ROSENFELD: Sure. Originally, the original  
22 plan for building area coverage was exceeded by 26  
23 percent, I think. We realized of our own volition that  
24 this is grabbing a little too much. We went back, the  
25 architect is here. We brought it down, scaled it down

1 to 519 square feet over permitted 3,537.

2 CHAIRMAN KEILSON: And they will be able to contain  
3 the family within that meager amount?

4 MR. ROSENFELD: With God's help in the immediate  
5 future.

6 CHAIRMAN KEILSON: I don't want to be onerous.

7 MR. ROSENFELD: Until they buy the Pockros house.  
8 But I will point out also that for all the relative size  
9 of the house, the impression created from the street  
10 level is no more than 50 feet at its widest, which is  
11 certainly well within the median of houses within  
12 Lawrence and not at all like some of the proposed  
13 neighbors on this very block.

14 CHAIRMAN KEILSON: Okay.

15 MEMBER GOTTLIEB: The difference between your first  
16 set of plans and this is?

17 MR. ROSENFELD: Significant.

18 MEMBER GOTTLIEB: It looks like you just removed  
19 the accessory structure.

20 MR. ROSENFELD: On the building?

21 MEMBER GOTTLIEB: On the building coverage. The  
22 difference is 226 feet.

23 MR. ROSENFELD: The difference on the building is  
24 519 feet.

25 MEMBER GOTTLIEB: The overage is 519.

1 MR. ROSENFELD: You're talking about surface area?

2 MEMBER GOTTLIEB: No, building coverage.

3 MR. ROSENFELD: The pool is not considered in  
4 building.

5 MEMBER GOTTLIEB: It was on your set of plans. It  
6 indicates an accessory structure.

7 MR. ROSENFELD: The cabana was removed, that's  
8 correct.

9 MEMBER GOTTLIEB: Was there any other difference to  
10 the house itself or was there any different --

11 MR. ROSENFELD: At this point if you're interested,  
12 I have the architect here and he can address that.

13 MEMBER GOTTLIEB: No, I want to know if I missed  
14 anything. The application last time was --

15 MR. ROSENFELD: We were fortunate enough to be able  
16 to keep the exquisite design of the house without having  
17 to alter it, other than taking down the cabana.

18 MEMBER GOTTLIEB: The square footage looks the same  
19 in all these.

20 MR. ROSENFELD: Correct. The onerousness -- that  
21 means the onerousness of it the first time was the  
22 cabana. If we are only 15 percent over with the house,  
23 then the difference was the cabana.

24 MEMBER GOTTLIEB: Mr. Rosenfeld, just so whichever  
25 way this goes, the 14.9 percent may not sound like much,

1 but we are cognizant that it is 46 percent larger than  
2 the existing building coverage.

3 MR. ROSENFELD: That is correct.

4 MEMBER GOTTLIEB: Because you realize it's not  
5 something you pointed out, but it's something we're  
6 aware of.

7 MR. ROSENFELD: There's a cogent argument to that,  
8 Mr. Gottlieb. What it is, is that Keewaydin is  
9 traditionally a block with smaller homes. This is an  
10 older original smaller home. The trend, and no one  
11 needs to tell you that the trend towards homes in  
12 Lawrence has been to expand where possible, and the best  
13 possible place to expand is where you have a smaller  
14 house on a larger piece of property, and this is by all  
15 accounts a significant piece of property.

16 CHAIRMAN KEILSON: Okay. Is there anyone in the  
17 audience who wants to speak in opposition or address any  
18 questions?

19 (No response.)

20 CHAIRMAN KEILSON: If not, then we'll go to a vote  
21 on the Board.

22 MR. GOLDMAN: Let the record reflect there's  
23 discussion and now the Board is being polled.

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

25 CHAIRMAN KEILSON: Mr. Gottlieb.



1 MEMBER GOTTLIEB: Yes. For, sorry.

2 CHAIRMAN KEILSON: Mr. Feit.

3 MEMBER FEIT: For.

4 CHAIRMAN KEILSON: Miss Williams.

5 MEMBER WILLIAMS: For.

6 CHAIRMAN KEILSON: Mr. Tendler.

7 MEMBER TENDLER: For.

8 MR. GOLDMAN: Prior to you actually voting, the  
9 Board should be advised of the following with regard to  
10 the SEQRA requirement.

11 MR. HERRON: A short environmental assessment form  
12 has been filled out for unlisted actions, which a  
13 typical zoning variance, an area variance like this is.  
14 The determination would be that there is no impact from  
15 this application.

16 MR. GOLDMAN: Taking that into consideration, your  
17 vote, please.

18 CHAIRMAN KEILSON: I'm voting for as well. And of  
19 course, we have that stipulation, Mr. Rosenfeld, that  
20 they can consult with the Village in terms of any safety  
21 concerns.

22 MR. ROSENFELD: Absolutely, absolutely.

23 CHAIRMAN KEILSON: As far as the driveway entrance,  
24 we'll give you two years. We already have a number of  
25 houses on that block in five-year mode.

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MR. ROSENFELD: There's no reason that this should be any different.

CHAIRMAN KEILSON: The Board of Building Design is next.

(Whereupon, the hearing concluded at 8:05 p.m.)

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

Mary Benci  
MARY BENCI, RPR  
Court Reporter