

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 October 27, 2011
7 7:52 p.m.

8 APPLICATION: Berkowitz & Lawrence House Owners Corp
9 1 Rosalind Place
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. MARK SCHRECK
19 Member

20 MR. THOMAS V. PANTELIS, ESQ.
21 Village Attorney

22 MR. GERALDO CASTRO
23 Building Department

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: All right, good evening,
2 ladies and gentlemen. Welcome to the Lawrence
3 Board of Zoning Appeals. We apologize for being
4 tardy; it's not normally the way that we do
5 things.

6 Before we open, I just want to take care of
7 some important matters. We want to, number one,
8 welcome Mark Schreck who joined the Board in a
9 permanent seat. We're looking forward to many
10 years of very helpful intuitive advice.

11 MEMBER SCHRECK: Thank you, Mr. Chairman.

12 CHAIRMAN KEILSON: We also want to give him a
13 mazel tov on having triplets, a prerequisite to
14 joining the Board.

15 We also want to express our condolences to
16 our counsel, Mr. Pantelis, in the passing of his
17 father just a few weeks back.

18 MR. PANTELIS: Thank you.

19 CHAIRMAN KEILSON: We missed you at the last
20 meeting, but we understood.

21 MR. PANTELIS: Thank you.

22 CHAIRMAN KEILSON: Okay. I just want to
23 remind you to please turn off your cell phones so
24 we don't get distracted. Thank you. And no
25 talking. If you have to talk, please step

1 outside.

2 Proof of posting?

3 MR. CASTRO: I offer proof of posting and
4 publication (indicating).

5 CHAIRMAN KEILSON: Very good.

6 Okay. And Mr. Pantelis, do you want to offer
7 our preamble?

8 MR. PANTELIS: Sure. I think this Board in
9 particular as a Zoning Board has a reputation of
10 being a hot Board in the sense that it gets to
11 familiarize itself with applications prior to
12 hearings. In almost all instances the Board
13 members have visited the property or have personal
14 knowledge of the property, and they're very
15 familiar with the details of your applications.

16 However, when you do come up, if you're a
17 representative of the applicant or if you're the
18 homeowner making the presentation, please at least
19 indicate, you know, what it is that you're

20 proposing to do, what relief is required, and
21 certainly the Board will have questions and
22 comments.

23 CHAIRMAN KEILSON: Okay. Without further
24 ado, the first matter is Berkowitz. Will they or
25 their representative please step forward.

1 MR. ROSENFELD: Meir Rosenfeld, on behalf of
2 the petitioner, 466 Central Avenue, second floor,
3 Cedarhurst, New York.

4 CHAIRMAN KEILSON: Good evening,
5 Mr. Rosenfeld.

6 MR. ROSENFELD: Good evening, Mr. Chairman
7 and members of the Board.

8 CHAIRMAN KEILSON: Welcome back.

9 MR. ROSENFELD: Thank you. It's good to be
10 back.

11 Welcome, Mr. Schreck, to the Board, and I
12 look forward to many, many years, as you say, of
13 going at it with you too.

14 What we have before us tonight is a co-op,
15 which I don't think I've ever had the privilege of
16 representing in the twenty some odd years I've
17 been doing this. However, the Berkowitzes, who
18 live in the co-op at 1 Rosalind Place, wish to
19 enclose a portion of their existing patio to make
20 it a sun room and enlarge the dining area in the
21 unit.

22 I would like to supply additional evidence,
23 an aerial photo that shows that the units on
24 either side of the Berkowitz residence have
25 already done so, and similar to what the Berkowitz

1 have proposed to do. They're not looking to
2 enclose the entire frontage of the patio, but
3 merely approximately 168 square feet.

4 It should be noted the property faces the
5 rear of a building that is part of the same co-op.
6 And as you can see, if I could submit this as
7 evidence, I have a number of copies for everybody
8 on the Board.

9 MR. PANTELIS: Are these different photos
10 than the one you had?

11 MR. ROSENFELD: These are aerial photos. It
12 took me a while to get a helicopter, I apologize.
13 And also, I'd like to submit letters of support
14 from each of the neighbors.

15 MR. PANTELIS: We could mark the photographs
16 Applicant's Exhibit A. I'll pass them up to the
17 Board. We'll have them marked afterwards. For
18 timesaving purposes we'll just do that. And then
19 we have two letters of consent to the application.

20 One by a Miss Lebowitz at 1 Rosalind Place, and
21 another by -- is that Mr. Schulman? Fine.

22 MR. ROSENFELD: Yes, it is.

23 MR. PANTELIS: Both indicating support for
24 the application. We'll mark those as Exhibit B.

25 CHAIRMAN KEILSON: Do they have existing?

1 MR. ROSENFELD: I believe the Schulmans have
2 the existing.

3 CHAIRMAN KEILSON: I want to commend your
4 client. We want to commend your client coming
5 before the Board and seeking a permit, because
6 some of these other people have not, but thank you
7 for the aerial photos because now Mr. Ryder can go
8 down and give a summons.

9 MR. ROSENFELD: I've attached my business
10 card to it and we're good. I believe there should
11 be some kind of --

12 CHAIRMAN KEILSON: We want you to advertise
13 that helicopter ride.

14 MR. ROSENFELD: I could use the same
15 photograph.

16 MEMBER GOTTLIEB: The photograph that we're
17 looking at, how do we identify where your clients
18 are?

19 MR. ROSENFELD: In between the two -- the two
20 jutting out portions. It's obscured by the tree
21 to a great extent, but they have -- their
22 frontage, their deck patio is 50 feet long. Not
23 all the units in the building are identical.
24 There are some that are smaller, and they have the
25 middle which is a longer unit, and that's why

1 they're not seeking to enclose the whole thing.
2 They are only doing about 16 feet of it.

3 CHAIRMAN KEILSON: I think it's a wonderful
4 idea, and I was looking at the few pieces of
5 information about the selection, and I think it
6 will be an improvement for the apartment as well.
7 So from my vantage point I think it's a very
8 positive step.

9 Any other questions?

10 MEMBER GOTTLIEB: Are they removing the
11 exterior wall to make it larger?

12 MR. ROSENFELD: The photographs that were
13 submitted with the petition -- actually I can just
14 show you. The photographs that were submitted
15 with the petition shows that the wall is almost
16 entirely sliding doors, and this is approximate.
17 This is an approximation of what it will look like
18 (indicating). It's not by any means going to be a
19 brick structure. It's more along the lines of a
20 sun room. It's aluminum and glass, that's all it
21 is.

22 CHAIRMAN KEILSON: Okay. Is there anyone in
23 the audience who wants to speak to the matter for
24 or against?

25 (No response.)

1 MR. ROSENFELD: I'm not used to that.

2 CHAIRMAN KEILSON: All right, having said
3 that, and having discussed it once amongst the
4 Board members, I think we're prepared for a vote.

5 Mr. Schreck, do you want to lead off on the
6 first vote?

7 MEMBER SCHRECK: For.

8 CHAIRMAN KEILSON: Mr. Gottlieb.

9 MEMBER GOTTLIEB: I'm okay with this, for.

10 CHAIRMAN KEILSON: Miss Williams.

11 MEMBER WILLIAMS: For.

12 CHAIRMAN KEILSON: I say for as well.

13 And how much time do you need?

14 MR. ROSENFELD: They want to get started
15 tomorrow. A year is fine. I said they wanted to
16 get started tomorrow; it doesn't mean they will.

17 CHAIRMAN KEILSON: Very good.

18 MR. ROSENFELD: Does this need to go to the
19 Architectural Review Board?

20 MR. RYDER: Is there another structure in
21 front of that, Counsel, where it's not visible
22 from Central Avenue?

23 MR. ROSENFELD: Yes, the apartment in front
24 that has the jut-out.

25 MR. RYDER: If it's not visible, then there's

1 no reason to send it to the Board of Building
2 Design.

3 MR. ROSENFELD: I've never had that either.
4 This is fun. Thank you very much.

5 (Whereupon, the hearing concluded at
6 8:00 p.m.)

7 *****

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

11

12

Mary Benci

13

MARY BENCI, RPR
Court Reporter

14

15

16

17

18

19

20

21

22

23

24

25

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

October 27, 2011
8:00 p.m.

APPLICATION: Rekant
126 Harborview South
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MS. ESTHER WILLIAMS
Member

MR. MARK SCHRECK
Member

MR. THOMAS V. PANTELIS, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Rekant.
2 Will they or their representative step up.

3 MR. SAVALDI: Amiel Savaldi, 1 Meadow Drive
4 in Woodmere.

5 Good evening, Mr. Chairman and the Board.
6 I'm here representing Mr. and Mrs. Rekant, and
7 what we're proposing to do is mostly a renovation
8 of the second floor. They are living in the house
9 for 30 years, and it's time to do some work. And
10 they have bathrooms that are -- that are falling
11 apart. And they really -- some of the work is
12 really an emergency.

13 Most of the work is the second floor. We are
14 redoing the master suite. And in the front on the
15 side, on the east side we are adding a four feet
16 by about 16 feet -- sorry -- by 26 feet
17 second-floor addition on the existing one story
18 that would enlarge the existing bedroom upstairs,
19 which is about 12 feet by 11 feet, and would also
20 have a bathroom, a second bathroom for upstairs in
21 addition to the master suite.

22 Let me point out that the addition of the
23 second floor does not add to the coverage of
24 the --

25 CHAIRMAN KEILSON: Yeah, the building

1 coverage.

2 MR. SAVALDI: The building coverage, because
3 it's on the existing footprint.

4 The exterior work that we are proposing
5 includes two patios, paved patios, one on the
6 side, on the west side, that previously on the
7 original application we had three-foot side-yard
8 setbacks. And we submitted papers this morning
9 and a new plot plan that I'd like to submit now.
10 Again, that suggests -- that proposes to have five
11 feet of side yard on the side. So it would be, we
12 hope, more acceptable to the Board. It's less of
13 a variance, and it also decreases the area.

14 The front patio we have moved back by 14
15 inches, so the setback, the front setback is now
16 28 feet and four inches. So the required is 30
17 feet front yard, so we really have only 20 inches
18 that we are short, that we are encroaching into
19 the front yard.

20 The last item is the portico, an open portico
21 that's also encroaching 20 inches into the front
22 yard. And we have moved it also by 14 inches in
23 so that it would have a larger front setback.

24 CHAIRMAN KEILSON: Well, as you know,
25 Mr. Savaldi, we are zealous about protecting

1 against encroachment, so can you give us some
2 reasons why you need these patios. You already
3 have a deck, a sizeable deck in the rear.

4 MEMBER WILLIAMS: And what rooms are they off
5 of, where are they coming from?

6 MR. SAVALDI: Pardon me?

7 MEMBER WILLIAMS: Where are the rooms that
8 the patios are coming off of? What is the purpose
9 of that?

10 MR. SAVALDI: The patios, let me point out,
11 they are only two feet high and brick. And with
12 the shrubs that's going to be around it you
13 wouldn't see it, and I think the impact is very
14 minimal.

15 The room, in answer to your question, is in
16 the front, it's a den, family room that it opens
17 into, and the side one is off the dinette area,
18 the breakfast area off the kitchen. And the size
19 of these, as you can see on the plot plan of the

20 two patios, is 7 feet by 16 for the side yard and
21 the nine feet -- 14 feet by 9 feet for the front
22 yard. Again, the variance is really for the 20
23 inches.

24 MEMBER WILLIAMS: You said the height on them
25 is what again?

1 MR. SAVALDI: Twenty-four inches. So it's
2 this high and encroaching by this much
3 (indicating).

4 MEMBER WILLIAMS: There would be steps coming
5 off of each one?

6 MR. SAVALDI: There will not be steps on the
7 front one because it's connected to the patio --
8 to the portico.

9 MEMBER WILLIAMS: House.

10 MR. SAVALDI: There will be steps from the --
11 to the side paved patio.

12 MEMBER GOTTLIEB: Mr. Savaldi, I need to
13 break this up into three separate items so I can
14 better understand. The front patio, what's the
15 purpose for this?

16 MR. SAVALDI: It's if you look at drawing --

17 MEMBER GOTTLIEB: It's an open patio that
18 opens up into the den, if I'm right.

19 MR. SAVALDI: Right. If you look at drawing

20 A-3.

21 MEMBER GOTTLIEB: A-3?

22 MR. SAVALDI: Yes.

23 MEMBER GOTTLIEB: Okay.

24 MR. SAVALDI: So do you see in the front the
25 -- it's from that -- from that, what we call

1 living room, but it's really a family room, it
2 opens into that front patio. On the plan that
3 shows ten feet; that's what we filed, but we
4 request to reduce it to nine feet. The dimension
5 on the left is shown on the A-3; it shows ten
6 feet.

7 MEMBER GOTTLIEB: So the depth is going to be
8 nine feet instead of ten feet.

9 MR. SAVALDI: It's nine feet now.

10 MEMBER GOTTLIEB: I just have to ask you
11 again, what is the need for this?

12 MR. SAVALDI: The need is that when they sit
13 in that room they want to open it and to have a
14 space that it opens to that they can use the
15 inside and outside at the same time.

16 MEMBER GOTTLIEB: Okay. And what -- speaking
17 about this particular patio only, what part of
18 this do they need the variance for, or what can
19 they build without a variance?

20 MR. SAVALDI: The bottom of the plan, the 20
21 inches out of the ten feet that's shown here, it's
22 down to nine feet, and about this much of it
23 (indicating), 20 inches is encroaching into the
24 front yard.

25 MEMBER GOTTLIEB: So if they made it, for

1 example, seven feet, they would not need a
2 variance?

3 MR. SAVALDI: Correct.

4 MEMBER GOTTLIEB: Or seven feet two inches.

5 MR. SAVALDI: That's correct.

6 MEMBER GOTTLIEB: Okay, that explains that
7 one.

8 The second-floor extension --

9 CHAIRMAN KEILSON: Let me just clarify. On
10 the front one, it's how high?

11 MR. SAVALDI: The both patios are only 24
12 inches high.

13 CHAIRMAN KEILSON: Your drawing shows 18
14 inches.

15 MR. SAVALDI: Pardon me?

16 CHAIRMAN KEILSON: Your drawing proposed 18
17 inches.

18 MR. SAVALDI: It's 18 inches. The grade has
19 changed. It's 18 to 24.

20 MEMBER WILLIAMS: Then he says there's a
21 36-inch high railing above that?

22 MR. SAVALDI: That's right.

23 MEMBER GOTTLIEB: On the second floor --

24 MR. SAVALDI: The addition on the west side
25 -- on the east side.

1 MEMBER GOTTLIEB: That's going over the
2 existing structure.

3 MR. SAVALDI: It's over, correct.

4 MEMBER GOTTLIEB: You're maintaining the same
5 side yard, just building it out.

6 MR. SAVALDI: Exactly.

7 MEMBER GOTTLIEB: The last question, or the
8 third, if you will, the side yard patio, you
9 changed that from a three-foot side yard to a
10 five-foot side yard?

11 MR. SAVALDI: Correct.

12 MEMBER GOTTLIEB: Aside from that you would
13 like to have a patio off the kitchen, is there any
14 need for this?

15 MR. SAVALDI: Yeah, that's the breakfast
16 area. Again, if you look at the plan, at the A-3,
17 you see that the door there is right off the
18 dining area and the kitchen. So the --

19 MEMBER GOTTLIEB: So then this would be for
20 outdoor dining, if you will?

21 MR. SAVALDI: Right.

22 MEMBER GOTTLIEB: Or a sukkah.

23 MS. REKANT: For thirty years I've been
24 running through my dining room to barbecue.

25 CHAIRMAN KEILSON: Would you state your name,

1 please.

2 MS. REKANT: Sure, Freyde Rekant, 126
3 Harborview South. For 30 years I've been running
4 through my dining room to run back and forth, back
5 and forth, back and forth, and I'm getting very
6 old.

7 MEMBER GOTTLIEB: You don't look so old.

8 MS. REKANT: I know, but I have ten
9 grandchildren so far, and maybe tomorrow will be
10 another one. And it's quite difficult for me to
11 do all this running back and forth. I have a very
12 lively household, very, thank God; they're all
13 coming home. A lot of them are married, but
14 they're all coming home with their children. And
15 I find it very difficult. I need air. And I just
16 -- it's something I've been wanting for 30 years,
17 because I do a lot of barbecuing. I do a lot of
18 cooking, and we do a lot of family seating. In my
19 kitchen, I never built out my kitchen; it's very
20 small to seat ten people. And if I can throw some
21 people out on the side deck, that would be great.
22 So it's a matter of convenience as well as
23 necessity for a very nice lifestyle, which our
24 community proposes to give the residents, and I've
25 enjoyed living here for 30 years and I have never

1 had a problem.

2 CHAIRMAN KEILSON: The rear deck comes off of
3 which room?

4 MS. REKANT: My dining room, all the way on
5 the other end. It's a very large room. It never
6 was a dining room. It was built in the house as a
7 den. But because I didn't want to build out my
8 house, I moved my den into my dining room. My den
9 is therefore the front room which is very small.
10 When we all sit around, 20 people, we get a little
11 cramped and hot. The dining room, therefore, is
12 in the back, which was the den, and that is a very
13 large room. So when I have to cook, and I do
14 barbecue often, it's a very long 15 -- it's 20
15 feet at least, and I don't put the barbecue right
16 by the back door.

17 MEMBER GOTTLIEB: And just while I have your
18 attention, the mezzanine level is the raised
19 living room. What's labeled as the mezzanine,
20 that's the raised living room?

21 MS. REKANT: Yeah.

22 MEMBER GOTTLIEB: You don't use it?

23 MS. REKANT: I use it, it's beautiful, but we
24 don't sit in it, no. There is a lot of books
25 there. If you want to come, it's beautiful, but

Rekant - 10/27/11

1 it's not -- it's not -- you know, everybody likes
2 to be together, we like each other.

3 MEMBER GOTTLIEB: Unusual.

4 MS. REKANT: After three days of the holiday
5 we're still talking. That's all. So if you ask
6 what I need it for, that's the honest truth.

7 CHAIRMAN KEILSON: It's a little unusual to
8 have patios off of multiple rooms. That's not
9 something we see every day. Most of the houses in
10 question have decks in the rear.

11 MS. REKANT: I wouldn't discuss most of the
12 houses in my neighborhood. My neighborhood has
13 multiple different types of houses with multiple
14 types of things going on. I'm just asking for a
15 couple of decks, that's it. I'm not going right,
16 left, up, down and all of that. So don't bring up
17 multiple houses.

18 Thank you.

19 MEMBER GOTTLIEB: I need to ask you another
20 question. I don't -- you're asking for a
21 five-foot side yard, and I understand the need and
22 so forth. I need to know the relevance as to what
23 space the neighbor has between their house and
24 this patio. Does it infringe upon their views?
25 Does it impose upon their privacy?

Rekant - 10/27/11

1 MS. REKANT: Should I answer that?

2 MEMBER GOTTLIEB: I don't have any reference
3 to that.

4 MS. REKANT: I do.

5 MEMBER GOTTLIEB: Okay, since you happen to
6 live there.

7 MS. REKANT: Since I live there and I've been
8 looking at it for 30 years. They have two windows
9 on top, that's their bedroom and their bathroom.
10 It's a high ranch. They have nothing there.

11 MEMBER WILLIAMS: Who's they?

12 MS. REKANT: It's the side of the garage.
13 They have nothing there. I planted my rosebush in
14 their backyard, in their side yard so I could look
15 out my window and see a nice rosebush.

16 MR. REKANT: Their garbage cans are there.

17 MS. REKANT: Yeah, they have nothing but
18 their garbage cans there. My garbage cans are
19 there and their garbage cans are there.

20 MEMBER GOTTLIEB: Do you happen to know what
21 the distance is between where the house starts and
22 where their property line is?

23 MR. SAVALDI: I think it's similar. I think
24 it's about eight feet, but let me see.

25 MR. REKANT: The property line to their

1 house?

2 MS. REKANT: From the property line to their
3 house?

4 MEMBER GOTTLIEB: Yes.

5 MR. PANTELIS: Yes.

6 MR. REKANT: May I?

7 MR. RYDER: You have twelve.

8 MR. REKANT: Twelve feet there.

9 MR. RYDER: Your name, please, sir.

10 MR. REKANT: Allen Rekant, 126 Carlisle --
11 Harborview. There's got to be at least 15 feet
12 from the property line to their structure, and
13 that's all there is now.

14 CHAIRMAN KEILSON: Mr. Schreck, any
15 questions? Esther, any questions?

16 Off the record.

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

19 MEMBER GOTTLIEB: I don't like to negotiate,
20 but I'd like to ask you to indulge something for
21 me. The second-floor extension is fine.

22 MR. SAVALDI: Okay.

23 MEMBER GOTTLIEB: Mrs. Rekant has an
24 extremely good argument for her requiring or
25 requesting a side-yard patio, which normally I

Rekant - 10/27/11

1 would not like to give because it's -- we don't
2 set precedents, but I understand her need in this
3 particular case.

4 What I would ask is that it be shrubbed with
5 pretty mature trees around it so you don't really
6 see it from the street or the neighbor, to allow
7 some privacy. And the front yard I'm going to ask
8 you to do it by right, just pull it back another
9 20 inches because we don't give front-yard
10 porches. But understanding that the Rekants have
11 been here 30 years and this is their first
12 request, we want to accommodate as much as we
13 possibly can.

14 MR. SAVALDI: Okay. Can we keep the portico
15 part which is curved and because the portion of
16 the portico that is encroaching, the 20 inches, is
17 really the curved area. It's very small.

18 MEMBER GOTTLIEB: Can you tell me where to
19 find it?

20 MR. SAVALDI: Yes, A-3.

21 MEMBER GOTTLIEB: Oh, the portico is not over
22 the porch. The portico is over the front door.

23 MR. SAVALDI: Correct. The portico, if you
24 look at the letter -- should I submit it
25 officially? I e-mailed it this morning.

Rekant - 10/27/11

1 CHAIRMAN KEILSON: No, we have it.

2 MR. RYDER: I forwarded it to them.

3 MR. SAVALDI: So item number three -- sorry.

4 At the bottom of that letter that I write, I
5 indicate that the portion encroaching into the
6 30-foot front-yard setback is less than ten square
7 feet because it's curved.

8 MR. PANTELIS: It is open, correct.

9 MR. SAVALDI: It is open. And it makes a
10 difference for the weather effect from the
11 elements.

12 CHAIRMAN KEILSON: I think we can accommodate
13 that.

14 MR. SAVALDI: Thank you, Mr. Chairman.

15 MEMBER GOTTLIEB: The Chairman says yes.

16 MR. SAVALDI: Okay.

17 MR. RYDER: To keep it at 28 feet four
18 inches.

19 CHAIRMAN KEILSON: For the portico.

20 MR. SAVALDI: It's extreme but it is only at
21 one point.

22 MR. RYDER: That's fine.

23 MR. SAVALDI: But the front patio would move
24 back to the 30 feet.

25 MEMBER GOTTLIEB: Which would be --

Rekant - 10/27/11

1 MR. PANTELIS: Eliminate the variance.

2 MR. SAVALDI: Eliminate the variance.

3 MEMBER GOTTLIEB: And you'll put some of the
4 bushes around the --

5 CHAIRMAN KEILSON: Side patio.

6 MR. SAVALDI: Okay.

7 MR. PANTELIS: Subject to approval of the
8 building inspector of the landscaping.

9 CHAIRMAN KEILSON: First of all, I want to
10 invite anybody who wants to speak on the topic, if
11 there's anybody in the audience who wants to
12 address it.

13 (No response.)

14 CHAIRMAN KEILSON: Let's just summarize. The
15 variance for the construction over the existing
16 second story is one item that we're talking about.
17 The left-hand side of the patio as per the revised
18 drawing with shrubbery to screen it subject to the
19 approval of the Building Department. And lastly,
20 the portico as presented is the other request.
21 Okay.

22 MR. RYDER: The application is going to go in
23 front of the Board of Building Design anyway.

24 CHAIRMAN KEILSON: In terms of seeing to it
25 that the shrubbery is done, that's within your

Rekant - 10/27/11

1 purview?

2 MR. RYDER: Correct, Mr. Chairman.

3 CHAIRMAN KEILSON: Okay, Mrs. Williams.

4 MEMBER WILLIAMS: For.

5 CHAIRMAN KEILSON: Mr. Gottlieb.

6 MEMBER GOTTLIEB: For.

7 CHAIRMAN KEILSON: Mr. Schreck.

8 MEMBER SCHRECK: For.

9 CHAIRMAN KEILSON: And I vote for as well.

10 MR. SAVALDI: Thank you very much,

11 Mr. Chairman.

12 MS. REKANT: Thank you.

13 MR. RYDER: One year?

14 MR. SAVALDI: Two years.

15 MR. RYDER: Two years to start.

16 (Whereupon, the hearing concluded at

17 8:20 p.m.)

18 *****

19 Certified that the foregoing is a true and

20 accurate transcript of the original stenographic

21 minutes in this case.

22

23

Mary Benci

24

MARY BENCI, RPR
Court Reporter

25

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 October 27, 2011
7 8:20 p.m.

8 APPLICATION:

9 Eisenberg
10 230 Hollywood Crossing
11 Lawrence, New York

12 P R E S E N T :

13 MR. LLOYD KEILSON
14 Chairman15 MR. EDWARD GOTTLIEB
16 Member17 MS. ESTHER WILLIAMS
18 Member19 MR. MARK SCHRECK
20 Member21 MR. THOMAS V. PANTELIS, ESQ.
22 Village Attorney23 MR. GERALDO CASTRO
24 Building Department25 MR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is
2 Eisenberg. Will they or their representative step
3 up. Is there someone here to represent them?
4 Okay, step forward.

5 Introduce yourself, give your address.

6 MR. JACOBS: Good evening. My name is
7 Leonard W. Jacobs. I'm an architect registered to
8 practice in the State of New York, residing at
9 599 Derby Avenue in Woodmere, New York.

10 I'm here representing my clients, Mr. and
11 Mrs. Richard and Debbie Eisenberg, residing at
12 230 Hollywood Crossing in Lawrence, New York. I
13 certainly want to thank the Board of Appeals for
14 giving us this opportunity to make our
15 presentation, and I want to thank the Village of
16 Lawrence Building Department, Mike Ryder, his
17 entire staff, for really getting us to this point.
18 There were numerous questions and issues and we've
19 gotten this far.

20 If I could just return --

21 CHAIRMAN KEILSON: We hope you will feel the
22 same way at the end.

23 MR. JACOBS: I hope so.

24 If I could return these two letters. They
25 were part of multiple addresses so I'd like to

1 believe that the letters were received as other
2 addresses (handing).

3 CHAIRMAN KEILSON: Mr. Jacobs, I also want to
4 commend you because I think in all the years that
5 I'm on the Board we've never had a better
6 presentation of photos.

7 MR. JACOBS: Thank you.

8 CHAIRMAN KEILSON: You made it easy for us to
9 understand what each structure is and where it's
10 placed.

11 MR. JACOBS: Thank you.

12 CHAIRMAN KEILSON: So I hope that enures to
13 your benefit. We'll see.

14 MR. JACOBS: Thank you.

15 Can I also submit letters from two neighbors,
16 one from across the street and one immediately to
17 the right of us (handing).

18 CHAIRMAN KEILSON: Sure. Those neighbors
19 approve or disapprove?

20 MR. JACOBS: They're approving.

21 CHAIRMAN KEILSON: Okay, very good. Okay,
22 you're on.

23 MR. JACOBS: Yeah, we're requesting relief
24 from the building zone ordinance Section 212-12.1.
25 The first part of the relief is for surface

1 coverage. We're going to be -- we have an
2 existing dwelling and we're going to add to the
3 existing dwelling about 762 square feet to the
4 right. And just as an interesting point, the
5 existing dwelling and the addition will not throw
6 us over building area coverage. We're okay on
7 building area coverage.

8 We will be -- we're proposing an in-ground
9 pool. We're going to dismantle an existing wood
10 deck and replace it with probably a patio, a stone
11 patio, a brick patio, flush with the grade.

12 And we're going to slightly modify the
13 driveway. There's a circular driveway which has
14 always been there, and we have to pull it back a
15 little bit closer to Hollywood Crossing because
16 we're moving the house a little bit forward.

17 Then we also have a side-yard aggregate.

18 CHAIRMAN KEILSON: I'm sorry, you're moving
19 the house forward?

20 MR. JACOBS: We're adding a little bit onto
21 the house on the right-hand side.

22 CHAIRMAN KEILSON: The two-story addition?

23 MR. JACOBS: Yes.

24 CHAIRMAN KEILSON: Okay. I thought you were
25 moving the house. I think your client got

1 nervous.

2 MR. JACOBS: I apologize.

3 We have an issue of side-yard aggregate. The
4 permitted side-yard aggregate is 40 feet; existing
5 is 44 and a half. We're going to drop it to 32.
6 Now, let me just qualify one thing about the
7 aggregate. When we extend the house to the right,
8 we're going to extend it so that we have the
9 required 20-foot right side yard. We are not
10 going anywheres near the left-hand side of the
11 house, not at all. There's a garage there that's
12 twelve feet from the property line; it's been that
13 way.

14 CHAIRMAN KEILSON: It's existing.

15 MR. JACOBS: It's a pre-- nonconforming
16 pre-existing condition.

17 CHAIRMAN KEILSON: Right.

18 MR. JACOBS: And if you notice, the second
19 floor, there's a zigzag line on the structure.

20 Apparently, during previous construction the
21 architect and homeowner did intend to try to hold
22 the 20 feet to the property line, and that's the
23 reason for the zigzag, but we're going no wheres
24 near there.

25 The basis for granting the relief is that the

1 present dwelling cannot accommodate the growing
2 family and the clients' need. Its present
3 occupants, Mr. and Mrs. Eisenberg and their
4 children --

5 CHAIRMAN KEILSON: How long have they lived
6 in the house?

7 MS. EISENBERG: Fourteen years.

8 MR. JACOBS: Fourteen and a half years.

9 CHAIRMAN KEILSON: How many children do they
10 have?

11 MS. EISENBERG: Five.

12 CHAIRMAN KEILSON: Okay.

13 MR. JACOBS: Five children. It's a lot of
14 children, and as we know it we also have the
15 extended family -- we also have an extended family
16 that we're dealing with. The children that move
17 out of the house get married, then they're always
18 coming back to the house. And there's something
19 here that we haven't heard in a long time, and it

20 didn't apply here, the words of downsizing and
21 empty nesters, that just doesn't happen. The
22 children just keep coming back. I guess the
23 Eisenbergs take good care of them, and we're
24 trying to accommodate them.

25 We also have elderly parents. There is a, I

1 believe, widowed mother who has difficulty
2 climbing stairs. And when we say people coming
3 back to visit the house, they're really coming
4 back to visit. The family does not travel on
5 Saturdays; they do not travel on Jewish holidays.
6 That means they're coming over, and they're eating
7 and they're sleeping; they're staying over. So
8 they really do have an issue of accommodations.

9 If the Board acts favorably here, it will
10 enable us to provide a new master suite. I should
11 bring your attention to the fact that the present
12 master suite has a lot of ups and downs. Why? I
13 don't know. The house is maybe 90 years old. And
14 to go from your walk-in closet to your bedroom to
15 the bathroom you're literally almost walking
16 stairs. We're going to take care of that.

17 We're going to have an additional child's
18 bedroom. We'll have a den for the first time.
19 The house does not have a den; I thought that was

20 very unusual. And we will be providing a
21 first-floor guest suite so that people could come
22 and visit and they don't have to walk up and
23 downstairs, and they will have their own bathroom.

24 I think the Board will really be pleased to
25 learn that our request is modest. You could see

1 the code relief sheet; there's nothing here, it's
2 an empty sheet. There are no visions of grandeur
3 here. It's a simple addition/modification that
4 will address the clients' needs.

5 As far as the character of the neighborhood,
6 I think we're dealing here with a national
7 classic. It's an American farmhouse, and we're
8 going to restore it, and I appreciate the Board
9 acting in our favor. I want to thank you.

10 MEMBER GOTTLIEB: Mr. Jacobs, I have a few
11 questions for you.

12 MR. JACOBS: Yes, sir.

13 MEMBER GOTTLIEB: If you refer to your page
14 A-1, you've used a 12-foot side yard to the
15 garage.

16 MR. JACOBS: Yes.

17 MEMBER GOTTLIEB: And I can't quote the
18 measurements because I don't see it, but it seems
19 that that should be closer to maybe eight feet or
20 six feet; the back of the garage is much closer to
21 the property line.

22 MR. JACOBS: The back of the garage is just
23 about five and a half to six feet.

24 MEMBER GOTTLIEB: I guessed pretty good.

25 MR. JACOBS: And it's funny. One of the

1 questions I had of the Building Department is
2 where do you add the numbers. And if you look at
3 the right-hand corner in the back of the new
4 two-story addition where it says 12.5 where it's
5 shaded, the answer we got is you take the widths
6 all across the property at that particular point.
7 Had I have added onto the house further towards
8 Hollywood Crossing, that wouldn't even be an
9 issue. I wouldn't even have the twelve feet; I'd
10 have the total aggregate that's required. And as
11 I said during the presentation, we're not going
12 anywheres near that part of the house; that's
13 going to remain the way it is.

14 MEMBER GOTTLIEB: The reason I'm asking is, I
15 know you're not going any closer on the -- I'll
16 call it the left-hand side of the house, the north
17 side, just in your side-yard aggregate instead of
18 proposed 32 feet, it's really 26 feet.

19 MR. JACOBS: Okay, you're taking that back
20 area. Yes, sir, I see what you're doing.

21 MEMBER GOTTLIEB: But you're saying that the
22 Building Department is saying you take the
23 average?

24 MR. JACOBS: No, no, from wherever your
25 construction is.

1 CHAIRMAN KEILSON: If I may interject,
2 Mr. Castro is here and he can easily explain.

3 MR. CASTRO: I believe what Mr. Jacobs is
4 talking about is at the point of construction
5 directly on the opposite side of the house is the
6 measurement he's taking which comes to 12 feet.

7 CHAIRMAN KEILSON: Which is legitimate.

8 MR. PANTELIS: No, it's not correct.

9 CHAIRMAN KEILSON: Oh, it's not correct?

10 MR. JACOBS: We're still under. We're under
11 in aggregate.

12 MR. PANTELIS: No, what would happen here is
13 that instead of 32 feet, you would be -- actually,
14 the aggregate is still the closest point on that
15 side, existing or not, but we are granting an
16 aggregate variance. I think the Board is being
17 asked to grant the aggregate, and I think the
18 Board is recognizing that that existing garage is
19 already there and it's not being touched.

20 MEMBER GOTTLIEB: I'm trying to get --

21 CHAIRMAN KEILSON: The letter of denial from
22 the Village says 32.

23 MR. PANTELIS: Right.

24 CHAIRMAN KEILSON: So whatever he's doing is
25 consistent with the letter of denial.

1 MR. RYDER: Our interpretation --

2 CHAIRMAN KEILSON: Right.

3 MR. RYDER: -- for side-yard aggregate is to
4 take the measurement where the new proposed
5 construction is to the opposite drawing line, and
6 we came up with 12.5. Discussing it here with
7 counsel, he's saying no, you go to the shortest
8 portion of the existing structure. That we know
9 is six feet less.

10 MR. JACOBS: About six feet less.

11 MR. RYDER: About six feet, which knocks it
12 down to 26 feet, which is what you're looking for
13 approval tonight.

14 CHAIRMAN KEILSON: Well, that changes
15 everything.

16 MEMBER GOTTLIEB: While it doesn't materially
17 change the application, I just want to get it
18 right. Okay, that was the question.

19 MR. RYDER: And so do we.

20 MEMBER GOTTLIEB: And maybe we'll work on
21 understanding this better for next time.

22 Looking at the front elevation, so if I'm
23 understanding this correctly, you're removing the
24 chimney and I think what you call it --

25 MR. JACOBS: We're removing the two gables

1 with those half circular windows. We're just
2 trying to tone it down; it's a little bit loud. I
3 want to remove the elevator; there's an elevator
4 tower. There's an abandoned elevator there.

5 CHAIRMAN KEILSON: Isn't that the farmhouse
6 look you wanted?

7 MEMBER GOTTLIEB: I thought it was a silo.

8 MR. JACOBS: No, we'd have to put a silo in.

9 MEMBER GOTTLIEB: I don't have any other
10 questions, but thank you.

11 CHAIRMAN KEILSON: Mr. Schreck, any
12 questions?

13 MEMBER SCHRECK: I have no questions for
14 Mr. Jacobs.

15 CHAIRMAN KEILSON: Mrs. Williams, any
16 questions?

17 MEMBER WILLIAMS: No.

18 CHAIRMAN KEILSON: Does anyone in the
19 audience want to comment?

20 (No response.)

21 CHAIRMAN KEILSON: I want to take into
22 consideration, obviously, it's a surface coverage
23 issue because you have 1,122 square feet, 13 and a
24 half percent, which is a high percentage. We
25 generally don't tend to give those kinds of

1 approvals, but there is special circumstances in
2 terms of the size of the driveway, and you're
3 adding the swimming pool. That gives rise to the
4 excess surface coverage, I believe, which we can
5 take into consideration into ameliorating the
6 issue.

7 MEMBER GOTTLIEB: I think we also realize
8 that because there's not a detached garage we're
9 counting the entire driveway as surface area which
10 some might consider penalizes the homeowner for
11 having an older house with an attached garage. So
12 we take that into consideration in the 1,122
13 square feet overage.

14 MR. JACOBS: Thank you. Plus, I think we're
15 heavily loaded in the back. All of our property
16 is in the front. So it's a little bit of a
17 hardship.

18 CHAIRMAN KEILSON: Absolutely.

19 MEMBER GOTTLIEB: It was taken into
20 consideration also.

21 MR. JACOBS: Thank you.

22 CHAIRMAN KEILSON: Very, very considerate,
23 Mr. Gottlieb.

24 MEMBER GOTTLIEB: We are a very considerate
25 Board.

Eisenberg - 10/27/11

1 CHAIRMAN KEILSON: Having taken all those
2 considerations, Mr. Schreck, how are you going to
3 vote?

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

5 CHAIRMAN KEILSON: Mr. Gottlieb.

6 MEMBER GOTTLIEB: For.

7 CHAIRMAN KEILSON: Mrs. Williams.

8 MEMBER WILLIAMS: For.

9 CHAIRMAN KEILSON: And I will vote for as
10 well.

11 MR. JACOBS: Thank you, thank you very much.

12 MR. EISENBERG: Thank you very much.

13 MS. EISENBERG: Thank you.

14 CHAIRMAN KEILSON: Two years, two years.

15 (Whereupon, the hearing concluded at
16 8:33 p.m.)

17 *****

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

21
22 Mary Benci

23 MARY BENCI, RPR
24 Court Reporter
25

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 October 27, 2011
7 8:33 p.m.

8 APPLICATION: Perl
9 83 Briarwood Lane
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. MARK SCHRECK
19 Member

20 MR. THOMAS V. PANTELIS, ESQ.
21 Village Attorney

22 MR. GERALDO CASTRO
23 Building Department

24 MR. MICHAEL RYDER
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter is Perl.
2 Will they or their representative step forward.

3 MR. RUBENACKER: How are you? I'm Eric
4 Rubenacker, Rubenacker Contracting. I reside at
5 225 South High Street, in Lindenhurst, New York.
6 My family has been building in this neighborhood
7 for about half a century. 1962, next year will be
8 the year.

9 CHAIRMAN KEILSON: So tell us about the Perl
10 application.

11 MR. RUBENACKER: We're asking for relief of
12 two -- two sections; property coverage, and side
13 yard -- excuse me, rear-yard setback. Both
14 requests relate to the same space. The Perls are
15 a growing family; they're blessed with children
16 and lots of grandchildren and more counting all
17 the time, from what I understand, and they need
18 more space. The house is outdated. The kitchen
19 is in need of updating and upsizing. They are a
20 kosher household, and it is not nearly enough room
21 the existing space to do a proper kitchen.

22 CHAIRMAN KEILSON: How long are they in the
23 house?

24 MR. RUBENACKER: Eight years.

25 MR. PERL: Seven years, seven and a half.

1 CHAIRMAN KEILSON: Do I hear six?

2 In your papers you indicate that there was no
3 previous application, yet the Building Department
4 seems to think that there was an application on
5 this house.

6 MR. RYDER: That's correct, Mr. Chairman.

7 CHAIRMAN KEILSON: Do you know when it was?

8 MR. RUBENACKER: Are we talking about the
9 recent application that was denied and why I'm
10 here, or are we talking about an attempt to file
11 this house years ago?

12 MR. PANTELIS: Years ago.

13 MEMBER GOTTLIEB: 2005, 2006.

14 MR. RUBENACKER: It is possible and it may
15 have been denied. That is roughly around the time
16 I met Mr. and Mrs. Perl. I was building the house
17 across the street at the time.

18 CHAIRMAN KEILSON: It wasn't denied.

19 MR. RYDER: No, it wasn't denied. It was
20 approved.

21 MR. RUBENACKER: Oh, well --

22 CHAIRMAN KEILSON: Can we ask Mr. Perl?

23 MR. RUBENACKER: The only thing that's
24 changed since then --

25 MR. PERL: You have to ask my wife.

1 THE COURT: Sir, just identify yourself.

2 MR. PERL: Sheldon Perl, 83 Briarwood Lane.

3 CHAIRMAN KEILSON: You wouldn't know whether
4 you had an application?

5 MR. PERL: Again, this is my wife's baby.

6 She was supposed to be here but her plane is
7 delayed; she's on her way back from Florida.

8 There was an application. Again, I don't know the
9 details.

10 CHAIRMAN KEILSON: No, it is very important
11 for us to know that, because in the presentation,
12 the petition, in the ledgers there's no previous
13 application.

14 MR. RUBENACKER: I believe I could bring some
15 -- well, I'm not sure of that part, I was unaware.
16 But I do not know why that first application
17 failed to approve.

18 MR. PERL: It never came before the Board, as
19 far as I know.

20 MR. RUBENACKER: Well, if it was approved it
21 wouldn't need to; am I correct?

22 CHAIRMAN KEILSON: Hold it. There was an
23 application for a variance which was approved by
24 the Board, and as I understand it it was never
25 acted upon.

1 MR. RYDER: That's correct, Mr. Chairman.

2 CHAIRMAN KEILSON: Okay.

3 MEMBER WILLIAMS: Is it possible that your
4 wife applied, decided to do something and then you
5 changed your mind?

6 MR. PERL: Yeah, it's possible. It's
7 possible.

8 CHAIRMAN KEILSON: I have to understand.
9 You're saying that your wife would apply for a
10 variance and you would know nothing about it?

11 MR. PERL: Again, I don't remember the
12 details, I really don't.

13 MR. PANTELIS: Do you remember having a plan
14 to expand the house?

15 MR. PERL: Absolutely, yeah. We've been
16 doing this for the last four years.

17 MR. PANTELIS: And just perhaps not going
18 forward with that expansion?

19 MR. PERL: Yes.

20 CHAIRMAN KEILSON: Do you have any idea why
21 you didn't go forward?

22 MR. PERL: Money.

23 CHAIRMAN KEILSON: Okay, good reason; one of
24 the better ones.

25 MR. PANTELIS: Actually, the applicant here

1 is not relying on a previous variance. They're
2 coming here essentially --

3 MR. RUBENACKER: The plan also changed
4 slightly since the first application. This is a
5 slightly different set of plans.

6 CHAIRMAN KEILSON: Now, I'm further confused.
7 You said you knew of no other application.

8 MR. RUBENACKER: Well, I'm only basing it on
9 what the Board is saying to me right now.

10 CHAIRMAN KEILSON: How do you know it
11 changed?

12 MR. RUBENACKER: Because in my -- in the time
13 I have been working with the Perls there has been
14 a change in the plans, so I'm assuming the plans
15 you must have had have changed.

16 CHAIRMAN KEILSON: Were there previous plans
17 that you saw?

18 MR. RUBENACKER: Well, yeah, sure, sure.
19 These plans have been in existence for five years.

20 Am I right?

21 MR. PERL: These are the same plans. The
22 same plans that we have now are the plans that
23 were presented, if they were presented here, I
24 don't know if they were, four years ago, but they
25 were just changed.

1 MR. RUBENACKER: Very minor but they were
2 changed.

3 MR. RYDER: There's one change and that is
4 the proposed kitchen. That is the new addition to
5 the application.

6 MR. RUBENACKER: Correct.

7 MR. RYDER: Everything else but the proposed
8 one story, proposed second story -- the proposed
9 second story that was under the old application.
10 The new part of this application is the proposed
11 kitchen.

12 MR. RUBENACKER: Correct.

13 CHAIRMAN KEILSON: And the kitchen is merely
14 converting the screened-in porch to a kitchen?

15 MR. RUBENACKER: Also correct.

16 CHAIRMAN KEILSON: So the encroachment to the
17 rear of 16 feet is existing?

18 MR. RUBENACKER: Correct.

19 MEMBER GOTTLIEB: Just for the record, can we
20 remove this line that says they've never appeared
21 before, so it's just removed, or do we just ignore
22 that statement?

23 MR. PANTELIS: I would suggest you just
24 ignore it at this point. There's testimony --
25 there was testimony that there was a variance;

1 you're not relying on it one way or another. It's
2 a new application.

3 MEMBER GOTTLIEB: All right, so we have a new
4 application.

5 CHAIRMAN KEILSON: Okay. So and we know that
6 the Board was a very liberal Board, as opposed to
7 us, okay.

8 MEMBER GOTTLIEB: Okay.

9 CHAIRMAN KEILSON: All right. So we have 282
10 square feet of overage.

11 MR. RUBENACKER: Correct, nine percent.

12 CHAIRMAN KEILSON: And captured in the
13 proposed first story, and how many first stories
14 do we have? We have two second stories being
15 built?

16 MR. RUBENACKER: Correct.

17 CHAIRMAN KEILSON: And one first story and
18 the kitchen.

19 MR. RUBENACKER: Correct.

20 CHAIRMAN KEILSON: And the pool is
21 pre-existing, right?

22 MR. RUBENACKER: Yes.

23 CHAIRMAN KEILSON: Okay. Any other questions
24 from the Board?

25 MEMBER SCHRECK: Are there any letters in

1 support from any of the neighbors?

2 MR. RUBENACKER: No. But all the letters
3 have been mailed out with the radius map that the
4 paperwork so indicated in the file.

5 MEMBER GOTTLIEB: None of them showed up.

6 MR. RUBENACKER: I hope not. I don't hear
7 anybody breathing behind me that sounds angry.
8 It's not likely. What we're doing is going to be
9 an improvement to the neighborhood and it's just
10 going to make it look better. I built the house
11 across the street, I built the house next to it.
12 I want the whole area to look pretty.

13 CHAIRMAN KEILSON: You want your signature on
14 all the houses?

15 MR. RUBENACKER: Darn right I do.

16 CHAIRMAN KEILSON: Is there anyone in the
17 audience that wants to speak for or against?

18 (No response.)

19 CHAIRMAN KEILSON: Okay, silent majority.

20 All right, taking into account the normal criteria
21 for approving a variance as far as the benefit to
22 the applicant as opposed to any detriment to the
23 neighborhood, the health, safety and welfare, the
24 five criteria, I think we'll take a vote at this
25 point.

Perl - 10/27/11

1 Mr. Schreck.

2 MEMBER SCHRECK: I vote for.

3 CHAIRMAN KEILSON: Mr. Gottlieb.

4 MEMBER GOTTLIEB: In the absence of any
5 opposition, I will vote for.

6 CHAIRMAN KEILSON: Mrs. Williams.

7 MEMBER WILLIAMS: I'll vote for.

8 CHAIRMAN KEILSON: And I'll vote for as well.

9 MR. PERL: Thanks.

10 MR. RUBENACKER: Thank you very much.

11 CHAIRMAN KEILSON: I hope this time it will
12 come to fruition.

13 MR. RYDER: Two years.

14 MR. RUBENACKER: That should be good.

15 (Whereupon, the hearing concluded at
16 8:42 p.m.)

17 *****

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

21

22

23

24

25

Mary Benci
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 October 27, 2011
7 8:42 p.m.

8 APPLICATION: Glaubach
9 3 Firethorn Drive
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTlieb
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. MARK SCHRECK
19 Member

20 MR. J. PHILIP ROSEN
21 Member

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

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Okay, the next matter is
2 Glaubach. Will they or their representative step
3 up.

4 MR. GOLDMAN: For the applicant, good evening
5 to the Chairman, to the Board.

6 Mr. Pantelis, may I also join in the
7 condolences to you and your family, knowing you as
8 well as we do.

9 We also want to pick up a cue from Mr. Jacobs
10 and say thank you to the Building Department for
11 its spectacular work. And indeed the Building
12 Department has been working with the Glaubachs,
13 whom we represent, who are the applicants before
14 you.

15 I would note, too, that this is Simeon and
16 Monica Glaubach. There are many Glaubachs in the
17 community. This particular couple --

18 CHAIRMAN KEILSON: We will not hold it
19 against them.

20 MR. GOLDMAN: Precisely my point.

21 Furthermore, I would just note too that this
22 couple hasn't been involved with the Building
23 Department prior to our application this evening.
24 I believe work was done on the property that was
25 permitted, and in doing so they came forward in a

1 straightforward and candid fashion, in a
2 cooperative fashion, and that's exactly how we
3 wish to pursue this particular application this
4 evening. They're new to Lawrence, and I know it's
5 of concern to this Board.

6 CHAIRMAN KEILSON: Significant concern.

7 MR. GOLDMAN: That's correct. And so we
8 might as well -- that's the elephant, if you will,
9 in the room, other than my own girth. And I'd
10 just note that the standard here, and I understand
11 that it's of concern that someone buys a house and
12 then having bought a house they're now requesting
13 variances. But I would note that the standard is
14 not whether did you just buy -- why did you buy a
15 house if you think you're going to need variances?
16 Why didn't you buy a house that meets your needs
17 immediately? The standard ultimately is do the
18 variances that you need because you bought this
19 house, are they any kind of a detriment to the
20 community and do -- the benefit that accrues to
21 you, does it outweigh any detriment should there
22 be a detriment to the community.

23 CHAIRMAN KEILSON: And also, is it
24 self-created.

25 MR. GOLDMAN: That is correct.

1 CHAIRMAN KEILSON: Buying a house that
2 doesn't fit their needs is a self-created
3 situation.

4 MR. GOLDMAN: So then it becomes a question
5 of does it meet their needs. These folks have
6 lived in the community well over fourteen years,
7 not in the Lawrence community. They felt the
8 particular location they were in did not meet
9 their needs. That's a standard in terms of
10 wanting to move specifically to Lawrence to be
11 close to the educational institutions that they're
12 supportive of, and part of certainly religious
13 institutions that are certainly in closer
14 proximity and would facilitate their being able to
15 join those particular religious institutions.
16 They're also engaged in all sorts of communal and
17 philanthropic endeavors, and that too would be
18 facilitated by relocating in Lawrence.

19 I'm advised that they spent a tremendous
20 amount of time looking for a house that didn't
21 just meet these needs, but met broader needs as
22 well. This house filled out that need, if you
23 will, with the exception of certain areas, and
24 that's why we're here before you tonight. So the
25 standard then now would be whether in asking for

1 those variances and the benefit that accrues to
2 them whether the detriment, should there be a
3 detriment to anybody, outweighs the benefits to
4 them, and notwithstanding the fact that it's a new
5 home. Now, it would have obviously been better if
6 they had had the opportunity to find the absolute
7 perfect house, and while the other house might
8 have met these needs, that might be lacking in
9 others. There's no such thing as perfection,
10 other than my wife.

11 So with that thought in mind, it then becomes
12 a question of what their needs are here tonight.
13 So they're coming before you because they do, in
14 fact, need more bedrooms. Their prior home had
15 five. They're asking now for six. They need more
16 bathrooms; the prior house had five. They're now
17 asking for seven. Or not asking. They're
18 currently in the home which is pretty much what
19 they need but for certain adjustments. I had

20 hoped to come here tonight to make the argument
21 that we and we alone had, not the burden, but the
22 blessing of triplets.

23 CHAIRMAN KEILSON: I hear there is empathy
24 tonight.

25 MR. GOLDMAN: But now I switch it to indicate

1 that anybody who has triplets recognizes, albeit
2 it for a short period of time, that with God's
3 help that each child is a different kind of
4 dynamic and to the extent that the triplets even
5 though they're in this case it's two girls and a
6 boy, there are certain needs where we use the
7 expression all the time: I have to have my own
8 space, I just need my own space. And in this case
9 these are three thirteen-and-a-half-year-olds who
10 do indeed need their own space in terms of
11 bedrooms, in terms of bathrooms, in terms of
12 privacy. And in terms of the fact that
13 notwithstanding the fact they're triplets, in
14 certain areas they really do need some kind of
15 independent space. That's what the Glaubachs are
16 looking to do.

17 Mr. Jacobs mentioned before that nobody is
18 looking to create the Taj Mahal, and he's correct
19 in the case of his client; they're just here to
20 meet a need, and that's the case here as well. So
21 what we are talking about here is the need for
22 more bedroom space, more bathroom space, a broader
23 expanded living area which we indicated in the
24 petition and which Mr. Scheer whom you've dealt
25 with before, Andrew Sheer, the architect, will be

1 more than able to explain to you the particular
2 details as far as that is concerned.

3 This is, indeed, thank God, a growing family.
4 It's also an expanding family. As you know,
5 within the family itself, Mr. Glaubach is one of,
6 I believe, six. Thank God, there are parents who
7 are getting somewhat older; they come and visit,
8 et cetera. So the truth of the matter is that
9 this is a pretty -- you know, it's interesting,
10 and you know it better than I, the applications
11 that are made here. It's pretty much the same
12 application all the time. Thank God, it's a
13 homogenous community with expanding families and
14 everybody has the same need.

15 The additional, the part of the need for the
16 variance, of course, is the building coverage, and
17 that has a component there's a swimming pool
18 that's involved here. I've submitted to the
19 Board, we faxed over two correspondences, both
20 that Mr. Glaubach, who is a resident of the home,
21 needs a swimming pool for medical purposes, and
22 that's confirmed with the correspondence to the
23 Court -- to the Board from, obviously, a
24 physician, as well as his mother who needs to use
25 the facility.

1 Now, the reason why we need the additional
2 coverage, it's quite interesting, I myself have
3 heard everybody make the pitch that they need a
4 swimming pool because all of a sudden their ankle
5 and they need the aquatic therapy, et cetera, but
6 the question always comes up and somehow or
7 another they only need it during the summer months
8 because it's an outdoor swimming pool. And if the
9 therapy is truly legitimate and legitimately
10 needed, then why all of a sudden are they
11 perfectly healthy during the winter but they
12 should suddenly need it. In fact, the Glaubachs
13 really do indeed need it and have gone to the
14 added expense and effort to make it such that it's
15 an enclosed swimming area.

16 Now, it's interesting, it's a new technology.
17 So essentially what it is, it's retractible so
18 that it's not necessarily a new structure per se,
19 but indeed it's a swimming pool that is
20 surrounded, if you will, and that's the additional
21 element to it that makes it enclosed so that it
22 can be used year round is what causes the overage.
23 Now, the truth of the matter is that in the summer
24 this is a unique situation because you're asking
25 for an overage on coverage and yet it isn't a

1 24/7, 365-day-year overage.

2 CHAIRMAN KEILSON: So you're in violation
3 only part of the year.

4 MR. GOLDMAN: Well, the truth of the matter
5 is that we will be in violation if we weren't
6 asking for the variance, and to the extent of
7 beingchutzpah, which is spelled C-H-U-T--

8 Building it, letting the Building Department
9 come and inspect it when it's all retracted and
10 then when the Building Department isn't there in
11 the dead of winter, though our people are there
12 all of the time on top of the job, then suddenly
13 you're taking away from the retraction and letting
14 it suddenly emerge and again be in violation at
15 that time.

16 MR. PANTELIS: Mr. Goldman, when you talk
17 about retracting, you're only talking about a
18 wheel retracting. Aren't there still four walls
19 to this?

20 MR. GOLDMAN: No, that's the interesting
21 thing, and I will have the architect describe it
22 to you because it's a new technology. As a matter
23 of fact, I think Mr. Ryder --

24 CHAIRMAN KEILSON: Of what consequence is
25 this?

1 MR. PANTELIS: I wanted to know myself.

2 MR. GOLDMAN: Well, the consequence is that
3 in terms of it being overtly --

4 CHAIRMAN KEILSON: We're having a cameo
5 appearance. Hang on one moment as Mr. Rosen joins
6 us.

7 MR. GOLDMAN: I assume this is a stroke of
8 luck for me that Mr. Rosen has appeared.

9 MEMBER GOTTLIEB: It just might be.

10 MR. GOLDMAN: Well, obviously, Mr. Scheer
11 will be in a better position to explain that
12 component of it. I'm simply suggesting to you
13 that in terms of a traditional overage this is
14 beyond that. You have the letters. We've
15 consulted with -- we've consulted with the
16 neighbors. We don't have written letters,
17 although I could easily get those. But I would
18 just note that what's truly relevant to this
19 discussion is that the immediate neighbor on
20 1 Firethorn has been consulted and is supportive
21 of it. The other neighbor, Drucker, is in Florida
22 and couldn't be reached and communicated with, but
23 he's less impacted. And the one who would be
24 impacted in terms of seeing it, to the extent that
25 it can be seen at all would be at 53 Sealy Drive,

Glaubach - 10/27/11

1 and they were shown the plans, they toured the
2 site, they -- I shudder to look over my shoulder
3 -- but they're not in opposition to it, to the
4 best of our knowledge, and expressed an
5 understanding. But the Glaubachs have also made
6 it clear that notwithstanding the fact that
7 they're supportive of it, the Glaubachs would
8 still provide enough foliage and landscaping,
9 et cetera, to suit the Building Department's
10 agreement that it certainly wouldn't impact
11 negatively on any neighbor.

12 So the only neighbor that expressed any kind
13 of concern -- the only neighbor that expressed any
14 kind of concern was the neighbor Mr. Hirmes at
15 5 Firethorn; and the only concern that was
16 expressed by him to me personally, as well as I
17 think -- I don't know if he spoke to the Building
18 Department, but certainly to the Glaubachs, was a
19 question, which is of concern to the Board even
20 though no one raises it, and that would be the
21 issue of drainage. Because of the imposition of
22 the pool, et cetera, and the construction whether
23 there would be any negative impact on drainage.
24 And immediately the Glaubachs said that they will
25 make certain that won't be the case.

1 And in fact, you will hear tonight, assuming
2 the Board requests it, we have professional land
3 surveyor who is in charge of providing you with a
4 drainage plan, Mr. Ferrantello, who would be able
5 to explain and there's a plan, et cetera, that's
6 been described.

7 So that you will see that the Hirmes are not
8 here either because their only concern, and even
9 though they're a little bit over to the side, was
10 what impact it might have on the drainage,
11 et cetera. So they've been satisfied beyond. We
12 didn't wait for the Board to admonish us to please
13 get a drainage plan.

14 So that's pretty much where we are, and what
15 I would do with the Board's permission or request
16 is invite Mr. Scheer and Mr. Ferrantello to join
17 me, and they can obviously answer any questions.

18 MEMBER GOTTLIEB: Before they join you, I'd
19 like to ask you some questions before they get up.

20 MR. GOLDMAN: Sure. No, I may need them to
21 respond.

22 MEMBER GOTTLIEB: We know we have triplets.
23 Are there any other children?

24 MR. GOLDMAN: Not yet. But I would note and
25 I don't say it -- I don't say it lightly, that

1 there are in fact extended family that are --

2 MEMBER GOTTLIEB: Fine. I'm just asking how
3 many kids are there today.

4 MR. GOLDMAN: Today three.

5 MEMBER GOTTLIEB: How many bedrooms in the
6 house as built when they purchased it?

7 MR. GOLDMAN: As built, it's my understanding
8 right at the moment, how many bedrooms?

9 MR. GLAUBACH: Five.

10 MR. GOLDMAN: The house now has five
11 bedrooms.

12 MEMBER GOTTLIEB: And you're adding on three
13 more?

14 MR. GOLDMAN: No, one more. It's the
15 bathrooms that there are currently five bathrooms
16 and we're adding two more.

17 MEMBER GOTTLIEB: I guess the reason why is
18 I'm looking at the extension, the build-out, and
19 I'm assuming it's the entire right side of the
20 house that has new --

21 MR. GOLDMAN: Thank you. I know enough to
22 know when I need it.

23 MR. SCHEER: Andrew Scheer, 391 Garfield
24 Avenue, West Hempstead, New York 11552.

25 Good evening. So, I'm sorry, the question

1 again was?

2 MEMBER GOTTLIEB: I was looking at A-3, and
3 I'm looking at the second-floor plan, and I was
4 assuming that the right third of the house where I
5 see three bedrooms and two bathrooms that that was
6 the addition.

7 MR. SCHEER: Right. So that is the addition
8 area, but the floor is being reconfigured. There
9 is existing four bedrooms upstairs and they're
10 being reconfigured with the master bedroom and the
11 master bathroom and the suite to accommodate, you
12 know, some of that, of the existing part of the
13 house. And so there's a reshuffling of the
14 bedrooms, but the additional bedroom is only one,
15 counted one.

16 MEMBER GOTTLIEB: So a total of six bedrooms,
17 or five upstairs?

18 MR. SCHEER: Five upstairs, correct.

19 MEMBER GOTTLIEB: That was my question for
20 that part of the house. Next.

21 CHAIRMAN KEILSON: Okay. Let me just see if
22 I can frame the question. Without the pool cover,
23 we'll call it roof, whatever, you don't need a
24 variance for building coverage; is that correct?

25 MR. SCHEER: Correct.

1 MR. GOLDMAN: That is correct.

2 CHAIRMAN KEILSON: So I think it's really the
3 pool cover that we should be talking about more
4 than the construction or reconstruction because
5 it's relatively benign.

6 MEMBER GOTTLIEB: My concern with the new
7 construction was the bulking out of the house. It
8 looks like that will be the largest house on that
9 block or at least the most --

10 MR. SCHEER: I don't think it will be.

11 MEMBER GOTTLIEB: I could be wrong.

12 MR. SCHEER: Yeah, I thought that the houses
13 next-door were considerably larger, but I don't
14 have -- I don't have anything to back that up.
15 But I mean from driving down the court I believe
16 the house to the right is substantially larger
17 than the one on the corner.

18 MEMBER GOTTLIEB: The one on the corner sort
19 of faces the corner. I'm really talking about the
20 three houses that are in the cul-de-sac.

21 MR. GOLDMAN: But it's designed --

22 MEMBER ROSEN: There's Strauss, if I remember
23 correctly.

24 MR. GOLDMAN: Strauss.

25 MEMBER ROSEN: And there's Hirmes. Those are

1 the two.

2 MR. GOLDMAN: Hirmes, right.

3 MR. RYDER: The house on the corner.

4 MR. GOLDMAN: It would not be inconsistent.

5 It certainly wouldn't change pursuant to the

6 section. It wouldn't change the character of the

7 community, nor would it dwarf or in any manner

8 shape or form be detrimental to the status, if you

9 will, of the adjoining homes -- the adjacent

10 homes.

11 MEMBER GOTTLIEB: There's no height issue

12 either?

13 MR. GOLDMAN: No.

14 MR. SCHEER: No.

15 MEMBER GOTTLIEB: Then we can move on to the

16 pool.

17 CHAIRMAN KEILSON: Again, we have a great --

18 I'll speak for myself. We have a great discomfort

19 with buying a house and altering it, and in effect

20 I have no qualms about the construction of the

21 house itself because, as I said, it will be

22 building coverage. I have difficulty with the

23 housing around the pool, okay. I can't put much

24 credence to the letter because everybody suffers

25 from back issues today, and I myself had surgery

1 on the back and I mean, ideally, everybody would
2 want to have a cover for their pool. So to go and
3 create a structure over the pool on a house that
4 you're just buying and that creates the excess
5 building coverage I think is violative of the
6 criteria, truthfully. I have difficulty with it.

7 MR. GOLDMAN: And I can appreciate that on
8 first blush one would have such difficulty with
9 it.

10 CHAIRMAN KEILSON: Even now on second blush.

11 MR. GOLDMAN: And rather than cause anyone to
12 blush, I simply suggest that what we're talking
13 about here is indeed asking for a variance. So
14 the question then becomes is granting this
15 variance going to be to the detriment of any other
16 party. Now, it certainly is not a noise factor.
17 It's not an aesthetic factor. It simply becomes a
18 question that it's just taking at that point when
19 it's constricted with you, if you will, which

20 would be in the winter it's simply taking up more
21 surface coverage. To whose detriment?

22 CHAIRMAN KEILSON: Building coverage.

23 MR. GOLDMAN: I'm sorry, building coverage.
24 So then the question becomes -- the question then
25 becomes, using the standard set by the law, to

1 whose detriment? Now, you're correct, it is
2 self-created; and again, I'm not a physician so I
3 can't speculate as to whether it is a necessity.
4 No one is suggesting that, God forbid, this is a
5 matter of life or death. This is simply a
6 question of the best utilization of the property
7 for these people.

8 Did they buy it and they're satisfied, thank
9 God, with the location, with the rest of the
10 house, with the ability to design within, without
11 imposing on anybody, to the extent that neighbors
12 are satisfied, et cetera. So they've made every
13 accommodation. Now, it just simply becomes a
14 question, to be blunt, who cares?

15 Now, I appreciate the fact that the Village
16 cares because there's a standard, and one has to
17 meet that standard. But then the answer is, well,
18 okay, have we done so? And the answer would be
19 that it's to no one's detriment and to their
20 benefit.

21 CHAIRMAN KEILSON: I don't share that
22 opinion. I mean, that's why I'm reviewing the
23 criteria, and I'm not sure I share your opinion
24 that it's not to the detriment to their
25 neighborhood. To have people building structures

Glaubach - 10/27/11

1 over pools I think has impact on the neighborhood,
2 truthfully.

3 MR. GOLDMAN: Well, first of all, I can hear
4 what you're saying. But one, this is not -- we've
5 had people that have built permanent structures
6 over pools. So that it is not simply a permanent
7 structure over a pool, it's a permanent structure
8 that has a pool within it, and they've utilized it
9 for other reasons, et cetera. This is
10 specifically designed. The truth of the matter
11 is, this is new technology where it's done
12 mechanically. You can perhaps explain it better
13 than I. It's not aesthetically displeasing. It
14 doesn't create any kind of nuisance and it permits
15 the use of this pool on a year-round basis.

16 Now, the truth of the matter is that when the
17 summertime comes and the weather is not -- does
18 not preclude its use, then that structure will not
19 necessarily come down but it's not going to be

20 there and the whole aesthetic won't matter to
21 anyone who even if they were cared to see it.
22 It's not in the front. It's not where anyone can
23 see it, and it has simply no impact.

24 Now, philosophically --

25 CHAIRMAN KEILSON: I'm sure it's visible from

1 other properties.

2 MEMBER SCHRECK: I would imagine it's visible
3 from Cedar Drive.

4 MEMBER WILLIAMS: How high is it?

5 MR. SCHEER: The interior height is about
6 seven -- a little less than seven feet, I believe.
7 The outside height is seven foot one. So it's
8 seven foot one above the pool and deck.

9 MEMBER WILLIAMS: How long does it take to
10 take off or put back on?

11 MR. SCHEER: Minutes. I mean, it slides.

12 MEMBER ROSEN: What is the system called?

13 MR. SCHEER: I have a brochure.

14 MR. GOLDMAN: And there's a video which we've
15 shown the Building Department.

16 MR. SCHEER: It's very lightweight. It
17 literally just glides it on the track and all the
18 panels will retract back (hanging).

19 MR. GOLDMAN: It's just that kind of an --
20 it's not intrusive, it's not unattractive; it
21 doesn't come down.

22 MEMBER GOTTLIEB: Is this structure heated
23 and air conditioned?

24 MR. SCHEER: No.

25 MEMBER GOTTLIEB: So in the winter how would

1 you use it if it's not heated?

2 MR. SCHEER: The pool is heated. The pool is
3 heated. It's also, you know, designed to keep,
4 you know, the element out, so that when you do
5 enter it, obviously, there's no -- you know, it
6 keeps it clean and usable all year round.

7 MR. GOLDMAN: So environmentally, it doesn't
8 create a noise, it doesn't impact on heat and
9 light. Even when it's retracted it's not suddenly
10 that you have, you know feet, tons of wood sitting
11 alongside someplace. If you look at it --

12 CHAIRMAN KEILSON: I think it's one of the
13 least attractive structures I've seen in years.

14 MEMBER ROSEN: Have you actually gone out to
15 see the structure? Because I've seen it. I've
16 been out to people's houses that have this
17 structure just because I was thinking about, you
18 know, possibly when I built my house to install it
19 into my house, and I'm not sure that the
20 unattractive is a correct description --

21 MR. GOLDMAN: Well.

22 MEMBER ROSEN: Or attractive is a correct
23 description. I think it is unattractive.

24 MEMBER WILLIAMS: He said it's not
25 unattractive.

1 MR. GOLDMAN: I said it's not unattractive.

2 MEMBER ROSEN: Your double negative I don't
3 agree with it. I think a single negative probably
4 worked.

5 But also, I think you can see that from other
6 properties. This is not going to be invisible. I
7 mean, your neighbors are going to be able to see
8 it.

9 MEMBER WILLIAMS: How large is it? It's
10 seven feet high.

11 MR. SCHEER: The size of the pool or slightly
12 more. It's thirty-three feet wide by eighteen
13 feet wide.

14 MR. GOLDMAN: So it's not -- again, it
15 surrounds the pool.

16 MEMBER WILLIAMS: And nobody sees it?

17 MR. SCHEER: Also, he will be able to give a
18 better description, but our property does sit a
19 little bit lower than the rear neighbor, and with
20 the fence I believe there is some shrubbery along
21 the side. You know, when they're looking over to
22 the property they're really seeing a brief, you
23 know, piece of the top of that.

24 MR. GOLDMAN: And certainly the back
25 neighbors have been promised either way sufficient

Glaubach - 10/27/11

1 landscaping as well.

2 MEMBER ROSEN: Let me ask you a question.
3 When the neighbors were approached about this,
4 were they shown that?

5 MR. GOLDMAN: Yes. As a matter of fact, you
6 can have the applicant, Mr. Glaubach.

7 MR. GLAUBACH: Simeon Glaubach, 3 Firethorn
8 Drive. In speaking to both of the property
9 owners, Mr. Sperling and Mr. Strauss, I sent them
10 and I spoke to both of them. I sent them copies
11 of the website for aquashield.com. I told them to
12 go on to the website, and I spoke to them.
13 Mr. Sperling I spoke to about three weeks ago. I
14 took him and his wife on the backyard of our
15 property, and I showed them exactly approximately
16 where the pool would be. I showed them where the
17 structure would be. I told them how big the
18 structure would be as well.

19 I did go to the manufacturing place in -- not
20 Bohemia -- Babylon, I think it was, Babylon, and I
21 did actually see them, how they make it, how they
22 go about making it. I saw them actually putting
23 it on the truck and transporting it out. It might
24 not be like, you know, the Taj Mahal, okay, but it
25 does give the owner basically full access to the

Glaubach - 10/27/11

1 pool year round. And as far as people seeing it
2 from the front of the house, they can't. My house
3 is blocking the whole cul-de-sac. And as far as
4 the other people seeing it, like Andrew has
5 stated, my property is two feet lower than
6 Mr. Sperling. So even if you're counting seven
7 feet, it's now five feet, and I'm going to be
8 putting up some kind of shrubbery in between my
9 house and Mr. Sperling's.

10 And as far as Mr. Strauss's house, there's a
11 fence about five and a half feet high between his
12 house and my house.

13 MR. GOLDMAN: And you told him as well?

14 MR. GLAUBACH: I told him as well. I spoke
15 to him and his wife about this. I don't know what
16 room they have overlooking it, but I think there's
17 only -- I'm not going to tell you what rooms are
18 overlooking my side of the house and his side of
19 the house.

20 MR. GOLDMAN: Now, obviously, the Board is
21 concerned and I think we've addressed the issue of
22 visibility and imposition, but to the extent if
23 the Board remains concerned about that we could
24 give assurances that through the Building
25 Department and certainly through the Board of

Glaubach - 10/27/11

1 Building Design we'll make certain that it doesn't
2 negatively impact beyond what we said here even
3 tonight in terms of additional shrubbery or
4 whatever else it might be.

5 CHAIRMAN KEILSON: I don't think the solution
6 is simply to conceal it, because it's not only
7 unsightly, it sets a precedent in terms of tone in
8 the Village. I think it goes beyond that,
9 truthfully.

10 MR. GOLDMAN: I respectfully submit to the
11 Board that I appreciate the concern about
12 precedents, but obviously every case stands and it
13 rises and falls on its own. To the extent that
14 this is put in in a specific location to meet a
15 specific need, and while again I won't disagree
16 with the Chairman in terms of your analysis of the
17 medical need for it, nevertheless, this is not --
18 those doctors are not my brother and it wasn't,
19 you know, a fabrication or whatever. It's a
20 legitimate, long-term ailment that can be
21 addressed by this.

22 And again, it really goes to the heart of the
23 issue. It's a benefit to the applicant which is
24 not only a personal benefit or whatever it may be,
25 but in this case it's certainly suggested and

Glaubach - 10/27/11

1 submitted that it's a physical issue that has to
2 be addressed and a medical benefit to the
3 detriment of whom? Now, I appreciate the fact
4 that the Board has an obligation in a broader
5 scheme to the Village in general as a principle,
6 but I think you're addressing those issues.

7 MEMBER SCHRECK: If the Glaubachs need a pool
8 on a regular basis, have they investigated joining
9 a pool club where they can go during the entire
10 year, rather than putting this structure in the
11 backyard?

12 MR. GOLDMAN: Well, that is correct. But
13 that is one of the reasons why one of the elements
14 of it is, one, obviously, like anything else, you
15 have to get in the car in the middle of the winter
16 and so it's like, you know, so do it, but that's
17 one of the reasons why in fact Mrs. Glaubach
18 senior is involved in this as well. This is an
19 older lady who would reside, pretty much to the
20 extent that it's convenient for her, et cetera,
21 and it addresses a very real need. And she's not
22 a driver, et cetera, et cetera, but she's going to
23 join a country club, and it becomes a whole big
24 project as opposed to this is a treatment. So
25 it's a point well taken, but it's a point that can

1 be readdressed.

2 MEMBER SCHRECK: Is she going to reside there
3 primarily or is she just visiting?

4 MR. GOLDMAN: She'll be visiting but to the
5 extent as the need arises she would remain there
6 and utilize that facility, and certainly in the
7 winter, which is precisely the time that it would
8 be least convenient to go to a club or whatever
9 else it may be.

10 CHAIRMAN KEILSON: Is there anyone in the
11 audience who wants to address it? Anyone from the
12 Hirmes family?

13 MR. KANNER: My name is Ray Kanner,
14 5 Harborview West, Lawrence, New York. It's
15 purely coincidental that I'm here. I had no idea
16 that this was on the docket. My in-laws are
17 Mr. and Mrs. Hirmes that reside on 5 Firethorn. I
18 heard that they left three weeks ago to go to
19 Israel; they're not back. I'm sure they would
20 have been here tonight if they weren't in Israel.

21 And I heard the applicant state that he spoke
22 to two of the neighbors, but he did not show this
23 to the third neighbor. And so I think that they
24 should be able to see it and they should be able
25 to opine on, you know, the aesthetics and, you

1 know, whether it will interfere with their view of
2 the site and so on with their property.

3 MR. GOLDMAN: Well, I must tell you, I
4 apologize. We did discuss it with the Hirmes and
5 prior to their leaving I spoke to Mrs. Hirmes,
6 Greta Hermies, who I know quite well. As a matter
7 of fact I even discussed this with Alan Hermies,
8 their son, who had expressed concern, not so much
9 about but the pool, the structure, anything else,
10 because they can't see it, they said they don't
11 care.

12 But what they did care about was the possible
13 impact of the entire project irrespective of
14 structure or not on the drainage issue, and that's
15 why we retained in deference to them, and that I
16 must tell you since I was present at the time that
17 when I discussed it with Mrs. Hirmes I ran right
18 across the street to the Glaubachs who indicated
19 right away they would retain the services of a
20 drainage person who is here today with a full
21 drainage plan. I assume the Building Department
22 has seen it. So their concerns have been -- they
23 haven't?

24 So it's available now. But so their
25 concerns, such as they were, were addressed. They

Glaubach - 10/27/11

1 actually had no concerns. That's why this issue,
2 a detriment to the community, a detriment to the
3 community if there is such a detriment.

4 Now, again, I sympathize with the Chairman's
5 concern that there's maybe a detriment in
6 principle to the principle, and that I can
7 appreciate. But to the extent of a reality in
8 terms of a true detriment to anybody, there's no
9 one here who's opposing it, and any concern of a
10 real detriment, which would have been the
11 drainage, I believe we're prepared and we've
12 retained this gentleman and he's here all night
13 ready to explain it to the satisfaction, I hope,
14 of the Building Department.

15 CHAIRMAN KEILSON: Did you want to add
16 anything?

17 MR. KANNER: My only point about them not
18 being consulted was in relation to the structure,
19 not that they weren't spoken to about this.

20 CHAIRMAN KEILSON: Thank you very much,
21 Mr. Kanner.

22 MR. GOLDMAN: Well, again, the structure
23 wouldn't be visible.

24 CHAIRMAN KEILSON: Mr. Goldman, you've made
25 your case.

1 MR. GOLDMAN: Right.

2 CHAIRMAN KEILSON: We'll see whether it
3 carries the day or not. I view it that we have a
4 substantial request, okay, which is one of the
5 considerations whether an area variance is
6 substantial, and I think 16.9 percent is
7 considerable. I think it is a detriment to the
8 community. I think it's an undesirable change. I
9 think you will have an adverse effect even on the
10 physical but certainly on the environmental. It's
11 certainly a self-created situation, and I, for
12 one, have great difficulty with it and prefer that
13 you retract the retractible roof.

14 Does anybody want to speak to it before we
15 vote?

16 MEMBER GOTTLIEB: Perhaps the applicant would
17 like to bifurcate the application and --

18 MR. PANTELIS: I think what's being suggested
19 is that the Board may not be inclined to grant the
20 coverage as it relates to this structure. But on
21 the other hand, it's possible that the Board will
22 be more inclined to grant anything that relates to
23 the coverage required to expand the house.

24 MR. GOLDMAN: And I appreciate that and I
25 appreciate the courtesy extended by the Board.

Glaubach - 10/27/11

1 Would it -- to the extent that this is a novel
2 presentation and to the extent that it is the
3 first time, and to the extent that you're
4 concerned about setting a precedent, would the
5 Board want us to perhaps go forward with a
6 component, but adjourn the part in terms of the
7 retractible, whatever, the pool, if you will, or
8 adjourn -- and I'll talk to my clients, and then
9 make a presentation to the Board with video,
10 whatever, also confirm that the Hirmes, which
11 there may be some concern that they didn't know
12 about this particular thing, that they might
13 express some opinion and that we might be able to
14 make a more informed judgment rather than simply
15 use the brochure, since it is a brand-new thing,
16 and present it and we'll be back next time with
17 the video and do a slide show and that way you
18 might feel more comfortable.

19 CHAIRMAN KEILSON: My reservation, and I am
20 familiar with the structure, I did look into it
21 for myself, I didn't go out to the plant, but I
22 did the research on it, so I am familiar with it,
23 and I dismissed it because I felt the aesthetics
24 were a detriment to the community, okay.
25 Mr. Rosen has familiarity with it. I'm not sure

1 that a video at this point is necessary.

2 MEMBER ROSEN: No, I mean, I went out to see
3 it. I saw the video first on the website. Then I
4 went out to see the structure. Then I went to two
5 houses where it was installed in the neighborhood,
6 and I think it was near Babylon, to look at how it
7 looks in a house or in the backyard of a house,
8 and I decided that it was -- it was not attractive
9 at all. It was extremely unattractive, that the
10 neighbors in my case I didn't need approval, so
11 but I felt that the neighbors would be very upset
12 with how it looked and, you know, I feel very
13 strongly about that. I think it really is
14 something that is extremely unattractive. It
15 looks like a motel swimming pool. That's the type
16 of appearance it has. And you know, in fact, even
17 in the brochure if you look at the bottom right
18 picture on it or one of the pictures, I don't
19 remember which one it is, it's from a motel and it
20 cheapens the look of a beautiful house and a
21 beautiful, you know, neighborhood.

22 MR. GOLDMAN: The only reason I'm troubled by
23 it is that within the criteria it certainly does
24 not impact environmentally. It's not -- if it
25 were visible, if this was in the front --

Glaubach - 10/27/11

1 CHAIRMAN KEILSON: Mr. Goldman, you've gone
2 over it several times, okay, we've acknowledged
3 everything you've brought up. I'm well aware of
4 the aesthetics. It's not necessarily a new
5 component. Okay, there are many other components,
6 and I think it fails the other criteria as well.
7 So we can go through each of the criteria, we'll
8 offer our judgment, and I think you're going to
9 come out with the same result. Now, if you want
10 to consult with your client, we would be happy
11 to --

12 MR. GOLDMAN: If the Board would give me five
13 minutes to do so.

14 CHAIRMAN KEILSON: By all means. We'll take
15 a five-minute recess.

16 (Whereupon, a recess was taken.)

17 CHAIRMAN KEILSON: All right, we're back on
18 the record, Mr. Goldman.

19 MR. GOLDMAN: Mr. Chairman, in deference to
20 the -- in deference to the thinking of the Board,
21 and in deference to the fact that we're dealing
22 with a current technology and a current
23 presentation that doesn't seem to meet the
24 standards as the Board defines them and wishes to
25 apply them, the applicant is withdrawing the

Glaubach - 10/27/11

1 component that would have the -- would necessitate
2 the creation of that structure above it for the
3 retraction and the roof, for lack of a better
4 word; and thus having done that, I think as a
5 matter of right they can -- well, not really, but
6 certainly they're leaving the application without
7 that piece of it and we stand before you for the
8 Board's decision.

9 MEMBER GOTTLIEB: Does that change the
10 building area coverage?

11 MR. PANTELIS: Yes.

12 MEMBER ROSEN: Considerably.

13 MEMBER GOTTLIEB: Does it remove the need
14 for --

15 MR. SCHEER: We would be under by 160 square
16 feet.

17 CHAIRMAN KEILSON: Do you want to expand the
18 house?

19 MR. GOLDMAN: But I do want a large jacuzzi.

20 MR. PANTELIS: Mr. Goldman, so then we're
21 still looking then for basically the side-yard
22 aggregate and for the rear-yard variances, as well
23 as the height setback ratio.

24 CHAIRMAN KEILSON: Okay, the Board will now
25 vote.

Glaubach - 10/27/11

1 MEMBER GOTTLIEB: Just so we're clear, it is
2 for three variances; side-yard setback,
3 dimensionals and height, rear yard.

4 MR. PANTELIS: Yes, the rear height setback
5 ratio.

6 CHAIRMAN KEILSON: Okay, Mr. Rosen, it will
7 be your opportunity to participate.

8 MEMBER ROSEN: I vote yes.

9 CHAIRMAN KEILSON: Mrs. Williams.

10 MEMBER WILLIAMS: I vote for.

11 CHAIRMAN KEILSON: Mr. Gottlieb.

12 MEMBER GOTTLIEB: As amended, for.

13 CHAIRMAN KEILSON: Mr. Schreck.

14 MEMBER SCHRECK: As amended, for.

15 CHAIRMAN KEILSON: That's four.

16 MR. GOLDMAN: We would need two years, and we
17 know that we have to go before the Board of
18 Building Design. We want to thank Board for its
19 attention.

20 MR. PANTELIS: Thank you, Mr. Goldman. Good
21 presentation.

22 (Whereupon, the hearing concluded at
23 9:22 p.m.)

24 *****
25

1 Certified that the foregoing is a true and
2 accurate transcript of the original stenographic
3 minutes in this case.
4

5 Mary Benci

6 MARY BENCI, RPR
7 Court Reporter
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25