

## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

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

6 October 9, 2013  
7 7:35 p.m.

8 APPLICATION: Gott  
9 97 Park Row  
Lawrence, New York

## 10 P R E S E N T:

11 MR. EDWARD GOTTLIEB  
12 Chairman

13 MR. MARK SCHRECK  
14 Member

15 MS. ESTHER WILLIAMS  
16 Member

17 MR. LESTER HENNER  
18 Member

19 MR. JOEL GANZ  
20 Member

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

23 MR. MICHAEL RYDER  
24 Building Department

25 Mary Benci, RPR  
Court Reporter

Gott - 10/9/13

1 CHAIRMAN GOTTLIEB: Good evening, ladies and  
2 gentlemen. This is the Village of Lawrence Board  
3 of Zoning and Appeals meeting for October.  
4 Welcome. I'm Ed Gottlieb. I'll be sitting in  
5 Mr. Kielson's seat during his absence this  
6 evening.

7 Mr. Ryder, may I have proof of posting?

8 MR. RYDER: Yes, Mr. Chairman, I offer proof  
9 of posting.

10 CHAIRMAN GOTTLIEB: Thank you.

11 Mr. Pantelis, would you like to explain the  
12 operation of our Board, please, in brief.

13 MR. PANTELIS: I see a number of experienced  
14 attorneys and architects out there, so they should  
15 know the procedures. But essentially, you know,  
16 the Board of Appeals is empowered by Village Law  
17 to hear applications for variances. And one of  
18 the things it's very important in those  
19 considerations is the presentation that you make  
20 with respect to helping us understand the  
21 variances which are being requested and, of  
22 course, the reason for those. The Board has  
23 examined the plans and in just about every case  
24 has inspected the properties, and members make an  
25 effort to do that.

Gott - 10/9/13

1           So I guess without further ado, Mr. Chairman,  
2           you may want to proceed with the first case.

3           CHAIRMAN GOTTLIEB: Thank you. Before I do  
4           that, kindly silence cell phones; and if there's  
5           any side talking, please take it outside so it  
6           doesn't disturb the proceedings.

7           We'll start with the case of Gott. Will they  
8           or their representative step forward.

9           MR. CAMMARATA: Good evening, Mr. Chairman,  
10          members of the Board. Joseph Cammarata,  
11          476 Coolidge Street, West Hempstead, New York  
12          11550, representing Ms. Gott, 97 Park Row,  
13          Lawrence, New York 11559.

14          Good evening. We are here tonight seeking  
15          relief to maintain a rear-yard deck on Ms. Gott's  
16          property located on the northwest corner of Park  
17          Row and Chauncey Lane, also known as Section 41  
18          Block 84 Lots 43 and 244. We are here seeking  
19          relief from 212-18.D for a minimum rear-yard  
20          setback of 20 feet, and Section 212-18.D(2)  
21          subsection (b) for maximum rear-yard setback to  
22          height ratio of one to ten.

23          CHAIRMAN GOTTLIEB: Mr. Cammarata, before you  
24          get too much into your application, did you  
25          receive a letter today from a neighbor in

1 MR. CAMMARATA: Yes, sir.

2 MR. PANTELIS: And it was constructed without  
3 a permit?

4 MR. CAMMARATA: Yes, sir.

5 MR. PANTELIS: So at this point there's  
6 really no need for you to go forward tonight.  
7 And I'd suggest that what the Board is thinking  
8 here is that they'd like to see some dialogue  
9 between your client and the neighbors before they  
10 consider the facts that you want to present to  
11 them.

12 MR. CAMMARATA: If that's the recommendation  
13 of the Board, then I see it.

14 CHAIRMAN GOTTLIEB: I tried to be as gentle  
15 as possible in my suggestion.

16 MR. CAMMARATA: No, I appreciate that, I  
17 appreciate that. We have just been through some  
18 things with the neighbors where Miss Gott has been  
19 as pleasant as possible. They said one thing to  
20 her and then they sent a letter with some  
21 misleading evidence that I have picture evidence  
22 to show in opposition.

23 MR. PANTELIS: You might also suggest that  
24 your client may want to be here if those are the  
25 circumstances.

Gott - 10/9/13

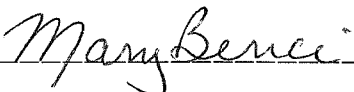
1 MR. CAMMARATA: Okay, when Ms. Gott -- I'm  
2 sorry to speak over you. When Ms. Gott was here,  
3 the homeowners -- the husband of the couple that  
4 owned that property was actually home. I'm  
5 guessing he chose not to appear tonight. So we  
6 will work it out. Thank you for the Board's time.

7 CHAIRMAN GOTTLIEB: Thank you.

8 (Whereupon, the hearing concluded at  
9 7:42 p.m.)

10 \*\*\*\*\*

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

14  
15 \_\_\_\_\_

16 MARY BENCI, RPR  
17 Court Reporter  
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## 1 INCORPORATED VILLAGE OF LAWRENCE

## 2 BOARD OF APPEALS

3 Village Hall  
4 196 Central Avenue  
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6 October 9, 2013  
7 7:42 p.m.

8 APPLICATION: Kleinschmidt  
9 284 Edward Bentley Road  
10 Lawrence, New York

## 11 P R E S E N T :

12 MR. EDWARD GOTTLIEB  
13 Chairman

14 MR. MARK SCHRECK  
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Kleinschmidt - 10/9/13

1 CHAIRMAN GOTTLIEB: Let's move on, and I  
2 believe it's the same representative for both  
3 cases, but perhaps we'll start with the  
4 Kleinschmidt application.

5 MR. MEYER: Good evening. My name is  
6 Gerard Meyer, architect. I practice and reside at  
7 14 Covert Avenue, Stewart Manor, New York, and I'm  
8 here representing Robert and Nell Kleinschmidt on  
9 their property in the Isle of Wight. They are the  
10 owners -- I apologize, I thought there was an  
11 easel here. I'll refer to this diagram.

12 The Kleinschmidts are the owners of the  
13 premises known as 284 Edward Bentley Road,  
14 Lawrence, New York, also known as Section 40,  
15 Block J, Lots 8 and 711 on the Nassau County tax  
16 map. The property lies in a Residence B zone and  
17 is also known to be located within the area  
18 designated as the Isle of Wight.

19 The premises is currently improved with a  
20 wood frame, two and one story single-family  
21 residence and an attached two-car garage which was  
22 originally constructed in 1963.

23 The structure generally remains in the same  
24 condition as it was originally built, with the  
25 exception of some minor one-story additions and

1 some interior alterations to upgrade the home. An  
2 application was filed for a construction permit to  
3 repair damage to the dwelling and the structure  
4 from Superstorm Sandy and to raise and lift the  
5 existing dwelling approximately four feet higher  
6 than it currently exists. This would mean going  
7 from a first-floor elevation of eight to an  
8 elevation of twelve to avoid potential damage from  
9 future storms and high water conditions.

10 The building received substantial damage to  
11 the first floor of the structure and will require  
12 significant repairs to restore the house to its  
13 former state and condition. The main two-story  
14 portion of the original structure and the two  
15 one-story appendages of the main dwelling will be  
16 able to be lifted intact, again, approximately  
17 four feet above their current location to the new  
18 higher elevation.

19 The two-car garage which is attached, and the  
20 breezeway which connects it will need to be  
21 removed and reconstructed as they cannot  
22 successfully be raised and lifted due to the  
23 manner in which they were constructed and the  
24 damage they received. They were originally built  
25 on a slab on grade construction. For those of you



1 that might be familiar with the lifting of the  
2 houses, they usually try to go in under the  
3 structure of the first floor and lift it up by the  
4 floor joist with all of the rest of the structure  
5 being intact. With this area being built as a  
6 slab on grade, we can't go in underneath the  
7 concrete, and it's very difficult to lift it by  
8 its roof structure and walls. So it is cost  
9 effective to remove that section and rebuild from  
10 scratch.

11 The aforementioned filed building permit  
12 application was denied due to noncompliance with  
13 Section 212-12.1 and Section 212.38.F of the Code  
14 of the Village of Lawrence in a letter from the  
15 Village of Lawrence Building Department  
16 superintendent dated September 3rd of 2013.

17 I will read each of the sections of the code  
18 that we were denied on as they were stated in the  
19 denial letter, and I will address them with the  
20 comments and practical difficulties that we see  
21 and that's why we're here for that variance.

22 The first section again was 212-38.F, states  
23 that the -- that in that portion of the Isle of  
24 Wight no front yard need be more than 15 feet in  
25 depth so no structure or portion of the building

1 shall be erected within 15 feet of said property  
2 line. Due to the lifting of the structure  
3 directly above its current location, we will need  
4 to develop a larger and longer stoop at the front  
5 entry area which will access the new raised house.  
6 The proposed new stoop is deemed to be by the  
7 building officials of the Village of Lawrence a  
8 quote "structure," end quote. Because it will be  
9 more than eight inches in height above grade so  
10 it's a built item, and the code refers to anything  
11 that is above grade by that dimension. So  
12 typically stoops and porches are permitted  
13 encroachments, except when they get  
14 extraordinarily large. Again, because we're  
15 lifting the house that degree, I would have to  
16 agree with the building officials that they deem  
17 it a structure.

18 MR. RYDER: Thank you.

19 MR. MEYER: And with it extending that far  
20 forward it will encroach into that 15-foot setback  
21 towards Edward Bentley Road, and so we're asking  
22 for a variance consideration so that it will be  
23 extended to not less than eight feet from that  
24 setback or seven-foot encroachment to that 15-foot  
25 thing.

1 I refer a little bit to the drawings which  
2 were submitted with the Board. I just kind of  
3 circled and highlighted the location on Edward  
4 Bentley where the front entrance currently exists.  
5 There is a little portico there now and a small  
6 stoop. Obviously, we need to extend that out to  
7 increase those steps to the proper elevation.

8 The second circle indicates the next section  
9 of the code and the violation that we have there.  
10 That section, 212-12.1, schedule of dimensional  
11 regulations permits a maximum front-yard height/  
12 setback ratio of 0.74 for a lot of 18,000 square  
13 feet in area. The original house was constructed  
14 in 1963 and predates the adoption of the  
15 height/setback ratio restrictions. The existing  
16 residence was made actually a nonconforming  
17 structure when that code was adopted. When the  
18 height/setback ratio chart was developed and added  
19 to the code, I believe in June of 2003, the  
20 existing nonconforming house currently has a  
21 height/setback ratio of 1.038 in the said area of  
22 concern. The proposed raising of the structure  
23 will further that encroachment and the level of  
24 nonconformity so that therefore we are requesting  
25 a variance from the maximum allowable front-yard

1 height/setback ratio to not greater than 1.2. And  
2 the stoop is in the front. This portion of the  
3 house has a reverse gable peak.

4 CHAIRMAN GOTTLIEB: So that's page four  
5 you're on?

6 MR. MEYER: Yes. Basically, what I've done  
7 is I've taken the elevation and in red I've kind  
8 of highlighted where the roof currently exists.  
9 So again, basically, we're taking the house and  
10 raising it four feet. So if I were to adjust it  
11 to the grade elevation it would be where those red  
12 lines currently are. This is that reverse gable  
13 peak that comes out over the front, the portico  
14 and said steps. Here's our 15-foot required  
15 setback and as talked about we have our steps  
16 encroaching just a little bit, and the current  
17 setback ratio to that peak is a 1.038. The code  
18 requires 0.74. When we lift it the four feet,  
19 that same roof peak is now going to create a 1.2  
20 ratio, and hence the request of our variance.

21 CHAIRMAN GOTTLIEB: In a different  
22 application I might suggest that you put a hip  
23 roof there which would probably mitigate that  
24 situation, but considering how much work you have  
25 to do, not by choice but by necessity, I won't

1 make that suggestion.

2 MR. MEYER: I appreciate that. Basically,  
3 we've looked at this from many angles. When we  
4 realized that these were what I would consider  
5 fairly minimal variances, we looked for  
6 alternatives to reorienting the stair, if there  
7 was a way to adjust that or what might be required  
8 to that peak. Not trying to sacrifice the design  
9 of the house and the structure, we just figure in  
10 the original design that reverse peak, which is  
11 the high point of that roof, is not worth  
12 modifying to try and seek this code so we sought  
13 to get a variance.

14 CHAIRMAN GOTTLIEB: How much water did the  
15 house take on during the storm?

16 MR. MEYER: About three and a half to four  
17 feet of water within the first floor of the house.

18 CHAIRMAN GOTTLIEB: So this four feet raising  
19 it, I don't want to suggest you go higher, but is  
20 that sufficient? Is that per FEMA standards?  
21 Does that take you out of the flood zone?

22 MR. MEYER: That is correct. This area of  
23 the Isle of Wight and this property happens to be  
24 in what's known as an AE 10 flood zone. There is  
25 a freeboard code which is a state and FEMA

1 regulation where when you're constructing that you  
2 need to be two feet higher than that base flood  
3 elevation. So if the minimum is ten, we need to  
4 achieve twelve. Currently the house is at eight,  
5 and so we are raising it up to twelve and that  
6 should be able to do that.

7 Just as a little aside, I also had the  
8 opportunity to design a new home around the corner  
9 before Sandy hit and we built to all the FEMA  
10 regulations, and they went through unscathed, but  
11 FEMA I have to say was fairly accurate in that the  
12 water, again, we addressed that two-foot freeboard  
13 so we were two feet higher than what was  
14 necessary. We kind of figured out that the water  
15 came within 26 or 27 inches of the floor. So  
16 their two-foot margin is actually pretty accurate  
17 and pretty much on the mark. And we hope that  
18 that was a once in a lifetime storm, but based on  
19 the numbers we are trying to achieve what they  
20 recommend.

21 CHAIRMAN GOTTLIEB: I didn't mean to  
22 interrupt you. I thought there was more, unless  
23 you're done.

24 MR. MEYER: I probably could skip a little  
25 bit of it. I was going to reiterate all the

1 documents that were submitted as part of the  
2 petition, but I believe that they are listed in  
3 the requirement.

4 One of the items that I just did want to  
5 address as a part of that was the radius map and  
6 the list of owners. Apparently, there had been  
7 some recent concern. We had received all of that  
8 information from Nassau County tax maps and the  
9 Nassau County tax rolls for all the proper owners  
10 and addresses for all those. The mailing was sent  
11 out. That affidavit was submitted.

12 MR. PANTELIS: It's not an issue.

13 CHAIRMAN GOTTLIEB: It was a concern and you  
14 addressed it.

15 MR. MEYER: Appreciate that.

16 CHAIRMAN GOTTLIEB: Do you have any support  
17 from neighbors? Or I'll ask you for that first,  
18 any letters of support from your neighbors?

19 MR. MEYER: We do not, although my next case  
20 or the two cases are literally across the street  
21 from each other. I've had the good fortune of  
22 doing a lot of work in the neighborhood. As I  
23 said, I did a new home around the corner and I  
24 worked on a number of other homes in that area, so  
25 I have spoken to a number of the people. It was

1       either a project that I had done previously. They  
2       had brought me back to discuss raising that.  
3       Apparently, the majority of the people that I  
4       spoke to and the neighbors feel that it's  
5       something that needs to be done. They're not all  
6       ready to do it at this point, but I have a feeling  
7       that it's something that you're going to see a lot  
8       of these applications come before you.

9               As a part of the submission package was a  
10       number of photographs of some of the adjacent  
11       properties. Not only are most of those homes  
12       unfortunately down at a very low level where they  
13       need to be raised in order to comply and conform,  
14       but they also have extremely similar situations in  
15       their proximity to the property lines and their  
16       heights being at or near the current code. So in  
17       lifting and raising them I think you're going to  
18       see a lot of applications before the Board.

19              CHAIRMAN GOTTLIEB: So this might be the  
20       first or second of this type since the super  
21       storm.

22              MR. MEYER: Yes.

23              CHAIRMAN GOTTLIEB: But it seems as if almost  
24       all the houses in the Isle of Wight had a similar  
25       water --



1 MR. MEYER: Thank you.

2 MEMBER WILLIAMS: I'm glad we're going to  
3 figure out a way to get you through the front door  
4 even though you're raising the house.

5 MR. MEYER: Thank you.

6 CHAIRMAN GOTTLIEB: I have no further  
7 questions. So with that, I will ask the Board to  
8 vote. Mr. Ganz, would you care to start as our  
9 first alternate.

10 MR. PANTELIS: Motion it.

11 CHAIRMAN GOTTLIEB: Motion to approve the  
12 application as submitted.

13 MEMBER GANZ: Approved.

14 MEMBER HENNER: I'm in favor.

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

16 MEMBER WILLIAMS: For.

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

19 MR. MEYER: Thank you.

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

22 MR. MEYER: Thank you very much.

23 CHAIRMAN GOTTLIEB: How much time do you  
24 think you need to accomplish your endeavor?

25 MR. MEYER: As far as the actual lifting and

Kleinschmidt - 10/9/13

1       lifted it, did everything else to it to get it  
2       back down and now get involved in the  
3       construction, it's a labor-intensive thing.

4               CHAIRMAN GOTTLIEB: Is that the house on  
5       Causeway?

6               MR. MEYER: Yes.

7               CHAIRMAN GOTTLIEB: Is it going to be  
8       completed within the two years?

9               MR. MEYER: We hope so. I think they would  
10      like to be back in the summer.

11              (Whereupon, the hearing concluded at  
12      7:56 p.m.)

13              \*\*\*\*\*

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

17

18

Mary Benci

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MARY BENCI, RPR  
Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall  
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6 October 9, 2013  
7 7:56 p.m.

8 APPLICATION: Wilson  
9 1 Albert Place  
Lawrence, New York

10 P R E S E N T:

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Court Reporter

Wilson - 10/9/13

1 CHAIRMAN GOTTLIEB: The next case will be the  
2 Wilson application. Will they or their  
3 representatives step forward.

4 MR. ARMENTANO: John Armentano, from the law  
5 firm of Farrell Fritz, 100 Motor Parkway,  
6 Hauppauge, New York.

7 CHAIRMAN GOTTLIEB: This will be part of the  
8 exhibit, part of the application?

9 MR. ARMENTANO: Yes, it's part of the record,  
10 and it's a supplement to our information. This is  
11 a similar application. It is the Wilson property.  
12 It's actually owned by the Lynn S. Wilson  
13 Revokable Trust. The property is located at  
14 1 Albert Place, on the Isle of Wight in the  
15 Residence B zone.

16 As you can see from the information that has  
17 been presented on the application, it's a  
18 two-story structure located on the corner of  
19 Edward Bentley and Albert Place. That's Exhibit 2  
20 in the information packet. I have with me  
21 Gerry Meyer here to discuss the fine points of the  
22 requirements here for the Zoning Board of Appeals.

23 As you'll see, the site is a two-story framed  
24 dwelling which as located is a pre-existing,  
25 nonconforming structure that predates the majority

1 of the zoning codes. For example, we have as  
2 Exhibit 4 the property tax code from Nassau County  
3 which shows the structure as it was in 1939. It  
4 is generally in that same position, so the  
5 majority of our variances tonight are because of  
6 the need to raise the property to meet FEMA  
7 standards. We are raising the elevation of the  
8 property. That does trigger a lot of the code  
9 requirements because of its nonconforming status.

10 We are proceeding under six variances. The  
11 Exhibit 5 is showing you a picture of the property  
12 as it currently sits. It will be raised roughly  
13 six --

14 MR. MEYER: Five feet above its current floor  
15 elevation.

16 MR. ARMENTANO: You will see the out building  
17 of the garage as well.

18 Exhibit 6 is an -- is the reduced copy of the  
19 site plan, which I think is informational for you  
20 at this point.

21 Exhibit 7 shows neighboring properties; one  
22 is also before you tonight for a similar variance.  
23 It just gives you a flavor for the area and the  
24 style of houses and structures.

25 Without going through a lot of detail which

1 Gerry Meyer will obviously get into, we are  
2 seeking variances from building area coverage, the  
3 Isle of Wight front-yard setbacks, the front-yard  
4 height ratio, the side-yard height ratio and the  
5 rear-yard side ratio as well as height plane  
6 requirements which are all generating because of  
7 the raising of the structure.

8 So I'm going to answer any technical  
9 questions of a legal nature, but Gerry will take  
10 you through the majority of the presentation.

11 MEMBER SCHRECK: There's a problem with  
12 water? You admit there is a problem with water in  
13 that whole area?

14 MR. ARMENTANO: Yes, we are in a low  
15 elevation.

16 MEMBER SCHRECK: By adding onto the building  
17 area aren't you going to be exacerbating the  
18 problem?

19 MR. ARMENTANO: Well, there's a need -- I  
20 think most of this is continuing the line of the  
21 house, and there was a need to expand -- it's a  
22 porch area which will be raised up, so you're not  
23 enclosing anything larger. We're actually  
24 reducing some of the physical structure of the  
25 property.

1 MEMBER HENNER: It's a pre-existing porch  
2 area that's being raised or a new porch area?

3 MR. MEYER: Actually, part of the proposal is  
4 a new porch area, but we are removing another -- a  
5 paved area that's on the ground on that. I'll get  
6 into that in my presentation a little bit more.  
7 But most of that, as John had just mentioned, has  
8 to do with the raising and creating stoops and  
9 access to and from the house.

10 MEMBER HENNER: The question was raised I  
11 think was whether or not you're doing -- what  
12 you're doing is exacerbating the water problem by  
13 adding the extra square footage. I think that was  
14 the question.

15 MEMBER SCHRECK: Yes, yes.

16 MR. ARMENTANO: I don't think you're making  
17 it worse the area of the house. Really, I think  
18 the net area of increase is 47 square feet. If  
19 you consider the movements on the site, it's  
20 really not a tremendous increase.

21 MEMBER WILLIAMS: You're talking about the  
22 actual livable, not the deck area?

23 MR. ARMENTANO: Correct.

24 MR. MEYER: Right.

25 MEMBER WILLIAMS: The deck area is where most

1 of the mass is.

2 MR. MEYER: That's correct.

3 MEMBER WILLIAMS: But you're taking off the  
4 other deck you're saying?

5 MR. MEYER: There's a paved area at grade  
6 which we are removing, it's adjacent to the  
7 garage.

8 MEMBER WILLIAMS: How do you solve the water  
9 problem?

10 MR. MEYER: Again, there's a little bit of  
11 two different issues with the water problem. What  
12 I think what you were referring to was storm water  
13 from the sky and accumulation on the ground. The  
14 real reason for the raising of this structure is  
15 the groundwater situation and the location  
16 relative to the water table. This house, as  
17 opposed to the previous presentation, actually  
18 sits lower. The average -- the first floor is a  
19 little uneven, but the average elevation of the  
20 first floor is at elevation five. The ground  
21 outside is basically at elevation four, which  
22 means there's only one foot between the ground and  
23 the first floor of the house.

24 MEMBER WILLIAMS: This house is lower.

25 MR. MEYER: Very much so.



1 MEMBER WILLIAMS: That explains why, and that  
2 one ends at 30 feet. I couldn't figure out by  
3 visually looking at it. Thank you.

4 MR. MEYER: Correct. Also, while we're on  
5 that topic, I was going to get to it a little  
6 later in the presentation, but in the case of the  
7 previous application, there's a little bit of  
8 another thing in the law, and I think that  
9 Mr. Ryder will confirm this, is that when you're  
10 going to spend -- there's a complicated equation  
11 -- more than 50 percent of the replacement value  
12 of an existing structure, then you absolutely have  
13 to conform to the FEMA codes and elevations.

14 In the case of the Kleinschmidt property, in  
15 order to raise this house because it's so  
16 substantial in size and repair the damage from  
17 Hurricane Sandy, they will be exceeding that  
18 threshold. So not only did they want to lift it  
19 to the FEMA required, that freeboard two foot  
20 higher than the elevation, but they will have to  
21 because of the code.

22 In the Wilson's property, basically, we're  
23 only raising this house five feet which will bring  
24 us to the floodplain level. Being that we're not  
25 spending more than 50 percent of the replacement

1 value, because this is a huge and historic  
2 structure, maybe not classically historic that  
3 it's on the government regulation type of thing,  
4 but in an effort not to raise this house so high  
5 the Wilsons have decided only to bring it up to a  
6 point where they feel they're safe. We will  
7 actually be two feet shy of the FEMA requirement  
8 and we can do that because we're not going to be  
9 reaching that 50 percent threshold in the cost of  
10 raising, renovating, repairing and building. And  
11 I commend the Wilsons on understanding that if we  
12 went another two feet it would actually not only  
13 exacerbate the codes and relief that we're looking  
14 for, but create a little bit more of what we're  
15 trying to avoid. And the whole reason that we  
16 have the Boards and the codes is trying not to  
17 raise it another two feet. So we're getting it to  
18 the point where we feel it will be out of harm's  
19 way and out of the general water situation.

20 By covering the property we're really not  
21 helping or hurting any of the normal rainstorm  
22 water situation. We think the little bit that  
23 we're increasing and what we are increasing it  
24 for, which is that outside raised patio, we can  
25 substantiate that and mitigate the storm water

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1 situation. The actual house itself is really only  
2 being expanded by about 50 square feet.

3 MEMBER WILLIAMS: Those little square-offs  
4 that you're doing in the two corners.

5 MR. MEYER: That's correct. Again, I'll get  
6 to it a little bit more. Basically, the original  
7 structure, as John had pointed out, goes back to  
8 the Nassau County card when they did their  
9 walk-around assessment in 1938. This structure  
10 was already there. According to the notes that  
11 are on the card, it was not accessible, so they  
12 spoke to the caretaker at the time. For those of  
13 you who are not familiar with how they did the  
14 assessment, they literally went property to  
15 property. If someone was home, they queried them  
16 and said do you know how long this building has  
17 been here; if not, they guessed at it or just put  
18 a question mark. If you look at the card where it  
19 says age, there's a question mark, which means  
20 they have no idea, only that it was there in '38  
21 and assume that it well predated that.

22 If I have my facts correctly, I believe that  
23 this Village adopted their first code in '31. I  
24 believe that this house probably predated that,  
25 and so it predates all of the codes of the

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1 Village.

2 When I say historic, it is reportedly a  
3 Stanford White architect design. Those of you  
4 that might not recognize that name, McKim, Mead &  
5 White are very famous architects at the turn of  
6 the century, probably more for federal buildings  
7 and the like, prominent structures. And that is  
8 one of the other reasons why the Wilsons are  
9 trying to take so much effort in caring for this  
10 structure and doing the right thing in raising  
11 this house.

12 CHAIRMAN GOTTLIEB: Mr. Meyer, I want to just  
13 -- because I don't want to go back to it too late.  
14 You mentioned that you're removing some surface  
15 area so you have just in brief you have six  
16 variances that you're requesting. One of them is  
17 not surface coverage. So therefore, I'm not aware  
18 that you're reducing any surface coverage. Can  
19 you tell us how many square feet you're reducing.

20 MR. MEYER: Actually, there's a detached  
21 garage on the northwest corner of the property.  
22 Immediately south of that is a brick, paved area,  
23 and it is roughly 13 foot by 23 foot currently,  
24 and that will be removed and taken up and it's a  
25 fairly impervious patio.

1 MEMBER WILLIAMS: How much space will it be  
2 from the corner of the new deck to the garage?

3 MR. MEYER: About four feet.

4 MEMBER WILLIAMS: Only four feet?

5 MR. MEYER: Correct, to walk through. While  
6 we're talking about that, one of the reasons for  
7 this proposed raised patio area is the new first  
8 floor, if we are granted this variance and we can  
9 construct it, is going to be roughly six feet  
10 above the ground, so we're going from one foot to  
11 six foot. I'm a little shy of six foot, so the  
12 floor would be directly above my head.

13 We plan on removing a breakfast area that was  
14 one of the few and only expansions to this house  
15 which was accomplished in the year 2000. Because  
16 of the damage to it, and in a similar nature to  
17 the previous thing it was built as a slab on grade  
18 so it's very difficult to raise that. So we're  
19 going to remove and rebuild that. We're actually  
20 reducing or proposing to reduce the size of that  
21 area by roughly a foot and a half, not a lot, but  
22 reconfigure it.

23 That area currently has doors that allow  
24 access out to the ground area. Then there's a  
25 mudroom around the back of the house and actually

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1 another door and entrance. One of the reasons for  
2 this proposed raised porch is rather than have a  
3 stoop and stairs here, a stoop and stairs there  
4 and another stoop and stairs there, we figured we  
5 would do just a little bit of a raised porch, have  
6 enough that you come out of the breakfast area,  
7 have a small table and chairs, and have one set of  
8 stairs that bring you back down to grade. So we  
9 felt a little bit of more lot coverage area, but  
10 we were reducing what we felt was an eyesore of a  
11 number of different stoops, railings, stairs  
12 coming out of the different sides of the house.  
13 That's really why we're proposing that.

14 As mentioned, that's really the bulk of the  
15 extra square footage that we're proposing. It's  
16 447 square feet. If we were to do individual  
17 stoops, they technically would not be counted as  
18 if they were normal in nature and size. And I  
19 took the liberty of if we were to subtract that 44  
20 -- 447 square feet from our overall lot coverage,  
21 we would be at 2,459.1 square feet, or only 119  
22 square feet over the allowable, or only a five  
23 percent overage as opposed to the way the denial  
24 letter reads now as being 26 percent over the  
25 allowable. It's really the bulk of that raised

1 porch area.

2 CHAIRMAN GOTTLIEB: You said that pretty  
3 quickly, but I followed most of it. Usually, we  
4 don't confuse surface coverage with building  
5 coverage. In this particular case we know that  
6 the houses in Isle of Wight often take up a  
7 disproportionately large percentage of surface  
8 area. But when we see that you're giving back 300  
9 feet which really you can't put that in the  
10 application, you're not asking for surface  
11 coverage. When you consider that versus you're  
12 asking for 567, what you're really asking for on  
13 surface coverage is about half of what it appears  
14 to be.

15 MR. MEYER: That is correct. Thank you,  
16 appreciate that.

17 MEMBER WILLIAMS: You should have hired him.

18 CHAIRMAN GOTTLIEB: I'm on the wrong side of  
19 the table right now.

20 MR. MEYER: We appreciate that.

21 Again, if I go back, don't mind my reading  
22 this because it gets a little confusing as you  
23 know with the codes, the application was filed  
24 obviously for a construct permit to repair the  
25 damages and raise the existing structure as I had

1 mentioned earlier approximately five feet which  
2 brings it from a first-floor elevation of five to  
3 a first-floor elevation of ten. We basically were  
4 given a denial letter and cited several sections  
5 of the code. Again, I apologize, but for the  
6 record I need to get all of these on there. The  
7 letter of --

8 MEMBER HENNER: Are you sure? Can you just  
9 submit that?

10 MR. MEYER: I'd be happy to.

11 MR. PANTELIS: The variances are of record.  
12 They are the ones that were advertised in which  
13 the applicant is addressing today.

14 MEMBER HENNER: Does he have to recite them?

15 CHAIRMAN GOTTLIEB: There are six variances.  
16 Does he have to read each one of them?

17 MR. PANTELIS: No.

18 MR. ARMENTANO: I can truncate this a little  
19 bit. We can just summarize the issues,  
20 understanding that this is a fully submitted  
21 application.

22 MR. PANTELIS: Right.

23 MR. MEYER: The majority -- again, just  
24 quickly.

25 MR. PANTELIS: You have several sky plane



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1 variances, correct?

2 MR. MEYER: This is correct.

3 MR. PANTELIS: Are these the result of the  
4 raising of the house or are existing nonconforming  
5 sky plane issues? If you could just briefly  
6 address that.

7 MR. MEYER: Yes. The raising of the house is  
8 going to create or further the existing  
9 nonconforming conditions, and they all are  
10 existing nonconforming conditions. Similarly to  
11 the other project, what I've done is to  
12 superimpose in a red dotted line where the  
13 existing roofs are, and I did it just for the two  
14 prominent sides that really explain everything.  
15 From my left here on the east elevation this would  
16 be Edward Bentley Road running perpendicular to  
17 the page, so this becomes a required  
18 height/setback ratio of 0.88. The existing  
19 structure is currently at 1.26 ratio. By raising  
20 it that five feet we're requesting a variance not  
21 to exceed 1.53.

22 MR. ARMENTANO: So the difference is what  
23 area?

24 MR. MEYER: We'll go from 1.26 to 1.53, even  
25 though the code is way below what exists from the

1 nonconforming.

2 Opposite that, this is technically -- along  
3 Edward Bentley is technically the way the code  
4 views it as the front yard of the house because  
5 it's the side with the least amount of frontage.  
6 So the opposite becomes the rear yard. Likewise,  
7 what we've shown is what's required by code is a  
8 maximum ratio of 0.74. The current house is  
9 actually at one even, just basically a 45 degree  
10 slope. By raising it five feet, we're asking for  
11 a request not further than 1.27 on the sky plane  
12 there.

13 On the westerly side we actually meet the sky  
14 plane because that's the largest yard, so we don't  
15 have any problems there. The worst and the  
16 tightest of all of them is along Albert Place  
17 because the current house is only 2.8 feet away at  
18 its closest point, and about 7 or 8 feet away at  
19 the two-story portion; the required setback code  
20 is 1.5 ratio. The existing house, again, because  
21 it's so tight is actually at a 4.74, and by  
22 raising it 5 feet we're asking for a variance to  
23 not further than 5.33.

24 MEMBER WILLIAMS: That's the side with the  
25 driveway.

1 MR. MEYER: That's correct. The easterly  
2 side of the property along Albert Place. I'll go  
3 back to the site plane in a second. That is  
4 actually our tightest area of nonconformance. But  
5 again, it is all the existing roof and it has  
6 nothing to do with what we're asking, other than  
7 the fact that we are raising this house 5 feet  
8 higher than that plane.

9 Those are basically all the site ratios. One  
10 other -- there's another -- a little bit of a  
11 confusing portion of the code. One of the other  
12 sections is the required front yard. There's an  
13 unusual situation that pertains to the Isle of  
14 Wight where the pavement is not far enough away  
15 from the property line. They actually create  
16 almost like an easement effect and require an  
17 automatic 10-foot setback, and the required actual  
18 setback starts at that line of another 15 feet.  
19 So technically, the code is requiring us to be  
20 25 feet away from the property line.

21 MEMBER WILLIAMS: There's not one house in  
22 the Isle of Wight that is.

23 MR. MEYER: That's correct. I think there is  
24 one, actually, across the street. Again, it  
25 affects an area of the house, the only

1 modification we're doing there is raising it that  
2 five feet. There is currently an open porch on  
3 that front or south side of the house with a roof  
4 deck area, all part of the original design that  
5 encroaches in that. Again, all we're looking to  
6 do is raise that up. The building officials  
7 thought it was necessary because we are affecting  
8 it that it then becomes another code issue.

9 MR. RYDER: Mr. Meyer, I have one question.  
10 On that site plan could you just point out to the  
11 Board to clarify just exactly what is being added  
12 to the existing structure.

13 MR. MEYER: Yes. Thank you. Okay,  
14 basically, the only additions are there's  
15 currently a one-story vestibule which is a part of  
16 the original structure as far as we can tell, and  
17 it shows on the Nassau County property card. It  
18 is a very awkward little vestibule and entrance to  
19 the house. We're proposing a basic little  
20 four-by-ten addition to increase that, and I'll  
21 flip to the floor plan in a second, to try and  
22 make a little bit of a better entrance to the  
23 home. It's a nicely designed house with nice  
24 rooms, but the entrance area as you come into the  
25 house is very awkward. So by adding a very small

1 50 square-foot addition in the front we can  
2 actually change the way you come into the house  
3 and approach all the rooms, instead of just being  
4 dropped in the center of the living room.

5 MR. ARMENTANO: In Exhibit 5 you will see the  
6 lower picture shows that.

7 CHAIRMAN GOTTLIEB: What page, please?

8 MR. ARMENTANO: It's Exhibit 5 in the  
9 booklet. You will see the vestibule; it's in the  
10 lower picture. That gives you a concept of what  
11 we're talking about.

12 MR. MEYER: And on drawing one of the  
13 submission, which is the floor plan, you will see  
14 that there's an existing little vestibule here  
15 with a small closet. Again, we're just looking to  
16 expand that just slightly so we can open up that  
17 area and create a proper foyer.

18 MEMBER WILLIAMS: Is this technically the  
19 front door to the house, the first one you  
20 mentioned?

21 MR. MEYER: Yes.

22 CHAIRMAN GOTTLIEB: Where are you going to  
23 fit the stairs to?

24 MR. MEYER: There will be a small stoop that  
25 comes out from that with one flight of stairs that

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1 go down, but we're also tying that into the  
2 existing front porch so again to eliminate a  
3 second or third staircase possibility. So this  
4 will now serve as the front door and the porch.  
5 Whereas, if we left the existing vestibule, there  
6 would have to be another set of stairs there, a  
7 set of stairs up to the porch. So a lot of this  
8 was done in the economy of not having stoops and  
9 stairs and railings around every side of the  
10 house.

11 CHAIRMAN GOTTLIEB: How many steps will there  
12 be going up, nine?

13 MR. MEYER: Probably ten. Well, one of the  
14 tricks -- I've done this in the other house around  
15 the corner. One of the things that we're doing as  
16 you immediately come out the door you step onto a  
17 small platform and then down onto the deck or the  
18 landing. So we're adding two more steps that are  
19 not perceivable from the outside ground. So we're  
20 actually eliminating two steps in the overall run  
21 of the stoop. So the whole flight of stairs will  
22 probably be in the order of seven or eight, but  
23 two more at the door.

24 CHAIRMAN GOTTLIEB: Are handrails required on  
25 this?

1 I've met with the Thorntons, I've met with the  
2 Heaneys, I've met with the Paynes. I met with  
3 almost everybody within the radius of the block,  
4 and it does seem at some point I would say 60  
5 percent of them are probably going to get around  
6 to raising it, and they're all going to have  
7 similar situations because of the proximity to the  
8 property lines, sky planes.

9 MEMBER HENNER: So you will be back.

10 MR. MEYER: Most likely. I hope you don't  
11 get tired of me.

12 MEMBER HENNER: No, to the contrary. I went  
13 to Lawrence High School in '67. I've been here  
14 for 50, 60 years. I didn't know this place  
15 existed. It's great.

16 MR. MEYER: And the one last -- I knew there  
17 was just one, was the overall height. Obviously,  
18 by lifting this five feet we're encroaching into  
19 and exceeding the maximum allowable building  
20 height to the point where we will not exceed  
21 32 foot 6 inches.

22 CHAIRMAN GOTTLIEB: Are there any neighbors  
23 who wish to address the application for or in  
24 support or against?

25 Mr. Meyer, I think this is the first time

1       you've been before this Board, I think.

2               MR. MEYER:   Several years ago.   Quite a  
3       period of time.

4               CHAIRMAN GOTTLIEB:   The Board is very  
5       familiar with the area.   Even if we haven't been  
6       there in the past, each of the members of the  
7       Board did go and survey and visit the neighborhood  
8       and visit the surrounding blocks.

9               At first look at the application, you've got  
10      six variances, and they're rather substantial, at  
11      first look.   Regarding surface coverage, you've  
12      got height/setback ratios from every corner of the  
13      house, from the rear frontage of the house.   We  
14      almost never go above 30 feet.   This is a case  
15      where you're not asking for something that you  
16      want.   This is a case of need.

17              MR. MEYER:   Correct.

18              CHAIRMAN GOTTLIEB:   And I think that has to  
19      be put in the record that this is not a situation  
20      of something that you desire, but something that  
21      you need to mitigate a circumstance that's beyond  
22      the control of humans, if you will.   And that ends  
23      my little 30-second comment.

24              MR. MEYER:   If I just may add to that.  
25      Although I know I've been longwinded already,



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1 obviously, from an economic standpoint the Wilsons  
2 did labor back and forth on how to handle this.  
3 They did consider trying to fix the house from  
4 where it was, but in consideration of how much  
5 money would have to go back into fixing up that  
6 first floor where it is and as low as it is, and  
7 the potential of this happening again even with a  
8 lesser storm, this really became the only way, and  
9 as you say, it's really a have to, it's not a want  
10 to; it's a have to.

11 MEMBER SCHRECK: How long have the Wilsons  
12 been the owners of this property?

13 MR. MEYER: I'm not really sure. I  
14 apologize, I should know that, but quite some  
15 time.

16 CHAIRMAN GOTTLIEB: Any other comments?

17 MEMBER WILLIAMS: How long is it going to  
18 take?

19 MR. MEYER: I would say that it's probably  
20 going to need two years.

21 MR. PANTELIS: Motion.

22 CHAIRMAN GOTTLIEB: I'll make a motion to  
23 approve the application as presented. And I will  
24 ask --

25 MR. PANTELIS: The conditions would be?

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23 approve the application as presented. And I will  
24 ask --

25 MR. PANTELIS: The conditions would be?

1 CHAIRMAN GOTTLIEB: Does that require an  
2 additional variance that they don't have to  
3 contain runoff water on-site?

4 MR. MEYER: It's technically not a code  
5 issue. It's not written in the code anywhere that  
6 that needs to be provided, so I believe  
7 technically -- counsel will probably have a better  
8 answer -- but it's not really a variance if it's  
9 not something that's required. It's an issue that  
10 Mr. Ryder and I have had several conversations on.

11 I was able on one of the others properties to  
12 create a situation where we could, but I'm at a  
13 higher elevation and it's a different situation.  
14 This is actually probably one of the lowest  
15 properties in the Village as far as sea level  
16 elevation goes. And again, as the soil boring  
17 report shows, and that was actually at a good time  
18 where it was 30 inches below the ground. I have  
19 a feeling if we were to go back it would be  
20 worse.

21 CHAIRMAN GOTTLIEB: Mr. Ryder, anything you  
22 would like to comment on or bring to our  
23 attention?

24 MR. RYDER: It's a concern. It's a concern  
25 throughout the Village as everyone sitting here

1 knows. The applicant has presented evidence that  
2 the surface coverage will be less. He's actually  
3 putting in a deck that will have some sort of  
4 additional absorption. It's really -- I turn it  
5 to the Board to weigh that into their decision  
6 making.

7 CHAIRMAN GOTTLIEB: What I find of interest,  
8 is that we're really not making the situation  
9 worse, as in most our applications we're adding on  
10 surface area, we're adding on building coverage.  
11 In this case we're not really adding on, but we do  
12 want every applicant to contain their own runoff  
13 water. I just think that in this case you're not  
14 changing it for the worse; it's just a situation  
15 that we like to have that covered. We like to  
16 have a situation resolved prior to giving an  
17 approval. But in this case where it's not getting  
18 any worse than it was, and they're actually  
19 reducing some of the surface coverage.

20 Do you guys want to say something?

21 MR. MEYER: And I have looked at it.  
22 Mr. Ryder and I talked about this. I know it's a  
23 big problem in that area. But when I was just  
24 checking some of the numbers, on a 9,000 square  
25 foot site and roughly 3,000 square feet, I only

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1 have 6,000 square feet in order to try and lay out  
2 any kind of a tile. Obviously, dry wells will not  
3 work because of the depth. But even a tile field  
4 or a leaching field that they practice in some  
5 other areas, it literally would cover the entire  
6 rest of the property and really just keep the  
7 water right at ground level or, you know, in the  
8 same proximity. It wouldn't do anything except  
9 hold water. And I think that that would create a  
10 worst case.

11 So in this particular situation I agree with  
12 Mr. Ryder. It's a problem situation, and I do try  
13 to accomplish that in my other projects wherever  
14 we can. I think in this particular project it's  
15 just not possible. And I agree with the  
16 Chairperson too that we're not making it any  
17 worse.

18 CHAIRMAN GOTTLIEB: As you know, Mr. Ryder,  
19 we expect many more applications like this, and  
20 this is something we're going to have to come to  
21 terms with for the next several applications of  
22 this sort.

23 Okay, that's it. That being left unresolved  
24 as a resolution. Mr. Schreck, would you care to  
25 vote first?

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

2 CHAIRMAN GOTTLIEB: The motion remains.

3 Miss Williams.

4 MEMBER WILLIAMS: For.

5 CHAIRMAN GOTTLIEB: Mr. Henner.

6 MEMBER HENNER: For.

7 CHAIRMAN GOTTLIEB: Mr. Ganz.

8 MEMBER GANZ: For.

9 CHAIRMAN GOTTLIEB: And I vote for as well.

10 MR. MEYER: Thank you very much.

11 CHAIRMAN GOTTLIEB: We wish you good luck  
12 with the project.

13 MR. MEYER: Thank you. Appreciate your time.

14 MR. RYDER: Mr. Meyer, Board of Building  
15 Design and two years for the variances on this  
16 application as well.

17 (Continued on the following page.)

18

19

20

21

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23

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1 MR. MEYER: That sounds good. Thank you all  
2 very much.

3 (Whereupon, the hearing concluded at  
4 8:28 p.m.)

5 \*\*\*\*\*

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

9

10 Mary Benci

11 MARY BENCI, RPR  
12 Court Reporter

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1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 October 9, 2013  
7 8:30 p.m.

8 APPLICATION: Central Sutton LLC  
9 160 Central Avenue  
10 Lawrence, New York

11 P R E S E N T:

12 MR. EDWARD GOTTLIEB  
13 Chairman

14 MR. MARK SCHRECK  
15 Member

16 MS. ESTHER WILLIAMS  
17 Member

18 MR. LESTER HENNER  
19 Member

20 MR. JOEL GANZ  
21 Member

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

24 MR. MICHAEL RYDER  
25 Building Department

Mary Benci, RPR  
Court Reporter



Central Sutton LLC - 10/9/13

1 CHAIRMAN GOTTLIEB: I'm calling in Central  
2 Sutton LLC. Will they or their representatives  
3 please step forward.

4 MR. HOPKINS: Thank you very much. Good  
5 evening to everybody. My name is Michael Hopkins  
6 from the law firm of Hopkins and Kopilow,  
7 representing the petitioner in this application.  
8 With me is Mr. John Capobianco, the architect who  
9 has been doing all the work on the application.

10 I have some drawings of the proposed  
11 construction. I'd like to hand it up to the Board  
12 so that they can see what's contemplated for the  
13 property (handing).

14 MR. PANTELIS: We'll have these marked as an  
15 applicant's exhibit.

16 MR. HOPKINS: Yes, please, thank you.

17 I hope this presentation is more brief than  
18 the last one, just to make everybody's life  
19 easier.

20 The petitioner's premises is located at  
21 160 Central Avenue, known as Section 40 Block 91  
22 Lot 116. There is only one variance which is  
23 sought here, and the one variance which is sought  
24 here is building coverage, and nothing else.

25 If you take a look at the site plan, you will

1 notice that in every other aspect, every setback,  
2 aggregate, side, front, surface coverage, in every  
3 aspect we comply with zoning requirements. I  
4 would also just like to point out in advance that  
5 even with the requested increase in the building  
6 coverage we will still be within compliance of the  
7 surface coverage for the subject parcel.

8 I think the Board probably understands some  
9 portion of the history of this particular  
10 application. It's an unimproved parcel that had  
11 belonged to Temple Israel at one time and  
12 subdivided with the approval of the Board of the  
13 Village of Lawrence. If my memory serves me  
14 correctly, when it was subdivided it was permitted  
15 to have actually two single-family dwellings go up  
16 on that particular parcel. What is being proposed  
17 here, of course, is only one parcel -- forgive me  
18 -- one single-family dwelling going up on this  
19 particular parcel.

20 The reason for the design, the layout of  
21 everything that you see, the necessity for the  
22 relatively minor, I think it's about 18 percent  
23 over that which is permitted by code for the  
24 building coverage, will be explained by  
25 Mr. Capobianco, I hope to the satisfaction of the

1 Board, as a practical proposition.

2 I would point out one thing which I think is  
3 critically important on this particular parcel.  
4 Even if in theory the coverage were reduced in the  
5 rear, all right, that would be towards the temple  
6 side, as a practical proposition, away from  
7 Central Avenue, it's not going to have a reduction  
8 or a mitigation of the visual aspect, as a  
9 practical proposition, from Central Avenue which  
10 everybody on the Board is aware is a main  
11 thoroughfare. There's really nobody who is  
12 impacted by the variance which is requested here.  
13 I think there's a property that's developed as a  
14 single-family home to the east. You have the  
15 temple behind and to the side and then, of course,  
16 you have Central Avenue with very large, handsome  
17 structures all up and down Central Avenue, many of  
18 which I remember as a kid.

19 Now, there has been no previous application,  
20 as a practical proposition, for this particular  
21 relief, and with Mr. Capobianco now I'd like him  
22 at least to just go through briefly and explain  
23 what's being proposed and why.

24 MR. CAPOBIANCO: John Capobianco, architect,  
25 159 Doughty Boulevard, Inwood.

1           Mr. Hopkins had pointed out correctly that  
2           the application does not require any other  
3           variances other than building coverage. The side  
4           yard to the east which is like 32.5 feet, the side  
5           yard to the west which is 22.67, more than comply  
6           with the side-yard requirement and aggregate,  
7           side-yard aggregate. The front yard which is also  
8           52.67 and to the front porch 50 feet also complies  
9           with the required front yard. And the rear yard  
10          is approximately 79.25. All of these comply with  
11          the required sections of the code, other than the  
12          building coverage.

13          The house would actually look exactly the  
14          same if the house was reduced in depth by about  
15          three feet and comply with the -- close to comply  
16          with the 44,098 square feet that, you know, would  
17          be in compliance with the allowable building  
18          coverage that's permitted for this size property  
19          of 28,735 square feet. However, when you look at  
20          the property as 4,098 would represent about 14.2  
21          percent of the land area coverage. And what we're  
22          proposing is about 16.9, which is about seven  
23          hundred -- I believe 730 some odd square feet over  
24          -- 780 square feet over the allowable 4,098 which  
25          is what we call 18 percent over what was the

1 allowable 4,098.

2 We feel that, you know, to make this comply  
3 would restrict some of the room sizes to a point  
4 where it would -- it would be very difficult to  
5 use. The kitchen size would be less than what  
6 would be needed for this size family. The one  
7 family -- the one-story addition that you see in  
8 the rendering that we've pointed out to the west  
9 is a guess suite which is for their elderly  
10 parents which need a bedroom on the ground floor.  
11 So that is only a one-story addition to the side  
12 of the house which is really in compliance with  
13 the side yard.

14 The height factor that you see is in  
15 compliance to the 30 feet. The building is a  
16 stately looking colonial dwelling which I feel is  
17 commensurate with the other houses in the  
18 neighborhood and in the area. We don't feel that  
19 the application presents any negative impact  
20 whatsoever on any of the neighboring properties,  
21 particularly the temple side and the Fulton Avenue  
22 residence which is the Fuchs' residence, I  
23 believe, which is also a very large stately  
24 looking house.

25 I mean, I don't want to go into too much in

1 detail about the layout. I think it stands for  
2 itself. You have a copy of the plan in front of  
3 you. It's a center-hall colonial with living  
4 room, dining room, it has, you know, a library, a  
5 guest room, guest suite, two-car garage. I don't  
6 think it's anything that's over and above what was  
7 typical in a stately Lawrence residence.

8 And, you know, if the Board has any  
9 questions, I'm here to answer any.

10 MR. HOPKINS: I would just simply like to  
11 reinforce what Mr. Capobianco said, particularly  
12 the bump-out on the first floor it's only a single  
13 story which has to accommodate a pair of elderly  
14 parents, as a practical proposition. Everything  
15 else is in proportion. It is a handsome, stately  
16 structure. And bearing in mind that in theory I  
17 would submit that this fits much more comfortably  
18 and appropriately on this parcel than had there  
19 been two separate parcels and two structures going  
20 up, as a practical proposition.

21 And I also point out, and I know the Board is  
22 familiar with the property. I haven't been here  
23 in a couple of years. I know the Board is hot and  
24 goes out there and inspects. But you're right on  
25 Central Avenue. The only person theoretically

1 impacted by either the bump-out to accommodate the  
2 parents or the space in the back would be Temple  
3 Israel, which is here to speak in favor of the  
4 proposition, I hope this evening, but that will  
5 remain to be seen.

6 CHAIRMAN GOTTLIEB: They will have their  
7 turn.

8 MR. HOPKINS: Yes, thank you, sir.

9 So look, I believe, as Mr. Capobianco said,  
10 if you apply all the requirements of the Village  
11 Law for the purposes of granting the variance, I  
12 submit that in every sense of the word it  
13 complies. It certainly is in character with the  
14 community and the area. It doesn't detract from  
15 it in any manner, shape or form.

16 Indeed, I submit that had you had two smaller  
17 houses that that might actually be a variance with  
18 the large stately --

19 MEMBER HENNER: Can I ask you a question?

20 MR. HOPKINS: Of course.

21 MEMBER HENNER: I don't mean to interrupt  
22 you, but I felt like interrupting. I don't think  
23 I've served during any period of time that you've  
24 been here, but Mr. Capobianco has been here many  
25 times. So this Board any number of times has said

1 when there's new construction and people could  
2 start from scratch, that they really kind of  
3 expect them to build something that complies with  
4 code. It's not like you have to juggle things to  
5 make things fit. You could build whatever you  
6 want and comply.

7 What would be the reason for not doing that?  
8 But number two, because I might not get another  
9 chance, this is a variance. You know the various  
10 tests better than I do.

11 MR. HOPKINS: Sure. I doubt that.

12 MEMBER HENNER: I'm sure you do. So one of  
13 those is necessity. I haven't heard anything -- I  
14 don't think I heard anything, but what's the  
15 necessity? I don't know anything about the  
16 applicant, and maybe it's not my business to know  
17 anything, but where is the necessity? Where are  
18 you showing the necessity? They need a variance.  
19 Because you also said something else early on in  
20 your presentation that it's only 18 percent. I'm  
21 sure Mr. Capobianco has told you there's been  
22 general reluctance.

23 MR. HOPKINS: Oh, I'm familiar with it.

24 MEMBER HENNER: Only 18 percent, I don't know  
25 that this Board in recent times has given anything



1 close to 18 percent. So when you minimized it,  
2 it's -- I think it's well beyond anything that  
3 this Board has given. So those are my questions.

4 MR. HOPKINS: All right, Mr. Henner.

5 The reality of the situation, whether it's  
6 new construction or existing construction, the  
7 Board exists for a purpose. You're the safety  
8 valve. You are the release as it were.

9 The family, as I say, and I think if we take  
10 a look at the petition that was submitted  
11 previously, and I'll quote from it: The  
12 petitioner is acting on behalf of a large family  
13 desirous of moving to Lawrence wherein they can  
14 serve the community socially, philanthropically  
15 and utilize their home as a cultural, social and  
16 charitable center on behalf of individuals and  
17 institutions.

18 You take that --

19 MEMBER HENNER: What did you say, large  
20 family?

21 MEMBER SCHRECK: What does that mean?

22 MEMBER HENNER: I don't know what we're  
23 talking about.

24 MR. HOPKINS: Well, there are three children.  
25 They are adult children; they have children in

1 turn. You have an elderly couple, particularly  
2 grandparents as I think it is.

3 MEMBER HENNER: All of the children are adult  
4 children?

5 MR. HOPKINS: I believe their children are  
6 all adults with their own children in turn.

7 Is that correct, Mr. Capobianco?

8 MR. CAPOBIANCO: Yes.

9 MEMBER SCHRECK: They won't be living in the  
10 residence.

11 MR. CAPOBIANCO: Yes. They are here tonight  
12 and maybe the mom will tell you --

13 MEMBER SCHRECK: How many people will be  
14 living in the residence on a permanent basis?

15 MR. WIEDER: Hi, good evening. My name is  
16 Moshe Wieder.

17 CHAIRMAN GOTTLIEB: Can you step forward so  
18 Mary can hear you clearly.

19 MR. WIEDER: Good evening. I'm Moshe Wieder.  
20 I'm the owner of this property. We have two adult  
21 children with their own children, and we have a  
22 fourteen-year-old. So on a full-time basis we'll  
23 have two adults, my wife is here, and our son.  
24 And that we have our children coming quite often,  
25 for weekends and the like. So that's the purpose

1 of the house is to be able to accommodate the  
2 growing family. And there is an elderly parent;  
3 my wife has a mother who will need to be taken  
4 care of as she gets older. She's developed some  
5 health issues and we need to be able to --

6 MEMBER SCHRECK: Do your children live in the  
7 neighborhood or live in a different neighborhood?

8 MR. WIEDER: One of our daughters is moving  
9 out here and we anticipate the rest moving out.

10 MR. HOPKINS: By the way, Mr. Henner, I  
11 didn't mean to be rude before.

12 MEMBER HENNER: You weren't.

13 MR. HOPKINS: I have appeared before  
14 Mr. Gottlieb, but I haven't been here in several  
15 years, that I in fact acknowledge, and I have been  
16 brought up to speed in terms of the mindset of the  
17 Board with regard to this particular issue.

18 But I do also point out that the surface  
19 coverage, we are still code compliant with that.  
20 Yes, and in terms of the building coverage, it  
21 exceeds that which is permitted by code.

22 And the irony of the situation, which I think  
23 it renders it somewhat unique at least in theory,  
24 there could have been two-single family dwellings,  
25 if I recall the history of this parcel correctly,

1 that could have been put up.

2 In terms of the flow, the activity, how the  
3 rooms fit, appropriately or inappropriately, I  
4 would defer to Mr. Capobianco about that, why the  
5 increase of 18 percent, admittedly 17 -- forgive  
6 me -- 18.4 percent is requested in terms of the  
7 building coverage.

8 MR. CAPOBIANCO: That is correct.

9 The house is a center-hall colonial. As you  
10 see in front of you it's a foyer, to the right a  
11 dining room, to the left a living room, a powder  
12 room in between that, a family room directly  
13 straight ahead. There is nothing excessive about  
14 the use of the first floor. There's no additional  
15 rooms that would be excessive in terms of how the  
16 house would function.

17 CHAIRMAN GOTTLIEB: Mr. Capobianco, I don't  
18 mean to cut you short, but Mr. Hopkins said he  
19 wanted to get out of here sooner rather than  
20 later. We've all seen the plan.

21 MEMBER HENNER: I would like to hear how many  
22 bedrooms it is.

23 MR. CAPOBIANCO: There's five bedrooms with  
24 one master suite. So a total of six bedrooms.

25 MS. WIEDER: Can I say something? My

1 daughter comes --

2 MR. PANTELIS: Hold on.

3 CHAIRMAN GOTTLIEB: If you wish to speak,  
4 could you please step forward.

5 MS. WIEDER: Sorry. I'm Beth Wieder, the  
6 other half. The reason why we're moving to the  
7 Five Towns was because we needed a bigger  
8 residence because our children do come a lot. One  
9 son is thirteen, going to be fourteen, comes with  
10 his friends. My father died. I planned on both  
11 parents being in the house. My mother now will  
12 probably have to come, and that's that bedroom  
13 downstairs because she won't be able to do steps,  
14 I don't know when. My son comes a lot with his  
15 family, constant. And my daughter to the point  
16 that we go upstate and she comes the entire  
17 summer. My kids do come a lot. So each room is  
18 being used. I am not building extra rooms. Each  
19 room is being used.

20 CHAIRMAN GOTTLIEB: Thank you.

21 MR. CAPOBIANCO: The second floor has five  
22 bedrooms and a master suite; nothing that's  
23 oversized in any way, shape or form. I mean,  
24 they're good sized rooms and they work and they're  
25 workable rooms, but there's only five bedrooms and

1 a master suite, which is six total on the second  
2 floor. But it is over on building coverage.

3 CHAIRMAN GOTTLIEB: Mr. Capobianco, you  
4 designed a beautiful house, once again.

5 MR. CAPOBIANCO: Thank you.

6 CHAIRMAN GOTTLIEB: I commend you. You only  
7 come for one variance, but you come for one  
8 substantial variance. And if I read these plans  
9 correctly, we have a 28,700 foot lot. You're  
10 building a 10-bedroom, twelve and a half bath with  
11 enormous common grounds in terms of living room,  
12 dining room, family room, libraries and other such  
13 rooms.

14 I, for one, and I'll just speak for myself,  
15 think that if you're buying a house with new  
16 construction you should build this within the  
17 parameters of the building code, which is quite  
18 generous.

19 I see that you may say, as Mr. Henner said  
20 before, 19 percent might not seem like a lot, nor  
21 772 square feet, but I consider it to be quite a  
22 lot, and I think that our code is quite generous.  
23 Certainly taking into account what Mr. Hopkins  
24 says that if you build two houses there you would  
25 build more. So be it.

1 I can't change the code as it is, but I don't  
2 see a need for granting relief. I see a want. I  
3 don't see a need. You made a very clear point  
4 that there's a large family, lots of people come  
5 to visit. That's quite normal in our Village.  
6 Most applications are with either parents or  
7 children coming to visit. Everyone wants a larger  
8 house when they can. This is 19 percent more than  
9 what's permitted. To me, this is not acceptable.  
10 But I speak, unfortunately, for one.

11 MEMBER HENNER: Can I ask, is he right about  
12 what he said, ten bedrooms and twelve and a half  
13 baths?

14 MR. CAPOBIANCO: No, that's incorrect.  
15 There's five bedrooms, one master suite on the  
16 second floor, a bedroom on the first floor which  
17 is a guest bedroom, so it's seven bedrooms total,  
18 and I believe there's six bathrooms.

19 MEMBER WILLIAMS: Three more bedrooms in the  
20 basement.

21 MR. PANTELIS: Well, in the basement you have  
22 a guest suite.

23 MR. CAPOBIANCO: Well, a basement is the  
24 basement. We do plan on putting additional  
25 bedrooms in the basement.

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1 MEMBER WILLIAMS: Three more bedrooms.

2 MR. CAPOBIANCO: Yeah, it is a large  
3 basement.

4 MR. PANTELIS: They are bedrooms or  
5 potentially --

6 MR. CAPOBIANCO: They are bedrooms.

7 MR. PANTELIS: What's your ceiling height  
8 going to be in the basement?

9 MR. CAPOBIANCO: Nine feet.

10 MR. PANTELIS: So that would be another  
11 floor, in effect.

12 MR. CAPOBIANCO: Oh, yeah. Yeah, I mean, the  
13 basement, the ground condition here is excellent.  
14 You know, there's no water -- the boring, if you  
15 see the boring, it's one of the highest parts of  
16 Lawrence. The groundwater is not an issue.  
17 Drainage is not an issue. The ground is  
18 excellent. It's all bank run. I mean, we could  
19 shrink the house down --

20 MR. HOPKINS: I'm going to jump in and say,  
21 Mr. Chairman, in order to address the concerns  
22 raised by Mr. Henner and yourself, I think we  
23 might be able to cut back on the scale of what's  
24 being proposed if that would meet with your  
25 approval.



1 CHAIRMAN GOTTLIEB: Without sounding  
2 sarcastic or rude or both, could you scale it back  
3 772 square feet?

4 MR. HOPKINS: I don't think we have gotten to  
5 that point, I'll be very blunt as well, without  
6 being sarcastic or rude either. You know I'm not.  
7 Go ahead, Mr. Capobianco.

8 MR. CAPOBIANCO: Well, I think we could  
9 tailor it down to like 15 percent over the  
10 allowable building, you know, 15 percent over the  
11 4,080. But, you know, I feel that if you start --  
12 you know, you don't have to shrink the width of  
13 it. You don't have to change the look or the  
14 appearance of it. You could cut the back off  
15 three feet and you achieve 300 square feet, which  
16 in itself is about, you know, four and a half  
17 percent right there, five percent. Every percent  
18 is twenty, you know, eight square feet -- I'm  
19 sorry -- 40 square feet.

20 MR. HOPKINS: I'll point out to the Chairman  
21 of the Board that the irony of the situation is if  
22 you pull it back even those two or three feet that  
23 Mr. Capobianco is talking about to the rear of the  
24 house, it really is not going to have any impact  
25 on that which is seen by the people in the

1 community, as a practical proposition.

2 But if something along those lines would meet  
3 with the approval of the Board, I will certainly  
4 speak to the --

5 MR. CAPOBIANCO: And fully understanding the  
6 new code and everything that was done with it, and  
7 I've always expressed this opinion even to the  
8 previous administration, that the zoning was  
9 changed in a way that they killed the fly with an  
10 elephant gun. I mean, before you had a 30 percent  
11 lot coverage. Now, in essence, you have 14.2  
12 percent lot coverage. So, I mean, they more than  
13 cut the building size that you are allowed to  
14 build in half.

15 So we feel that, and I feel in terms of  
16 zoning that if you're constructing a building to  
17 comply with today's standard under the schedule of  
18 values where you have land area to building area,  
19 it equals about 14.2 percent. Whereas before you  
20 could have built 30 percent of the land area. So  
21 I don't think we would ever build 30 percent of  
22 the land area, but I don't think that it was a  
23 good judgment on the Board's part to reduce it  
24 that much or that drastically on this size  
25 property.

1 MR. HOPKINS: And also, Mr. Chairman, and I  
2 do understand the logic, I promise you that I do.  
3 I've represented Boards such as yourself before as  
4 well under similar circumstances, but I also  
5 simply point out that what's being discussed in  
6 terms of the physical appearance of the people on  
7 Central Avenue, as a practical proposition it is  
8 in fact keeping with, as a practical proposition.  
9 That the benefit to these applicants outweighs any  
10 disadvantage or detriment to the neighborhood, and  
11 I submit there is none, as a practical  
12 proposition.

13 Mr. Henner, perhaps you're right, 18.46 might  
14 be -- and I don't know historically what this  
15 Board with this new code has allowed historically  
16 under certain circumstances in terms of building  
17 coverage in excess permitted by code.

18 I was given a briefing by Mr. Capobianco  
19 who's been before the Board extensively over years  
20 including with myself years ago that the code has  
21 in fact changed and it had been tightened up and  
22 fairly adjusted by a fairly dramatic amount.

23 But again, I want to point out to the Board  
24 that what's being discussed is the flow of the  
25 rooms and how the rooms meet and interact with one

1 another. And if it would meet with the approval  
2 of the Board to pare back towards the rear of the  
3 house, I would certainly discuss that with both  
4 the architect and with the applicants, if that  
5 would meet with your approval.

6 MR. CAPOBIANCO: I mean, I believe that it  
7 can be tailored down, you know, a few hundred  
8 square feet, but to come down the 780 square feet  
9 is an awful lot in order to maintain the  
10 requirements that this family needs on the  
11 first-floor level. That's the condition.

12 And I understand that you feel, and I know  
13 that this has been something brought up many, many  
14 times. Here's a person buying a new piece of  
15 property, brand-new, empty, vacant land, build a  
16 house according to code, and I understand where  
17 you're coming from 100 percent.

18 CHAIRMAN GOTTLIEB: I just need to clear up  
19 something. We had a difference of opinion in our  
20 counting. I still maintain that we've got ten  
21 bedrooms and twelve and a half bathrooms. Are you  
22 agreeing with that?

23 MR. CAPOBIANCO: Yes, because of the basement  
24 I am.

25 CHAIRMAN GOTTLIEB: We do count the basement,

1 it is nine-foot ceilings, it's finished space. I  
2 wanted to clarify that on the record.

3 MR. CAPOBIANCO: That is correct. I was  
4 thinking that you were talking about the second  
5 floor, right.

6 CHAIRMAN GOTTLIEB: Before we continue, I'd  
7 like to ask if any neighbors would like to speak  
8 to the application for or against.

9 I'll start with Mr. Rotenberg because you're  
10 closest. Mr. Rotenberg, state your name.

11 MR. ROTENBERG: My name is James Rotenberg.  
12 I'm president of Temple Israel, and probably the  
13 only property that is directly impacted by this  
14 building by the Wieders.

15 Now, I don't have to repeat to this Board the  
16 history of this property and what's transpired  
17 over a period of two, three years to get this  
18 approval. We have worked closely with  
19 Mr. Capobianco and with the Wieders. They have  
20 appeared before our officers and Board of  
21 Trustees. We have looked at the plans. We have  
22 had the plans examined. And frankly, we're quite  
23 proud of the structure that's being built because  
24 it's in conformity with what we feel is the look  
25 of the temple. We were concerned that there might

1 be some, you know, glass and metal and more  
2 modern, but they worked very closely with us to  
3 make sure that there will not be a negative  
4 impact, including promising to put in some plant  
5 screenings and to take care during the  
6 construction period, because of our caterer that  
7 it's done properly and will not have a negative  
8 impact on the synagogue or our caterer or the JCC.  
9 They're lovely people. We're proud to have them  
10 as our neighbors.

11 But most importantly, the fact of the matter  
12 is what the BZA and others have done have forced  
13 us to go out and seek a private buyer. You all  
14 know what the price is of that piece of property,  
15 the price that was willing to be paid by both the  
16 JCC and the Peninsula Public Library if they were  
17 approved.

18 At first we thought we could only find a  
19 buyer and put two houses up there. The building  
20 of two houses would have a negative impact, we  
21 believe, on the temple and on the community and  
22 the way it looks. The fact of the matter, paying  
23 that much money for a raw piece of land our  
24 expectation was that there would be a larger house  
25 built in there and a variance might be necessary.

1 It was for that reason that we had the  
2 presentation similar to a presentation that you're  
3 airing tonight with regard to the building and the  
4 piece of property and the setback. We had our  
5 experts look at it. We feel there is either no  
6 impact or a de minimis impact on us by this  
7 building. At the same time we recognize what I  
8 would call the need of a family to build this size  
9 home based on the price they paid for that  
10 property; and therefore, we strongly support their  
11 application and we feel that they're going to make  
12 excellent neighbors.

13 We've met with them several times, they're  
14 wonderful people. We believe this family and this  
15 particular building and the way it looks will be a  
16 wonderful addition to not only the temple property  
17 but to the Village of Lawrence.

18 And most importantly, what I'd like you to  
19 consider is what would be the result if something  
20 else had gone there, the impact on both our temple  
21 and the Village of Lawrence. Thank you.

22 MEMBER HENNER: Don't go yet.

23 MR. PANTELIS: Well, one thing I'd note for  
24 the record that should be corrected is that this  
25 Board had no say over any other potential uses of

1 the property, the library and so on. I know you  
2 came in and made a presentation to this Board  
3 about what the Board of Trustees and neighbors and  
4 other people might have thought, but there was  
5 never a formal application before this Board as I  
6 understand it to those purposes.

7 MR. ROTENBERG: It was a condition on the  
8 deed.

9 MR. PANTELIS: No, when we, the Board,  
10 granted this application, we did make it clear  
11 that it was only for --

12 MR. ROTENBERG: Residential purposes.

13 MR. PANTELIS: -- single-family residential  
14 purposes. There was a lot of consideration and  
15 thought that went into that, and I want the record  
16 to be clear that that was something that the  
17 temple accepted as a condition. You were able to  
18 go out and market the property reasonably.  
19 Whether you sold it for one house or two houses is  
20 not especially relevant, and that certainly did  
21 not tie this Board's hands with respect to the  
22 granting or not to grant any variances in  
23 connection with the structure.

24 MR. ROTENBERG: That's absolutely correct,  
25 but without being sarcastic, I will say yes, we



1       accepted that condition with a gun to our head,  
2       and that should be for the record.

3               MR. PANTELIS:   And I think we would object to  
4       that characterization.

5               MEMBER HENNER:   Yeah, I -- you know, I agree  
6       with a lot of what you said up until like your  
7       last sentence or two, but that's okay, that's  
8       America.

9               MR. ROTENBERG:   All I said was we felt that  
10       we had to accept that condition to sell the  
11       property.

12              MEMBER HENNER:   I understand.   I remember  
13       that evening quite well, as I hope you recall I  
14       was a vocal proponent.

15              MR. ROTENBERG:   Absolutely.

16              MEMBER HENNER:   Very vocal proponent of your  
17       application, notwithstanding there were dozens of  
18       people with petitions signed by hundreds of people  
19       opposed to it.   And the record will reflect,  
20       because I read it every once in a while because I  
21       rather enjoyed that evening.   But having said  
22       that --

23              MR. ROTENBERG:   Sort of like going to the  
24       dentist.

25              MEMBER HENNER:   Having said that, the concept

1 that there was a gun to your head, and since you  
2 said it on the record, I've got to say that I  
3 believe that's absolutely untrue, that you, the  
4 synagogue, came in hoping to have a commercial  
5 use. We made it plain that a commercial use was  
6 not going to go through. If you regard that as a  
7 gun to your head, then I suppose you can say it,  
8 but it's just not so.

9 And we said that the property which you  
10 estimated was worth X dollars, if it was  
11 commercial, was really worth zero because you  
12 weren't getting a commercial use.

13 So instead, you were able to sell, and you  
14 got a decent price I presume. And you're going to  
15 have a decent neighbor here. And I think things  
16 worked out pretty nicely for Temple Israel, in my  
17 objective opinion.

18 MR. ROTENBERG: It was not an estimated --

19 MEMBER HENNER: I understand, but be that as  
20 it may --

21 MR. ROTENBERG: That was the appraised value.

22 MEMBER HENNER: We're now here where we are.

23 And as I said, I agree with that. I can't speak  
24 for anybody else here in terms of the concept of  
25 having one home here instead of two single

1 families.

2 By the same token, as you know, and as  
3 everybody here knows, the Board doesn't just act  
4 on a single -- in the context of a single  
5 application. There's a Village here, okay. And  
6 if we just landed from Mars today and just looked  
7 at this application on paper, okay, you have a  
8 single family which, with all due respect to  
9 everybody's counting and visiting, and all the  
10 rest, every person in this room has people come  
11 and visit, okay. I have people come visit. I  
12 have one bedroom at the moment because of  
13 Hurricane Sandy, but I'm not complaining. If this  
14 gets built, maybe they will let me come in there  
15 for a couple of weekends.

16 But having said that, a single family with  
17 one 14-year-old child living at home and one  
18 elderly parent is asking for a variance to build  
19 ten bedrooms and twelve and a half baths, okay,  
20 and it's an 18 percent variance.

21 I'd like to think that there's very few  
22 people as talented as John Capobianco in this town  
23 or elsewhere, that somehow he might be able to  
24 come up with something maybe with ten smaller  
25 bedrooms, maybe with eight large bedrooms,

1 something, and maybe nine baths, instead of twelve  
2 and a half, that come a little closer than  
3 18 percent or 15 percent or 13 percent. And so  
4 this way next month when on the calendar we have  
5 somebody come in and says why are you turning me  
6 down, I'm asking for 17 and a half percent, I have  
7 six kids, 22 elderly in-laws, blah, blah, blah,  
8 and you just granted it last month.

9 I asked before, and I still didn't hear it,  
10 and believe me I'm looking favorably towards this,  
11 but you've got to -- you've got to produce  
12 something here. Where's the need? Where's the  
13 hardship? You can't -- let me just finish. You  
14 can't just sit here and say we're the ones most  
15 impacted. I agree, you're the most impacted, and  
16 you're satisfied on your front that they're  
17 putting up a proper building worthy of being  
18 Temple Israel's neighbor.

19 But at the end of the road we can't sit here  
20 and approve a variance when every other person who  
21 comes in here -- tonight was unusual. We had  
22 three variance applications where nobody came in  
23 and said they had 22 grandchildren and 18 parents  
24 and elderly whatever, up until tonight, up until  
25 the last one. But in general that's what comes in

1 here every month. If we grant 18 percent on new  
2 construction here for people who have one person  
3 living at home and an elderly parent, ten  
4 bedrooms, twelve and a half baths, when are we  
5 ever going to be able to say to somebody, well,  
6 you know what, you didn't meet the test. Where is  
7 the hardship here?

8 MR. ROTENBERG: Right. What I ask is -- I  
9 can't speak on need, but based on our review and  
10 our expert's review, we don't see any impact on  
11 sight lines either from Central Avenue, which is  
12 important to us because that would impact the  
13 temple or on the temple itself. So the issue to  
14 us, which I'm passing on to you, is that from our  
15 expert's standpoint and the temple's standpoint,  
16 this increase of 18 percent, whatever, has zero  
17 impact on sight lines and/or our ability to exist  
18 together with them and that seems to me to be the  
19 bottom line. Not how many people are living there  
20 or on need, but basically what the impact is on  
21 the Village and on sight lines on the temple, and  
22 that's all I'm saying. And we feel very fortunate  
23 as a temple, as I think the Village should be, is  
24 that we have a single-family house there that is  
25 being built along the lines of the way the temple

1 looks, which we have no control over if they  
2 didn't.

3 MEMBER HENNER: Exactly. Because if they  
4 came in with a glass structure that met code, you  
5 wouldn't have a lot to say about it.

6 MR. ROTENBERG: That's exactly right. So  
7 that's why I'm down here speaking so ardently on  
8 their behalf, because they worked with us to do  
9 this. And if the trade-off is with no impact to  
10 the Village, to the temple or sight lines, is to  
11 give them something that they want, I don't think  
12 that becomes a precedent for any other situation.  
13 And there are no other neighbors here complaining.

14 MEMBER HENNER: We're going to find that out.

15 CHAIRMAN GOTTLIEB: Mr. Rotenberg, your point  
16 is extremely well taken. I think we understand  
17 that you don't have an opposition to it, but I can  
18 say that I bet the house can be built in very  
19 similar appearance and everything you just said  
20 and still come in without being overbuilt.

21 MR. ROTENBERG: Well, that's obviously your  
22 decision.

23 CHAIRMAN GOTTLIEB: I do appreciate you're  
24 coming down.

25 MR. ROTENBERG: Well, thank you for giving me

1 the opportunity to speak.

2 CHAIRMAN GOTTLIEB: Our pleasure. Who wishes  
3 to speak next?

4 MR. NOVAK: My name is Alexander Novak. I  
5 live at 132 Fulton Street. This is in fact the  
6 third time I've been in front of the BZA on the  
7 same piece of property. I also have in my hand a  
8 letter from my neighbor Steve Schlam at 140 Fulton  
9 Street, who would like to put in writing and  
10 express his opposition, but he is at a wedding  
11 tonight, and I would then like to hand this thing  
12 up as to express his opposition also.

13 MR. PANTELIS: Just to be clear, where is  
14 Fulton Street in relationship to the subject  
15 property?

16 MR. NOVAK: Fulton Street -- the subject  
17 property is on -- is on Central. One side of it  
18 is Fulton Street, and the other side of it is  
19 Winchester.

20 MR. PANTELIS: Multiple copies of the same  
21 letter are being passed up.

22 CHAIRMAN GOTTLIEB: Thank you.

23 MR. NOVAK: I will read, if I may, some brief  
24 history that I said before on two occasions when I  
25 was here talking about this piece of property.

1 The Board should recall that originally when the  
2 Temple Israel created certain structures in the  
3 back they were in noncompliance and they agreed to  
4 dedicate the front lawn as a grassy area that  
5 would remain as an open grassy area to compensate  
6 for the over-construction in the back.

7 About a year ago or I think maybe 18 months  
8 ago when the Temple Israel came again asking for  
9 an application to again use it at that time for  
10 commercial purposes, they also had the same  
11 feeling that there would not be a severe impact on  
12 the neighbors. However, the fact that at that  
13 hearing, which I was at, I think we had over a  
14 hundred people showed up and we certainly did  
15 present a petition. Four hundred people did feel  
16 that, unlike Temple Israel, that such an impact  
17 would be adverse to the neighbors.

18 We feel that any house that's there it should  
19 be looked at what the application is now and not a  
20 theoretical or hypothetical application like some  
21 other applications on what could have been.  
22 What's before the panel is this application. This  
23 application we feel is oversized. There's no  
24 reason, there's no necessity when you're buying a  
25 new house to have anything other than compliance



1 with the rest of the neighborhood.

2 The Temple Israel itself is already over  
3 construction and while we agreed to it due to  
4 their circumstances to consent, they have -- I  
5 remember the request was did I represent at that  
6 time people, and at the second hearing I said we  
7 consent to such an application for a purely  
8 residential basis.

9 We are looking for -- the neighbors that I  
10 represent, myself and my other neighbor, are  
11 looking for a house to be built within the  
12 confines of the existing codes as they are.  
13 That's why we are here. There's no real need. I  
14 don't mean to belabor the point. Make a smaller  
15 house. None of us have ten, twelve bedrooms. I  
16 have five bedrooms. I have lots of children, some  
17 married, some not married and living with me. I  
18 have elderly parents too. I think it could be a  
19 smaller house that would fit into the rest of the  
20 neighborhood, and I think particularly because  
21 Temple Israel takes up a lot of space.

22 So we are opposed to the application. We  
23 feel it should be done in compliance. It's new  
24 construction. Just make it differently.

25 CHAIRMAN GOTTLIEB: So Mr. Novak, from what I

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1 understand, it's not that you object to anything  
2 being built there, you object to it being built  
3 over the code; is that correct?

4 MR. NOVAK: Yes.

5 CHAIRMAN GOTTLIEB: Thank you.

6 MEMBER HENNER: Could I ask a question?

7 MR. NOVAK: Sure.

8 MEMBER HENNER: Unless I'm mistaken, there  
9 are other applications that have taken place or  
10 come from the Fulton Street area, and also across  
11 the street on Central Avenue, a number of  
12 variances; am I correct?

13 CHAIRMAN GOTTLIEB: Yes.

14 MEMBER HENNER: In the past year or so, I'm  
15 sure you're aware of them.

16 MR. NOVAK: I'm aware of some of them, sure.

17 MEMBER HENNER: I'm just curious, did you  
18 oppose those as well? I mean, on Fulton, there  
19 were any number.

20 CHAIRMAN GOTTLIEB: Three.

21 MR. NOVAK: There was only one that I know of  
22 that was --

23 MEMBER HENNER: I think there was one on  
24 Fulton just a couple of meetings ago, and then the  
25 big house on the corner, I don't remember whose

1 that is.

2 MR. NOVAK: Fuchs.

3 MEMBER HENNER: Which one is that?

4 CHAIRMAN GOTTLIEB: Fuchs is on one side, but  
5 there was another application.

6 MEMBER SCHRECK: Allen.

7 MEMBER HENNER: Right, on Fulton, and I think  
8 also across the street on Central right in the  
9 same area. I'm curious if you opposed those as  
10 well.

11 MR. NOVAK: I did not oppose them, and I am  
12 getting tired of the fact that everybody is  
13 building larger, larger houses on top of my head,  
14 so that's why. You know, once, twice you can take  
15 it, but I'm getting tired of it and now I've met  
16 it. That's it.

17 MEMBER HENNER: Not a good answer, but okay.  
18 I don't think you opposed the other applications.

19 MR. NOVAK: That's correct, I did not oppose  
20 the other applications, but now I've had  
21 construction one after the another, everyone wants  
22 bigger, bigger. It's time -- certainly on a piece  
23 of property as large as the Central Avenue one,  
24 one can make a nice stately house that doesn't  
25 exceed your present zoning requirements and

1 building requirements.

2 MEMBER HENNER: As long as -- I'm sorry, I  
3 cut you off.

4 MR. NOVAK: So I think you have a lot of  
5 property, you can make a nice sized house. I  
6 don't think you have to make another mansion  
7 house.

8 MEMBER HENNER: I hear your frustration.  
9 Maybe you're better off having construction of one  
10 house instead of construction of two which could  
11 go on for longer, or whatever.

12 MR. NOVAK: I understand, that's just a  
13 thought. But that's not really what the issue is.  
14 They're asking for a variance for -- their  
15 variance now for the one house. And I think --  
16 and the necessity is that the temple did get their  
17 money that they're looking for and really the  
18 issue is not to, as we did in the past,  
19 accommodate the temple in economic needs but  
20 rather this is a new family moving in and asking  
21 them to make a smaller house. Thank you.

22 MEMBER HENNER: Thank you.

23 CHAIRMAN GOTTLIEB: Thank you, Mr. Novak.  
24 Would anyone else care to speak?

25 MR. HOPKINS: If people are finished --

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1 CHAIRMAN GOTTLIEB: Do you want to come back?

2 MR. HOPKINS: With your permission.

3 CHAIRMAN GOTTLIEB: Absolutely, we wouldn't  
4 have it any other way.

5 MR. HOPKINS: Look, as pointed out by  
6 Mr. Henner, there have been applications and  
7 variances granted in the immediate vicinity, and  
8 Fuchs is the property immediately adjacent and to  
9 the east of the subject parcel, if my memory  
10 serves me correctly.

11 I would just point out from a legal point of  
12 view the standards to be applied are in the law.

13 MEMBER HENNER: Are what?

14 MR. HOPKINS: The standards to be applied in  
15 either granting, or denying or granting with  
16 conditions, et cetera, are in the law.

17 Standard number one under 7-712-B of the  
18 Village Law: This variance would have produced an  
19 undesirable change in the character of the  
20 neighborhood or be detrimental to nearby  
21 properties. I think in fairness and good faith to  
22 that which has been proposed and which is before  
23 you could never even be remotely construed as  
24 producing an undesirable change in the character  
25 of the neighborhood or be detrimental, in my

1 humble opinion. I would hope that you might  
2 agree, particularly since there is only one  
3 building going up, and not two, there are less  
4 curb cuts, there are less driveways, there are  
5 less vehicles, there is less activity taking  
6 place.

7 MEMBER HENNER: What do you think about the  
8 next one?

9 MR. HOPKINS: I'm going right there.

10 MEMBER HENNER: Oh, I'm sorry.

11 MR. HOPKINS: Mr. Henner, I'm going through  
12 them line by line. Another feasible method under  
13 B2, again, the architect has explained why it's  
14 very difficult for purposes of this discussion to  
15 build where the building coverage will be  
16 code-compliant.

17 Number 3, B3, is it a substantial variance  
18 which is being sought? You've described  
19 substantial. It is certainly not insubstantial.  
20 I'm not going to quibble the point. But again,  
21 and I point out that to anticipate or contemplate  
22 had there been two-single family homes going up in  
23 that particular parcel, as a practical  
24 proposition.

25 B4 talks in terms of adverse impact on

1 physical or environmental conditions. The answer  
2 has to be no. As I say, surface coverage is in  
3 fact code-compliant. There are no environmental  
4 problems that are being created or aggravated or  
5 incurred as a consequence of what's being  
6 discussed.

7 And then, of course, the issue of  
8 self-created. To that extent you may contemplate  
9 and consider that, quote, this is self-created in  
10 the sense that it is new construction and it's in  
11 excess.

12 MEMBER HENNER: What do you think? Forget  
13 about what we think. What do you think? Is it  
14 self-created?

15 MR. HOPKINS: Of course, by definition in  
16 that sense of the word it's self-created; i.e.,  
17 this is new construction, as a practical  
18 proposition. But again, when you take into  
19 account this is one of the multiple factors to be  
20 contemplated, put into the mix the balancing, then  
21 analysis is undertaken, and then the benefit to  
22 the applicant versus the detriment as a practical  
23 proposition to the neighborhood in either the  
24 granting or the denying of the relief in question.  
25 So I submit it's a perfectly reasonable request to

1 be made.

2 I did pose to the Board previously that if we  
3 were to reduce the size from 18 percent to  
4 something less would the Board under those  
5 circumstances contemplate granting the relief.  
6 I've talked to Mr. Capobianco, who in turn has  
7 talked with the petitioners, and Mr. Capobianco,  
8 correct me if I'm wrong, believes that he could  
9 reduce by his certain artistry that he is known  
10 for so that the variance in question rather than  
11 being 18.46 percent would be 10 percent. So  
12 you're virtually cutting it in half, or darn close  
13 to cutting it in half. If that would be  
14 sufficient to meet the concerns of the Village.

15 PS, I don't consider if you were to agree  
16 that this is any precedent setting proposition as  
17 a practical proposition because the property is  
18 really uniquely situated on a major thoroughfare  
19 with minimal residential neighbors impacted by  
20 this, as a practical proposition, particularly in  
21 light of the Fuchs, what I understand to be the  
22 Fuchs' property which I also go around and visit  
23 the property and the environment myself.

24 So if the Board would feel more comfortable  
25 by reducing by 10 percent -- forgive me to 10



1 percent from 18.46 percent, the building  
2 coverage --

3 MR. CAPOBIANCO: 18.86.

4 MR. HOPKINS: 0.86, I apologize. Taking that  
5 and reducing it to 10 percent, Mr. Capobianco  
6 thinks that he can do it from an architectural  
7 point of view, and the clients have indicated that  
8 they would be willing to accept that.

9 MR. PANTELIS: Mr. Capobianco, assuming that  
10 the Board were interested in entertaining that,  
11 just roughly how would you achieve that? Would it  
12 be a rear reduction and a width reduction?

13 MR. CAPOBIANCO: A slight width reduction and  
14 more rear front-to-back reduction which would  
15 bring it back down about 410 square feet.

16 CHAIRMAN GOTTLIEB: Mr. Hopkins, just to  
17 mention, you referenced the Fuchs' house. I just  
18 want to state that their property size is nearly  
19 50 percent larger than this lot size.

20 MR. HOPKINS: I understand, Mr. Gottlieb.  
21 And again, any comment that I make to the Board I  
22 fully understand it is fully familiar with the  
23 locality, it is familiar with the property in  
24 question. And as I say, if the 10 percent would  
25 meet the concerns that you have, and Mr. Henner in

1 particular for some sort of precedent setting.

2 MEMBER HENNER: Listen, it's not me.

3 MR. HOPKINS: I'm not focusing on you. You  
4 raised the issue, I'm replying to it. I  
5 apologize. I don't mean to be your focus in any  
6 sense of the word. If it would meet the concerns  
7 of the Board at large to reduce it to 10 percent  
8 in the way it's been proposed by Mr. Capobianco in  
9 response to the inquiry by Mr. Pantelis, the  
10 clients have indicated they would be willing to  
11 accept that.

12 MR. RYDER: Mr. Chairman, if I may,  
13 additionally with the Fuchs' property, I would  
14 like to add not only was it 50 percent larger, but  
15 also that there was an existing structure on  
16 there. This is a vacant lot. There was never a  
17 structure on this lot. So change of character,  
18 absolutely big change in character. This is a  
19 visible difference from what was known in this  
20 Village for 50-plus years.

21 MR. HOPKINS: If I may, the change in  
22 character, Mr. Ryder, hold on for a nanosecond,  
23 the change in character that's discussed in law is  
24 the character of the variance. Admittedly, this  
25 is vacant land right now. There's going to be a

1 structure on it. The simple placing of the  
2 structure is a change in character by definition  
3 because before it was vacant, now it's developed.  
4 But it is in conformity with -- again, having  
5 grown up and gone to Hewlett and graduated in '67,  
6 I'm familiar with the area. This house as  
7 proposed is in conformity with the structures, the  
8 very handsome, stately, majestic structures on  
9 Central Avenue and in every sense of the word, and  
10 it does not materially alter in a negative way the  
11 character of this neighborhood, it simply does  
12 not.

13 But I repeat, if it would make the Board at  
14 large feel more comfortable at 10 percent, then  
15 the clients have indicated they are willing to do  
16 it.

17 MEMBER HENNER: You explained how he was  
18 going to mathematically do it. Physically, does  
19 it remain, is it ten smaller bedrooms, is it  
20 twelve and a half smaller baths? What's going by  
21 the wayside?

22 MR. HOPKINS: Since it's not anticipated that  
23 I'm going to be using the bedrooms or the baths,  
24 I'll let the architect.

25 MR. CAPOBIANCO: No, it would be shrinking

1 the room sizes down. We would reduce the depth of  
2 the overall house by about two and a half feet and  
3 the width by about the same, and it would be  
4 bringing everything down in scale in terms of  
5 size, but the number of rooms will stay the same.

6 CHAIRMAN GOTTLIEB: Could we caucus for a  
7 moment? Could we speak with counsel?

8 MR. PANTELIS: As to some of the legal issues  
9 before the Board, yes.

10 SPEAKER: There's still some people here who  
11 want to speak.

12 MR. PANTELIS: Oh, I'm sorry, we thought that  
13 was --

14 MS. SILVERMAN: I'm just a layperson. I've  
15 never appeared before this Board before. I don't  
16 really have anything intellectual to say,  
17 except --

18 MR. PANTELIS: Your name and address, please.

19 MS. SILVERMAN: My name is Judy Silverman,  
20 and I'm a neighbor across the street. And my  
21 concern is that this has been open property and  
22 it's been open grass area, and to have a very  
23 large structure, especially to go over, to disobey  
24 the rules that we all have been following in terms  
25 of any structures that we've made will change the

1 character of the neighborhood. None of our  
2 structures -- now, you talk about Fuchs, that's  
3 very different because his structure is not facing  
4 the entire Central Avenue that it's in your face.  
5 He smartly built it on the side so you only see  
6 part of it and it doesn't change the character of  
7 the neighborhood, and this will and that's what  
8 we're concerned about. I don't know anything  
9 about houses and how they should be built, but  
10 it's rather large and clearly sitting here it's  
11 not following the guidelines that you've set forth  
12 for most of us. Thank you.

13 CHAIRMAN GOTTLIEB: Thank you very much.

14 MR. KOLODNY: My name is J. Lawrence Kolodny.  
15 I live across the street.

16 MR. PANTELIS: Just repeat that, I'm sorry.

17 MR. KOLODNY: J. Lawrence Kolodny. I live on  
18 Boxwood Lane. I'm not here to speak for or  
19 against the application, but I was here last month  
20 with a friend of mine who was applying for an  
21 application, Mark Jacobowitz. And he came before  
22 the Board, it was also -- we managed to get rid of  
23 many, multiple, it was six or seven variances. We  
24 managed to shrink it down, shrink it down, shrink  
25 it down. And I remember hearing from Mr. Gottlieb

1 and Mr. Schreck. He wasn't -- he was there, but  
2 whatever.

3 MEMBER HENNER: We try to --

4 MR. KOLODNY: You know, everyone plays  
5 musical chairs over there. I'm used to seeing  
6 Lloyd over there. But we were here and he had had  
7 the support of all the neighbors, and it was a  
8 situation where the Board and some of you very  
9 vocally against it had said no, no, no. So I'm  
10 not here to tell you what to do. But I do believe  
11 living across the street, having one of my  
12 neighbors about to demolish his house and build  
13 it, and he had brought it down substantially, even  
14 though he had the support of many neighbors, and  
15 Mark Jacobowitz who came and had the support of I  
16 believe every single neighbor of his and was also  
17 all for it, to have to cause every property come  
18 down and to change it for one property I'm okay  
19 with it, but I just do feel that there is a  
20 precedent being set.

21 Now, I was pretty vocal at the meeting when  
22 Temple Israel tried selling it, and I was against  
23 it because of what was there to begin with. And  
24 if anything that's going to change, we're all  
25 against it for the fact that this was just

1 everything nice.

2 Now, I haven't seen the plans. It doesn't  
3 matter to me if they build the most beautiful  
4 place. I still think it's a loss for the  
5 community. That's what I said originally. But  
6 they're entitled to do it, and it was all approved  
7 and it was a negotiated agreement between all  
8 parties.

9 However, at this point I just think that if  
10 there is going to be a change and it's going to be  
11 allowed, whatever variance it is, and again, it  
12 doesn't affect me, I'm not for or against,  
13 however, this has been an ongoing battle within  
14 the Village of either amending the Village Code so  
15 that it allows for all these things and it goes  
16 back to that, or just not allowing new variances  
17 for new construction.

18 I do believe that while this isn't the venue  
19 for it, I've spoken at a couple of Village Trustee  
20 meetings specifically about this, and I've been at  
21 certain Trustee meetings and I've spoken to  
22 Mr. Ryder about this ad nauseam, about the need to  
23 change the Village Code to allow for what seems to  
24 be the norm. Something like 90 some odd percent  
25 of all applications require variances.

1           So while this isn't necessarily the venue for  
2           it, I do think that this is something that really  
3           needs to -- I mean, I love getting the certified  
4           letters or regular letters and having to go to the  
5           post office to sign for it, but I do believe  
6           there's something that has to give either with  
7           just granting variances as of right or being much  
8           more stringent and laying a foundation of not  
9           giving them, or a third thing, just making the  
10          code so that this -- this may fit within the  
11          structure. Again, just making sure that there's  
12          some uniformity. So like this one neighbor got  
13          eight percent. Another neighbor was forced to go  
14          down to four percent. My neighbor who came for a  
15          tiny variance was given -- was given a major  
16          argument, however he got it without an issue and I  
17          was here supporting that.

18                I've supported many variances. Samuels, my  
19          neighbor Samuels came for a variance to build  
20          something in the back.

21                MEMBER HENNER: Just out of curiosity, I  
22          remember the variance was granted on Jacobowitz.  
23          Do you remember the size?

24                MR. KOLODNY: It was granted -- it was  
25          granted -- it was granted on a three-to-two vote,



1 and you were the deciding vote, as I recall.

2 MEMBER HENNER: What percentage did he get?

3 MR. KOLODNY: I think he got seven. I don't  
4 know the exact numbers, but I do know that the  
5 numbers continued to change it and it seems like  
6 it's just a numbers game.

7 MEMBER HENNER: That's why they're called  
8 variances.

9 MR. KOLODNY: Like I said, I'm not taking a  
10 chance either way. I just think that to go for  
11 variances -- I'm just annoyed about getting  
12 letters, that's my only thing. I can't stand  
13 having to go to the post office. I'm not taking a  
14 position either way. I just think that something  
15 needs to be done within the Village.

16 MR. PANTELIS: Sir, you realize, I think you  
17 acknowledge the Board of Trustees is really the  
18 Board that changes the codes. We're only  
19 responsible here for administering.

20 MR. KOLODNY: I know. That's why I said it's  
21 not the proper venue, but sometimes you have to  
22 vent and that's all it is. Plus, I had to sit  
23 through three other people, you know, and I was  
24 like, enough, everyone is getting variances.

25 CHAIRMAN GOTTLIEB: Well, maybe not everyone.

1 MR. PANTELIS: Is there any other public  
2 comment at this point?

3 MS. KLOTZ: Hi, Nancy Klotz. I live 110  
4 Central Avenue. That's about a block down on the  
5 corner of Central and Richmond Place. I also just  
6 want to say this is my first time presenting here,  
7 and just from hearing everything I'm a little bit  
8 concerned as well about the structure of the new  
9 building in keeping with the character of the  
10 Village. We're talking about the character of the  
11 Village and also we're talking about being fair  
12 and being consistent with everyone. If everybody  
13 has to hold by the same rules with variances for  
14 hardship, for whatever reason, I have six kids, I  
15 have six bedrooms, and I have a father who lives  
16 at home, so I know what it's like to have a full,  
17 stuffed house.

18 Actually, I just made a wedding and I had  
19 sixteen people visiting my house for three weeks.  
20 But with that being said, it's something that we  
21 are a community and a Village and we should have  
22 rules, that's why we have them in the first place  
23 with a Board such as yourselves to decide when  
24 there are hardships and exceptions to be made.

25 And as far as the character of the Village,

1 I'm saddened by the fact that this beautiful open  
2 space will of necessity have to have a building on  
3 it and a home on it and, hopefully, we'll be able  
4 to interact with wonderful neighbors.

5 But that being said, this is a new and  
6 different kind of building because it's 18  
7 percent, or they're proposing 10 percent larger  
8 than most of the other buildings in the area, and  
9 it's not going to be the same. I think it would  
10 be a blight on the Village as far as the way it  
11 would look, and I'm very concerned about how it  
12 would be in keeping with the character of our  
13 Village, which I actually take pride in. I've  
14 lived here for 23 years, and I love the way we  
15 look and we interact and how this Village feels.  
16 So I would definitely put my voice in to say that  
17 I am not happy with the way it would be if this  
18 would be approved.

19 CHAIRMAN GOTTLIEB: Thank you very much for  
20 your comments. They are appreciated. If you  
21 would like to come back.

22 MR. HOPKINS: I just --

23 MR. CAPOBIANCO: I just want to clarify a few  
24 things. I don't think -- excuse me, this is what  
25 the house would look like (indicating). I doubt

1 it's a blight. But anyway, I was the architect  
2 for the Fuchs' residence and it was a brand-new  
3 house. It was not an existing structure. It was  
4 a house that we tore down and made a vacant lot  
5 and we actually enclosed a swimming pool, so the  
6 total of the two structures is close to 10,000  
7 square feet and the footprint.

8 But just not talking about that, I was the  
9 architect for both houses and I don't believe that  
10 this house as it's designed comes close to, you  
11 know, dwarfing that house in any which way, form  
12 or shape or, you know, size. I think that it is  
13 in keeping with the vernacular of the area, and I  
14 don't believe this is a large house. You could  
15 actually cut this house down and comply.

16 MEMBER WILLIAMS: John.

17 MR. CAPOBIANCO: I don't think it's that  
18 large. You could comply 100 percent. I could  
19 build this exact same house and comply and it  
20 wouldn't even have to be this Board. I could  
21 build this house and comply; it just wouldn't have  
22 the room sizes that I would like or this client  
23 would like. But the appearance of this house,  
24 size, width-wise, height-wise, shape, form,  
25 whatever, could be exactly the same house as of

1 right. That's all I want to point out.

2 MEMBER HENNER: You know what, I agree with  
3 you. Maybe you can't tell, I've been trying to  
4 help you get to a certain point.

5 MR. CAPOBIANCO: I hear you.

6 MEMBER HENNER: But by the same token, when  
7 you say you could do all of that, and then it's  
8 just the room sizes aren't the size that your  
9 client would like --

10 MR. CAPOBIANCO: Right.

11 MEMBER HENNER: -- that's really the heart of  
12 the issue.

13 MR. CAPOBIANCO: That's it.

14 MEMBER HENNER: Because they haven't really  
15 to some people's thinking, and intuitively I just  
16 know it even though I haven't discussed it with  
17 them yet, they haven't shown a hardship case here.  
18 And just because you want to have a dining room  
19 that's 24 by 37, which I don't know what size it  
20 is, doesn't mean you have to have it, okay.

21 So, but on the other hand, I think you could  
22 build something if not exactly within where you  
23 don't need the variance, but certainly within a  
24 few percentage points, and it would be similar to  
25 Jacobowitz and it would be similar to Fuchs and

1 all the other guys who got variances from the  
2 Zoning Board, but they didn't get 18 percent.

3 And whether or not coming in everyone on your  
4 side of this room said we'll go in with the 18  
5 percent, they'll get us down to nine or ten, you  
6 know, that's the way it goes, okay, then I  
7 understand that, but it's hard to justify the 18  
8 percent and I'm trying to help you get to an area  
9 where you don't really need a variance or a  
10 de minimis variance because you've got a lot of  
11 building for very few people.

12 MR. HOPKINS: My only parting comment,  
13 Mr. Capobianco, having taken all of my thunder,  
14 practical difficulty, unnecessary hardship, it's a  
15 lexicon really that's no longer employed. The  
16 lexicon is the lexicon of 7-712-B3, and it's that  
17 balancing test that we talked about.

18 And so I would just simply say and ask that  
19 the Board give consideration, as I know it will,  
20 that if the construction could be scaled back to  
21 10 percent in the manner proposed by  
22 Mr. Capobianco, which would be by decreasing the  
23 width facing onto Central Avenue and taking some  
24 from the back of the house, which ironically is  
25 not visually cognizable to anybody, it's something

1 that my clients have indicated, Mr. Henner, that  
2 they would work with him.

3 MEMBER HENNER: If we go -- I'm sorry, I've  
4 been talking a lot.

5 MEMBER WILLIAMS: You're doing fine.

6 MEMBER HENNER: You're agreeing with me, I'm  
7 nervous already. If you would focus then on the  
8 part that you want to focus on or want us to focus  
9 on, the benefit to the applicant, what is the real  
10 benefit of the applicant that's basically at this  
11 point a family of four living there on a daily  
12 basis that they need to have ten bedrooms, twelve  
13 and a half baths by everyone's now agreed count?  
14 What's the benefit? I don't get it. To me, just  
15 let me answer for you for a second, it's a lot  
16 more rooms to clean. Since I do my own -- I'd  
17 pull my hair out. But perhaps one of those rooms  
18 is occupied by someone who will clean for them.

19 MR. HOPKINS: Mr. Henner, I didn't design the  
20 house. I'll let Mr. Capobianco explain why  
21 there's a benefit to the client in having the  
22 dimension and scale that's being requested.

23 MR. CAPOBIANCO: Well, I think that the  
24 house, if you forego the basement for a minute,  
25 which is a bonus for this client because of the

1 ground condition being so good, I mean it could be  
2 just one giant playroom. I don't look at it as a  
3 ten-bedroom house. I look at it as a six-bedroom  
4 house; that's what the second floor is, it's five  
5 bedrooms, a master bedroom. I think it's somewhat  
6 commensurate with what's going on in the area. I  
7 don't think it's any -- it's not atypical of  
8 what's being built in the area. Certainly, Fuchs  
9 is that size as well; I laid it out, I designed  
10 it. I think that it's unfair to say it's ten  
11 bedrooms, 12 baths. I mean, the basement could be  
12 unfinished; then it's only a six-bedroom house  
13 with a guest suite on the ground floor, and that's  
14 for the elderly parents.

15 But I think that we could shave the house  
16 down. We could reduce it significantly. I think  
17 we could keep it within the 10 percent increase.  
18 It's like adding 400 square feet to the whole  
19 house in lieu of adding 780 square feet. I think  
20 that would work for this client, and I can make  
21 the room sizes they have -- they need a large  
22 dining room. They sit 20 people around the table  
23 on Shabbas. They need the space, and I'd like to  
24 work it out if I can.

25 But, you know, this is the decision of the



1 (No response.)

2 (Whereupon, a recess was taken.)

3 CHAIRMAN GOTTLIEB: We're back on the record.

4 MR. PANTELIS: Thank you for your patience,  
5 but it appears that most of the rest of the  
6 audience is gone.

7 CHAIRMAN GOTTLIEB: The Board has spoken  
8 amongst ourselves, and many of the members -- I  
9 guess I should speak to the two of you, Counsel  
10 and Mr. Capobianco. The Board has spoken with our  
11 counsel and it seems that some of the Board  
12 members would be pleased if you came back with a  
13 five percent overage.

14 MR. PANTELIS: Or reduce the overage to five  
15 percent, right.

16 CHAIRMAN GOTTLIEB: Reduce the overall  
17 overage to five percent. You originally came in  
18 at nearly 19 percent. Is that something that you  
19 can do or would like to propose?

20 MR. CAPOBIANCO: So if I reduce it to five  
21 percent, I'm at 14 percent?

22 MR. PANTELIS: No, to. Thank you, John.

23 MEMBER HENNER: You know, the same way you  
24 miscounted the bathrooms.

25 MR. RYDER: Maximum overage not to exceed

## Central Sutton LLC - 10/9/13

1 CHAIRMAN GOTTLIEB: I will vote against this  
2 motion. So it does pass at four to one.

3 MR. HOPKINS: Thank you very much.

4 MR. CAPOBIANCO: Thank you. Two years?

5 MR. PANTELIS: Yes, I'm sorry.

6 MR. CAPOBIANCO: Board of Building Design?

7 MR. RYDER: Yes, two years and Board of  
8 Building Design.

9 MR. CAPOBIANCO: Thank you very much.

10 MR. PANTELIS: When you submit that plan,  
11 highlight where you've changed on a separate  
12 sheet.

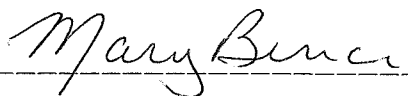
13 (Whereupon, the hearing concluded at  
14 10:03 p.m.)

15 \*\*\*\*\*

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

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MARY BENCI, RPR  
Court Reporter

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