

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 October 14, 2015
7 8:30 p.m.

8 APPLICATION: Haas
9 119 Laurel Lane
10 Lawrence, New York

11 P R E S E N T :

12 MR. LLOYD KEILSON
13 Chairman

14 MR. EDWARD GOTTLIEB
15 Member

16 MR. MARK SCHRECK
17 Member

18 MS. ESTHER WILLIAMS
19 Member

20 MR. DANIEL HILLER
21 Member

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

24 MR. GERALDO CASTRO
25 Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The last matter of the
2 evening is Haas, 119 Laurel Lane.

3 MR. CHARLES: Good evening, members of the
4 Board. My name is Adam Charles, representing the
5 office of John Capobianco, 159 Doughty Boulevard,
6 Inwood, New York, and Mr. and Mrs. Haas, Adrian
7 and Rachel.

8 If we look at our proposed addition at
9 119 Laurel Lane, we have a handful of existing
10 nonconforming issues; side yard, rear yard, garage
11 requirement, and height/setback ratios.

12 Essentially, what we're trying to do for the
13 proposed addition is align it with the existing.
14 On the south side of the building we're building
15 over an existing garage, as well as in the rear.

16 Mr. and Mrs. Haas have four children, four
17 boys, and we're asking for a five-bedroom addition
18 where there's existing five bedrooms.

19 MEMBER GOTTLIEB: I'm sorry. You have a
20 five-bedroom house and you're looking to build a
21 five-bedroom house?

22 MR. CHARLES: Correct.

23 MEMBER GOTTLIEB: Okay.

24 MR. CHARLES: Well, they have four growing
25 boys and they need space to live.

Haas - 10/14/15

1 MEMBER GOTTLIEB: So they're going to be
2 larger bedrooms?

3 MR. CHARLES: Larger bedrooms and they're
4 each going to have their own bedroom on one floor.

5 MEMBER GOTTLIEB: So it was five bedrooms not
6 on one floor currently?

7 MR. CHARLES: That's correct.

8 MS. HAAS: No, four, we're four bedrooms.

9 MR. CHARLES: Oh, existing four bedrooms,
10 excuse me.

11 MEMBER GOTTLIEB: We're glad to see that
12 you're doing this to add something.

13 MR. CHARLES: The Village of Lawrence zoning
14 code has a one-time exemption of ten feet which
15 we're asking -- we have an existing condition of
16 9.1 side yard. And what we're asking for is to
17 comply with that 9.1, as opposed to holding back a
18 ten-foot side-yard requirement. Holding ten feet
19 back, we would have to set the house, the
20 addition, ten inches, which would be not cost
21 effective for Mr. and Mrs. Haas, as well as not
22 aligning with the existing architecture.

23 MEMBER GOTTLIEB: Do you mind if I interrupt
24 you during your -- or do you want to speak?

25 MR. CHARLES: Of course, yes.

1 CHAIRMAN KEILSON: Let's go, it's late.

2 MEMBER GOTTLIEB: So what you're saying is
3 that as of right you could build the side yard,
4 you can build the addition on the -- where you
5 want to do this by right if it was just ten inches
6 over.

7 MR. CHARLES: That's correct. If the side
8 yard was ten feet.

9 MEMBER GOTTLIEB: Right.

10 MR. CHARLES: We have an existing --

11 MEMBER GOTTLIEB: You're ten inches short?

12 MR. CHARLES: That's correct.

13 MEMBER GOTTLIEB: Because the ground floor is
14 ten inches closer to the neighbor.

15 MR. CHARLES: Essentially, an existing
16 nonconforming.

17 MEMBER GOTTLIEB: That's what's bringing you
18 here today.

19 MR. CHARLES: That's correct, as well as the
20 rear yard.

21 MEMBER GOTTLIEB: We didn't get to that yet.

22 CHAIRMAN KEILSON: Well, let's get to it.

23 MEMBER GOTTLIEB: Okay.

24 MR. CHARLES: There is a rear-yard
25 requirement of 30 feet. The existing --

Haas - 10/14/15

1 CHAIRMAN KEILSON: Tell us about the terrace.
2 Did it come out of the ground? Who built it?

3 MR. HAAS: Can I elaborate on that?

4 CHAIRMAN KEILSON: Step forward, provide your
5 name and address for the record.

6 MR. HAAS: Adrian Haas, 119 Laurel Lane.

7 So the history behind the rear yard is that
8 when we originally purchased the house, I think it
9 was about nine years ago, we were living in
10 Brooklyn, and we used a contractor by the name of
11 Gus Contracting Company who originally filed the
12 permits for the original work we were doing, and
13 at the time we were supposed to build a deck. And
14 I don't recall how it was drawn out by
15 John Capobianco, but when it was actually built it
16 ended up being built larger than what we requested
17 from him. And that is how our rear terrace ended
18 up being larger than it was.

19 Now, at the time, I don't recall exactly who
20 from the Building Department came down to look at
21 it or inspected it. I was still in Brooklyn; I
22 wasn't even here yet. I just moved in, and in the
23 hustle and bustle of moving we actually never
24 closed out the original building permit which is
25 why we are --

Haas - 10/14/15

1 CHAIRMAN KEILSON: You have no C of O?

2 MR. HAAS: I don't believe we did on that
3 terrace.

4 CHAIRMAN KEILSON: Was that the only work
5 done before you moved in?

6 MR. HAAS: We put a new kitchen. You're
7 talking about from the exterior of the house?

8 CHAIRMAN KEILSON: Anything that required
9 variances.

10 MR. HAAS: No, we didn't need any variances
11 the first time around.

12 CHAIRMAN KEILSON: Obviously, you did, right?

13 MR. HAAS: Well, John would have come here
14 and requested a variance.

15 CHAIRMAN KEILSON: Don't you think we should
16 have John here tonight? Did he brief you on how
17 to --

18 MR. CHARLES: Not on the application from
19 nine years ago, no. Just on the addition.

20 MEMBER GOTTLIEB: So Gerry, can I ask you a
21 question. Can you have a CO on a house without
22 the entire premise being CO'd?

23 MR. CASTRO: It depends on how they permitted
24 it. If there are two permits, one for the
25 terrace, one for the house.

1 MEMBER GOTTLIEB: It could be that they're
2 living in a CO'd house, but there's no C of O for
3 the terrace.

4 CHAIRMAN KEILSON: Do you have a CO on the
5 house?

6 MR. HAAS: I don't believe we do. At the
7 time whatever the contractor --

8 CHAIRMAN KEILSON: They had open files for
9 years. Mayor Oliner made every effort to try to
10 clean that up. Letters were sent out, threatening
11 people with all kinds of evil.

12 MR. HAAS: Okay.

13 CHAIRMAN KEILSON: You've got a problem.
14 You've got a terrace that wasn't supposed to be
15 and somehow is.

16 MR. CHARLES: Before the meeting started,
17 Mr. Wilamowsky, who resides just west of the
18 property, right behind his property, signed a
19 drawing that he's in support of this application.

20 CHAIRMAN KEILSON: I understand.
21 Mr. Wilamowsky is not in charge of the Building
22 Department or the Board of Zoning Appeals. If
23 everybody did everything they wanted, we'd have
24 anarchy here, right?

25 MR. CHARLES: Yes.

Haas - 10/14/15

1 CHAIRMAN KEILSON: So I'm a little disturbed
2 that Mr. Capobianco is not here. He has the best
3 knowledge.

4 MR. CHARLES: For the application nine years
5 ago, yes.

6 CHAIRMAN KEILSON: I'm sure his memory is
7 still sufficiently acute to remember.

8 MR. HAAS: I spoke to Mr. Capobianco about
9 the rear terrace. He told me that one of the
10 issues in filing and going forward with this
11 filing was that we had to close out the original
12 building permit.

13 CHAIRMAN KEILSON: Well, it was that or it
14 wasn't permitted.

15 MR. HAAS: Right.

16 CHAIRMAN KEILSON: We're talking about a
17 30-foot requirement, right? The building is
18 25 feet and the terrace is ten feet. That's a
19 fairly substantial terrace. Okay, so that's one
20 of our problems.

21 MR. CHARLES: Are there any concerns on the
22 addition to the house?

23 MEMBER GOTTLIEB: Yeah.

24 CHAIRMAN KEILSON: Go ahead.

25 MEMBER GOTTLIEB: What's the -- just first of

1 all, I was not aware that there was an issue that
2 this has an open CO since before you moved in.
3 That's a concern. But putting that aside for the
4 moment, we'll talk about it, what's the height of
5 the attic?

6 MR. CHARLES: I believe seven feet.

7 MEMBER GOTTLIEB: Can you show me where that
8 is or if that is in the plan.

9 MR. CHARLES: Do you have -- there's an attic
10 plan or a roof plan.

11 MEMBER GOTTLIEB: The last page, A4, okay.

12 MR. CHARLES: I believe it should say seven
13 feet.

14 MEMBER GOTTLIEB: So you've got a first-floor
15 plan and then you have the part attic floor plan.

16 MR. CHARLES: And we're complying with
17 height.

18 MEMBER GOTTLIEB: You mean you're complying
19 with the 30-foot height?

20 MR. CHARLES: Correct.

21 MEMBER GOTTLIEB: I was asking what's the
22 height of the attic, the interior space.

23 MR. CHARLES: To the inside of the structure,
24 seven feet.

25 MR. CASTRO: Do you have collar ties in the

1 roof?

2 MR. CHARLES: Yeah.

3 MR. CASTRO: So it's seven feet to the collar
4 ties, not to the ridge?

5 MR. CHARLES: Correct.

6 CHAIRMAN KEILSON: Do you have drawing A2
7 available to you there? Because I don't
8 understand A2.

9 MR. CHARLES: No, I don't have it in front of
10 me. A2 -- A2 is --

11 CHAIRMAN KEILSON: The height/setback ratio,
12 the front elevation.

13 MR. CHARLES: The front elevation.

14 CHAIRMAN KEILSON: The height/setback ratio,
15 you have it there, top left?

16 MR. CHARLES: Yes.

17 CHAIRMAN KEILSON: The legend there I don't
18 understand: Required by schedule. That's the --

19 MR. CHARLES: Well, there's two codes in the
20 Village of Lawrence. There is a schedule and
21 there is a code for the district it falls into, a
22 C1. So there's two requirements and then we have
23 the proposed.

24 CHAIRMAN KEILSON: I've never heard of this
25 before. We've never had a presentation.

1 MR. CHARLES: We're essentially showing both.

2 CHAIRMAN KEILSON: No, I hear what you're
3 saying, but I'm not familiar with it. We've been
4 having height/setback ratios for --

5 MR. CHARLES: In the code there is a
6 height/setback ratio and the schedule there's a
7 height/setback ratio as well.

8 MR. CASTRO: Each district has requirements,
9 and the schedule of dimensions has requirements.

10 CHAIRMAN KEILSON: Heretofore it was never
11 portrayed this way, so I'm trying to understand.

12 MEMBER GOTTLIEB: This could be that there
13 were two. Usually, the architect will come in
14 with the most stringent.

15 MR. CHARLES: Whatever is more strict.

16 MEMBER GOTTLIEB: In this case you're showing
17 both, but one is irrelevant. I'm not sure which
18 one is irrelevant. I guess the one that's least
19 restrictive is irrelevant.

20 MR. CHARLES: That's correct.

21 CHAIRMAN KEILSON: So it's there to confuse
22 us, okay.

23 MR. CASTRO: And it worked.

24 CHAIRMAN KEILSON: It worked.

25 MEMBER GOTTLIEB: So what you have is the

Haas - 10/14/15

1 most egregious part of that is the attic dormers.

2 CHAIRMAN KEILSON: So we're talking about
3 trying to eliminate. Did you have a conversation,
4 Mr. Castro? Were you successful?

5 MR. CASTRO: Yeah, we spoke about the dormers
6 encroaching through the height/setback ratio and
7 possibly pulling it back or changing the roof
8 line.

9 MR. CHARLES: If we have to, we'll set them
10 back to comply with the height/setback ratio. The
11 dormers we're essentially trying to provide
12 natural light and make the building more
13 aesthetically pleasing.

14 MEMBER GOTTLIEB: Natural light to the
15 storage area?

16 MR. CHARLES: Correct. Well, if someone is
17 up there moving a box in the daylight, it's nice
18 to have the light come in.

19 MEMBER HILLER: Maybe I missed it. Can you
20 show me where you show the height of the --

21 MR. CHARLES: I'm not sure if it's on the
22 attic plan. We're proposing seven feet.

23 MEMBER HILLER: I remember -- maybe I
24 miscalculated it. I remember coming up with eight
25 feet, but I don't know if I'm correct or not.

1 MR. CHARLES: Seven feet would be to the
2 underside of the collar ties.

3 MEMBER HILLER: I don't see a plan here.

4 MR. CHARLES: That would be in a section.

5 MEMBER GOTTLIEB: I don't want to belabor
6 this, but we're not going to get the answer, and I
7 think we need to get the architect in.

8 CHAIRMAN KEILSON: I think it would be
9 helpful to have John here too so we can find out
10 what exactly has transpired.

11 MR. CHARLES: From the previous application.

12 CHAIRMAN KEILSON: I think so.

13 MEMBER WILLIAMS: Also, maybe you can give us
14 an attic plan.

15 MEMBER GOTTLIEB: And I'll explain why I am
16 concerned about the attic plan. I want to know if
17 it's potentially or if it's possible to make that
18 into living space after you get your CO here.

19 MR. CHARLES: No, storage.

20 MEMBER GOTTLIEB: I don't see how you can say
21 that when you have a seven-foot height and that
22 can certainly be turned into bedrooms or
23 playrooms.

24 MR. CHARLES: Well, I mean, there's four
25 boys. This house we have the five bedrooms, and

Haas - 10/14/15

1 boys are going to need sports equipment, and
2 there's miscellaneous storage throughout the house
3 that we are requesting.

4 CHAIRMAN KEILSON: I think, number one, don't
5 interpret our impatience with this as indicative
6 of how the vote will go. It's just when a plan
7 comes in and there are so many open questions,
8 we're uncomfortable.

9 MR. HAAS: I understand. So aside from the
10 rear porch that was built nine years ago, you
11 know, what are the open questions? I'll talk to
12 John about it. I just want to make sure.

13 CHAIRMAN KEILSON: The attic question that's
14 just been raised.

15 MR. HAAS: I thought he answered that.

16 CHAIRMAN KEILSON: The attic plan.

17 MR. HAAS: Oh, the attic plan, okay.

18 CHAIRMAN KEILSON: Anything else?

19 MR. GRAY: Mr. Chairman, I just want to point
20 out, and I know everybody is familiar with the
21 application, but one of the requests is to alter
22 the garage and have it be 17 feet wide by 15 feet
23 deep.

24 MR. CHARLES: Once again, this is an existing
25 nonconforming.

Haas - 10/14/15

1 CHAIRMAN KEILSON: Pre-existing, right?

2 MR. CHARLES: Pre-existing. I believe the
3 existing garage does not comply. And what we're
4 asking to do is decrease that by two feet.

5 MR. GRAY: It may not comply with the width,
6 but the depth, I just wanted to point out to the
7 Board they're bumping into the garage, now
8 limiting it to maybe not even a functional garage.

9 MEMBER WILLIAMS: What's the code, twenty
10 by what?

11 MR. CHARLES: The existing garage deep is
12 nineteen-six, so it doesn't comply. We're asking
13 to decrease that by two feet making it
14 seventeen-six.

15 MEMBER WILLIAMS: It doesn't fit a car.

16 MR. CHARLES: It doesn't fit a car.

17 MEMBER WILLIAMS: So you're making a
18 non-garage.

19 MR. CHARLES: Correct, for storage purposes
20 only.

21 MEMBER GOTTLIEB: The application should say
22 no garage. If you can't use it, it's not a
23 garage.

24 MR. GRAY: I just wanted to point that out.

25 MR. CHARLES: Correct, by the Village of

Haas - 10/14/15

1 Lawrence standards, correct.

2 MR. GRAY: I mean, I drive a GMC Acadia, or
3 my wife does, I should say, and that's 16 feet
4 9 inches long.

5 MR. CASTRO: It's tight.

6 MR. GRAY: So if you're going to be asking
7 Mr. Capobianco to address some issues, that's
8 something that I just wanted to bring out.

9 MEMBER GOTTLIEB: That's something that I
10 didn't see and it wasn't on the code relief that
11 we're going into zero garage, you know.

12 MEMBER WILLIAMS: We came a long way from
13 going from two to one. I don't think we're ready
14 to go to zero.

15 MEMBER GOTTLIEB: And it's also that there
16 may be no CO on this, so you really can't consider
17 it pre-existing nonconforming when it's
18 pre-existing non-CO'd. It's more egregious I
19 think in that regard. Again, it's not that we're
20 saying no, you can't have it, but we need to
21 understand it better.

22 CHAIRMAN KEILSON: All right, so we'll
23 adjourn it to November 18th.

24 MR. CHARLES: Yes.

25 CHAIRMAN KEILSON: And hopefully --

Haas - 10/14/15

1 MEMBER WILLIAMS: You know the information we
2 need.

3 MR. CHARLES: Yes.

4 CHAIRMAN KEILSON: Off the record.

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

7 (Whereupon, the hearing concluded at
8 8:48 p.m.)

9 *****

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

13

14

Mary Benci

15

MARY BENCI, RPR
Court Reporter

16

17

18

19

20

21

22

23

24

25