

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

3 Village Hall
4 196 Central Avenue
5 Lawrence, New York6 September 15, 2010
7 7:45 p.m.

8 APPLICATION:

9 Amar
10 357 Central Avenue
11 Lawrence, New York

12 P R E S E N T:

13 MR. LLOYD KEILSON
14 Chairman15 MR. ELLIOT FEIT
16 Member17 MS. ESTHER WILLIAMS
18 Member19 MR. LESTER HENNER
20 Member21 MR. EDWARD GOTTLIEB
22 Member23 MR. RONALD GOLDMAN, ESQ.
24 Village Attorney25 MR. GERALDO CASTRO
Building DepartmentMR. MICHAEL RYDER
Building DepartmentMary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Good evening, ladies and
2 gentlemen. Welcome to the Lawrence Board of
3 Zoning Appeals.

4 Do we have proof of posting?

5 MR. CASTRO: Yes, we do.

6 MR. RYDER: We have proof of posting,
7 Mr. Chairman (handing).

8 CHAIRMAN KEILSON: Thank you.

9 We'd like to welcome Mr. Lester Henner who is
10 sitting as the first time this evening as an
11 alternate. Mr. Rosen, who is our permanent
12 member, is not available. So we wish you great
13 success in joining us. Thank you very much.

14 Mr. Goldman, would you like to offer the
15 preamble.

16 MR. GOLDMAN: Please.

17 I make this statement because there are those
18 of you who for whom this is your first time here
19 before the Board of Zoning Appeals of the Village
20 of Lawrence. These are all unsalaried volunteers,
21 they're your neighbors, they're totally familiar
22 with the neighborhood, and they serve here on a
23 voluntarily basis.

24 In the course of their preparation for
25 tonight's meeting they're provided each and every

1 one of your applications. They review that
2 application, not as a group because under the Open
3 Meetings Law they do it as a group in an open
4 meeting, but as individuals they each take them
5 home to review the application, make site visits,
6 make notes, et cetera.

7 The reason that I'm telling you this is that
8 in order to move this along in an expeditious
9 fashion, rather than have you make a total and
10 detailed presentation, this Board will focus in on
11 the salient issues, sort of come to what they
12 really want to know, the crux of the matter. When
13 you hear that being done, don't think that anybody
14 is getting short shrift; they're not. It's just a
15 question of focusing in.

16 If you have any opposition or any support of
17 the application, the Chair will give you that
18 opportunity to speak. With that thought being
19 said, I have the wonderful task of reminding you
20 to please turn off all cell phones. We want at
21 least the courtesy we extend to each other at the
22 movies. So if you can do that.

23 Other than that, Mr. Chairman.

24 CHAIRMAN KEILSON: The first matter this
25 evening is Amar. If they or their representative

1 will please step forward.

2 MR. WAX: Norman Wax, architect,
3 141 Washington Avenue, Lawrence, New York.

4 MR. GOLDMAN: I believe that there's an
5 application to adjourn this matter in order to
6 continue conversations with the Building
7 Department and to amend the application; is that
8 correct?

9 MR. WAX: Yes.

10 MR. GOLDMAN: Thank you.

11 CHAIRMAN KEILSON: We'll vote on the
12 adjournment. Mr. Henner.

13 MEMBER HENNER: Yes.

14 MEMBER FEIT: Yes.

15 CHAIRMAN KEILSON: Yes.

16 MEMBER WILLIAMS: Yes.

17 MEMBER GOTTLIEB: Yes.

18 CHAIRMAN KEILSON: Yes. The next date is
19 October 21st, I believe. Thank you very much.

20 MR. WAX: Thank you. Good night.

21 (Whereupon, the hearing concluded at
22 7:50 p.m.)

23 *****

24 Certified that the foregoing is a true and
25 accurate transcript of the original stenographic

minutes in this case.

Mary Benci

MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 September 15, 2010
7 7:50 p.m.

8 APPLICATION: Greisman
9 8 Ivy Lane
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. ELLIOT FEIT
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. EDWARD GOTTLIEB
21 Member

22 MR. RONALD GOLDMAN, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter this
2 evening is Greisman. Will they or their
3 representative please step forward.

4 MR. CAPOBIANCO: John Capobianco, architect,
5 159 Doughty Boulevard, here on behalf of Mr. and
6 Mrs. Greisman, 8 Ivy Lane, Lawrence.

7 My client is seeking relief for an addition
8 that he wants to construct on the rear, a
9 one-story addition which actually squares off the
10 corner of the house. The reason for the addition
11 is to house a laundry room and a small study. The
12 laundry room that we're removing by altering the
13 kitchen we're moving to this new addition.
14 Because the kitchen was small so we're enlarging
15 the kitchen so it will work for them.

16 The addition would require a rear-yard
17 variance which is in a double B zone. The
18 required rear yard is 40 feet, and we're seeking a
19 rear yard of I believe 30 -- yeah, 26.8, which is
20 the existing rear yard. The existing rear yard
21 that's there now for the existing house, the side
22 yard aggregate is also -- we're seeking relief of
23 that; it's required to be 35 feet. We have 31
24 feet. But the addition does not encroach beyond
25 the line of the house in either direction, the

1 side or the rear.

2 And I believe the other variance, which is
3 building coverage, is very small overage of
4 building coverage, about a two percent increase.
5 I think it's 48 square feet over the required
6 building coverage.

7 So we feel that it's a very, you know,
8 de minimis amount, and this application I feel is
9 a good application and we're requesting approval.

10 CHAIRMAN KEILSON: How long has the applicant
11 lived in the home?

12 MR. CAPOBIANCO: The applicant is moving into
13 the home.

14 CHAIRMAN KEILSON: They're first moving into
15 the home?

16 MR. CAPOBIANCO: Yes, they're there -- no,
17 they're in it now. I think one of them took ill
18 and, you know, came in later, at a later date, and
19 the daughter is fixing it up for them so that they
20 can move in. So they're waiting I think to fully
21 move in; they are kind of half in.

22 MEMBER WILLIAMS: It's an older couple?

23 MR. CAPOBIANCO: Yes, an older couple.

24 MEMBER GOTTLIEB: But they do own the house;
25 this is not a contract vendee application?

1 MR. CAPOBIANCO: No, they own the house, yes.

2 CHAIRMAN KEILSON: Are any of the neighbors
3 spoken to? Any concerns from the neighbors?

4 MR. CAPOBIANCO: Well, the daughter had
5 talked to the neighbors, and I believe there's no
6 concern about, you know, this addition, that it
7 has no adverse effect whatsoever on either
8 neighbor. The neighbor on the left side has no
9 effect at all. The one on the right side is not
10 encroaching beyond where the house is already, so
11 they didn't have a concern.

12 CHAIRMAN KEILSON: Okay. Is there anyone
13 else in the audience who wants to speak to the
14 issue? I guess not.

15 Is there a reason you didn't use our
16 template?

17 MR. CAPOBIANCO: No.

18 CHAIRMAN KEILSON: We'd appreciate in the
19 future you just use the standard template that
20 you've always used in the past.

21 MR. RYDER: The code relief, the departure.

22 MR. CAPOBIANCO: Okay.

23 CHAIRMAN KEILSON: We'd appreciate that.

24 MR. CAPOBIANCO: All right.

25 CHAIRMAN KEILSON: Any questions from the

1 Board?

2 MR. GOLDMAN: The Board is talking.

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

5 CHAIRMAN KEILSON: Mr. Gottlieb.

6 MEMBER GOTTLIEB: For.

7 CHAIRMAN KEILSON: Miss Williams.

8 MEMBER WILLIAMS: For.

9 CHAIRMAN KEILSON: Mr. Feit.

10 MEMBER FEIT: For.

11 CHAIRMAN KEILSON: Mr. Henner.

12 MEMBER HENNER: For.

13 CHAIRMAN KEILSON: I vote for as well.

14 MR. CAPOBIANCO: Thank you.

15 CHAIRMAN KEILSON: How much time will you
16 request?

17 MR. CAPOBIANCO: Eighteen months.

18 MEMBER FEIT: Two years did I hear, John, two
19 years?

20 MR. CAPOBIANCO: Two years is fine.

21 CHAIRMAN KEILSON: Okay, thank you very much.

22 MR. GOLDMAN: You have to go to the Board of
23 Building Design, please.

24 MR. CAPOBIANCO: Thank you very much.

25 (Whereupon, the hearing concluded at

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7:55 p.m.)

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

Mary Benci
MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 September 15, 2010
7 7:55 p.m.

8 APPLICATION: Blavis
9 40 Stevens Place
Lawrence, New York

10 P R E S E N T:

11 MR. LLOYD KEILSON
12 Chairman

13 MR. ELLIOT FEIT
14 Member

15 MS. ESTHER WILLIAMS
16 Member

17 MR. LESTER HENNER
18 Member

19 MR. EDWARD GOTTLIEB
20 Member

21 MR. RONALD GOLDMAN, ESQ.
22 Village Attorney

23 MR. GERALDO CASTRO
24 Building Department

25 MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter this
2 evening is Blavis. Will they or their
3 representative please step forward.

4 MR. SAVALDI: Good evening. Amiel Savaldi,
5 architect, 1 Meadow Drive, Westbury, New York.
6 Good evening to the Board. I'm representing
7 Mr. and Mrs. Blavis. Mrs. Blavis is here, and you
8 have the plans in front of you.

9 We're proposing to add a second floor in the
10 rear, and the second floor is on the existing
11 first floor. If you will open drawing A-3, you
12 will see the plan of the existing first floor. In
13 A-4, the following plan, is the plan of the
14 proposed work on the second floor. If you look at
15 A-4, you see the addition in the back, and we are
16 not going further back than the existing building
17 line, and we're not going sideways more than the
18 existing building line.

19 We are adding on the second floor two
20 bedrooms, two bathrooms, two walk-in closets. And
21 the purpose of this addition is to accommodate the
22 Blavises, that their children are getting married
23 and they have greater needs.

24 CHAIRMAN KEILSON: How long have they lived
25 in the house?

1 MS. BLAVIS: Eighteen years.

2 MR. SAVALDI: Eighteen years. So they're in
3 the neighborhood for a very long time, and they
4 now need to do the addition.

5 The addition is very modest in size and
6 height. You will notice that we are still 200
7 feet, square feet shy of the building area; we're
8 not exceeding. It's only that the existing
9 footprint of the house is already encroaching
10 sides yard and the rear yard, and that's why when
11 we add the second floor it's the same variance.

12 MEMBER FEIT: Would I be correct in stating
13 that really except for the ratios, as I like to
14 say, you're koshering up what's already existing
15 there, which was the pre-existing nonconforming
16 overlap?

17 MR. SAVALDI: I would agree with that.

18 MEMBER WILLIAMS: The numbers that we're
19 talking about, just go over them quickly. What's
20 the building coverage; it's still under?

21 MR. SAVALDI: Yes.

22 MEMBER WILLIAMS: This is a good one.

23 CHAIRMAN KEILSON: This is an underage, a new
24 precedent.

25 MR. SAVALDI: The allowed building area is

1 2,240, and we are proposing 2,022.

2 CHAIRMAN KEILSON: Fine.

3 MEMBER GOTTLIEB: What is the distance
4 between the property line and the house to the
5 rear? I'm trying to visualize the height setback
6 and the massiveness of two stories only being 26
7 or so feet from the property line.

8 MR. SAVALDI: If you look at -- I don't have
9 the location of the house in the rear exactly, but
10 if you look at drawing A-1, the plot plan, and you
11 will see the dashed line indicating the 30-foot
12 setback. You will see that only a small portion
13 of the house is encroaching into the 30 feet on
14 the left. And at the smallest dimension we're 26
15 feet and 10 inches. So it's just over three feet
16 short of this 30-foot setback.

17 MEMBER GOTTLIEB: That was a very good answer
18 to my question.

19 MR. SAVALDI: Thank you.

20 CHAIRMAN KEILSON: Any comments from the
21 neighbors, Mr. Savaldi?

22 MR. SAVALDI: Yeah. The Blavises spoke with
23 the neighbors and they do have four of the
24 neighbors that signed a letter of acceptance.
25 They have reached other neighbors. Some of the

1 neighbors they have not reached, they are not able
2 to get ahold of them.

3 MR. GOLDMAN: The record should reflect that
4 the applicant has submitted a letter dated August
5 18th, 2010, in which David and Rochelle Blavis
6 actually communicated with their neighbors and
7 give an indication of what it is that they're
8 asking of the Board. On the bottom of which it's
9 to the Village of Lawrence Board of Zoning and
10 Appeals: We neighbors of David and Rochelle
11 Blavis were notified of the BZA September 15th,
12 2010 meeting to consider their application for a
13 variance to construct a second-floor rear
14 addition, and we have no objection to the BZA
15 granting this variance, and it's signed by
16 neighbors at 42 Stevens Place, 41 Stevens Place,
17 43 Stevens Place, and 10 Wentworth Place, and
18 we're noting that this is Applicant's number 1.

19 MEMBER WILLIAMS: Is 10 Wentworth Place the
20 house directly behind you?

21 MS. BLAVIS: The other side.

22 MEMBER WILLIAMS: Who is the house directly
23 behind? Have they been spoken to?

24 MS. BLAVIS: We called and left a message.
25 They've been away and they got a letter, but I

1 haven't reached them.

2 MR. GOLDMAN: Okay, you just have to note
3 your -- Mrs. Blavis, you have to stand up.

4 CHAIRMAN KEILSON: Identify yourself.

5 MS. BLAVIS: I'm sorry. Rochelle Blavis,
6 40 Stevens Place.

7 MEMBER WILLIAMS: You tried to reach them?

8 MS. BLAVIS: I did try to reach them. I left
9 a message and I sent a letter.

10 MEMBER WILLIAMS: And they're not here today?

11 MS. BLAVIS: They're not here today.

12 MR. GOLDMAN: I'm providing it to the Board
13 for its review.

14 CHAIRMAN KEILSON: Any other questions for
15 the Board? Is there anyone in the audience who
16 wants to speak to the matter?

17 Okay, the Board will confer.

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

20 MEMBER WILLIAMS: Mrs. Blavis, you're saying
21 that Sporn is affected because the Palcovitz
22 (phonetic) property is behind. They seem to be
23 most affected.

24 MS. BLAVIS: That's a mistake. That's Sporn.

25 MEMBER WILLIAMS: That's Sporn?

1 MS. BLAVIS: That's Sporn. That's a mistake.

2 MEMBER WILLIAMS: And that's Solomon.

3 MR. BLAVIS: Right.

4 MEMBER WILLIAMS: That makes more sense.

5 Okay, fine, I got it, okay.

6 MR. SAVALDI: Mr. Frankel indicates that he's
7 also in the back. He's a neighbor. It's, if you
8 can see it, to the northeast of this property.

9 CHAIRMAN KEILSON: Fine.

10 Mr. Gottlieb, how do you vote?

11 MEMBER GOTTLIEB: I'll vote for.

12 CHAIRMAN KEILSON: Mrs. Williams.

13 MEMBER WILLIAMS: For.

14 CHAIRMAN KEILSON: Mr. Feit.

15 MEMBER FEIT: For.

16 CHAIRMAN KEILSON: And Mr. Henner.

17 MEMBER HENNER: For.

18 CHAIRMAN KEILSON: And I vote for.

19 MR. SAVALDI: Thank you very much.

20 CHAIRMAN KEILSON: We'll give you two years.

21 MR. SAVALDI: That would be very good. It
22 will be way before.

23 MR. GOLDMAN: You have to appear before the
24 Board of Building Design.

25 MR. SAVALDI: Correct. Thank you.

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

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

Mary Benci

MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

6 September 15, 2010
7 8:00 p.m.

8 APPLICATION: Kaplan
9 119 Hards Lane
10 Lawrence, New York

11 P R E S E N T:

12 MR. LLOYD KEILSON
13 Chairman

14 MR. ELLIOT FEIT
15 Member

16 MS. ESTHER WILLIAMS
17 Member

18 MR. LESTER HENNER
19 Member

20 MR. EDWARD GOTTLIEB
21 Member

22 MR. RONALD GOLDMAN, ESQ.
23 Village Attorney

24 MR. GERALDO CASTRO
25 Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The matter of Kaplan.
2 Would you identify yourself for the record,
3 Mr. MacLeod.

4 MR. MACLEOD: Good evening. My name is
5 John MacLeod. I'm a UK registered architect. I
6 live at 595 Park Avenue, Huntington, New York.

7 MEMBER FEIT: Are you licensed in New York?

8 MR. MACLEOD: My associate is a New York
9 State licensed architect.

10 MEMBER FEIT: But you aren't?

11 MR. MACLEOD: I am not. I'm a UK registered
12 architect.

13 CHAIRMAN KEILSON: Fine.

14 MR. KAPLAN: My name is Nathan Kaplan,
15 119 Hards Lane.

16 CHAIRMAN KEILSON: Okay, Mr. MacLeod.

17 MR. MACLEOD: Okay. We're here representing
18 Mr. Kaplan, Mr. and Mrs. Kaplan, and we have a
19 letter of support from the two immediate neighbors
20 to the left and right of this motion (handing).

21 MR. GOLDMAN: Thank you.

22 CHAIRMAN KEILSON: Why don't you tell us what
23 they're supporting first.

24 MR. GOLDMAN: Well, due to the brevity of the
25 letter: I am in full support of the Kaplans'

1 variance request regarding 119 Hards Lane, and
2 it's signed by Zalman Mindell, 123 Hards Lane and
3 Louis Kanner.

4 Is there a date to this, Mr. MacLeod?

5 MR. KAPLAN: It's from today.

6 MEMBER WILLIAMS: Those are the houses on the
7 two sides of the property?

8 MR. KAPLAN: Yes.

9 MR. GOLDMAN: Applicant's 1. I'm passing it
10 up to the Board (handing).

11 CHAIRMAN KEILSON: So we have eight variance
12 requests.

13 MR. MACLEOD: Okay. The property is at 119
14 Hards Lane, and the --

15 CHAIRMAN KEILSON: I think we should take
16 note of the Mayor's presence. Thank you
17 Mr. Mayor, for joining us this evening.

18 MR. MACLEOD: -- at 119 Hards Lane, and the
19 intent of the project is to substantially renovate
20 and extend this property. The extent of the
21 renovation will be such that the frame of the
22 existing building will be taken down. The
23 existing foundation will be used and extended to
24 create the new footprint of this two-story center
25 hall colonial brick house.

1 The current owners are residents of the
2 Village; they currently live at 123 Winchester
3 Place where they've lived for thirteen years and
4 have four children.

5 The purpose of their -- the main purpose of
6 their purchasing this property is to develop a
7 family home which will be of sufficient size for
8 their family and their extended family when they
9 have guests, and they would prefer to live on a
10 quieter street such as Hards Lane. They currently
11 live on Winchester, which as you probably know is
12 a busy street next to the synagogue and there are
13 no parking for guests or visitors, and the
14 property at that address has a smaller restricted
15 yard. The new property --

16 CHAIRMAN KEILSON: And charitable events.

17 MR. MACLEOD: And charitable events, sorry.
18 I missed that part.

19 The new property has a double lot and so,
20 therefore, the extension which is mainly to the
21 right of the existing structure will still leave a
22 45-foot side yard to the right-hand side of the
23 structure when it is built.

24 The variance items that we need to address
25 are several, as you mentioned, and I'll go through

1 them individually.

2 CHAIRMAN KEILSON: Please.

3 MR. MACLEOD: The first one is building
4 coverage. We are requesting a 4.9 percent overage
5 which represents 134 square feet greater than the
6 permitted coverage under the zoning. It's a large
7 property of 13,200 square feet, and this small
8 amount of overage will not be noticed as a
9 significant size increase to what is permitted on
10 that size property.

11 The additions -- moving forward into the
12 front-yard setback requirement which is something
13 that we are building slightly into in the center
14 of the house, currently, we require a 30-foot
15 setback, and the house is 29.97 feet set back from
16 the street. We would like to extend a small
17 portion of that towards the street three feet deep
18 by twelve foot eight wide in the center of this
19 house. With the extension of the right-hand side
20 of the house it does have a good length to it
21 width-wise. And the introduction of the
22 three-foot projection in the center hall area will
23 add character and scale to the front of the
24 building, as well as giving some additional space
25 inside which is requested in front of the

1 staircase and in the space upstairs.

2 Outside of that there's a small overhang
3 which will not actually be projecting out from the
4 building more than two feet at the sides and three
5 foot six in the center, and any supports for that
6 will be more or less attached to the building, the
7 columns adjacent to the building, so it will be
8 more of a cornice type of approach, rather than an
9 open covered porch.

10 The rear-yard setback is another issue. In
11 this zone, B zone, we are required to have a
12 30-foot setback. But because the yard is a double
13 sized yard and larger than a normal B zone, a
14 requirement of 40 feet is stated in the table of
15 values. Most of the house in the back which we
16 are aligning with the existing structure will have
17 a setback of 42 feet ten inches. And only a small
18 portion in the middle which is the breakfast bay
19 area will reduce that setback to 36.42 feet.

20 The front height setback ratio is a factor,
21 but we are following the lines on the height of
22 the existing house, so the effect of that is
23 minimal. In fact, it would probably be less than
24 what is there currently.

25 The side height setback ratio which is

1 referring to the left side, that is the existing
2 side yard and we were following that line exactly.

3 As we get to the roof line which is proposed
4 to be the same height as the existing roof, the
5 proposed roof framing will slope away from that
6 property line and, therefore, increase the amount
7 of light heading towards that neighbor compared to
8 what is there existing.

9 The rear height setback ratio only comes into
10 effect again at the breakfast bay area which is a
11 two-story addition which has a bedroom extending
12 into it on the second floor. And it's only twelve
13 foot eight inches wide, not of large enough scale
14 to have any measurable impact on a height setback
15 ratio in the rear yard.

16 The roof height is currently about 32 foot
17 three inches on the house, and we are requesting
18 to maintain 32 feet in alignment with many of the
19 houses on the street which currently were built
20 around the same period as the current house that
21 is on this property, and we would like to maintain
22 the height and character of that, also to help
23 with the scale of the house as it is a larger
24 width than it is now, and to bring it any lower we
25 feel would compromise the scale and the front

1 facade of the house. So we're requesting to
2 maintain that 32 feet even though the new framing
3 will be -- will all be new framing up to that
4 height. There's many houses on the street of this
5 height and we don't feel that it's an excessive
6 request.

7 Dormer windows are the last item on the
8 variance list. And we have shown dummy dormer
9 windows consistent with this style of house and
10 similar to many homes in the Village of a similar
11 style. The attic will be used for storage and we
12 request that the aesthetics of the dormer windows
13 be accepted as part of the overall plan.

14 CHAIRMAN KEILSON: Okay. So --

15 MR. KAPLAN: Could I say something before?

16 CHAIRMAN KEILSON: Of course, by all means.

17 MR. KAPLAN: My name is Nathan Kaplan, again.
18 I am a resident of Lawrence for over thirteen
19 years.

20 The property size that we're dealing with
21 over here is 120 by 110. Considering the property
22 size, the couple of feet this way or that way I
23 would greatly appreciate it if the Board let us
24 have it. You have to understand that there's a
25 whopping 55 feet between my house with the way

1 we're proposing it and the house on the right
2 side.

3 CHAIRMAN KEILSON: Fifty-five or forty-five?

4 MR. KAPLAN: It's between the houses it's 55.
5 Between the properties it's 45. Fifty-five feet
6 between two houses, if I wanted to build something
7 excessive, we would be asking for another 20, 30
8 feet over here. For such a property, a couple of
9 feet on this side or that side shouldn't be --
10 what I'm asking should be a slam dunk to be done.

11 CHAIRMAN KEILSON: Okay.

12 MEMBER GOTTLIEB: If it were just that simple
13 we'd be out of work.

14 CHAIRMAN KEILSON: Okay. Anything else you'd
15 like to add?

16 MR. KAPLAN: That is it, I hope.

17 CHAIRMAN KEILSON: In fact, what we have here
18 is new construction.

19 MR. MACLEOD: Except for the foundation,
20 which will be staying; we will be adding onto it.

21 CHAIRMAN KEILSON: I understand. As far as
22 our evaluation in terms of some of the requests,
23 it's certainly new construction; and as you know,
24 we've been very reticent about in any way varying
25 from the 30-foot height restriction. In fact,

1 here you have a 27 and a half foot. Is it 27 and
2 a half foot?

3 MR. RYDER: Twenty-seven.

4 MR. GOLDMAN: Twenty-seven.

5 CHAIRMAN KEILSON: So you're actually asking
6 for a five-foot differential. I don't think we've
7 made any exception yet in terms of the height
8 situation. So I don't think we see the compelling
9 need, unless there's something that you --

10 MR. MACLEOD: Really, the only -- really, the
11 only factor that we feel is very essential for the
12 size of this house, for the scope of this house
13 and to keep the alignment with the other houses on
14 the street, if you look at the photographs that
15 were attached to the petition, you will see that
16 there's several houses which were built around the
17 same period --

18 MEMBER GOTTLIEB: Mr. MacLeod, not to
19 interrupt you, but of the houses that do have
20 32-foot heights, 30-foot heights, none of them are
21 64 feet wide or even close to that. The current
22 house is 40 feet for the length of it, of the roof
23 line.

24 MR. MACLEOD: Even more reason to consider 32
25 feet to keep in scale with the height.

1 MEMBER WILLIAMS: No, that might keep in
2 scale with the height, but it does make it a more
3 massive building.

4 MR. MACLEOD: Hardly noticeable, 32 feet in
5 the area sloping away from it.

6 MEMBER FEIT: I have a problem, two-fold.
7 Some of the criteria is can the benefit be sought
8 by the applicant by some other means other than a
9 variance. I have a problem with people buying a
10 house or a property which they know they're going
11 to need variances for and tear down who have never
12 lived there before. If you are buying a piece of
13 property, okay, you are buying a piece of
14 property. You buy a piece of property that is
15 going to meet requirements of the Zoning Board.
16 If you needed a bigger piece of property to do
17 what you want to, except for height where I agree
18 with the Chairman, buy that property, and,
19 therefore, this becomes a self-created difficulty.
20 There's no reason. I didn't hear any reason where
21 I have 32 kids and I'm expecting another eight. I
22 didn't hear the usual story: We expect our
23 elderly parents and grandparents and great great
24 grandparents to come in. I'm hearing here that
25 somebody wants to come in and build a big house.

1 It's down, it's down to the ground. Conform with
2 the zoning requirements, unless there is some
3 reason, important reason that you're not
4 conforming, that you're not building according to
5 zoning. That's why the zoning variances are here.
6 It says, in fact, that even if we feel that you
7 have a good reason, you can only get the minimum
8 variance. You've asked for eight variances.

9 Plus, let me add one other thing. You put in
10 the petition numerous charitable events. We had
11 an applicant within the year who also is going to
12 hold numerous charitable events, but the parking
13 situation was horrible there. It would have
14 closed off the street; the fire engines couldn't
15 get through. I haven't heard anything about what
16 these charitable events, assuming you have 40, 50
17 people coming in, where they're going to park,
18 what it's going to do to the traffic, what the
19 neighbors are going to complain about. So I see
20 no benefit for this application to begin with, and
21 I'd like to be illuminated.

22 MR. KAPLAN: Regarding the -- initially, when
23 I bought the house I was not planning on taking it
24 down. I had a contractor come by and give me an
25 estimate on just extending the house with the 32

1 feet, and that's the way the plans initially were
2 like that. It would be that once we started
3 discussing the plans a little more we saw that on
4 the left side it would pay to take down the house.

5 Regarding the parking, it's pretty close to
6 Sutton and Lawrence. There's ample parking over
7 there. You have parking on both sides of the
8 street. So there would be sufficient parking.

9 I have two brothers and a sister, I have
10 nephews and nieces, approximately 40, including
11 Mary, and I've been living in Lawrence for
12 thirteen years and I've never had any of them come
13 to my house because there just wasn't ample room.

14 MEMBER FEIT: Well, what you're telling me is
15 that you bought the house without any
16 consideration of what you really needed, and then
17 an architect came in and you're saying why don't
18 we just have a bigger house, you know, it would be
19 nice to have a bigger house, so let's take down
20 this house and put in a new one. I didn't hear
21 anything about termites. I didn't hear anything
22 about a lousy foundation, about the wood rotting
23 away throughout the structure of the house,
24 nothing. I'm hearing somebody coming in and
25 saying I want a larger house.

1 MS. KAPLAN: Can I respond to you, please?
2 I'm Sharon Kaplan, 119 Hards Lane.

3 You know, the reason I wanted to stay quiet
4 and sit in the back over there --

5 CHAIRMAN KEILSON: No reason to.

6 MS. KAPLAN: We live on Winchester Place now.
7 I bought that house thirteen years ago. I love
8 the house, I love the property. I would stay
9 there forever. I live across the street from
10 Temple Israel. I bought that house where I could
11 see the beautiful stained glass windows.

12 It has become impossible. I have a driveway
13 that can fit two, three cars. Every time, nobody
14 wants to carpool with me. Please ask Michael
15 Fragin. It's hell when he has to carpool with me.
16 My kids have to walk to the corner. I have no
17 sidewalk. My child was almost hit by a bus. They
18 have a JCC program. I mean, you can speak to
19 anybody in this Village because I had called. I
20 had two handicapped parents living with me and the
21 ambulette -- my father was on dialysis and that
22 ambulette could not get my father. The honking;
23 the cars are completely closing off the entire
24 street. I have a police car there. I have the
25 Village, the ones who gives the ticket, the man in

1 the white car; it's a disaster. It's a disaster.
2 So you know, he's talking about cluttering up the
3 street --

4 MEMBER FEIT: That's not what I'm raising.

5 MS. KAPLAN: No, no, no. So now we have to
6 move. I have four children. I cannot live on
7 this street.

8 MEMBER FEIT: So why didn't you buy a house
9 where you didn't have to do any work that meets
10 your requirements?

11 MS. KAPLAN: Okay, we did. We bought this,
12 119 Hards Lane. The house is -- we need to live
13 within -- I'm moving two blocks. And look at my
14 house compared to what I'm buying. I had to move
15 to another location because I need to still pray
16 in the same synagogue. My kids have to be near
17 their friends and they need to be in the same
18 school. As soon as we saw we had this problem, we
19 have been looking.

20 Do you know what the real estate market is in
21 this neighborhood? If I wanted to move to
22 Cedarhurst I would have no problem. I mean,
23 you're asking, like -- I mean, I don't have to
24 tell you; there are no homes available. A house
25 like this came up.

1 MEMBER WILLIAMS: I hear what you're saying.

2 MS. KAPLAN: And we wanted to just extend
3 onto it. But it's not possible to take a house
4 that's 100 years old or more and add onto it. So
5 everyone we met with and everyone we spoke to and
6 of these eight variances everything is one foot,
7 three feet. We're not coming to you and saying
8 we're building a hotel. Charitable functions
9 mean --

10 MEMBER WILLIAMS: An eight-bedroom house is
11 not small.

12 MS. KAPLAN: Where are there eight bedrooms?
13 There's five on the second floor; I have four
14 children. That's what I have now.

15 MEMBER WILLIAMS: Three in the basement.

16 MS. KAPLAN: One's going to be an office;
17 one's going to be a playroom.

18 MEMBER WILLIAMS: Hold on. Let me explain to
19 you what this Board is about. That's part of the
20 problem when people come to the Board, and maybe
21 that will help illuminate why we're concerned.

22 I'm going to be very blunt. You're entitled
23 to nothing. You're entitled to build a house
24 according to code. That's what you're entitled
25 to.

1 We're here to grant a variance that has to
2 fit certain criteria. It's not like it's coming
3 to you, two feet here, two feet there, three feet
4 here. Just hold on. Nothing is coming to you.
5 What's coming to you is nothing. You're coming
6 now and asking us to make an exception. We
7 understand that. You understand that.

8 MS. KAPLAN: I have one question to ask on
9 that.

10 MEMBER WILLIAMS: Hold on. There are five
11 criteria for you to make that exception, and you
12 have to meet those criteria for us to grant this.
13 That's all I'm trying to explain to you. When you
14 come in and your husband says, well, it's two feet
15 here, two feet there, three feet there, it's
16 nothing, it's nothing, it's nothing, and
17 therefore, you should give it to me. No.

18 MS. KAPLAN: You're 100 percent right and we
19 appreciate your job and we appreciate your
20 volunteering for this.

21 CHAIRMAN KEILSON: Mrs. Kaplan, please allow
22 her to speak.

23 MEMBER WILLIAMS: Within those criteria comes
24 the issue of did you create this yourself by
25 buying this house creating this situation that

1 didn't have to be? Now, you're telling me there's
2 no other house anywhere that you can live in and
3 that in order to make this house livable this is
4 the only way that you can make this house livable.

5 MS. KAPLAN: I'm not saying that.

6 MEMBER WILLIAMS: Okay. So I don't have to
7 -- we don't have to grant it to you in order to
8 make this house livable. I want that on the
9 table.

10 MS. KAPLAN: I'm saying if I wanted to add
11 onto the house that's existing now I would need a
12 variance. How could I build, let's say -- I don't
13 know, what is the existing attic, 32 feet?

14 MEMBER WILLIAMS: But the law is --

15 MS. KAPLAN: I would have 32 feet and my
16 extension would be 30 feet. Honestly, like, I
17 would love to just add onto this house. It would
18 save me expenses.

19 MEMBER WILLIAMS: If you kept most of the
20 house at 32 feet it would be hard for us to tell
21 you no to the rest of it. But when you tell us
22 you're taking the house down, it's very easy for
23 us to say no, we can't give you 32 feet.

24 MS. KAPLAN: The truth is I don't know that
25 we're 100 percent. Until yesterday we weren't

1 sure we were taking it down; we wanted to gut out
2 the whole inside.

3 MEMBER WILLIAMS: The fact is if you take the
4 house as it is, 70 percent of the house is
5 staying. If you're asking a variance to add
6 another 30 percent to match the roof, that would
7 be one question, but that's not what you're
8 presenting to this Board. What you're presenting
9 to this Board is basically I'm knocking down the
10 house, and I'm telling you now if you're going to
11 ask us to vote on this -- I'm just being very
12 blunt with you -- the chances are that we're going
13 to vote yes to a 32-foot brand-new construction is
14 highly unlikely. I know Mr. MacLeod was made
15 aware of this. Those are the facts. It's hard
16 for us to understand why we have to --

17 MS. KAPLAN: No, and I appreciate that and
18 I'll accept your decision and I understand. But
19 my only thing though when you have a member as
20 Mr. Feit who says, well, you're going to make
21 charitable events, you know what, and I'm not
22 telling you that we have elderly parents. We have
23 no parents left. But our parents lived with us.
24 We had Alzheimer's, we had dialyses, we had
25 amputees, raising babies at the same time.

1 MEMBER FEIT: But we're talking about now.

2 MS. KAPLAN: Okay, a hundred percent. But
3 you started with that. And I lived on Winchester
4 Place which is impossible. My property size went
5 down. And the only reason I'm even up here
6 mentioning it, that I felt to get up, is because
7 you felt it necessary to say, well, charitable
8 events cluttering up.

9 Every single neighbor on this block without
10 my asking has come over to me, has called me and
11 said, oh, we got a letter on Hards Lane, on Rand
12 Place. You even have one here who just happened
13 to be here who lived on Lismore. And every single
14 neighbor from the back without me requesting has
15 said to me we are in full support; whatever you
16 would like to do we welcome you.

17 MEMBER WILLIAMS: This happens all the time.
18 Until we give the benefit and then we get the
19 phone call and they say you let them build this
20 monstrosity next to my house. That's really
21 irrelevant to what our job is.

22 Our job is simply to look at what you're
23 presenting to us and say is it necessary in order
24 for you to have what you need.

25 MR. GOLDMAN: It should also be pointed out

1 that your architect has indicated that you want to
2 maintain the 32 foot. The answer is that once you
3 knock down the house you're not maintaining 32
4 feet, you're creating a new 32 foot, and that's
5 what this Board has to decide and that's what
6 Mrs. Williams --

7 CHAIRMAN KEILSON: If I may, the requests on
8 the variances, I think, for the most part are not
9 overly zealous. The building coverage is at five
10 percent, fairly lean, okay, as far as the overage.

11 I think the two issues that strike me as
12 being problems are the height, because we're no
13 longer granting those types of height variances;
14 and number two, I'm concerned about the
15 encroachment to the front. Those are the areas
16 where I'm most concerned.

17 I think Mr. Kaplan pointed out correctly so
18 that on the right side there's a dramatic piece of
19 property between yourself and Mr. Kanner. Again,
20 I'm not offended by that.

21 But I think we really have to look at, from
22 my perspective, those two areas.

23 MR. MACLEOD: If the -- we submitted it to 32
24 feet as you see. Could the house be built at 30
25 feet? Absolutely. And if that is something that,

1 you know, we -- you vote on as part of a separate
2 item, and we would agree to do that or accept your
3 decision on that.

4 MR. RYDER: John, I'm sorry, is it a
5 combination roof?

6 MR. MACLEOD: It is a combination roof.

7 MR. RYDER: Twenty-seven feet is the maximum
8 height allowed.

9 CHAIRMAN KEILSON: However, in the recent
10 past we've had mixed roofs and we have been very
11 flexible in terms of going to the 30 foot. So
12 yes, we have to vote on it as a variance, but I
13 think they would be much more receptive to it.
14 No, we do not vote on individual variances. We
15 don't segregate requests.

16 MR. MACLEOD: Right, right. Regarding the
17 front-yard setback with the twelve foot eight wide
18 entry projection, that is something we would
19 really like to have more for the scale and
20 aesthetics of the front of the building, rather
21 than have it just one long straight run, and I
22 would request that you consider that in light of
23 the overall look of the building, not only as a
24 numerical setback issue from the street.

25 MEMBER WILLIAMS: How does that play in terms

1 of the two houses on the two sides in terms of how
2 far out they come?

3 CHAIRMAN KEILSON: I think they would be
4 forward of the two houses.

5 MR. MACLEOD: Well, the house to the right is
6 far enough away that you really can't align it.

7 MEMBER WILLIAMS: I really want to know how
8 far they come out compared to what you're asking
9 for.

10 MR. MACLEOD: The house to the left, I wish I
11 could say it projects a little more than the
12 house. I'm looking at photograph number seven,
13 but I don't have a side view of that to say that
14 it does project out. On that photograph it does
15 look like it comes out a little further towards
16 the street.

17 MEMBER WILLIAMS: You tell me you don't have
18 that information.

19 MR. MACLEOD: I don't have that information.

20 MR. KAPLAN: On the left side it looks like
21 it is more than the 30 -- it's less than the 30
22 feet that would be requested. And also, if you
23 look at most of the houses in the area that are
24 that wide, they do have the extra few feet for the
25 entrance.

1 MEMBER WILLIAMS: I'm more concerned with
2 your two houses on the side of you.

3 MS. KAPLAN: The house on the left is all the
4 way forward. The house had a fire and they --
5 it's angled and it's very forward and they put --
6 their actual entrance into the house is not like
7 through the front. It's the side, the other side.

8 MEMBER WILLIAMS: So your new frontage is
9 going to be lined up with the other houses or more
10 forward? That's what I don't understand.

11 MR. MACLEOD: I don't have that information
12 for you.

13 MR. GOLDMAN: We're off the record.

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

16 MEMBER GOTTLIEB: We're looking at photo
17 number eight which is the house to the left of
18 you.

19 MR. MACLEOD: Yes. My client who is more
20 familiar with the neighbor's house than I am
21 states that the house to the left in photograph
22 number eight does project further forward than the
23 brick house that they purchased.

24 MEMBER WILLIAMS: I know. But does it
25 project further than what we're going to end up

1 with if we grant this variance?

2 MR. MACLEOD: No.

3 MR. KAPLAN: The house on the left --

4 MEMBER WILLIAMS: Okay, let me explain my
5 question again. If we grant this variance, I want
6 to know how much further forward will you be than
7 your two neighbors. That's my question, simple.

8 MR. KAPLAN: Okay. The neighbor on the left
9 side would still be more -- would still be closer
10 to the sidewalk than we would.

11 MEMBER WILLIAMS: And the neighbor to the
12 right is not.

13 MR. KAPLAN: The neighbor to the right, I
14 don't believe so.

15 MEMBER WILLIAMS: So this extension on
16 picture number eight is still more forward than
17 your house will be?

18 MR. KAPLAN: The one on the right.

19 MEMBER WILLIAMS: This one, this thing here
20 you're saying is more forward than your house will
21 be after you would do this construction?

22 MR. KAPLAN: Correct, yes, yes. And also,
23 the one on the right side, Kanner, he has an
24 overhang that's very far.

25 MR. MACLEOD: Photograph number nine.

1 MEMBER WILLIAMS: Oh, his front construction
2 thing, his walkway.

3 MR. MACLEOD: Right. His covered porch does
4 seem to project out about ten foot off the front
5 side of the house. And across the street at
6 photograph number twelve --

7 MEMBER WILLIAMS: I'm really concerned more
8 with that street, that's okay. Because that's
9 really where the complaints come in when you block
10 the neighbor and coming down the street and they
11 don't see the house. That's when people get
12 upset.

13 CHAIRMAN KEILSON: What's going to be
14 contained in that area?

15 MR. MACLEOD: Entrance foyer and second-floor
16 space above.

17 CHAIRMAN KEILSON: Is it going to be pulled
18 back at all?

19 MR. MACLEOD: We could pull it back
20 marginally, but I'd rather -- I'd like to have
21 some presence there that is worthwhile having.
22 Three feet I felt wasn't an overly large
23 projection for a house of this scale.

24 CHAIRMAN KEILSON: Would two feet be able to
25 accommodate the same effect?

1 MR. MACLEOD: Three feet would be better.

2 MEMBER FEIT: Can I ask you a question.

3 You're taking down the whole house?

4 MR. MACLEOD: Yes.

5 MEMBER FEIT: Why don't you -- why did you
6 not center the house on the property on the
7 dividing line which would make a lot more sense
8 and give you grass all around and does away with
9 this problem?

10 MR. MACLEOD: There's substantial financial
11 savings by keeping the existing foundation,
12 possibly in the area of about \$40,000, and they
13 also wanted to maintain a reasonable side yard on
14 the right, a nice side yard on the right side and
15 that's what the plans are following at this stage.

16 MEMBER GOTTLIEB: Aren't you taking down the
17 -- I don't want to refer to it as the western
18 wall, but in the foundation, isn't that part of
19 the foundation coming down anyway?

20 MR. MACLEOD: On the right side?

21 MEMBER GOTTLIEB: On the right side.

22 MR. MACLEOD: Yes, the right-hand one-story
23 addition is no longer going to be there. I'm not
24 sure that it is an addition, but it has a
25 crawlspace and it doesn't have a full foundation

1 underneath it.

2 MEMBER GOTTLIEB: We were discussing that you
3 don't want to remove the foundation at a savings,
4 but you are removing the right side of the
5 foundation to accommodate an enlarged space.

6 MR. MACLEOD: Correct. If you look at the
7 foundation plan in the set of plan, it should be
8 drawing number two, I believe.

9 MEMBER GOTTLIEB: A-2, yes.

10 MEMBER WILLIAMS: Where the playroom is and
11 the exercise room.

12 MR. MACLEOD: Yes. If you look at it you can
13 see the original foundation's rectangle, and what
14 I did was I kept it in place and made an opening
15 towards the right side of it about nine feet wide
16 so that it would just cut out one section of it
17 and then you would be entering into the new
18 addition. And where this one-story room which is
19 currently on the right side of the house, it
20 really has no substantial foundation, just a slab,
21 and so that will be taken out and where the
22 excavation for this new space will be. Everything
23 on the left side of this plan is the existing
24 foundation.

25 MEMBER FEIT: Why is the kitchen going down

1 to the basement?

2 MR. MACLEOD: That will be a Passover
3 kitchen.

4 MEMBER FEIT: And the laundry room looks
5 bigger than a bedroom.

6 MEMBER WILLIAMS: No, the nonexistent
7 bedrooms.

8 MR. MACLEOD: Good size laundry rooms are
9 always appreciated.

10 MEMBER WILLIAMS: I agree.

11 CHAIRMAN KEILSON: Is there anyone in the
12 audience who wants to speak to the matter?
13 Mr. Frankel, do you want to step forward and
14 identify yourself, and your address.

15 MR. FRANKEL: Judah Frankel, 61 Lismore Road.
16 That's the corner of Lord Avenue and Lismore. I'm
17 the third house to the right crossing the street
18 of the subject at hand, and I walk by that house
19 about once a day. I also have the distinction of
20 probably having the largest house built in
21 Lawrence without a variance. So I've gone through
22 this. I wanted to say --

23 CHAIRMAN KEILSON: That's pre the change in
24 zoning regulations.

25 MR. FRANKEL: Yes, without my even knowing

1 about it. So I'm actually going through two
2 similar things now with two of my children, not in
3 Lawrence. I've gone through this a number of
4 times, and first I'd like to address what perhaps
5 is a little misunderstanding as I see it back
6 there.

7 I don't think there is any ill will on
8 anyone's part, but the first question raised was
9 in a way by one of the Trustees: Why are you
10 doing this? Why didn't you think about this
11 before and get yourself a bigger lot? I've gone
12 through this myself. You see a house, it's a very
13 nice lot. It's one of the larger lots available
14 in Lawrence. A person buys the house thinking
15 they will make it nice. And once you get in there
16 and you realize how decrepit it really is and you
17 start thinking, well, I'll have to add this and
18 renovate this and pull this out and redo the
19 plumbing.

20 It turns out, number one, it will cost more
21 than ripping down the house. A renovation will
22 cost 30 to 50 percent more. And probably if you
23 do a renovation as I did and leave that
24 sixteen-foot roof on top, you get done what you
25 want to get done because it's grandfathered and

1 it's there. So in a way it's a technicality, and
2 as you've noted, the Trustees have noted, you can
3 get a lot more done saying we'll do a renovation.
4 But who gains? It costs a lot more.

5 I as a neighbor think the house would
6 probably be better built, be nicer. It's a nicely
7 sided house on a little lot, that should be -- you
8 know, I'm sure it will be better looking taking it
9 down and really putting back what you could do
10 with a bunch of variances by extending it.

11 But I think there's no -- you know, they
12 didn't come in -- I've spoken to Mr. Kaplan; we're
13 not good friends, but I know him. When he first
14 started doing this and said, oh, you bought the
15 house on the next block; you can make some
16 renovations and extend it. Then you realize what
17 it entails. It's easier, simpler and probably
18 better for everyone. It's certainly less costly
19 to rip it down and build another house. Yet
20 technically, they would spend a lot more money;
21 you would end up with the same square footage,
22 about the same roof height and all of that.

23 So in a way for the difference between a
24 renovation, I understand. I left my roof line
25 because I knew I couldn't replace it and it was a

1 very high roof line when I did my house fifteen
2 years ago. Whether I was smart for doing that, I
3 don't know, but there was a lot of old things in
4 the house that could have been fixed. So I
5 understand where that's coming from. But I think
6 if we step back a minute and say, well, at the end
7 product does it make a difference if we renovate
8 it or if we build it new as if we would have
9 renovated it? It will look the same or better
10 building it new. It will be easier. It will be
11 faster, cost a lot less money.

12 As a neighbor, I think it will probably be
13 the nicest house on the street and enhance the
14 value of the neighbors' properties. I've casually
15 spoken to a couple of the neighbors that I'm
16 friendly with, and I'm friendly with the neighbor
17 to the left and to the right. I think it makes
18 sense to leave more space on the right than on the
19 left, by the way, because that house is built in
20 an L-shape and it's sort of the back of the house
21 that the left side would be facing. So leaving a
22 lot of extra space doesn't do anyone any good.
23 Next to Kanner they have some nice trees there,
24 there's a nice yard. I think it will look nicer.
25 But all the neighbors there, I think all the

1 properties will go up in value with a nicer house
2 being built on the block and it will enhance the
3 block.

4 It doesn't impact me, you know, directly.
5 I'm across the street, so pretty close. But I
6 think knowing the Kaplans as good neighbors
7 everyone will benefit from it. And I understand
8 the issues, you know.

9 You know, maybe I would tell the architect to
10 leave the frame of the house and replace the
11 timbers one by one; that's what most people do.
12 In New York City, you just leave a piece of
13 foundation, and it's considered a renovation as
14 opposed to a new construction. I don't know what
15 the rule is; obviously, that's not the rule here.

16 But I think there was a little
17 misunderstanding. You know, they got into
18 something. And I know my son as of right now he's
19 doing a renovation on a house much smaller and we
20 just got the bill of what it will be. I said,
21 you're crazy, rip it down. It's going to cost you
22 \$550,000 to add 1,000 square feet for a two and a
23 half thousand square foot house. It's easier to
24 rip it down and build a new one, cost you less and
25 it will be new.

1 So people get into it and they don't realize
2 what they're getting into until they're there, and
3 then when the architect sits down and explains
4 everything they come to the realization. So I'm
5 certain that there was no, you know, intention on
6 the part of the Kaplans saying, hey, we'll buy
7 this lot and then we'll go wild with it. They're
8 really not going wild, and they are right, it's
9 difficult to get a larger lot around here. It is
10 very difficult. They're small and few and far
11 between.

12 So as a neighbor and I think it's the opinion
13 of the neighbors I've spoken to here that we would
14 like to see the house built. I think it would be
15 better for everyone, you know, if it were, so to
16 speak, an almost newly built renovation. And you
17 know, if the Board could see to it that, you know,
18 everyone cooperates and, you know, get it done in
19 the nicest easiest way possible, I think we would
20 all be -- we would all be pleased.

21 MEMBER FEIT: But you didn't answer the
22 question? Why can't a new house -- which I agree
23 with you would be much better because I'm going
24 through a renovation now -- why can't a new house
25 be built according to code?

1 CHAIRMAN KEILSON: Mr. Frankel is not the
2 applicant.

3 MEMBER FEIT: I know. It's rhetorical. It
4 is a rhetorical question.

5 MR. FRANKEL: It is a rhetorical question.
6 Everyone can say things. But you know, so many
7 variances are granted and it doesn't look like
8 they're asking for something -- there was a house
9 built on my block that was way, way in excess of
10 code, but I didn't object either, you know,
11 because it was on the side and it didn't bother
12 anyone. You know, people need a little more
13 space, and the zoning laws were tightened about
14 fifteen years ago.

15 I think that the house will still, by the
16 way, I believe from what I see be a lot sided, a
17 lot nicer and take a lot less of the plot size
18 than almost I would say or even all of the homes
19 on that street. All of the homes on that street
20 take up a lot more space and have a much smaller
21 lot, but as the lots get bigger the proportion
22 they allow you to build doesn't increase
23 proportionately, it decreases like substantially.

24 CHAIRMAN KEILSON: Thank you, Mr. Frankel.

25 MR. FRANKEL: You know, that's my opinion.

1 I'd like to see it resolved.

2 CHAIRMAN KEILSON: We've got Yom Kippur
3 coming.

4 Mr. Gottlieb, any further questions?

5 MEMBER GOTTLIEB: I'd like to know if the
6 application has been amended.

7 CHAIRMAN KEILSON: Well, in effect he is.

8 MEMBER GOTTLIEB: I'd like to know how it's
9 been amended and if there are any additional
10 amendments to the application as it was originally
11 presented to us this evening.

12 CHAIRMAN KEILSON: Essentially --

13 MEMBER WILLIAMS: Do you want us to vote on
14 this or are you making some changes?

15 MR. MACLEOD: We would like you to vote on
16 it, but with the proviso of a 30-foot height, I
17 think, is what I'm reading you as here.

18 MEMBER GOTTLIEB: So of the, what is it,
19 eight, of the eight variances, whether they be
20 small variances or not, we're removing -- we're
21 not removing one, actually?

22 MEMBER FEIT: Not at all.

23 MEMBER WILLIAMS: It's still a three-foot
24 variance, not a five-foot variance. That's what
25 you're willing to concede on is what you're

1 saying?

2 MR. MACLEOD: That is correct. We would like
3 the house to look like -- the intent is to have a
4 house that looks like it has a regular pitched
5 roof, and as you know, many houses have come in
6 front of you recently with this composite roof
7 with the intent of making it look like a pitched
8 roof house. You really won't see that from the
9 street. You would have to be an expert to know
10 what you're looking at.

11 MEMBER GOTTLIEB: Question for the Building
12 Department. Is there any height setback ratio
13 setback in the front or the side with the issue as
14 the roof as presented?

15 MR. CASTRO: With the amended?

16 MR. GOLDMAN: With the amended or as
17 presented?

18 MEMBER GOTTLIEB: Either way, I don't recall
19 seeing any.

20 CHAIRMAN KEILSON: No. You have the front.

21 MEMBER GOTTLIEB: No, but the percentage of
22 the height setback -- am I missing it?

23 MR. RYDER: It's 1.13; required is 0.74.

24 MEMBER FEIT: It would be a height ratio.

25 MEMBER GOTTLIEB: I was looking at the zoning

1 box.

2 CHAIRMAN KEILSON: If you look on the denial
3 letter, you will find that you have in the front,
4 you have the side-yard setback ratio issue and a
5 rear-yard setback ratio issue.

6 MEMBER GOTTLIEB: So that's, of course,
7 addressing my issue of bulk which I didn't -- I
8 thought they were all included in the zoning box,
9 which they're not.

10 CHAIRMAN KEILSON: No, no.

11 MR. GOLDMAN: So what is before the Board?

12 CHAIRMAN KEILSON: Right now he's suggesting
13 that they're amending it only as far as the
14 height, reducing it to 30 feet; is that correct?

15 MR. MACLEOD: That is correct.

16 MEMBER WILLIAMS: In terms of the front,
17 which I'm equally as concerned as Mr. Keilson
18 about the pullout, because as much as it doesn't
19 seem like a lot, we've been -- it's come back to
20 bite us many, many times when we've granted that
21 with neighbors that did not come to complain but
22 were very, very disturbed afterward.

23 On the other hand, I do hear what you're
24 saying, Mr. MacLeod. I do respect that you don't
25 want this to look like a big brick monster and

1 that does give it some detail. I'm trying to
2 think if there's any other way that can be
3 accomplished, but I do hear what you're saying.

4 MR. MACLEOD: If you reduce that to a smaller
5 amount you need a shadow line there.

6 MEMBER WILLIAMS: I hear that.

7 MR. MACLEOD: It's not that we're coming
8 three feet into the whole setback across the whole
9 front of the house.

10 MEMBER WILLIAMS: That, I think, you would
11 probably get a note, and you know that. That's
12 not the issue. I do understand you don't want it
13 to look like a big block. I was just wondering if
14 you think there was any other way to --

15 MR. MACLEOD: We could add two more of them
16 to balance it out left and right.

17 CHAIRMAN KEILSON: That's very accommodating.

18 MEMBER WILLIAMS: But I do hear what you're
19 saying. I do understand.

20 MR. MACLEOD: I would just like to say that
21 Mr. Frankel presented some very good description
22 of what we come across on a day-to-day basis and
23 what you see coming in front of you, and I agree
24 with most of the things that he said, and it was
25 very eloquently presented, so I thank him for

1 bringing that to the front here.

2 CHAIRMAN KEILSON: Okay. Mr. Gottlieb, how
3 do you feel? Do you want to vote?

4 MEMBER GOTTLIEB: I guess I can say that if
5 we were to vote now I'm not comfortable voting in
6 favor of this application as it stands. I think
7 it's too bulky for a block that has got really
8 smaller houses. It's very attractive and you're a
9 fine architect.

10 CHAIRMAN KEILSON: Where would you want them
11 to pull back in order to accommodate? Because
12 they're only over four percent, five percent on
13 the building coverage.

14 MEMBER GOTTLIEB: It's not building coverage
15 because it's a double size lot. It's an issue of
16 accommodating the height, the height setback and
17 so much mass so close up to the front of the road.
18 Only a 30-foot frontage is the great depth from on
19 the street frontage and I realize you can't --
20 that would be moving the house back would require
21 a new foundation.

22 MR. MACLEOD: It would need a new foundation.
23 And if we did move it back with a new foundation
24 we would then have problems with the rear-yard
25 setback and the proximity of the existing garage

1 which would then be difficult to get into. There
2 is a garage on the property to the left.

3 CHAIRMAN KEILSON: But it would be less
4 imposing in terms of the street.

5 MR. MACLEOD: It would, but cost my client an
6 additional 30 to \$40,000.

7 MR. GOLDMAN: Then that's the balancing
8 between the benefit to your client versus the
9 community. That's precisely what --

10 MEMBER WILLIAMS: That's what Mr. Frankel
11 did. He wanted to build a high house and it cost
12 him a lot more money because he wanted what he
13 wanted.

14 CHAIRMAN KEILSON: Mr. Henner.

15 MEMBER HENNER: I'm looking at your plot.
16 You have a double lot, a huge lot. I hear the
17 business about the \$40,000, but I'm not sure why
18 you can't do something to get that more centered
19 so it's not imposing on the neighbor and get what
20 you want, and what, you know, you think you ought
21 to be able to achieve. But you're constantly
22 mentioning this \$40,000. I don't know what the
23 scope of your project is, and I'm not here to
24 spend your \$40,000. Maybe if the laundry room was
25 a little smaller, maybe you could save a little on

1 the \$40,000. I think there's got to be a way on
2 such a big lot that you can accomplish what you're
3 looking to without getting in everybody's face
4 about it. So, if you know what I'm saying.

5 MR. MACLEOD: Well, the \$40,000 is a number
6 based on construction costs these days; to remove
7 that existing foundation will be somewhere between
8 ten to \$15,000 just to have it broken up and taken
9 away, and then another \$25,000 to replace that
10 portion of the foundation. So that's where that
11 number is coming from.

12 MEMBER HENNER: I'm just getting a sense from
13 what I hear on this side of the table that maybe,
14 you know, if you gave it some thought and tried to
15 work your diagrams and your number that maybe you
16 can accomplish everyone's goal.

17 MR. KAPLAN: What part of the project
18 specifically do you have a problem with?

19 MEMBER HENNER: I don't have a problem. I
20 wasn't giving you a specific. I'm just saying
21 that in terms of the size of your parcel that it
22 would seem to me that you would be more centrally
23 located and it wouldn't be raising the eyebrow it
24 appears to be raising.

25 Let's put it this way: If the foundation

1 could be moved for \$100 you'd have done it, right?
2 Is that a fair statement?

3 MR. KAPLAN: I'm not sure.

4 MEMBER HENNER: I'm not putting anyone on the
5 spot. If it wasn't a cost factor, would you have
6 built the house centrally on the property?

7 MR. MACLEOD: Initially, my client was not
8 intending to take this house down, but as in
9 previous discussions here --

10 MEMBER HENNER: I understand. From the time
11 you decided to take it down, if money wasn't a
12 factor, either if we had unlimited funds or if it
13 cost nothing to move a foundation, wouldn't you
14 have made the house centrally as opposed to where
15 it is? It would be a business decision on your
16 part. So it's a function of if it was \$5,000 you
17 might have done it, but for 40 you don't want to
18 do it.

19 MR. MACLEOD: You're right, it's a business
20 decision. I don't think it's a fair question
21 unless you have somebody to do it for \$100.

22 MEMBER HENNER: No, all I'm saying is that
23 maybe --

24 MEMBER GOTTLIEB: I think it's a fair
25 question. If you're spending a million dollars on

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1 a house and it's going to cost you \$40,000 to get
2 a variance, I think that's a good investment of
3 four percent. I think if -- I'm not -- I don't
4 know whether you were getting to that, but that's
5 how I'm reading it.

6 MEMBER WILLIAMS: It's kind of in line with
7 what Mr. Frankel said. He made a decision to
8 spend more money to get what he wanted than to not
9 be able to get it. It could be the same thing in
10 this case. In order to get what you need to get,
11 the variance, maybe that's what you're going to
12 have to do.

13 MS. KAPLAN: How now is it encroaching on the
14 neighbors if one is further forward? No matter
15 what we do, if you look at the side of that house
16 which is right to the left, it's completely
17 forward.

18 MEMBER WILLIAMS: I don't think that was what
19 he was saying. He was talking about the
20 massiveness.

21 MS. KAPLAN: No, but let's say we took down
22 the whole foundation, and we set up this house,
23 there's still 50 feet between 119 and the house of
24 Kanner, and then to the other side there's still
25 -- no matter what I do, unless I put my house on

1 the front of the curb, if you ever drive by that
2 whole house sticks out. They put -- their door is
3 centered to the left and the whole right side of
4 their house juts out. If I added I think six or
5 seven feet to the front of my house, maybe then I
6 would be almost in line with the front of their
7 house. You can't -- when you're walking by her
8 house you can't see my house. My house is
9 completely set back. So those three feet are not
10 encroaching to the right. If you look at the
11 picture you will see the whole side of the house
12 sticks out. If you're standing in front of the
13 house on the left, Mindell --

14 MEMBER GOTTLIEB: Mrs. Kaplan, that house
15 sticks out for a distance of about twelve, maybe
16 fifteen feet. And then the house starts -- if
17 you're coming from Sutton and you're heading west
18 toward your house --

19 MS. KAPLAN: Right. You don't see my house.

20 MEMBER GOTTLIEB: That house sticks out,
21 projects for a distance of about twelve feet.
22 That house is really not what I'm concerned about
23 how the vantage point or the sight line of that
24 house. It's a matter that there have been a
25 number of houses that have been built in Lawrence

1 that are 60 feet or longer and that are close to
2 the curb, 30 feet, 40 feet and it's just such a
3 massive -- it will be the only house of its size
4 on the street and it's going to just be just quite
5 imposing. Even if neighbors don't object, some
6 people don't realize what it's going to look like.

7 MS. KAPLAN: I appreciate that. There are so
8 many houses in the area. There's a home on
9 Lismore that's going to be much larger than what
10 we have. There's a home around the corner on Rand
11 that is going to be at least, you know,
12 significantly more than we have and --

13 MEMBER GOTTLIEB: I won't give you my
14 opinion.

15 CHAIRMAN KEILSON: We all lament our
16 mistakes.

17 MS. KAPLAN: And as a matter of fact, when
18 the home to my left when they -- I think they had
19 to go for the Mindells, the person who owned our
20 home was completely against it and completely
21 blocks out the light, it blocks out that they
22 can't see the corner. They came to object to the
23 person, to the Mindells.

24 MR. FRANKEL: Can I make a comment?
25 Actually, the way I see it, it was a good

1 suggestion. I think, you know, you do have the
2 house sided more to the east side than to the
3 west, and it's probably right that it would be
4 nicer if it were smack in the middle of the lot,
5 if there was enough room. Just, you know, I
6 always liked symmetry. Maybe it's more costly,
7 but maybe it's not so costly to do that. You
8 don't have to move the whole foundation, just add
9 to that side, chop off the left side of the
10 foundation and you could site the house in the
11 middle.

12 You know, there is -- you know, there's
13 always good compromise. I think it would look --
14 when thinking about, I don't think the neighbor on
15 the left would care if it's closer to them because
16 they have no windows there, but the house would
17 look nicer if it were in the middle of the lot.

18 CHAIRMAN KEILSON: I think Mr. MacLeod is
19 retracting his fine comments about you
20 momentarily.

21 MEMBER WILLIAMS: If you're coming to me and
22 telling me that you're working in the house and
23 most of the house is staying or half of the house
24 is staying, I could then understand why this
25 couldn't be done totally. I'm not quite

1 understanding why it can't be done if we are
2 starting from scratch.

3 MR. MACLEOD: Just a technical thing,
4 replying to the slicing of the foundation; you
5 can't do that to the foundation.

6 MEMBER WILLIAMS: I understand that; that's
7 ridiculous.

8 MEMBER FEIT: By the way, Mr. MacLeod, I just
9 added on a ten-foot foundation. It costs less
10 than half of the number that you were throwing
11 out.

12 MR. MACLEOD: Ten foot by what? Did you get
13 a variance for it?

14 MEMBER FEIT: Twenty. No, I'm building
15 completely by code. I don't believe in variances.

16 MEMBER GOTTLIEB: We wouldn't have it any
17 other way.

18 MEMBER WILLIAMS: No one would ever grant him
19 a variance ever.

20 MR. MACLEOD: Could I just bring one thing to
21 light. With regard to the width of this house, if
22 you look at the site plan, there's not a number on
23 it, but I will tell you what it is. You will see
24 the shaded area that we're adding on to the
25 footprint of the existing house. So the extended

1 width of this house is not as much as we seem to
2 be talking about. It's actually about fifteen
3 feet to the right-hand side.

4 MEMBER GOTTLIEB: I beg to differ with you
5 because you're saying 15 feet. I'm seeing 24 feet
6 or thereabouts because there's a one-story
7 enclosed room which does not project on the
8 street.

9 MR. MACLEOD: That's true. At eye level, and
10 you know, it's definitely there right now. You
11 can't deny that it's there. We're adding fifteen
12 feet at grade level for an equal distance that
13 that is projecting out. I agree there's rooms on
14 top of it. But it's not that we're adding a full
15 24 feet to this house.

16 MR. GOLDMAN: One of your criteria is whether
17 they can accomplish what they want through an
18 alternative means.

19 CHAIRMAN KEILSON: This is part of that
20 particular process we're going through.

21 MEMBER GOTTLIEB: If it can be set back five
22 feet further.

23 CHAIRMAN KEILSON: Remove the foundation and
24 move the house back.

25 MEMBER GOTTLIEB: Move the house back, maybe

1 center it or not. I can't really project out. I
2 think it would look nicer and probably maintain a
3 higher value.

4 MS. KAPLAN: But then we have a garage right
5 there in the back. It's very small in the back.
6 There's no -- the property is --

7 CHAIRMAN KEILSON: Again, it's very hard for
8 us to do off paper napkins. So he's offering a
9 suggestion as an alternative.

10 MS. KAPLAN: That wouldn't work.

11 CHAIRMAN KEILSON: Mrs. Kaplan.

12 MR. KAPLAN: If we agreed to move the house a
13 few feet to the right, then would everybody feel
14 comfortable?

15 MEMBER WILLIAMS: That wouldn't solve the
16 width problem.

17 MEMBER GOTTLIEB: To the right and a little
18 further to the back.

19 MEMBER WILLIAMS: The back is what he's more
20 concerned about.

21 MEMBER GOTTLIEB: It's the bulk on the street
22 that I'm referring to.

23 MEMBER WILLIAMS: Either making it narrower
24 or pushing it back.

25 MS. KAPLAN: But the house that's existing

1 now we're not going to be moving it any further
2 forward, just the three foot on the front door; am
3 I correct?

4 CHAIRMAN KEILSON: Mrs. Kaplan, Mr. Gottlieb
5 is uncomfortable with the entire size of the house
6 at that distance, irrespective of the fact you're
7 moving it only three feet in that twelve-foot
8 section. He's concerned about the entire effect
9 of the massiveness of the house as he sees it as
10 far as what it will look like on the street, and I
11 can understand and appreciate because if you look
12 at Rand we know the same type of situation
13 obtained there.

14 MS. KAPLAN: Let's say we cut out this whole
15 three feet and the house now looks like a box, and
16 if we just continued with the box and exactly
17 where it is now then you wouldn't have a problem.
18 Is that what's disturbing you?

19 MEMBER GOTTLIEB: Your architect might fire
20 you.

21 MS. KAPLAN: But we need like something for
22 the rain. That's the three feet.

23 MEMBER FEIT: Mr. Chairman.

24 MEMBER GOTTLIEB: We understand that.

25 MEMBER FEIT: Eddie, it seems to me that we

1 are going back to where we were a couple of years
2 ago which we made an affirmative decision, I
3 believe, that we were not going to do, which is
4 negotiate with people different sizes back and
5 forth. If they want to put the case over and come
6 back with other plans or whatever, fine. If they
7 want us to vote on what's proposed, fine, but our
8 job is not to sit here and negotiate with them.

9 CHAIRMAN KEILSON: I think what we brought to
10 light is the perspective that Mr. Gottlieb has
11 shed some light in terms of a direction that we
12 might want to guide them in reevaluating and
13 rethinking. I think Mr. Henner was in accord with
14 that, if I'm not mistaken.

15 MEMBER HENNER: Yes.

16 CHAIRMAN KEILSON: So in a sense that evolved
17 from the conversation and that's the purpose of
18 the discussion.

19 MR. MACLEOD: Would the Board consider if we
20 did move the house over to the right say ten feet,
21 still maintaining 35 feet to the right-hand
22 property line, and extending it back for the three
23 feet?

24 MEMBER FEIT: To answer the Board will the
25 Board consider it, the Board will consider

1 everything, but present me with plans.

2 MEMBER WILLIAMS: I'm not as upset, I'm not
3 as concerned, and I think Ed agrees with me with
4 the center side, that whole business. I don't
5 think that's what he's saying at all. I don't
6 think moving it is going to solve the problem to
7 the right or to the left. The problem is the size
8 and the front, and that's not going to change if
9 you move it this way or this way. That's what it
10 is. It's only going to change if you move it back
11 or narrower. Am I correct in what I'm explaining?

12 MEMBER GOTTLIEB: Although I personally think
13 it would be nicer if it was centered because it
14 tends to look nicer.

15 MEMBER WILLIAMS: That would not affect the
16 vote. I don't want you to move it because that's
17 not what's bothering him.

18 CHAIRMAN KEILSON: Mr. Gottlieb, if I can
19 hone in on what you said, are you suggesting that
20 they should move it back; is that correct?

21 MEMBER WILLIAMS: Or make it narrower.

22 MR. KAPLAN: How much narrower?

23 MEMBER WILLIAMS: I'm not saying you should.
24 I'm saying that's what's disturbing. I'm not
25 saying you should do anything. I'm explaining

1 what his concern is. So moving it right or left
2 is not going to solve his problem.

3 MEMBER GOTTLIEB: Why is it my problem?

4 MEMBER WILLIAMS: I'm sorry. The problem you
5 stated. The problem you stated.

6 MR. MACLEOD: I appreciate what you're saying
7 that this is not a negotiation. But we are
8 looking for direction, so it's a conversation, and
9 we would like to know what is, you know --

10 CHAIRMAN KEILSON: What direction to go.

11 MR. MACLEOD: Sure.

12 CHAIRMAN KEILSON: Left, right or back.

13 MEMBER WILLIAMS: I don't think --
14 personally, I don't see moving it left or right;
15 that's an aesthetic thing. They can do what they
16 do, but I don't see it solving the problem.

17 CHAIRMAN KEILSON: I think from my
18 perspective moving it back would be better.

19 MR. MACLEOD: If we moved back we wouldn't be
20 able to get into the garage so we would have to
21 move probably slightly to the right as well.

22 MEMBER GOTTLIEB: But at that point there's
23 no additional cost, right?

24 MR. MACLEOD: No, we would have to get a
25 whole new foundation.

1 MEMBER GOTTLIEB: But you're doing a new
2 foundation regardless, right?

3 MR. MACLEOD: A and B, yes. A, being five
4 feet back or three feet back; that's the same cost
5 as going here and another ten feet.

6 MEMBER GOTTLIEB: That's what I meant.

7 CHAIRMAN KEILSON: I feel like we're doing
8 the hokey pokey here.

9 Anyway, Mr. Gottlieb, does moving back
10 satisfy you?

11 MR. GOLDMAN: Well, wait.

12 CHAIRMAN KEILSON: Just to get a sense. The
13 application can't be amended today right now
14 anyway. This doesn't impact right now anyway.

15 MEMBER WILLIAMS: Mr. MacLeod is asking for
16 guidance. What would help us vote on this
17 variance, that's what he's asking.

18 MEMBER GOTTLIEB: Would that remove the
19 height setback ratio to the front of the house?

20 MR. MACLEOD: It would reduce it. It would
21 reduce it; it probably would not remove it
22 completely.

23 MEMBER GOTTLIEB: It wouldn't eliminate it
24 completely.

25 MR. MACLEOD: But most of the houses in

1 Lawrence do have a front yard height setback ratio
2 issue.

3 MEMBER WILLIAMS: Even at 30 feet?

4 MR. MACLEOD: Even at 30 feet, absolutely.

5 CHAIRMAN KEILSON: Mr. Henner, would the
6 moving back --

7 MEMBER HENNER: I just think that the current
8 situation is not optimal, whether it's back,
9 front. This is something that I think needs to be
10 worked on here that will satisfy the group, and I
11 think you ought to give it some good thought. I
12 don't think the numbers are that wild compared to
13 the overall project.

14 CHAIRMAN KEILSON: Mr. Feit, any thoughts?

15 MEMBER FEIT: Yeah. Basically, again, as was
16 expressed, I really don't like to go more than the
17 allowable frontage, the 32-foot problem. I would
18 like to see it centered somewhat, and quite
19 frankly, I would like to have a reason that I
20 could hang my hat on why we are granting something
21 as opposed to what they could build as right by
22 making, let's say, rooms a little bit smaller. I
23 still haven't heard a compelling need.

24 CHAIRMAN KEILSON: Well, the fact of the
25 matter is the building coverage is relatively

1 modest.

2 MEMBER FEIT: But there are the other eight
3 or nine --

4 CHAIRMAN KEILSON: I understand. But if it's
5 pulled back I think that will go to a great extent
6 to ameliorating the situation.

7 MR. MACLEOD: Would you recommend that we
8 adjourn?

9 CHAIRMAN KEILSON: I would recommend that you
10 adjourn, yes.

11 MR. MACLEOD: Okay.

12 MR. KAPLAN: Okay.

13 MR. MACLEOD: We adjourn. See you next
14 month.

15 CHAIRMAN KEILSON: October 21st.

16 MR. GOLDMAN: You voted on the adjournment?

17 CHAIRMAN KEILSON: Mr. Henner.

18 MEMBER HENNER: Yes.

19 CHAIRMAN KEILSON: Mr. Feit.

20 MEMBER FEIT: Absolutely.

21 CHAIRMAN KEILSON: Mr. Gottlieb.

22 MEMBER GOTTLIEB: For the adjournment,
23 please.

24 CHAIRMAN KEILSON: Mrs. Williams.

25 MEMBER WILLIAMS: For the adjournment.

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CHAIRMAN KEILSON: For.

We'll reconvene in five minutes to the matter
of Goldner.

(Whereupon, the hearing concluded at
9:00 p.m.)

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

Mary Benci
MARY BENCI, RPR
Court Reporter

1 INCORPORATED VILLAGE OF LAWRENCE

2 BOARD OF APPEALS

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

7
8 September 15, 2010
9 9:00 p.m.

10 APPLICATION:

11 Goldner
12 22 Herrick Drive
13 Lawrence, New York

14 P R E S E N T:

15 MR. LLOYD KEILSON
16 Chairman

17 MR. ELLIOT FEIT
18 Member

19 MS. ESTHER WILLIAMS
20 Member

21 MR. LESTER HENNER
22 Member

23 MR. EDWARD GOTTLIEB
24 Member

25 MR. RONALD GOLDMAN, ESQ.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Ladies and gentlemen,
2 Mr. Feit, Mr. Bonesso is raring to go.

3 MR. BONESSO: Good evening, Mr. Chairman,
4 members of the Board. William Bonesso, 333 Earle
5 Ovington Boulevard, Uniondale, New York, here on
6 behalf of the applicant, Ms. Goldner, the owner of
7 premises 22 Herrick Drive in the Village of
8 Lawrence.

9 As the Board is well aware, this site has
10 been the subject of numerous hearings before this
11 Board, and at the last hearing in March of 2010
12 variances were granted to permit a substantial
13 reconstruction and renovation to the proposed
14 house, and in light of those prior hearings I
15 would ask first that the Board incorporate all of
16 the testimony and evidence taken at the hearing in
17 the record this evening.

18 That said, as indicated --

19 MR. GOLDMAN: Has that been granted?

20 CHAIRMAN KEILSON: Yes, certainly.

21 MR. BONESSO: That said, as indicated, the
22 Board heard a lot of testimony, a lot of evidence
23 and took a lot of -- to great pains of the Board.
24 I've read all the transcripts and to the great
25 pains of the Board made a lot of -- put a lot of

1 consideration into the variances that were
2 granted, a number of modifications were made that
3 not only in the look of the house but in the
4 front-yard setback and the height and in the
5 building coverage; and it was ultimately
6 determined by the Board that based on those
7 concessions that the house as proposed and at the
8 March hearing with an additional front-yard
9 setback withdrawal if you will, was appropriate to
10 grant the variances.

11 After that, the applicant went to the Board
12 of Building Review where a further modification
13 was requested and ultimately approved by the Board
14 of Building Design. That was the removal of side
15 dormers on both sides of the house.

16 So thereafter, permits were issued and
17 construction commenced. It had always been
18 indicated that a major renovation was going to be
19 done, that there was going to be a lot taken away
20 with some things to remain; however, and Mr.
21 MacLeod, our architect, is here to provide the
22 details on this. But in doing so and removing the
23 framing, they found that the framing was in poor
24 condition so they received permission to change
25 that out. When they started working on the

1 foundation, they found issue with the foundation;
2 they received permission to remove parts of the
3 foundation. As it happened, at some point or
4 another the entire foundation was removed and that
5 created the problem that we are here to address
6 this evening.

7 That basically changed the legal status of
8 the application from a reconstruction and
9 renovation to a new construction. So technically,
10 what we have here is new construction and we have
11 to come to this Board to ask the Board to confirm
12 the prior variances that were granted to the
13 proposed house.

14 That said, practically speaking, what we are
15 talking about is, if granted, or I should say if
16 the variances are confirmed for the new
17 construction it will result in the same exact
18 house that was ultimately negotiated, and I know
19 that's a word that Mr. Feit doesn't like, but that
20 was ultimately negotiated and approved by the
21 Board after much discussion and after much concern
22 expressed.

23 So we are asking the Board as simply as that
24 to allow the variances that were issued for the
25 reconstruction and rehabilitation to apply to the

1 new construction based upon the fact that the
2 foundation has been removed in its entirety.

3 CHAIRMAN KEILSON: Okay. I think it would be
4 helpful if you itemize the variances that were
5 granted because I think our memories have faded.

6 MR. BONESSO: Okay. A building coverage
7 variance was granted of I believe seven and a half
8 percent, and that was reduced from the original
9 request. I have the record of that here if you
10 would allow me.

11 MR. MACLEOD: Seven percent.

12 MEMBER GOTTLIEB: It doesn't so much matter
13 what was requested originally but what was
14 granted.

15 MR. BONESSO: Right. What was granted --
16 what was granted was a reduction to seven percent
17 for the building area coverage.

18 CHAIRMAN KEILSON: How many square feet is
19 that, if Mr. MacLeod has that?

20 MR. MACLEOD: The square footage of that was
21 2,568.

22 CHAIRMAN KEILSON: No, no, what's the actual
23 overage?

24 MR. BONESSO: Hundred seventy-eight feet,
25 square feet, I think.

1 CHAIRMAN KEILSON: Okay.

2 MR. BONESSO: Then there was the --

3 CHAIRMAN KEILSON: If I may, if my memory
4 serves me correctly, that was because of the front
5 area of renovation because there was some things
6 by right, certain things --

7 MR. BONESSO: Yes. The by-right aspects, the
8 ones that were grandfathered, so to speak, was the
9 side-yard variance or the side-yard condition
10 which was, I think, fourteen feet seven inches; is
11 that correct?

12 CHAIRMAN KEILSON: No, in terms of the
13 building coverage, were there any issues? Was
14 that generated by the front?

15 MR. MACLEOD: If you look at the first page
16 of the recently submitted plans, you will see that
17 there's two plot plans on that page.

18 MEMBER FEIT: Are these the old plans or the
19 new plans?

20 MR. MACLEOD: These are new plans and they
21 have two plot plans because I wanted to show you
22 what you had reviewed before and what is there
23 now. It's exactly the same outline that you're
24 looking at. Except that it will all be built new
25 now whereas the previous version we were trying to

1 maintain at least some of the structure of that
2 middle unshaded section. Not the second new roof,
3 but some of the first-floor structure.

4 CHAIRMAN KEILSON: Okay. So we have 178
5 square feet of overage on the building coverage.

6 MR. BONESSO: That's correct.

7 The height of the then existing building was
8 at 32 feet, and the new proposed house was going
9 to be at 30 feet; albeit because it's a
10 combination roof, a 27-foot was required. And
11 then on the front-yard setback the applicant had
12 come in at the last application requesting one
13 foot nine inches, is it, or 1.9 feet?

14 MR. MACLEOD: We came in and we discussed and
15 agreed to reduce it by one foot in the front, and
16 we ended up with a 22 foot 11-foot setback.

17 MR. BONESSO: So basically, it became a
18 one-foot variance on the front-yard setback.

19 MEMBER FEIT: But it's three feet. But it
20 would be three feet.

21 MEMBER WILLIAMS: Say it again the
22 requirement.

23 MR. BONESSO: He's checking it.

24 MR. MACLEOD: The existing house that was
25 there, or the prior house that was there, had a

1 front-yard setback of 24 feet 11, as shown on the
2 chart. As a result of our presentation and
3 discussions, it was agreed to reduce that to --
4 I'm sorry -- to allow that to be reduced to 22
5 feet 11 as per the chart on page one.

6 CHAIRMAN KEILSON: And the requirement is 30
7 foot.

8 MR. MACLEOD: The requirement is 30 feet in
9 this zone and this area.

10 MEMBER WILLIAMS: That's the front, okay.

11 MR. MACLEOD: Front-yard setback, yes.

12 That was the front yard. The side yard, if
13 we look at the same chart on page one, the left
14 side yard is existing at twelve foot one, that's
15 the driveway side, and there was no change to
16 that. Any new construction was in line with the
17 existing, and that was also illustrated in the
18 proposed; it says twelve foot one on the left side
19 of the existing building.

20 MEMBER WILLIAMS: But the requirement is
21 fifteen feet?

22 MR. MACLEOD: Normally would be fifteen feet
23 with an aggregate of 35. The right side yard
24 which is or was at fourteen foot seven, we
25 requested that to remain at fourteen foot seven,

1 and that was approved in the previous variance.

2 MEMBER WILLIAMS: That would also be fifteen
3 feet?

4 MR. MACLEOD: That should also be fifteen
5 with an aggregate of 35. The rear yard was not an
6 issue because it's required to be 30 and we were
7 proposing 49 foot three. The maximum surface
8 coverage was permitted to be 4,022, and we were
9 proposing 3,975 so it did not need a variance.
10 The height, which was a composite roof with some
11 sloped and some flat area, you did allow that to
12 go to 30 feet.

13 CHAIRMAN KEILSON: Okay, so there are five
14 variances.

15 MR. MACLEOD: Which were previously approved,
16 yes, and we request that those same items be
17 grandfathered forward --

18 CHAIRMAN KEILSON: Confirmed.

19 MR. MACLEOD: -- confirmed as this new house,
20 this new structure will be all new concrete, will
21 be all new frame, it will be exactly the same as
22 the previously submitted set of plans except for
23 the method of construction.

24 MR. BONESO: Mr. MacLeod, can you speak
25 briefly or in as much detail as the Board would

1 like but as to what caused the need for the
2 removal of the foundation.

3 MR. MACLEOD: Okay. Once the building permit
4 was in place, the contractor, Jason Teramo began
5 deconstructing the house, and once it was in that
6 stage it was determined that there was no possible
7 way to save any of the framing in the house. I
8 have some photographs here of the sill plates,
9 the lowest part of the house which was actually in
10 contact with grade. It should normally be at
11 least eight inches above grade to protect it from
12 any water damage. The photographs illustrate that
13 the foundation is on the driveway side was
14 actually level with grade, and because it was a
15 stucco house, water had been seeping in behind the
16 stucco and allowing a very convenient way for
17 termites to totally eat the bottom plate of this
18 bottom plate and rim joist and the end of the
19 floor joist of this house which these photographs
20 illustrate. It was so soft that you could take
21 handfuls of it and take it apart with your hand.

22 MR. GOLDMAN: You're submitting those as
23 Applicant's 1, 2 and 3?

24 MR. MACLEOD: That was the wood framed part
25 of it, some of which we were going to use in the

1 first prior approved set of plans.

2 We discussed this with the Building
3 Department and it was considered on-site that it
4 was necessary to remove all of the wood framing.
5 Once that was removed and we now had a fully
6 exposed foundation, we were also able to see that
7 the right-hand side of the foundation was not only
8 below grade, the driveway side was level with
9 grade in allowing water in, but the right-hand
10 side was as much as a foot below grade and any
11 sort of new foundation placed on top of that would
12 have created what is referred to as a cold joint
13 and below grade where water could seep into the
14 foundation and do further damage to the house.

15 So at a site meeting on a couple of occasions
16 we reviewed this, the builder reviewed it with the
17 town officials, and at that time it was agreed
18 that it would be wise to remove this old
19 foundation which was not -- a good portion of the
20 old foundation was being removed as per the
21 building permit anyway. The only portion that was
22 being retained was a crawlspace in the front right
23 corner and the chimney, the original chimney base,
24 part of which needed to be underpinned and in fact
25 had been underpinned at that time by the builder

1 with the intent of going forward. But then when
2 this was carefully examined and considered what
3 was the best thing to do for this house it was
4 determined that it was best to remove all of this
5 old foundation and do a totally new foundation in
6 its place.

7 CHAIRMAN KEILSON: Were you a party to any of
8 those conversations?

9 MR. MACLEOD: Yes, I was.

10 CHAIRMAN KEILSON: With the Village?

11 MR. MACLEOD: I discussed on the phone, I
12 believe, with Gerry Castro; we had a three-way
13 conversation with the builder and Gerry and myself
14 trying to figure out certain things of setbacks
15 and determining the right-hand side fourteen foot
16 seven, and after that I think I did also have a
17 conversation with Mr. Ryder discussing the whole
18 concept of removal. At that time it didn't seem
19 to be a problem. It just seemed to make sense and
20 be a wise thing to do being that there wasn't much
21 left of the old foundation in any case. It was
22 only a few days after that that it came to light
23 that now we have a separate legal issue and the
24 whole case had to be revisited.

25 MEMBER WILLIAMS: You were not aware from a

1 professional point of view that that would be
2 required?

3 MR. MACLEOD: It wasn't a question of being
4 aware. It was a question of finding site
5 conditions which dictated that it needed to be
6 done.

7 MEMBER WILLIAMS: I'm not following.

8 MR. MACLEOD: That the conditions of the
9 concrete foundation --

10 MEMBER WILLIAMS: I understand. We all agree
11 it needed to be done and needed to be taken down.
12 I'm not following what happened at that point, why
13 you or somebody professionally didn't know what
14 the next step was.

15 MR. BONESO: I think, plainly, you didn't
16 know that the removal of the entire foundation
17 would then trigger the need to come back to the
18 Board?

19 MEMBER WILLIAMS: That's all I'm saying.

20 MR. MACLEOD: That's correct.

21 MEMBER WILLIAMS: You have definitely proven
22 that it needed to be done.

23 MR. MACLEOD: And in other cases recently
24 approved and passed through by the Building
25 Department this thing happened with no

1 ramifications.

2 MR. GOLDMAN: Did it trigger the requirement
3 for an architect's plan or some kind of paperwork?

4 MR. MACLEOD: Yes, it did. At that point
5 Mr. Ryder requested for this house requested a new
6 foundation plan showing new concrete which I
7 believe was somewhere in the file and was
8 submitted, and then it was after that I think when
9 time was -- had enough to consider what this
10 really meant from a town perspective, that then we
11 were informed that it now needed to be
12 reconsidered.

13 Having said that, you know, this situation
14 had occurred at least with myself with two other
15 recent projects which were allowed to go through
16 without any resubmission or --

17 MEMBER WILLIAMS: That's irrelevant.

18 MR. BONESSO: That's irrelevant. The bottom
19 line is this occurred. It made it from a
20 technical standpoint, a legal standpoint, new
21 construction and it triggered the need to come
22 back to the Board.

23 MEMBER FEIT: Mr. Bonesso, on a legal point,
24 you said the reason that it's now deemed new
25 construction is because the foundation was taken

1 out, but aren't Village rules that if you take
2 down more than 50 percent of a house it's
3 considered new construction and you have to come
4 back, not only removing the foundation --

5 MR. MACLEOD: I don't believe that's part of
6 Village Code.

7 MR. BONESSO: In fact, I think there was
8 never really any -- I don't think there was ever
9 any hint or indication or inference that there was
10 not going to be more than 50 percent removed. I
11 know that, again, in reading the transcripts as
12 the application was described to the Board over
13 time it was going to be a substantial
14 modification, and as Mr. MacLeod said, they were
15 hoping to keep a portion of the first floor and
16 some of the foundation, but it was never, I
17 believe, indicated that there was going to be more
18 than 50 percent of the building.

19 MEMBER FEIT: But after the problem was
20 discovered, after the termites were discovered,
21 which, by the way, parenthetically, I don't know
22 why it wasn't picked up on the pre-contract
23 inspection and why Mr. Teramo who is a local
24 architect when he ripped apart the first floor of
25 the house without a permit didn't see that there

1 were major termite problems.

2 But leaving that on the side, once it was
3 determined that because of the termites the house
4 had to come down, at that point once the house
5 came down, forgetting the foundation alone, that
6 would now become new construction because the
7 house is completely taken down.

8 CHAIRMAN KEILSON: Mr. Feit, that's not the
9 case.

10 MEMBER FEIT: That's what I'm trying to find
11 out.

12 MR. GOLDMAN: Nonetheless, counsel has
13 conceded apparently -- well, not conceded, but
14 certainly it's taken now for granted that this is
15 in fact a new construction. Is it your position
16 that what's before this Board, is that assuming
17 it's new construction, forget whatever happened,
18 that you're now essentially coming back for a
19 variance, five variances that coincidentally
20 happened to have been variances that were granted
21 on a prior occasion?

22 MR. BONESSO: Precisely.

23 MR. GOLDMAN: But that nonetheless are still
24 as valid today as if they -- as they were then, or
25 as if they didn't exist before they're nonetheless

1 valid today and that's why you made the prior
2 record part of the record tonight?

3 MR. BONESSO: Precisely.

4 From a legal standpoint, what we have here
5 are variances that were granted as a result of the
6 Board's review and consideration of the
7 applicant's needs and the community's concerns,
8 and now the only change in circumstances that has
9 taken place, the only material change is the
10 status of the construction from reconstruction to
11 new construction.

12 Aside from that, the lot has not changed, the
13 area character has not changed. The needs of the
14 client has not changed. So consequently, we feel
15 that they are certainly appropriately confirmed.

16 CHAIRMAN KEILSON: But it has to be
17 recognized that had the party approached with the
18 presentation that we're knocking down the house
19 and facing new construction, we would have perhaps
20 viewed those variances in a totally different
21 light. The consideration of those variances was a
22 byproduct of an existing condition in terms of an
23 existing house.

24 Now, circumstances have intervened to create
25 an unfortunate situation where slowly but surely

1 the house is gone, slowly but surely the
2 foundation is gone. So there's some element of
3 equity that we want to consider in terms of the
4 unfortunate situation that the applicant has gone
5 through and the long time that has passed and a
6 lot of expense has been expended on her part, and
7 I guess that would be one of the aspects for the
8 Board to consider under these circumstances. If
9 you approach this as a totally new construction
10 with this variance we really have to analyze each
11 variance and assess the validity and
12 worthwhileness of the variance.

13 MR. BONESSO: Agreed.

14 MEMBER HENNER: Can I ask a question.

15 There was a fellow here, I think you were
16 here, and his name was Frankel. I never met him
17 or heard him before, and I don't know if he was an
18 expert, but it sounded like he was an expert.

19 CHAIRMAN KEILSON: He's not an expert.

20 MEMBER HENNER: But whatever. He made a
21 comment that nobody really disagreed with to the
22 effect of if you're starting from scratch, it's
23 more economical, you can build what you want, all
24 the rest and you're better off. Am I correct, is
25 it essentially that?

1 CHAIRMAN KEILSON: Absolutely.

2 MEMBER HENNER: My question is since by some
3 set of circumstances you are now starting from
4 scratch, okay, and according to him that's the
5 best way to be going, why is it that if you're
6 starting from scratch and you can build what you
7 need to do or build what you want, why can't you
8 just build something within the code? Why do you
9 need a variance at all? What's the hardship?

10 CHAIRMAN KEILSON: Or let me modify that with
11 the blessing of Mr. Henner. Assuming that you
12 would approach the project as a new project, it
13 could be you want some variances, but maybe not
14 the same variances.

15 MEMBER HENNER: Either way, why can't you
16 build within the code since you can start from
17 scratch?

18 MR. MACLEOD: It would be a much smaller
19 house.

20 MEMBER HENNER: How much smaller?

21 MR. MACLEOD: Seven percent smaller.

22 MEMBER HENNER: Didn't you say it was 170
23 feet?

24 MR. MACLEOD: Hundred seventy feet, and you
25 would still require by today's code which was put

1 in place fifteen years ago, you would still
2 require setbacks, height setbacks, ratios,
3 side-yard setbacks, front-yard setbacks. There is
4 actually a pool in the back of this house if you
5 look at the site plan, and that would restrict --

6 MEMBER HENNER: I understand.

7 MR. MACLEOD: -- positioning further back
8 from the street.

9 MEMBER HENNER: Assuming everything you're
10 saying, so what's the hardship? I don't know how
11 many people live there. I'm not familiar. Is it
12 ten people, three people, five people, eight
13 people? What are we talking about?

14 MR. BONESSO: Three people.

15 MEMBER HENNER: So for three people what's
16 the hardship to build within 170 feet less?
17 What's the answer to that? I don't get that.

18 MR. BONESSO: It's not just -- as Mr. MacLeod
19 indicated, it's not just 170 feet less, it affects
20 other aspects of the house. But the hardship is
21 as Mr. Keilson touched upon a few moments ago.
22 The hardship is that this application was approved
23 in the condition or based upon the parameters that
24 are now outlined and due to, again as
25 characterized by Mr. Keilson, due to an

1 unfortunate circumstance, and certainly, it's not
2 something that we wanted to do, it's not something
3 -- it's not a position that we wanted to put
4 ourselves in. It was a mistake. But --

5 MEMBER HENNER: I'm sorry, what was a
6 mistake?

7 MR. BONESSO: The removal of the foundation
8 that resulted in the characterization of this as
9 new construction that brought us back here.

10 MEMBER HENNER: But the demolition of the
11 entire house was not a mistake, I assume.

12 MR. BONESSO: No, not a negligent mistake,
13 certainly not.

14 MEMBER HENNER: The demolition of the whole
15 house was not a mistake?

16 MR. MACLEOD: Nothing was a mistake. It was
17 all done with --

18 MEMBER HENNER: I'm just quoting.

19 MR. MACLEOD: It was done as a result of
20 circumstances and finding the termite damage, the
21 water damage and the proximity and condition of
22 the foundation, so it was not a mistake due to
23 that. It resulted in these circumstances that
24 we're dealing with now, but it was an unfortunate
25 finding.

1 MR. GOLDMAN: Wouldn't you say though when a
2 person comes to a Board for a variance, maybe I'm
3 missing something, you're trying to work around an
4 existing situation and saying I have to make
5 accommodations to something that unfortunately
6 I've inherited, if you will. When you're
7 starting, however, from with a clean slate,
8 aren't you essentially asking for variances, or
9 are you just saying, hey, I got a blank slate here
10 but I want to fill it, not because I have to fill
11 it a certain way, but because I want to fill it a
12 certain way? And doesn't that sort of change the
13 thrust of how the Board should do it?

14 MR. MACLEOD: It does, but we didn't start
15 off with an empty lot here. We started off with
16 the intent of extending the existing house, which
17 we've already reviewed and complied with all the
18 Village's requirements.

19 MEMBER FEIT: But you have an empty lot now.
20 Whatever the reasons, we are now dealing with an
21 empty lot. And by the way, it appears to me from
22 what you indicated, you have plenty of room in the
23 back to expand the house, because I think you said
24 you're leaving 49 feet, when it's only requested
25 30. So I hear about 19 feet additional in the

1 back that could be built.

2 MR. MACLEOD: As I mentioned, there's a
3 concrete swimming pool in the backyard which we
4 are staying away from for structural and usage
5 reasons.

6 MEMBER FEIT: What's the distance between the
7 pool and the foundation?

8 MR. MACLEOD: I believe we kept it at least
9 seven to eight feet away from the foundation.

10 MEMBER FEIT: No, right now is the pool seven
11 feet away from the current foundation?

12 MR. MACLEOD: The pool is currently about
13 fourteen feet away from the -- from the existing
14 -- well, the old foundation.

15 MEMBER FEIT: So you have at least, I would
16 think, knowing I think the pool requirement is
17 something like six or eight feet, you have at
18 least four to six feet that you can build in the
19 back comfortably to accommodate the square footage
20 that you're talking about. Can the benefits being
21 sought by the applicant be achieved by some method
22 other than a variance? So if the house was
23 redesigned -- because you have no choice at this
24 point, you've got an empty lot, they'd be using a
25 blank slate. You have an empty lot for whatever

1 reason it is. Why can't we see plans or the
2 Building Department see plans within the building
3 code? And that's the question. Let's forget
4 about the past.

5 MR. GOLDMAN: What is it you need that you
6 can't get by building according to the code?
7 That's what you're asking this Board.

8 MEMBER FEIT: Yeah, yeah.

9 MR. GOLDMAN: What is it you need that you
10 can't have if you went by the code as of right?

11 MR. BONESSO: I think where we are at the
12 present time is we have come so far with the
13 present plans and those plans were modified not
14 only from bulk perspectives, but from design
15 perspectives. Originally, the applicant did not
16 want to build a Tudor style home, but ultimately
17 that was what was agreed to, and construction
18 drawings have been prepared for that, the design
19 has been altered to accommodate that.

20 MEMBER WILLIAMS: Just one second.
21 Originally, I wanted to build Buckingham Palace,
22 but I couldn't. I find that a little bit
23 problematic. What she wants may have nothing to
24 do with reality and what was allowed. You know,
25 that has nothing to do with anything.

1 MR. BONESSO: I understand your point and I'm
2 not saying there is an entitlement here. I
3 understand what you said at the last hearing, and
4 believe me, don't take it the wrong way, but what
5 I'm saying is that the accommodation that was made
6 from a design perspective went along with the
7 location and bulk of the house.

8 Now, if the applicant was to build completely
9 in accordance with the code and only -- and only
10 -- and request no variances or lesser variances,
11 my guess is that the applicant would not do a
12 Tudor style house since she didn't want to do one
13 in the first place, and I think that would
14 actually be a detriment to the community because
15 based on the concerns and desires of the community
16 they would like to see a Tudor style house.

17 So consequently, I think in light of coming
18 this far in the process and in light of the
19 approvals that were granted before, as much as,
20 yes, we're working with a quote-unquote clean
21 slate, it's hard to actually call that a clean
22 slate when you take fairness into account. The
23 applicant has already expended large sums of money
24 on the design, on the construction plans, and the
25 Board has determined that the house that we're

1 still willing to build and, you know, exactly as
2 the Board had required and as the Board of
3 Building Design had required that that was
4 appropriate for the community. So consequently,
5 that's what we're asking be confirmed.

6 MEMBER FEIT: Except where we're dealing here
7 with a clean slate, would not brand-new plans have
8 to be drawn up? I don't see how you can use all
9 the old plans. You're building a new frame.
10 Everything has to be redrawn in order to
11 accommodate current codes, building design,
12 angles. We're not just renovating. We're putting
13 up a brand-new building which I think would
14 require brand-new plans; and additionally,
15 regarding the Tudor you've still got to go through
16 Building Design.

17 MR. MACLEOD: Mr. Feit, the plans have
18 already been amended, and actually, they are the
19 plans in front of you.

20 MEMBER FEIT: The construction plans?

21 MR. BONESSO: Yeah.

22 CHAIRMAN KEILSON: Any other questions from
23 the Board at this time?

24 MEMBER GOTTLIEB: It just seems to me that,
25 doing some simple math, you have an 80-foot

1 frontage and you have a 35-foot side-yard setback
2 as required, so you can build a 45-foot wide house
3 53 deep gives you without excessive building
4 coverage you could have about a 7,000-foot house.
5 I don't know what is here that you couldn't build
6 within 7,000 feet provided you got new plans. And
7 I'm not saying take something off a shelf that's
8 already built.

9 MR. MACLEOD: I can't really agree with those
10 numbers. The permitted building coverage for this
11 lot is 2,400 square feet.

12 MEMBER GOTTLIEB: Right.

13 MR. MACLEOD: So two times that is 48, not
14 7,000.

15 MEMBER GOTTLIEB: Well, you have a very
16 well-finished basement, as I recall. These plans
17 are very small and my eyes are not as strong as
18 they used to be so I can't really read the
19 numbers.

20 MEMBER FEIT: If you figure in the basement
21 you have over 7,000 square feet.

22 MEMBER GOTTLIEB: You know, this is not an
23 unfinished cellar, this is a finished basement,
24 and if I remember right it had an exercise room, a
25 computer room, a bathroom, bedroom, or as my

1 partner to the left says, 4,800 feet would still
2 be a pretty reasonably well-sized house.

3 Mr. Bonesso, we had to work with the way the
4 house was before, as Mr. Keilson told you. There
5 were -- it's kind of a quirky kind of a house the
6 way it was with nooks and crannies, door on one
7 side and narrow driveway on the other side, and it
8 is a little bit too far to the front to other
9 people's liking. This way if you do it to code
10 you can still build a pretty amazing house on an
11 80 by 120 without too much encroachment.

12 MR. BONESSO: I understand what you're
13 saying, Mr. Gottlieb, and I think as far as the
14 grandfathered reliefs were concerned that are now
15 no longer grandfathered, I can see your points
16 there, but as far as the rest of the house that
17 was being considered, the Board had significantly
18 tailored the house to address the concerns that it
19 had and that the community had, and as such at
20 least those items, the front-yard setback, the
21 height and the bulk --

22 MEMBER WILLIAMS: But they were tailored for
23 a house that was technically in existence.

24 MR. BONESSO: But it was a significant
25 reconstruction that nobody was under the

1 impression that it was going to -- that it wasn't
2 going to be basically taken down to the ground and
3 rebuilt entirely. So over four hearings, or three
4 hearings and one adjournment, this had been
5 considered, this had been tailored, and these
6 items had been addressed.

7 CHAIRMAN KEILSON: I don't think we really
8 focused on the take-down, truthfully. We were
9 working on the existing structure. At least from
10 my perspective, I didn't focus on the fact that
11 there would be a tear-down to any great
12 consequence.

13 MEMBER WILLIAMS: I would like to first
14 reiterate that the first couple of meetings were
15 just to get this into a normal scale. Those were
16 totally offensive. We were being asked for
17 something that was outrageous.

18 MR. MACLEOD: Excuse me. Could you describe
19 what you're referring to.

20 MEMBER WILLIAMS: The first request they did
21 was just really not in line with what existed
22 there. So first we had to get down to a number
23 that these numbers are really much more
24 reasonable; I agree with you on that. But that's
25 what the request should have been to begin with,

1 between you and me.

2 MR. MACLEOD: I think you're referring to
3 this design, and actually the footprint is the
4 same as what we have here. We kept the footprint.
5 We might have reduced the numbers by about 100
6 square feet, so we did reduce it slightly and we
7 did change the design from this to this, but we
8 did do substantial, and we flipped around the
9 layout inside to accommodate the neighbors'
10 concerns, and so we did do a substantial amount of
11 rework.

12 MEMBER WILLIAMS: Originally, you were
13 requesting what was -- well, it's really
14 irrelevant; this is a ridiculous conversation.

15 CHAIRMAN KEILSON: I'd like to --

16 MEMBER WILLIAMS: You were asking fifteen
17 percent, coming down to seven percent.

18 CHAIRMAN KEILSON: I would like to invite
19 comments from the audience. Anyone who would like
20 to, please step forward and identify yourself.

21 MR. PHILIPSON: Aaron Philipson, I live at
22 20 Herrick Drive, next door.

23 CHAIRMAN KEILSON: To the left?

24 MR. PHILIPSON: That's to the left,
25 20 Herrick Drive. I consider Mrs. Goldner and her

1 children to be friends, quote-unquote.

2 I'm very confused as to what went on from the
3 last hearing. When we left in March, it seemed
4 that we -- as you said before, we all agreed that
5 this was going to be a renovation, and then one
6 day I came home and the house was gone.
7 Literally, in one day.

8 And then there were other issues that
9 Mrs. Goldner told me about, about termites, and
10 then the foundation was gone. Now, I'm not an
11 expert on termites, but I don't think that
12 termites eat through concrete.

13 CHAIRMAN KEILSON: That was already
14 addressed, but to reiterate, there were some
15 issues of floors in the foundation which required
16 it to be removed. There was a discussion with the
17 Building Department, and the consensus was to
18 remove the foundation.

19 MR. PHILIPSON: But it seems now four months
20 -- six months have gone by, I look out every
21 morning to a hole, basically, and it seems to me
22 what you said is relevant, that we're back to
23 square one, that we need to start over again. I
24 mean, there is a lot there, an empty lot, and it
25 seems like all bets are off now to me.

1 CHAIRMAN KEILSON: Okay.

2 MEMBER FEIT: Mr. Ryder, can I ask you a
3 question?

4 CHAIRMAN KEILSON: Let's continue with the
5 audience. Please step forward.

6 MS. KLEIN: Good evening. My name is Annette
7 Klein. I live at 24 Herrick Drive.

8 CHAIRMAN KEILSON: You're to the right of the
9 property?

10 MS. KLEIN: Right, yes.

11 Miss Goldner is now doing new construction.
12 Why can't she build as per code and law like
13 everyone does? Is she any different than any
14 other people in the Village? When someone has new
15 construction they should have new plans.

16 She is dealing with a clean slate, not an
17 irregular size property. This is no hardship at
18 the present time. The code and law is fifteen
19 feet on the side and 30 feet frontage. Why does
20 she need variances if the code clearly states that
21 what the parameters are needed. What was the
22 purpose of stopping construction when she's coming
23 back with the same old plans?

24 At present time on the right side as per her
25 so-called new construction plans there should be

1 fourteen feet seven inches between the properties.
2 Instead, her contractor only left twelve feet on
3 the right side. They are not following the plans.

4 The front of the house should be in line with
5 the rest of the other houses on the block. She
6 chose this piece of property. If it did not meet
7 her needs, she should have bought a larger piece
8 of property.

9 As Mr. Keilson said at the last Board
10 meeting: This is not Borough Park; we will be
11 watching you.

12 Apparently, Miss Goldner has disregarded this
13 statement. I am entitled to my privacy, air space
14 and sunlight. Again, this is not Borough Park
15 where one house is on top of the other. This is
16 not the first time Mrs. Goldner was shut down. I
17 have a picture where her contractors completely
18 gutted the house. What was the purpose of that
19 when she knocked down the whole house? And if you
20 like, here's a picture of it.

21 MR. GOLDMAN: Is that attached to a prior
22 letter?

23 MS. KLEIN: Excuse me?

24 MR. GOLDMAN: Is that the --

25 MS. KLEIN: Yes, that's the ticket.

1 MR. GOLDMAN: That was made part of the
2 record.

3 CHAIRMAN KEILSON: Made part of the record
4 already, yes.

5 MS. KLEIN: Okay. This is not the first time
6 Miss Goldner was shut down. I have a picture
7 where her contractors completely gutted the house.
8 What was the purpose of that when she knocked down
9 the whole house?

10 Miss Goldner's parents came to my husband's
11 store and started to threaten him. Mr. Kahan
12 (phonetic), her father, stated that he will be
13 suing us and --

14 CHAIRMAN KEILSON: Ms. Klein, I'd like to not
15 get into that.

16 MS. KLEIN: Okay, then I'll go further.

17 Her mother also mentioned that the Village
18 will let her daughter build her big house. How is
19 she privy to such information? There were
20 witnesses, Mrs. Bluma Klein and Atti Klein. This
21 is not the Wild West. I refuse to play cowboys
22 and Indians. I also was threatened at the Village
23 -- I'll stop. I have a case number, okay.

24 I am asking for fifteen feet on the right
25 side between the properties, which by law I am

1 entitled to.

2 If Miss Goldner is granted permission to do
3 what she pleases, she will be setting a precedent
4 for the whole neighborhood. I have been living in
5 Lawrence for 22 years and enjoy living here. I
6 will have a hardship if she is allowed to do as
7 she pleases.

8 Thank you. Annette and Larry Klein.

9 CHAIRMAN KEILSON: Thank you very much. I
10 think the only thing I want to comment on,
11 Mr. Bonesso, since you read the transcript, I
12 never mentioned anything about Borough Park.

13 MS. KLEIN: In the last Board meeting you
14 did.

15 MEMBER FEIT: You did.

16 CHAIRMAN KEILSON: Let's see if there's
17 anybody else who wants to speak from the audience.

18 All right, Mr. Feit.

19 MEMBER FEIT: Mr. Ryder, when the house was
20 taken down, was it --

21 MR. GOLDMAN: If I might, I hate to impose,
22 but it's late.

23 MEMBER FEIT: -- was a demolition permit
24 issued when the house came down or not, as
25 required by law?

1 MR. RYDER: After the fact we received it.

2 MEMBER FEIT: So now we have, from what I
3 understand, the contractor Mr. Teramo who is very
4 active in the Five Towns and has family active in
5 Cedarhurst in the Building Department and Zoning
6 Board, coming in, tearing apart the first floor
7 without getting a permit, and now taking down the
8 house knowing full well that he needed a
9 demolition permit, and just doing it and then
10 coming to us after the fact. I mean, I don't know
11 why all these people are not following the law.

12 MR. TERAMO: Not true.

13 MR. BONESSO: Can Mr. Teramo respond.

14 MR. TERAMO: Jason Teramo, 427 Fifth Avenue,
15 Cedarhurst. JCJ General Contracting.

16 I gave the Building Department a call when I
17 started gutting the inside of the house, and I
18 asked the Building Department do I need a permit
19 to gut the inside of the house because at that
20 time it was the intentions to do a renovation,
21 take part of the house down, not take the first
22 floor deck down.

23 Okay, I started. Then I was asked, because
24 of complaints of neighbors, to come in and get a
25 demo permit. I did so. I took a demo permit out

1 for the gutting of the inside of the house, and at
2 that time I was told when it comes down -- because
3 if it came down the whole house you have to amend
4 the permit to taking the whole house down. I went
5 then and amended the permit for a demo permit for
6 taking the house down, except for parts of the
7 foundation.

8 The foundation was saw-cutted, saved,
9 underpinned and everything according to that
10 drawing with reference to the drawing and what to
11 do. So I did not go in as Jason Teramo from the
12 Five Towns trustee/tax assessor. I know the laws.
13 Okay, I did not go in; I made calls all the time
14 about what I was supposed to do, and I was
15 instructed I didn't need to get a demo permit to
16 gut a house, and if you check probably the laws of
17 the Village, you probably don't; if you're not
18 going to take the entire structure, you can gut
19 the inside of the house. Okay, so I did not do
20 any of those things you said, first of all.

21 MEMBER FEIT: Well, apparently, there's a
22 difference in what Mr. Ryder told me, that the
23 demolition permit for the whole house was issued
24 after the fact.

25 MR. TERAMO: Not after the fact of the -- no,

1 not after the fact of the machine coming in and
2 taking the whole house down.

3 MR. RYDER: There's a little discrepancy in
4 the story, but I don't know if this is the place
5 to get into it.

6 CHAIRMAN KEILSON: I'm not sure how relevant
7 it is.

8 MEMBER GOTTLIEB: I think we can agree that
9 we can move forward.

10 MR. GOLDMAN: Mr. Chairman, I assume you're
11 moving forward then. Let's focus back.

12 The application now before this Board is for
13 the granting of five variances; is that correct?
14 Maybe I have the number wrong, but five variances.

15 MR. BONESSO: I believe that, and I was just
16 speaking to Mr. MacLeod, with regard to the
17 quote-unquote grandfathered variances relating to
18 -- Mrs. Klein, is it?

19 MS. KLEIN: Yes.

20 MR. BONESSO: -- Mrs. Klein's property, the
21 fourteen foot seven, we would be prepared to
22 relocate the house to provide the required setback
23 there, the 15-foot setback there. Additionally,
24 as much as I recognize what the Board is saying
25 with regard --

1 MEMBER WILLIAMS: Let me understand
2 something.

3 CHAIRMAN KEILSON: The right side.

4 MEMBER WILLIAMS: If you do the right side,
5 how does that affect the left side, or you're
6 cutting it down?

7 MR. BONESSO: It doesn't affect the left
8 side. We would just cut it down.

9 On the issue of the pool, I know Mr. Feit
10 said that there's a significant space between the
11 house and the pool. However, that is the deep end
12 of the pool is adjacent to the house at that point
13 and we could probably only move, I'm told,
14 approximately --

15 MR. MACLEOD: I really would not want to move
16 any closer than the seven or eight feet that I
17 have there now. We're going to be putting in a
18 full deck foundation, the ground would be
19 disturbed next to the existing concrete foundation
20 of the pool.

21 MEMBER FEIT: Can I interrupt. I thought we
22 said that there was a fourteen-foot distance
23 between the current foundation and the pool.

24 MR. MACLEOD: Between the house that's no
25 longer there. But if you look at the plan, the

1 approved plan has a rear addition which already
2 projects towards the existing swimming pool. If
3 you look on the --

4 MEMBER FEIT: What page?

5 MR. MACLEOD: -- first page.

6 MR. RYDER: The bump-out.

7 MR. MACLEOD: Look at the left-hand plot
8 plan. Do you see the shaded area?

9 MEMBER FEIT: Yeah. Pardon me, I didn't
10 bring my glasses. Where is the pool?

11 MR. MACLEOD: That's it, right behind it.

12 MEMBER FEIT: This bump-out was supposed to
13 be new construction; am I right?

14 MR. MACLEOD: That is correct.

15 MEMBER GOTTLIEB: What page are you on?

16 MEMBER FEIT: First page, plot plan on the
17 left.

18 MR. MACLEOD: It was outside the line of the
19 existing foundation.

20 MEMBER FEIT: But now you have to put in a
21 whole new foundation anyway.

22 MR. MACLEOD: Correct.

23 MR. BONESO: Right. But if we move it back
24 further it will encroach upon that pool.

25 MR. MACLEOD: Also, you know, the fact that

1 CHAIRMAN KEILSON: Fine. Let's talk about
2 the front yard. We have a 30-foot requirement.
3 You're seeking 22/11 as opposed to what had been
4 existing, 24/11. In general, the homes on the
5 block, do you have any sense of where the homes on
6 the block --

7 MR. MACLEOD: This is very much in align with
8 what is up and down the street; in fact, some
9 houses are as close as fifteen feet.

10 MEMBER WILLIAMS: Is that true?

11 MR. RYDER: Yes, that's true, that's
12 accurate.

13 MEMBER WILLIAMS: The two houses on the two
14 sides.

15 MR. MACLEOD: In fact, I got a variance on a
16 house for fifteen feet.

17 MEMBER WILLIAMS: The two houses on the two
18 sides, what are they?

19 MR. MACLEOD: Left and right are very much in
20 line with these numbers that we're discussing.

21 MEMBER WILLIAMS: With 22 feet.

22 MR. MACLEOD: Yes.

23 MEMBER GOTTLIEB: However, if the house is
24 L-shaped and only a portion of the house is at a
25 shorter distance and then it goes back as in the

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1 previous application.

2 MR. MACLEOD: No, they are -- this house
3 which was there before with a staggered front is
4 not typical of the houses up and down the street;
5 it was an unusual footprint.

6 MEMBER GOTTLIEB: The houses left and right
7 are not staggered. Also, I'm thinking that
8 they're all built by the same builder. The
9 homeowners are here. We can ask them.

10 MS. KLEIN: Can I interrupt? Can I
11 interrupt?

12 CHAIRMAN KEILSON: Can we ask a question of
13 Mrs. Klein; she's the neighbor to the right.

14 MS. KLEIN: Some of -- excuse me. They're
15 all staggered back. This house will be
16 protruding, that's what I mentioned, blocking my
17 sunlight, my air space, everything. It will be
18 further out. She's coming out too much.

19 CHAIRMAN KEILSON: At the 24 foot 11 that's
20 been existing for the last fifty years.

21 MS. KLEIN: Yeah, but that house, the
22 previous house, it went in and out like mine, the
23 same frontage. It goes -- the front part of it
24 protrudes and then the second half goes in. It's
25 not straight; it was never straight.

1 CHAIRMAN KEILSON: If we have to go back to
2 the 24 foot 11, the 24 foot 11 that was
3 pre-existing.

4 MS. KLEIN: Excuse me. One other comment,
5 I'm sorry. One other comment.

6 CHAIRMAN KEILSON: Hold it, Mrs. Klein.

7 MS. KLEIN: Okay.

8 MR. BONESSO: If I may have a moment.

9 CHAIRMAN KEILSON: Sure.

10 MS. KLEIN: Can I say something in the
11 meantime?

12 CHAIRMAN KEILSON: Okay, Mrs. Klein.

13 MS. KLEIN: The hole at present time is huge.
14 It's not according to the plans as submitted; it
15 is tremendous.

16 CHAIRMAN KEILSON: Mrs. Klein, it's a hole.

17 MR. TERAMO: It's a hole cut for safety. We
18 don't put the foundation against the dirt.

19 MS. KLEIN: Even the gentleman came from the
20 Village; it's too far back.

21 CHAIRMAN KEILSON: Mrs. Klein, that's it.

22 MR. BONESSO: Mr. Chairman, I'm just
23 discussing with Mr. MacLeod what we can do in
24 terms of the setback.

25 MR. MACLEOD: Okay. What we are proposing,

1 as we do have the opportunity at this time as
2 there is no foundation in the ground, we could
3 position it a little bit closer away from the
4 street, maybe one foot closer, and in the back
5 that would put us one foot closer to the existing
6 swimming pool. I can perhaps adjust slightly the
7 bay window there which would make it only
8 incrementally maybe six inches closer to the pool.
9 So I'm saying move the house one foot further away
10 from the curb.

11 MEMBER WILLIAMS: But you're not changing the
12 footprint, you're just moving it.

13 MR. BONESSO: But for perhaps the bowed
14 window in the back.

15 MR. MACLEOD: The bay window in the back we
16 might change the angle of that bay so we still
17 stay a safe distance away from the swimming pool.

18 MEMBER GOTTLIEB: No, you're missing the
19 point here. What does it cost to put a new pool
20 in?

21 MR. MACLEOD: A new swimming pool, gunite
22 swimming pool, about 30 to 40,000.

23 MS. GOLDNER: No, no. I had a guy come on
24 that.

25 MEMBER FEIT: Is there a gunite pool there

1 now?

2 MS. GOLDNER: To remove the pool would be
3 about fifteen; to put in gunite itself would be
4 about 75.

5 MEMBER GOTTLIEB: The pool that's there now
6 is gunite or vinyl?

7 MS. GOLDNER: Gunite.

8 MEMBER GOTTLIEB: I was heading with the same
9 as the last. If it's a matter of practical
10 impossibility to meet code and it's a matter of
11 moving the pool, well, what is the cost. The cost
12 versus practice or cost versus law; code, rather.

13 CHAIRMAN KEILSON: The other encroachment you
14 have is on the side yard left which is consistent
15 with the pre-existing one; is that correct?

16 MR. BONESSO: That is correct.

17 CHAIRMAN KEILSON: Except that you have the
18 additional 178 feet or a portion thereof filling
19 in on the front left.

20 MR. MACLEOD: Squaring out the house, yes.

21 MR. BONESSO: Correct.

22 CHAIRMAN KEILSON: Mr. Levine, you wanted to
23 say something?

24 MR. LEVINE: Same comment I had.

25 MR. GOLDMAN: Mr. Levine, you have to come

1 forward.

2 MR. LEVINE: Mike Levine, 25 Causeway. I'm
3 the direct backyard neighbor to Mrs. Goldner's
4 piece of property. My comments are on the record
5 from prior meetings. I'm concerned about the
6 height variance. I also have a swimming pool in
7 the back. I'm concerned about my air and
8 sunlight, and that hasn't changed; I have the same
9 concerns that I had then.

10 MEMBER HENNER: I wasn't here that time. I
11 wouldn't mind hearing it.

12 MR. LEVINE: Okay. I have a swimming pool in
13 the backyard. They now have a different type of
14 roof, Tudor roof, being squared off and set up to
15 33 feet or 30 feet. Twenty-seven feet is allowed
16 and it's going to affect my sunlight.

17 MEMBER HENNER: What was the height before;
18 do you know?

19 MR. MACLEOD: Thirty-two feet eight.

20 MR. LEVINE: But a different type of sunlight
21 came through. This was set back. That was my
22 concern, still a concern.

23 MR. BONESSO: We're also, as indicated, 49
24 feet from that rear yard. If we built to code we
25 could be much closer, and a 27-foot high roof

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1 would have probably more of an impact on his light
2 and air, which was why the 49-foot setback was
3 something that was beneficial to the neighbor to
4 the rear.

5 MR. MACLEOD: Assuming your pool is compliant
6 with code with the 20-foot setback.

7 MR. LEVINE: It absolutely is.

8 MR. MACLEOD: So that would put us 20 feet,
9 plus 49 feet. It would be 69 feet away from this
10 house.

11 MR. LEVINE: The fact is I have less sunlight
12 than I had before. That's my question. I am the
13 back-yard neighbor. I am affected like the other
14 neighbors are, and I would like the consideration.
15 That's for you guys and you to have to decide.
16 Thank you.

17 CHAIRMAN KEILSON: We appreciate that. I
18 think it's important to put on the record,
19 Mr. Ryder, at the time when he visited the site he
20 did not see the impact in terms of presentation.

21 MR. RYDER: I did visit the Levine home, yes.

22 CHAIRMAN KEILSON: And you saw no impact from
23 the increased height, potentially?

24 MEMBER HENNER: Is that right, you stopped
25 nodding, so I'm curious if that was right.

1 MR. RYDER: I'd like to put in the statement
2 to use the minutes from the last hearing. I don't
3 know, to be exactly quoted, what I said.

4 CHAIRMAN KEILSON: It's not verbatim.

5 MEMBER FEIT: Mr. Bonesso, since the item of
6 cost versus use came up, would it be fair to
7 assume that this all has been covered by
8 insurance, that it will be basically insurance
9 money properly constructing the house?

10 MR. MACLEOD: There's no insurance involved.

11 MR. BONESSO: I don't believe so.

12 MEMBER FEIT: There was no collection from
13 the homeowners's insurance?

14 MS. GOLDNER: For what?

15 MEMBER FEIT: To pay you for the fact that
16 the house had to be demolished.

17 MR. GOLDMAN: Because of the termites?

18 MEMBER FEIT: Did you put a claim in for
19 insurance and are you going to be collecting on
20 it?

21 MS. GOLDNER: I believe that wouldn't be
22 covered under insurance.

23 MEMBER FEIT: Have you checked? In other
24 words, believe is not a -- has a claim been put
25 into the insurance company?

1 MS. GOLDNER: No.

2 MEMBER FEIT: Thank you.

3 MEMBER WILLIAMS: Can I just clarify
4 something. If we're talking about the five inches
5 less on the right, Mr. MacLeod, does that mean
6 that we'll end up with 20 square feet less of
7 overage?

8 MR. MACLEOD: It does actually reduce the
9 square footage.

10 MEMBER WILLIAMS: From 178 to 150, I would
11 say.

12 MR. MACLEOD: It may do that, yes, I would
13 say yes.

14 MEMBER WILLIAMS: Approximately.

15 MR. MACLEOD: Approximately.

16 MEMBER WILLIAMS: Okay.

17 MS. KLEIN: Can I make another statement --

18 CHAIRMAN KEILSON: Yes, Mrs. Klein.

19 MS. KLEIN: -- about the pool?

20 When they were taking out the foundation all
21 our houses were shaking, okay, from the
22 vibrations. My chandeliers; everybody was
23 complaining.

24 CHAIRMAN KEILSON: And therefore?

25 MS. KLEIN: Therefore, that pool cannot be --

1 it must be cracked. And plus, they went too close
2 to the pool.

3 CHAIRMAN KEILSON: Okay.

4 MS. KLEIN: The footage that's on the plans
5 it's not correct. They went way too close to that
6 pool and at certain parts there's maybe a foot and
7 then there's the opening. That pool has to be
8 gone.

9 MR. BONESSO: As Mr. Teramo indicated, when
10 they dig the hole they dig the hole oversized, so
11 consequently --

12 CHAIRMAN KEILSON: All right, let's not
13 debate.

14 MEMBER WILLIAMS: I can't imagine that
15 Mrs. Goldner wants to fall out of her house into
16 the pool. What we're talking about is five inches
17 less on the right, a front of 23/11.

18 CHAIRMAN KEILSON: No encroachment on the
19 right.

20 MR. BONESSO: No encroachment.

21 MEMBER WILLIAMS: No encroachment. It will
22 add 27 feet and reduce it 20 square feet, and it
23 would have a 23/11 front. That's what we're
24 talking about here, plus a 30-foot roof.

25 MR. BONESSO: That's correct.

1 MR. MACLEOD: That's correct.

2 MR. BONESSO: And maintaining the other side
3 of the house to the setback of the original house.

4 MEMBER HENNER: Can I ask a question? What
5 is the reason for the 30-foot roof if 27 is code
6 in this instance?

7 CHAIRMAN KEILSON: Because on a mixed roof --
8 maybe Mr. MacLeod can explain the architectural,
9 or Mr. Ryder.

10 MR. RYDER: Yes. The building height for a
11 combination roof, of a pitched roof and a flat
12 roof, the maximum height allowed is 27 feet. For
13 a regular standard pitched roof, gabled roof, we
14 allow for 30 feet maximum height measured to the
15 highest point on the structure.

16 MEMBER HENNER: That's code?

17 MR. RYDER: That's code.

18 MEMBER WILLIAMS: Mr. MacLeod, you can
19 explain to Mr. Henner why you want the exception
20 made.

21 MR. MACLEOD: Yes.

22 MEMBER HENNER: If it's code, what's the
23 exception?

24 MEMBER WILLIAMS: It's a mixed.

25 MR. MACLEOD: A mixed roof is permitted to be

1 27. It's when the roof pitches up from the side
2 and in the middle if you continued that up at the
3 angle that creates the look for the house it might
4 end up being a 40-foot roof. So a lot of houses
5 in the Village have been truncated at a certain
6 point to maintain the aesthetics on the outside,
7 and really from the street most of those houses
8 you can't see that there's a flat spot up there.
9 But you do get the advantage of having a nice
10 steep-walled roof around the outside where you can
11 actually see the roof; otherwise, if you can
12 imagine a triangle like this going up to 40 feet,
13 to bring that down to a 30 foot it would be
14 extremely low, flat and not a very pleasant
15 looking roof. So to add character to designs you
16 will see a lot of designs in the Village.

17 MEMBER HENNER: The thirty to twenty-seven
18 makes that much of a difference?

19 MR. MACLEOD: It's been approved by the Board
20 on many occasions. If it is down to 27 it tends
21 to look very squat and disproportionate.

22 MEMBER HENNER: I could take umbrage to that.
23 People have called me a little squat, and I get
24 by, you know.

25 CHAIRMAN KEILSON: The Board is going to

1 confer.

2 MEMBER GOTTLIEB: No, I'm not ready to confer
3 yet. I think that I'm hearing what Mrs. Klein had
4 to say and what Mr. Levine had to say, and
5 Mr. Philipson is also here. Mrs. Klein's got a
6 15-foot side yard and Mr. Philipson is stuck with
7 twelve foot eleven inches because he didn't object
8 as vehemently as Mrs. Klein did.

9 CHAIRMAN KEILSON: No.

10 MEMBER GOTTLIEB: Well, maybe not. Only
11 because there was a concession made for a few
12 inches for Mrs. Klein and not so for
13 Mr. Philipson.

14 I think that here we are considering a
15 variance, or rather, you're requesting a variance
16 for the roof, front yard, side yard on the left,
17 not on the right, and slight building coverage on
18 new construction, which can be done, and amended
19 that we don't.

20 MR. BONESSO: But again, it's new
21 construction with a circumstance and the
22 circumstance being that an approved plan existed,
23 a variance had been granted, and based upon an
24 unfortunate circumstance, again, to use
25 Mr. Keilson's phrase, we are in this situation.

1 So I think that is a mitigating consideration for
2 granting the extra relief that you're concerned
3 about.

4 MEMBER GOTTLIEB: Not to disagree with you,
5 we're here to grant a variance if we can, but
6 you're requesting four variances on new
7 construction and some of them bother me more than
8 others. The front yard you're saying, you know --
9 we're at 23 feet now?

10 MR. MACLEOD: We have stated that we're
11 willing to move the house one foot further away
12 from the street now that we have that opportunity
13 without impinging.

14 MEMBER WILLIAMS: Is the correct number
15 23/11? Is that the correct number? I want to
16 make sure.

17 MR. MACLEOD: That would be the correct
18 number.

19 MEMBER WILLIAMS: So it's six feet off.

20 MEMBER FEIT: But you have the opportunity to
21 correct it back to code to the 30 feet. It's a
22 blank slate.

23 MR. BONESSO: And in doing so we could build
24 a house that would be 30 feet from the rear of the
25 property, as you indicated, if we were to take out

1 the pool, and that would have more of an impact in
2 terms of light and air on Mr. Levine than the
3 present application.

4 MEMBER FEIT: That's only assuming if on the
5 new plans we grant you 30 feet for the house
6 height.

7 MR. BONESSO: Even if it was 27 feet, I would
8 wager that would have a greater impact than the
9 49-foot house with a three foot higher roof.

10 CHAIRMAN KEILSON: Mrs. Williams, do you want
11 to --

12 MEMBER WILLIAMS: I have nothing else to say.

13 MEMBER FEIT: Just am I correct in asking
14 that when you came here originally it was because
15 Mrs. Goldner was I think about to get married and
16 her fiance at that time, which we understand has
17 been broken off, had some additional children so
18 that's why you wanted to put on the extra
19 bedrooms, but right now we only have her and two
20 children, so that is no longer there.

21 CHAIRMAN KEILSON: Exception, Mr. Feit. At
22 the hearing thereafter there was a discussion
23 where she explained that she was not getting
24 married at the time, but in terms of the
25 possibility of getting married it would be part of

1 the plan. I think you're going astray from the
2 point; I take strong exception to it.

3 MEMBER FEIT: Well, I disagree. That's not
4 what I said. I said when they initially came.

5 CHAIRMAN KEILSON: We dealt with it at the
6 second hearing.

7 MEMBER FEIT: That's right. And usually,
8 which I never quite understood, is we don't
9 usually grant variances on could. So now since
10 the issue is a blank screen let them build it
11 based on what is needed. That's all I'm saying.

12 CHAIRMAN KEILSON: You've expressed yourself.
13 You've expressed yourself.

14 MR. GOLDMAN: What is your pleasure,
15 Mr. Chairman?

16 CHAIRMAN KEILSON: We're going to take a
17 moment to confer.

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

20 MR. GOLDMAN: Mr. Chairman, I don't want to
21 interrupt deliberations, but the Building
22 Department and the architect want to just place on
23 the record that by virtue of the diminution of the
24 -- by virtue of the concessions made that the
25 diminution of the overage is not significant, but

1 nonethless for the purposes of the record what is
2 it, by approximately what?

3 MR. RYDER: Less than seven percent.

4 MEMBER WILLIAMS: It was 178 before, and what
5 would it be approximately now, five inches times
6 40 approximately?

7 MEMBER GOTTLIEB: How deep is the house?

8 MR. RYDER: But also the removal of the foot
9 in the front as well.

10 MR. MACLEOD: On the right-hand side of the
11 house at this particular location is 35 feet four
12 inches times half a foot is about seventeen feet,
13 seventeen square feet.

14 MR. GOLDMAN: Seventeen feet is what you
15 said, Mr. MacLeod?

16 MR. MACLEOD: Yes, seventeen feet.

17 MR. RYDER: 161; 6.7.

18 MR. MACLEOD: It would reduce it to 6.7
19 percent overage.

20 MR. BONESSO: From the seven and a half that
21 it was.

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

24 CHAIRMAN KEILSON: We're ready to go back on
25 the record. I believe, Mr. Bonesso, that we are

1 not able to achieve a consensus to support your
2 position. Okay. And rather than have a fractured
3 Board in terms of going for a vote, I think it's
4 something that you should reconsider in terms of
5 some of the sentiments expressed about accepting
6 the fact that it's new construction and working
7 with that and towards that end. I mean, if you
8 want, we could go for the vote, obviously. That's
9 what we are here for.

10 MR. BONESSO: Can we have a few moments?

11 CHAIRMAN KEILSON: Certainly.

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

14 MR. GOLDMAN: Mr. Chairman, I believe our
15 applicants have returned.

16 CHAIRMAN KEILSON: I recognize we're still
17 conferring. Mr. Bonesso, could you step forward
18 off the record.

19 MR. BONESSO: Surely.

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

22 MEMBER WILLIAMS: Do you have something to
23 present?

24 MR. BONESSO: Yes, I do.

25 CHAIRMAN KEILSON: Let's go back on the

1 record, please.

2 MR. BONESSO: Mr. Chairman, members of the
3 Board, thank you very much for the opportunity to
4 confer with my client and my architect. We do
5 appreciate the time that you've given us.

6 My client is loathe to adjourn this and come
7 back because it's already cost her substantial
8 sums in the amount of time that she's been
9 maintaining the house. With that, I have spoken
10 with our architect, and what we would propose to
11 modify in addition to the modifications already
12 discussed --

13 MEMBER WILLIAMS: Why don't we just go
14 through each one.

15 MR. BONESSO: Yes, fine.

16 The left side yard which we originally
17 proposed to be at twelve foot one will now be
18 fourteen feet. The right side yard which was at
19 fourteen seven will now be at fifteen feet. The
20 front-yard setback which was originally proposed
21 at 22/11 we're proposing to make two feet larger,
22 which would be 24/11. And in doing so it will
23 reduce our building coverage variance from the
24 seven percent to 2.8 percent. And we are still
25 requesting --

1 CHAIRMAN KEILSON: How many feet?

2 MR. MACLEOD: Sixty-nine square feet over.

3 MR. BONESSO: Sixty-nine square feet. And
4 we're still requesting the 30-foot height.

5 MR. RYDER: Percentage over?

6 MR. BONESSO: 2.8 percent.

7 CHAIRMAN KEILSON: Is there a clarification
8 requested?

9 MR. KLEIN: Are you going back two feet in
10 the front?

11 MR. BONESSO: We're going to push it back two
12 feet.

13 MEMBER GOTTLIEB: Are there any height
14 setback ratios involved?

15 MR. GOLDMAN: No. You had five to begin with
16 and now you're back to five.

17 MEMBER GOTTLIEB: Okay, fine. I just wanted
18 to make sure I didn't miss anything from the prior
19 application.

20 MR. RYDER: They're all going to be reduced.

21 CHAIRMAN KEILSON: Any further questions of
22 the Board before we vote?

23 Okay, Mr. Gottlieb.

24 MEMBER GOTTLIEB: I will just explain that I
25 could have gone with the height and the surface.

1 CHAIRMAN KEILSON: There's no surface.

2 MEMBER GOTTLIEB: It's 69 feet over.

3 CHAIRMAN KEILSON: Oh, building coverage.

4 MEMBER GOTTLIEB: I'm sorry, building
5 coverage. I do have issue with the front yard and
6 the side yard. I have to vote no.

7 CHAIRMAN KEILSON: Okay. Mrs. Williams.

8 MEMBER WILLIAMS: Just taking everything into
9 account, I have a very bad taste in my mouth;
10 however, I really do feel that you're really
11 trying to work with us here and I think the
12 concessions are fair, and I will vote yes.

13 CHAIRMAN KEILSON: Mr. Feit.

14 MEMBER FEIT: No.

15 CHAIRMAN KEILSON: Mr. Henner.

16 MEMBER HENNER: No.

17 CHAIRMAN KEILSON: Okay. The Chair votes
18 yes. So it's declined.

19 MEMBER FEIT: Motion to adjourn.

20 CHAIRMAN KEILSON: We'll adjourn at this
21 point.

22 (Whereupon, the hearing concluded at
23 10:35 p.m.)

24 *****

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

4
5 Mary Benci

6 MARY BENCI, RPR
7 Court Reporter
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