

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

September 9, 2015
7:34 p.m.

APPLICATION: Mesivta Ateres Yaakov of Greater
Long Island
131 Washington Avenue
Lawrence, New York

P R E S E N T :

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MS. ESTHER WILLIAMS
Member

MR. DANIEL HILLER
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MS. LINA FUSCO
Building Department

Mary Benci, RPR
Court Reporter

Mesivta Ateres Yaakov - 9/9/15

1 CHAIRMAN KEILSON: Welcome, ladies and
2 gentlemen, to the Lawrence Board of Zoning
3 Appeals. Please, no conversations. Please turn
4 off cell phones. If you have to converse, please
5 step into the outside hallway.

6 This is a long calendar this evening. We'd
7 like to expedite as much as possible, so we need
8 your cooperation.

9 Tonight we have the benefit of having Lina
10 representing the Building Department. It's a
11 pleasure having Lina back here after many years of
12 absence. Also, Mr. Mike Ryder has resigned his
13 position as head of the Building Department. He
14 was an invaluable asset to the Building
15 Department, and the Village and the architects and
16 lawyers who have worked and interfaced with us for
17 the past number of years have recognized how
18 critical he was, and he will be sorely missed, but
19 I'm sure Lina will perform ably tonight as she did
20 so many years ago, all right.

21 Do we have proof of posting?

22 MS. FUSCO: Yes, we do.

23 CHAIRMAN KEILSON: Thank you very much. Do
24 you want to show it to me?

25 MS. FUSCO: Absolutely (indicating).

Mesivta Ateres Yaakov - 9/9/15

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CHAIRMAN KEILSON: Very good. Thank you very much.

This Board is known as a hot Board in that we have really put a lot of time and effort into visiting sites and reviewing the applicants' papers. And so we ask you to be very precise in your presentations so we can do as much as possible in as short a period as possible.

Okay. The first matter that is before us tonight is Mesivta Ateres Yaakov, which is at 131 Washington Avenue. It's a matter that's been heard before, and tonight we're here to render a decision only. There will be no discussion on the matter other than from the Board members. A draft of the decision has been prepared by counsel pursuant to our request, and he will be reading it into the record.

Mr. Gray.

MR. GRAY: Thank you.

The subject property is 131 Washington Avenue, Lawrence, New York. The relief requested is as provided in the legal notice that had gone out.

Findings of fact: (1) The applicant Mesivta Ateres Yaakov of Greater Long Island, also known

Mesivta Ateres Yaakov - 9/9/15

1 as MAY, which I will be referring to for the
2 rest of the evening, is a private religious
3 high school/institution that offers all of the
4 Limudei Kodesh, General Studies, and
5 extracurricular programs for its all-male student
6 body.

7 (2) The applicant is seeking the requested
8 variances in order to construct a gymnasium as
9 part of the existing school building and to
10 develop a driveway and some additional parking
11 spaces to service the school.

12 (3) The proposal is to raze three existing
13 residential structures and to merge all of the
14 lots together. This new, merged lot would contain
15 the existing school and the attached gymnasium
16 space.

17 (4) The applicant was represented by
18 counsel, Michael Hopkins, Esq., who explained that
19 the applicant would like to improve the
20 educational and recreational experiences of the
21 students. Currently, the school transports
22 students to off-site locations that the school
23 rents out for recreational and sports-related
24 activities. The lack of an on-site gymnasium is
25 impeding on their ability to fully service and

Mesivta Ateres Yaakov - 9/9/15

1 meet the needs of their students, as well as
2 creating a financial burden for off-site rentals
3 and related transportation costs.

4 (5) The applicant presented the expert
5 testimony of their architect, John Capobianco.
6 Mr. Capobianco testified about the design of the
7 requested gymnasium and the engineering aspects of
8 the proposed driveway and parking spaces.

9 (6) The applicant presented evidence from
10 their Real Estate expert, Barry Nelson, who
11 testified that the granting of the requested
12 relief would not adversely affect property values
13 in the area.

14 (7) Several individuals spoke in favor of
15 the application.

16 (8) Opponents of the application were
17 represented by counsel, Antoinette Pugliese, Esq.,
18 who submitted that the application should be
19 denied for a variety of reasons. Ms. Pugliese
20 argued that the alleged additional traffic would
21 be detrimental to the neighborhood and that a
22 gymnasium would change the character of the
23 residential neighborhood.

24 (9) Several residents spoke in opposition to
25 the application, expressing their concerns about

Mesivta Ateres Yaakov - 9/9/15

1 safety and traffic congestion.

2 (10) After extensive testimony by the
3 applicant, opposition, their attorneys, their
4 representatives, their experts, and many members
5 of the community, the hearing was closed.

6 Discussion: (A) Area variances to enlarge
7 existing school building. The balancing test
8 contained in Village Law Section 7-712(B).

9 (11) The Board is required to consider the
10 statutory criteria under Village Law 7-712(B) in
11 determining whether to grant an area variance.
12 This test involves a balancing of the benefit to
13 the applicant against any potential detriment to
14 the health, safety and welfare of the community.

15 (12) The Board finds after consideration of
16 the application and the testimony given at the
17 public hearing that the benefit to the applicant
18 outweighs any detriment to the community as
19 follows:

20 (a) Whether an undesirable change will be
21 produced in the character of the neighborhood or a
22 detriment to nearby properties if the proposed
23 variances were granted. The existing building has
24 been used as a school/learning institution for
25 over 50 years. This addition of a gymnasium is a

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1 logical extension of a school. The proposed
2 gymnasium and requested area variances will have a
3 negligible effect on the character of the
4 surrounding area.

5 (b) Whether the benefits sought by the
6 applicant are achievable by some other method than
7 the requested area variances. The applicant gave
8 un rebutted testimony that the relief requested was
9 the only practicable and feasible location for the
10 expansion. Un rebutted testimony was also provided
11 concerning the need for the size of the proposed
12 gymnasium as it relates to functionality.

13 (c) Whether the variances requested are
14 substantial. The height variance is a slight
15 request of less than 5 feet, 4.83 feet. The
16 rear-yard setback variance is also a slight
17 request of one and a half feet. The front-yard
18 setback variance is significant. They are seeking
19 a 5.6-foot setback where a 10-foot setback is
20 required. This is more than 50 percent of relief.
21 We find the front-yard setback request to be
22 substantial. As for parking, the applicant
23 currently provides eight parking spaces, where 90
24 parking spaces would be required. With the
25 addition of the proposed gymnasium, the applicant

Mesivta Ateres Yaakov - 9/9/15

1 would be required to provide an additional 98
2 parking spaces, or a total of 188 parking spaces.
3 The proposed plan would create 14 parking spaces,
4 where only eight currently exist. It is
5 acknowledged that allowing only 14 parking spaces
6 where 188 is required would be a substantial
7 variance. However, it is important to note that
8 no parking spaces would be required to be provided
9 if this institution were a public school, as
10 opposed to a private, religious institution.
11 Accordingly, weighing all of the requested
12 variances as a whole, this Board feels that such
13 variances are de minimis and not substantial.

14 (d) Whether the granting of the variances
15 will have an adverse effect or impact on the
16 physical or environmental conditions in the
17 neighborhood. The Board finds that the
18 enlargement of the existing structure will not
19 negatively affect the character of the area. The
20 neighborhood has an existing commercial/
21 educational building with surrounding
22 single-family residences, many of which have minor
23 area variances. The added height of 4.83 feet and
24 the minor setback area variances will not impact
25 the physical or environmental conditions of the

1 surrounding area. In fact, there was testimony
2 that the construction of a driveway and additional
3 parking spaces would improve the traffic
4 conditions in the area. The Board has heard the
5 residents regarding their concerns over traffic,
6 safety and quality of life. It is the Board's
7 sincere belief that the proposed driveway and the
8 appointment of a "traffic supervisor" will
9 alleviate the current untenable situation and
10 improve the quality of life in the area.

11 (e) Whether the applicant's request is a
12 self-created hardship. Although the hardship is
13 self-created in that the applicant is seeking to
14 increase the size of the existing structure, the
15 Board finds that due to the circumstances of the
16 applicant and the benefit to the overall community
17 which will be derived from the continued existence
18 of the school in the community that the
19 self-created hardship is not applicable.

20 (13) When evaluating appeals for requested
21 variances and considering to impose conditions or
22 restrictions in connection with applications of
23 religious institutions, the Board is required to
24 look at and consider religious accommodations
25 based upon applicable New York State law.

1 Decision. On a motion of Chairman Keilson to
2 approve the following:

3 (1) All requested area and parking variances
4 are granted and approved, with the conditions and
5 restrictions outlined herein.

6 (2) MAY and its transportation operator are
7 hereby required to "stage" their school buses at
8 an off-site location for pickup and drop-off
9 purposes. The "staging" of buses on Mulry Lane
10 shall be prohibited.

11 (3) MAY shall designate and identify a
12 specific individual at the school to act as the
13 "traffic supervisor," who shall be responsible to
14 liaise with the local community.

15 (4) At all times when the gymnasium is in
16 use, MAY must have a designated teacher/supervisor
17 on-site. Such designee shall be responsible for
18 ensuring all students and guests vacate the
19 gymnasium and surrounding area immediately upon
20 conclusion of gymnasium activities, including
21 evening activities.

22 (5) MAY shall not permit students to park on
23 Mulry Lane.

24 (6) MAY shall be required to provide
25 adequate screening between the subject premises

1 and the residential parcels to the west. The
2 applicant shall submit a screening plan to the
3 Building Department for review and approval.

4 (7) And, whereas, the Zoning Board of
5 Appeals has declared itself Lead Agency pursuant
6 to the New York State Environmental Quality Review
7 Act for this application/appeal; and, whereas, the
8 ZBA has identified this action as an "unlisted"
9 action; and, whereas, this Board has reviewed the
10 submitted EAF and additional evidence and
11 testimony submitted at the Hearing related to
12 environmental impact; now, therefore, the Board
13 finds and declares that the granting of this
14 application/appeal will not have an adverse
15 environmental impact.

16 And that is in the way of a motion,
17 Mr. Chairman.

18 CHAIRMAN KEILSON: I think I just want to add
19 a couple of comments.

20 Number one, I think MAY in its presentation
21 made it very clear that they're capping the
22 student body at 200 or under. As a commitment,
23 that's very relevant to the use of this gymnasium
24 and impact on the environment.

25 Number two: I think the amount of time that

1 we've devoted to listening to the concerns of the
2 residents is reflective of the fact that we're
3 very sympathetic and very understanding of their
4 concerns, and we've done everything possible in
5 order to address those concerns, and we believe
6 that the steps we've taken will actually improve
7 the situation as compared to what we consider to
8 be what might be considered to be an untenable
9 situation at present.

10 Gentlemen, is there anything else you want to
11 add?

12 MEMBER GOTTLIEB: No.

13 CHAIRMAN KEILSON: Then we can proceed to
14 vote. I make a motion to accept the decision as
15 rendered, as read by counsel for the Board.

16 Mr. Schreck.

17 MEMBER SCHRECK: I vote to accept.

18 CHAIRMAN KEILSON: Mr. Gottlieb.

19 MEMBER GOTTLIEB: For.

20 CHAIRMAN KEILSON: Mrs. Williams was not
21 present. So Mr. Hiller.

22 MEMBER HILLER: For.

23 CHAIRMAN KEILSON: And I vote for as well.

24 And so it's approved as read into the record.

25 Thank you very much.

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(Whereupon, the hearing concluded at
7:50 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

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

September 9, 2015
7:50 p.m.

APPLICATION: Steinberg
16 Lakeside Drive West
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MS. ESTHER WILLIAMS
Member

MR. DANIEL HILLER
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MS. LINA FUSCO
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: Steinberg of 16 Lakeside
2 Drive West. Will they or their representative.

3 Mr. Shteierman, do you want to provide your
4 name for the record.

5 MR. SHTEIERMAN: David Shteierman, architect.
6 I see you have a full schedule. I'll try to make
7 it quick tonight. We're really here for a minimal
8 variance. As the Board knows, I don't come here
9 often for a variance.

10 CHAIRMAN KEILSON: We miss you.

11 MR. SHTEIERMAN: Thank you. I'm applying for
12 Mike's job.

13 I'm here representing Mr. Daniel Steinberg,
14 16 Lakeside Drive. It's an irregular-shaped
15 property and we're asking for a variance so that
16 he can construct an open porch. The variance is
17 asking for 10 square feet above what is allowed;
18 that is a 0.9 percent increase.

19 CHAIRMAN KEILSON: That's an unprecedented
20 request here.

21 MR. SHTEIERMAN: Thank you. I thought so.

22 CHAIRMAN KEILSON: Yes.

23 MR. SHTEIERMAN: It's primarily driven by the
24 existing noncomplying side yard of only five feet,
25 which we're not impacting at all. On the west

1 side of the property they have the Nassau
2 Expressway which is the side that the porch is
3 proposed. It obviously has no effect on the
4 neighbors other than those driving down the 878 at
5 80 miles an hour.

6 CHAIRMAN KEILSON: Who might be distracted by
7 Mr. Steinberg sitting on the porch.

8 MR. SHTEIERMAN: Well, there's a lot of trees
9 there so there is enough of a barrier that they
10 can't really see that. And they're asking for
11 this, as you can see from the site plan, this is
12 an awkward shaped property. They just want the
13 porch so they can enjoy that side. Most of the
14 yard around the house is on the west side and by
15 constructing this porch they will be able to
16 supervise the children when playing there, enjoy
17 that side of the property, and as I mentioned it's
18 a minimal variance, probably the smallest one ever
19 fathered in this Village.

20 CHAIRMAN KEILSON: Okay.

21 MEMBER GOTTLIEB: Looking at A100 it's the
22 shaded area to the left side of the house, the
23 westerly side, and there are no neighbors to that
24 side whatsoever.

25 MR. SHTEIERMAN: That's correct.

1 MEMBER GOTTLIEB: That's a very pretty
2 walkway.

3 MR. SHTEIERMAN: Correct.

4 CHAIRMAN KEILSON: Any other questions from
5 the Board? Anyone in the audience want to address
6 it?

7 (No response.)

8 CHAIRMAN KEILSON: Okay. Using the balancing
9 test, I think that we can weigh the benefit to the
10 applicant as opposed to any detriment. I think
11 it's de minimis on all, by all benchmarks.

12 So let's vote. Mr. Hiller.

13 MEMBER HILLER: For.

14 CHAIRMAN KEILSON: Mrs. Williams.

15 MEMBER WILLIAMS: For.

16 CHAIRMAN KEILSON: Mr. Gottlieb.

17 MEMBER GOTTLIEB: For.

18 CHAIRMAN KEILSON: Mr. Schreck.

19 MEMBER SCHRECK: For.

20 CHAIRMAN KEILSON: And I vote for. How much
21 time do you need?

22 MR. SHTEIERMAN: Two months.

23 CHAIRMAN KEILSON: No, there's no such thing.

24 MR. GRAY: One year or two years?

25 MR. SHTEIERMAN: One year.

Steinberg - 9/9/15

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CHAIRMAN KEILSON: One year.

MR. SHTEIERMAN: Thank you so much. Have a
good evening.

(Whereupon, the hearing concluded at
7:54 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

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

September 9, 2015
7:54 p.m.

APPLICATION: Tendler
54 Lawrence Avenue
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MS. ESTHER WILLIAMS
Member

MR. DANIEL HILLER
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MS. LINA FUSCO
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: The next matter we're
2 considering this evening is the matter of Tendler,
3 54 Lawrence Avenue.

4 MR. MACLEOD: Good evening. John Macleod,
5 595 Park Avenue, Huntington, New York.

6 I'm here this evening representing the
7 Tendlers, Mr. and Mrs. Tendler, who are present
8 with us, and we are here this evening to request a
9 use variance for change of use of an existing
10 attic space into a guest room/bathroom, and a
11 change of environment in that attic spaces are not
12 permitted to be heated and conditioned, so we
13 request that variance also.

14 CHAIRMAN KEILSON: This is also unprecedented
15 because most people just go ahead and do it. But
16 continue.

17 MR. MACLEOD: So all of the construction that
18 we've proposed which is reflected on drawing A2
19 illustrates --

20 CHAIRMAN KEILSON: Sprinklers?

21 MR. MACLEOD: It will be fully sprinklered
22 and in compliance with New York State code in the
23 attic space and a continuous route down to the
24 front door.

25 And if you examine page A2, you will see that

1 there is also an emergency exit from that level
2 which let's out onto an adjacent roof, also in
3 compliance with New York State code for easy
4 access in case of fire.

5 MEMBER GOTTLIEB: What is the height of the
6 attic space? I'm looking at the plan and it looks
7 like the highest point is eight feet.

8 MR. MACLEOD: That is correct. It's eight
9 feet to the underside of the collar ties and four
10 foot high knee walls left and right, and those are
11 all underneath the existing roof rafters.

12 MEMBER GOTTLIEB: There is standing room for
13 most of the space?

14 MR. MACLEOD: Up to within -- if you're six
15 feet tall, then you would start to hit the ceiling
16 about two feet away from the knee walls, but
17 usually furniture is placed in those locations.

18 CHAIRMAN KEILSON: Any questions?

19 MR. MACLEOD: We have some support letters
20 from neighbors. We have four letters from various
21 neighbors with no objections.

22 CHAIRMAN KEILSON: It's not impacting on them
23 in any which way, no change to the building.

24 MR. MACLEOD: It's not impacting the street
25 or the neighbors.

Tendler - 9/9/15

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MR. TENDLER: You're all invited to come see.

MEMBER GOTTLIEB: Thanks.

CHAIRMAN KEILSON: Thank you very much.

(Whereupon, the hearing concluded at
7:58 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

INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

September 9, 2015
7:58 p.m.

APPLICATION:

Sambrowsky
194 Harborview South
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MS. ESTHER WILLIAMS
Member

MR. DANIEL HILLER
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MS. LINA FUSCO
Building Department

Mary Benci, RPR
Court Reporter

Sambrowsky - 9/9/15

1 CHAIRMAN KEILSON: The matter of Sambrowsky.

2 MR. SAVALDI: Amiel Savaldi, One Meadow
3 Drive, Woodsburgh, New York. Good evening to the
4 Board. I'm the architect representing Mr. and
5 Mrs. Sambrowsky who are here with their daughter.
6 The Sambrowskys moved into the house about nine
7 years ago and they have not done anything. The
8 house is really in not great shape. There's been
9 many, many years that nothing has been done and
10 they finally are ready to make it suit their
11 needs.

12 If you look at the first sheet, we are
13 showing the front addition. If you know the
14 houses on Harborview, the entrance is very
15 congested and you fall right into the living room.
16 So it creates a little foyer with a two story with
17 a little bit more space, and for that entrance for
18 that foyer we are requesting a variance of two
19 feet. We are required 30 feet, and we have
20 28 feet to the front.

21 MEMBER GOTTLIEB: Mr. Savaldi, the question I
22 have is regarding the front-yard setback. So the
23 front yard of 28 feet is only for a width of
24 14 feet. It's not the entire width of the house,
25 just 14 feet.

1 MR. SAVALDI: That's correct.

2 MEMBER GOTTLIEB: The balance of the house
3 remains at 35 feet?

4 MR. SAVALDI: At 35 and two inches.

5 MEMBER GOTTLIEB: Thank you, perfect.

6 MR. SAVALDI: Also at the plot plan you can
7 see the areas that we are adding on the second
8 floor. We are enlarging the second floor and we
9 are adding a master bedroom and additional
10 bedroom. On drawing A3 if you go to the
11 first-floor plan, you will see the plan of the
12 foyer I just spoke about, and we have a new
13 kitchen, and the guest room to serve the parents
14 so they don't have to go -- when they visit they
15 don't have to go up to the second floor. So
16 they'll finally have a kitchen and a dining room
17 and living room but that would suit their needs on
18 a regular basis.

19 A4, the next drawing, is the second floor.
20 As I mentioned, the master bedroom, master suite
21 and additional two bedrooms in the back. That's
22 about what we are proposing to do.

23 CHAIRMAN KEILSON: Let's just walk through
24 the list of variances.

25 MR. SAVALDI: Okay.

1 CHAIRMAN KEILSON: The front-yard setback as
2 it relates only to the portico, correct?

3 MR. SAVALDI: Correct. That's 28 feet, with
4 a width of 14 feet.

5 CHAIRMAN KEILSON: And the side yard is
6 basically as existing?

7 MR. SAVALDI: It's maintaining the 11 foot 9
8 inches aggregate that -- or side yard that is
9 existing. And the aggregate is maintained as
10 21 and 11 inches as existing, no change. Then
11 there is the front yard height variance, the
12 angle --

13 CHAIRMAN KEILSON: Height/setback ratio.

14 MR. SAVALDI: Height -- right, the setback
15 ratio. The front ratio is required to be 0.74,
16 and where currently it's 0.45 and we are -- now
17 we'll have it at 1.1. So it's 49 percent overage.
18 The side-yard setback ratio required is 1.50 and
19 what we are proposing is 1.9, 27 percent overage.

20 CHAIRMAN KEILSON: All right. So the impact
21 is really on the left side of the house, on the
22 west side?

23 MR. SAVALDI: On the west side, correct.

24 CHAIRMAN KEILSON: Okay. And that is
25 actually the back of the neighbor's house, which

Sambrowsky - 9/9/15

1 is fully screened right now?

2 MR. SAVALDI: Right. And we have 11 foot 9
3 inches setback from the --

4 MEMBER GOTTLIEB: On the west side of the
5 house, what's the distance of what looks like to
6 be a landing or steps to the edge of the property?
7 The 11.9 foot area.

8 MR. SAVALDI: The landing itself is like
9 42 inches, so you still have eight feet.

10 MEMBER GOTTLIEB: To walk through?

11 MR. SAVALDI: Yes.

12 MEMBER GOTTLIEB: Okay.

13 CHAIRMAN KEILSON: Questions from the Board?

14 MEMBER SCHRECK: Do you have any letters of
15 support from the neighbors?

16 CHAIRMAN KEILSON: They were submitted to the
17 Village earlier, we have them. Everybody got a
18 set of them. I guess the specific question is,
19 the neighbor to the west, do you have a letter of
20 support from Chopp?

21 MS. FUSCO: Chopp is the first one.

22 MR. SAVALDI: Yes, we do.

23 CHAIRMAN KEILSON: Very good.

24 Any other questions from the Board?

25 (No response.)

1 CHAIRMAN KEILSON: Mr. Savaldi, we thank you
2 for the fact that you didn't bring up that you
3 came here previously and that you've reassessed,
4 and I think the Board is very mindful of that and
5 we recognize that and obviously are taking that
6 into consideration this evening.

7 MR. SAVALDI: Thank you very much.

8 CHAIRMAN KEILSON: Anyone in the audience
9 that wants to speak to the matter?

10 (No response.)

11 CHAIRMAN KEILSON: Okay. So the Board is bid
12 to take into consideration the benefit to the
13 applicant as compared to any detriment to the
14 community, and the other four criteria, and having
15 taken that into consideration, Mr. Hiller, how do
16 you vote?

17 MEMBER HILLER: For.

18 CHAIRMAN KEILSON: Mrs. Williams.

19 MEMBER WILLIAMS: For.

20 CHAIRMAN KEILSON: Mr. Gottlieb.

21 MEMBER GOTTLIEB: I have not seen the letter
22 from Chopp, but I'm going to assume if you say
23 it's here, it's here.

24 MS. FUSCO: It's the first one.

25 MEMBER GOTTLIEB: It was not in my package.

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Therefore, I will vote for.

CHAIRMAN KEILSON: Mr. Schreck.

MEMBER SCHRECK: I'm going to vote for as well.

CHAIRMAN KEILSON: And I will vote for as well. And I guess two years we'll give you. Board of Building Design on that, I guess, Lina?

MS. FUSCO: Yes, Board of Building Design.

CHAIRMAN KEILSON: Thank you very much.

(Whereupon, the hearing concluded at 8:05 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

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

September 9, 2015
8:05 p.m.

APPLICATION:

Verschleiser
190 Briarwood Crossing
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MS. ESTHER WILLIAMS
Member

MR. DANIEL HILLER
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MS. LINA FUSCO
Building Department

Mary Benci, RPR
Court Reporter

Verschleiser - 9/9/15

1 CHAIRMAN KEILSON: The next matter is that of
2 Verschleiser.

3 MR. HOPKINS: Good evening, Mr. Chairman.
4 Michael Hopkins, from the firm of Hopkins and
5 Kopilow, 100 Quentin Roosevelt Boulevard,
6 Garden City, New York, here on behalf of the
7 Verschleiser application.

8 MR. GRAY: Mr. Hopkins, before you continue,
9 I think we'd like to have a vote of the Board for
10 a reconsideration on this matter so we can reopen
11 this matter, since a decision had already been
12 rendered.

13 MR. HOPKINS: Yes, sir.

14 MR. GRAY: So, Mr. Chairman.

15 CHAIRMAN KEILSON: The Board has taken under
16 advisement the request for the reopening of the
17 hearing, and I think we will take a quick vote.
18 Mr. Hiller.

19 MEMBER HILLER: Yes.

20 CHAIRMAN KEILSON: Mrs. Williams.

21 MEMBER WILLIAMS: For.

22 CHAIRMAN KEILSON: Mr. Gottlieb.

23 MEMBER GOTTLIEB: Yes.

24 CHAIRMAN KEILSON: Mr. Schreck.

25 MEMBER SCHRECK: Yes.

1 MR. HOPKINS: Thank you very much,
2 Mr. Chairman.

3 Mr. Chairman, the application has been
4 distilled down to one item, as I'm sure everybody
5 is aware, it's the height issue. Everything
6 else --

7 CHAIRMAN KEILSON: What height issue?

8 MR. HOPKINS: I've wondered about that
9 myself. It's 32 feet; as you know, 30 feet is
10 permitted.

11 MEMBER GOTTLIEB: So we agree it's 32 feet?
12 When did we get past that?

13 CHAIRMAN KEILSON: Even though Mr. Ryder is
14 not here, it's acknowledged to be 32 feet.

15 MR. HOPKINS: It's 32 feet.

16 And at this point in time, as you're aware,
17 the construction has taken place, and I would ask
18 you to consider this to be a relatively de minimis
19 change. There have been occasions in the past
20 where the Board has granted the relief.

21 I know this Board is very familiar with the
22 history of this property. I've represented the
23 applicant each and every time, and as a precaution
24 in this petition for this evening I included all
25 the prior papers just so that you had everything

1 in one package. And there is no other relief
2 being sought. As you know, I think the major
3 stumbling block had been that concept of a
4 bump-out in the kitchen.

5 CHAIRMAN KEILSON: I have my recollection. I
6 don't think you want to bring it up.

7 MR. HOPKINS: I can't remember what you are
8 talking about.

9 MEMBER GOTTLIEB: Mr. Hopkins, one of the
10 benefits of this application, which we prefer not
11 to have, is that we can see what the finished
12 product looks like before we get to vote on it.

13 MR. HOPKINS: As it were. That's it,
14 Mr. Chairman. I won't burden you any longer.
15 Everything is in the petition, and I'm sure you're
16 familiar with it.

17 CHAIRMAN KEILSON: The only comment I'll make
18 is I don't think it's de minimis, but, and
19 obviously, we are concerned when things get
20 completed before we have a chance to review it.

21 MR. HOPKINS: Fully understood.

22 CHAIRMAN KEILSON: But I think we're
23 sympathetic to the situation. We understand the
24 special circumstances of that property. I don't
25 think it's necessarily going to impact. In fact,

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1 it may even be an enhancement.

2 Any further comments from the Board?

3 MEMBER GOTTLIEB: Again, this is just to
4 maintain the 32-foot roof, zero change.

5 MR. HOPKINS: Yes.

6 CHAIRMAN KEILSON: Strictly that. Any
7 further comments? Anyone in the audience wants to
8 comment on it?

9 MR. MARANS: Yes, sir. Hillel Marans. My
10 name is Hillel Marans, 191 Briarwood Crossing.
11 I'm directly opposite the house. This is the
12 second time that I'm at a hearing for this
13 particular construction. The first hearing that I
14 attended was asking for variances to extend the
15 side yards and other variances that had to do with
16 the dimensions of the house in terms of length and
17 width. We did not object to that.

18 We received this letter about this hearing
19 last week that the height of the house is against
20 code and outside the code and they're requesting a
21 variance. We live directly across from the house.
22 The breakfast area that we have in our home looks
23 directly out at the structure, and the height that
24 is in excess of code impacts on our sight line in
25 a substantial way. And I request that the Board

1 not grant this variance.

2 CHAIRMAN KEILSON: All right. So you feel
3 that the two-foot differential is at this point
4 obstructing in some fashion your sight line?

5 MR. MARANS: It's obstructing it by an
6 additional three feet over a very high house to
7 begin with, and as a layperson who doesn't attend
8 these meetings often, I am a little bit mystified
9 why people cannot design and build a house that is
10 according to the code and the law of the Village.

11 CHAIRMAN KEILSON: Come more often, you'll be
12 more mystified.

13 MEMBER GOTTLIEB: Dr. Marans, I understand
14 your position. In fact, I recall when your wife
15 spoke at the first hearing.

16 Mr. Hopkins, are you aware of the house
17 heights of any of the surrounding houses, or
18 Mr. Capobianco?

19 MR. HOPKINS: John, in the locality the
20 heights of the houses specifically.

21 MR. CAPOBIANCO: John Capobianco, architect,
22 159 Doughty Boulevard.

23 There are houses in the area that are higher
24 than the 30 feet. As you know, Lawrence typically
25 had third floors and dormers and many of those

1 homes are over 30 feet. Those are 35, 36 feet,
2 some even higher. The house I think for Perlow
3 which has the two -- it was designed for Perlow, I
4 think they sold it, but it was like a castle-like
5 structure with two turrets that went up and those
6 turrets were over 30 feet also.

7 But I don't see where this would create any
8 adverse impact sight lines. The turret is a
9 point, and the point is, you know, the only thing
10 encroaching into the height, you know, required
11 height. So I don't think it really has any
12 impact.

13 CHAIRMAN KEILSON: Take a look at the
14 drawings with you to see exactly, and before we
15 get to that, Dr. Marans, what's the height of your
16 house?

17 MR. MARANS: I don't know exactly, but I
18 could tell you that I did not request a variance
19 for height. I bought an existing home.

20 CHAIRMAN KEILSON: All right, okay.

21 MR. CAPOBIANCO: Well, back then they were
22 allowed I think to build homes to an average roof
23 height of 28 feet which brought you to the average
24 slope which in many cases brought the ridge higher
25 than 30 feet. But that was changed and the new

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1 code is 30 feet above average grade around the
2 house. But technically, the grade to the point is
3 32 from the average grade around the house, and
4 the flat portion is approximately a little less,
5 but we'll say it's 32 also for the purposes of
6 this hearing. But it's really not a major impact,
7 I don't believe, on the bulk and size or the
8 encroachment into the sky exposure or whatever. I
9 think it will be fine. I mean, that's my opinion.

10 CHAIRMAN KEILSON: Obviously.

11 MR. MARANS: And where we sit, we sit at a
12 window and look at a house that is two or three
13 feet taller than it should be.

14 MS. KAPLAN: I'm Shirley Kaplan, I'm Hillel
15 Marans' wife. I think Hillel very nicely put it.
16 He said he's somewhat mystified as to the way this
17 unfolds. And when we bought our house, the charm
18 of the area it was more countrified, and people
19 who build new houses come in and they pull their
20 houses back. They come in here and say we need
21 this because of X, Y and Z, and we really do
22 understand, and the house is a very pretty house,
23 but for us the character of our experience of our
24 house has been impacted. I work looking outside
25 of my kitchen and so I'm sitting there writing and

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1 I see this house that is humongous, it's like
2 Emerald City, and I just -- I do have some
3 understanding as to why laws are promulgated and
4 they're promulgated for certain reasons. The
5 intent is to keep the character of the
6 neighborhood. And I just -- I just don't think it
7 takes into account the needs -- people shouldn't
8 be able to build a house just as big as they
9 possibly can get their paws on. They should have
10 some sort of sense. And so they go to their
11 architect, and this is a very common occurrence in
12 your neighborhood, and you know better than I do
13 because you all work on this Board. Give me as
14 much house as I possibly can get, and I don't
15 think it's right.

16 The setbacks, it's supposed to be a certain
17 kind of comfort zone, and it's supposed to be
18 pretty, and instead it's give me as much house,
19 and I find it really a little bit egregious. I'm
20 trying not to be harsh that they went and built
21 without permission.

22 I just -- this is anecdotal, but I just would
23 like the Board to hear this. We put a fence
24 around our garbage cans when we moved in. You
25 can't see it from the front. You can't see it

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1 from the side. You really can't -- you can see it
2 a little, but we didn't know you needed a permit.
3 So Walpole and we thought we were so -- hoo, hoo,
4 we used Walpole, and they put the fence in and we
5 didn't have a permit. Now, I don't know how it
6 happened but the Village came knocking on our
7 door. We dismantled the whole thing and lowered
8 it about seven inches.

9 Somehow something is getting lost in the
10 shuffle here. We've been living in our house
11 seventeen years. We put the fence up maybe
12 fifteen years ago. So yes, I wouldn't like them
13 to have to incur a terrible expense, but I really
14 think you should really think very carefully
15 before you allow this, and I'm sure all of you
16 have driven by the house. I would invite you into
17 my kitchen where I sit to look out, and you would
18 sort of say, well, I sort of get the point, and
19 that's all I have to say, respectfully. I know
20 you are all volunteers.

21 MEMBER GOTTLIEB: You mentioned sitting in
22 your kitchen and looking out. The applicants have
23 the right to build the house at 50 feet from the
24 property line. They chose to build at 77 feet.
25 If they would have kept the 30-foot roof and come

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1 27 foot closer, you would have no opportunity to
2 oppose it, and yet it would be much more
3 offensive. I'm not saying it's right or wrong,
4 but even within code it could have been much more
5 egregious and much closer and much more offensive
6 to you.

7 MS. KAPLAN: I think you are right. However,
8 I guess I felt I had something and it was taken
9 away, so I guess that's where I come to this very
10 intense feeling about it, but you are correct,
11 respectfully.

12 MEMBER GOTTLIEB: You vocalize what many
13 residents feel and don't vocalize.

14 CHAIRMAN KEILSON: I have to applaud the fact
15 that you have come forward. Very often neighbors
16 are reticent about raising objections. And I
17 think she's speaking to specific issues. Whether
18 they could have built by right and acted in a
19 greater fashion, I don't think is the question on
20 the table tonight.

21 MEMBER GOTTLIEB: No, but I just wanted to
22 explain that even though we don't approve the
23 32-foot height, that even building within code
24 sometimes things are worse than what they could
25 have been than what they appear to be.

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1 MS. KAPLAN: I really do get that, and I
2 appreciate that, but because of the way it shook
3 down I was able to express it, and you were nice
4 enough to listen to me. Thank you.

5 MEMBER HILLER: Shirley, I can call you
6 Shirley, right?

7 MS. KAPLAN: I would think so.

8 MEMBER HILLER: Had you been at the last few
9 Board meetings regarding variances asked by the
10 Verschleisers, you would have seen that the Board
11 was very strict with them and very tough on them,
12 and they were turned down on additional variances
13 or variance requests. So don't judge by the first
14 applicants today where they are asking for fairly
15 reasonable things. When it was really
16 unreasonable, this Board put it's foot down and
17 did not allow them to further expand beyond what
18 was allowed for them.

19 This is a little bit of a different case. I
20 know you and I know Hillel, and I very much
21 appreciate your coming forward and speaking.

22 MS. KAPLAN: Thank you.

23 CHAIRMAN KEILSON: So are you recusing
24 yourself?

25 MEMBER HILLER: No, but I like them, very

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1 fine people.

2 CHAIRMAN KEILSON: No doubt. The
3 Verschleisers are also fine people.

4 MS. KAPLAN: You know, I think Mr. Gottlieb
5 touched on the fact -- or maybe you did,
6 Mr. Chairman -- that neighbors don't want to say
7 anything, they're reluctant to say anything, and
8 I'm sure that -- you know, I know that the people
9 who live on the corner of Ocean Avenue and
10 Briarwood Crossing, the -- Hillel, what's their
11 name?

12 MR. MARANS: Naumberg.

13 MS. KAPLAN: The Naumbergs, they had
14 objections too, but they said we're friends and
15 what could I say? And a few times like they were
16 like -- they were dying to say, started to say to
17 me stuff, and then they were reluctant because
18 they want to be their friend. You know, it's very
19 unfortunate. It's sort of like it should be a
20 more objective kind of standard.

21 MEMBER HILLER: The Naumbergs actually signed
22 a letter of support.

23 MS. KAPLAN: I know, but under duress,
24 because of the friendship, and their kids and all
25 kinds of stuff. So it's unfortunate.

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MEMBER WILLIAMS: For.

CHAIRMAN KEILSON: Mr. Schreck.

MEMBER SCHRECK: For.

CHAIRMAN KEILSON: Mr. Hiller.

MEMBER HILLER: For.

CHAIRMAN KEILSON: And I will vote against.

Okay, so it's approved.

MR. HOPKINS: Thank you, Mr. Chairman.

(Whereupon, the hearing concluded at
8:20 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

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

September 9, 2015
8:20 p.m.

APPLICATION:

Breuer
15 Chestney Road
Lawrence, New York

P R E S E N T :

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MS. ESTHER WILLIAMS
Member

MR. DANIEL HILLER
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MS. LINA FUSCO
Building Department

Mary Benci, RPR
Court Reporter

1 rear line of the house, not getting any closer to
2 the rear property line, but to match the existing
3 rear-yard setback. And this is a one-story
4 structure so it will not impact any neighbor
5 behind or to the side.

6 The other variances, the right-hand side
7 yard, which is required to be 15 feet, and we are
8 requesting 12.02 feet, currently -- currently,
9 this side yard is 15.97. So it's slightly within
10 code at the current time; we're asking for 2.9
11 feet overage.

12 If you've been to visit the house you will
13 have seen that it is a one-story -- existing
14 one-story addition there, and we will just be
15 extending that by a matter of about four feet.

16 CHAIRMAN KEILSON: How long have they been in
17 the house?

18 MR. MACLEOD: They've been in the house for
19 two years.

20 CHAIRMAN KEILSON: And I guess we'll take
21 note that it was the house of my predecessor,
22 Mr. Melzer.

23 MS. BREUER: Yes, and Judy Melzer's house.

24 MEMBER GOTTLIEB: Let's talk about the side
25 yard for a moment. Your request on the side yard

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1 is three feet, approximately, a little under three
2 feet.

3 MR. MACLEOD: Yes.

4 MEMBER GOTTLIEB: So you're looking to build
5 out 18 feet for a guest room, 18 feet guest room/
6 bathroom.

7 MR. MACLEOD: And replacing the existing
8 study that's there with a smaller study.

9 MEMBER GOTTLIEB: You've been here many times
10 before, and you know, myself, personally, I like
11 to give the minimum amount of variance necessary.

12 CHAIRMAN KEILSON: The Board is actually
13 required to do that.

14 MEMBER GOTTLIEB: That's one of the five
15 criteria, thank you, Mr. Chairman.

16 CHAIRMAN KEILSON: Right.

17 MEMBER GOTTLIEB: So instead of an 18-foot
18 wide room, these can be 15 feet and built to code,
19 built without a side yard.

20 MR. MACLEOD: Without a side-yard variance,
21 that would be true. By doing so, if you look at
22 the drawing A2 you will see the floor plan.

23 CHAIRMAN KEILSON: Let's swing to A2.

24 MR. MACLEOD: And if you look on that
25 first-floor plan which is at the upper part of the

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1 drawing, you will see the dotted lines that
2 indicate the existing den room that is there right
3 now.

4 MEMBER GOTTLIEB: Sure.

5 MR. MACLEOD: And you will notice that the
6 whole of this house, this floor plan, there is no
7 other family room. This is not just an extra
8 study. It is the actual family room of the house.

9 You will notice that the main -- it's not an
10 excessive house. In fact, it's quite a modest
11 house, and we're just trying to fit in another
12 room for the guests, as I've mentioned, with its
13 own bathroom and a closet. And if you look at the
14 size of the room that is in there, the chimney
15 does project out into it somewhat, into both of
16 those rooms, and the actual dimension of the room
17 where you'll notice the two beds are is 15 feet.
18 If it was cut back by another three feet, it would
19 substantially affect both of these rooms. The
20 study you can see by the time you put book shelves
21 around the perimeter --

22 MEMBER GOTTLIEB: It's only 15 feet for about
23 one foot where the fireplace is.

24 MR. MACLEOD: That's true in the bedroom.

25 MEMBER GOTTLIEB: And then it's the entire

1 18 feet.

2 MR. MACLEOD: In the study though it is
3 15 feet.

4 MEMBER GOTTLIEB: So what you're also doing
5 is bringing out to the front of the house the
6 18 feet. You're talking about what's already
7 there, which is stepped back and somewhat hidden
8 from the street. Now you're bringing it right up
9 to the -- unless I'm looking at it the -- sorry.
10 Usually the front of the house is to the bottom.
11 Your front of the house is to the top.

12 MR. MACLEOD: We're aligning it with the back
13 of the house at the 20-foot mark. And the front
14 yard we're actually in compliance with the zoning
15 code so there was actually no variance required in
16 the front.

17 MEMBER GOTTLIEB: What is the sitting room
18 used for?

19 MR. MACLEOD: The sitting room -- the sitting
20 room, this actually currently is actually used as
21 a guest bedroom, but you will see it's very small.
22 There is really just room there for one bed. It's
23 going to become part of this suite. Without
24 getting into personal matters --

25 MEMBER GOTTLIEB: In the future it's going to

1 be a sitting room.

2 MS. BREUER: I don't care, I mean, I'll talk.

3 CHAIRMAN KEILSON: You will have to identify
4 yourself for the record.

5 MS. BREUER: I can speak.

6 CHAIRMAN KEILSON: Please identify yourself
7 for the record.

8 MS. BREUER: All right. I'm Rivkah or Rivky
9 Breuer.

10 CHAIRMAN KEILSON: Do you know which one?

11 MS. BREUER: I don't know what it says on the
12 application.

13 MEMBER GOTTLIEB: You can just tell us
14 whatever you want to.

15 MS. BREUER: Okay. I usually go by Rivky,
16 but my credit card says Rivkah, and my birth
17 certificate says -- so I'm representing my husband
18 Tuvia Breuer.

19 Okay. So the -- where do you want me to
20 explain?

21 MR. MACLEOD: The question is what is this
22 room for.

23 MS. BREUER: The sitting room?

24 MR. MACLEOD: Yes.

25 MS. BREUER: Okay. Like why is it two rooms?

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1 Why do we have to have like, quote-unquote, two
2 guest rooms? Well, the sitting room is going to
3 be somewhat of a -- a little bit of a study, a
4 quiet area for my kids. Just, you know, someone
5 who has five kids, sometimes you just need to
6 close a door for different reasons. And also,
7 it's really for my in-laws or my parents, but my
8 -- do I really have to say this? Like my in-laws
9 don't like to sleep in the same room.

10 CHAIRMAN KEILSON: I don't think you have to
11 go further on that one.

12 MS. BREUER: My in-laws are quite --

13 CHAIRMAN KEILSON: We can go off the record.

14 MS. BREUER: This is very off the record.

15 CHAIRMAN KEILSON: You don't have to bring it
16 up.

17 MEMBER WILLIAMS: We got the message.

18 MS. BREUER: My in-laws are quite well-known
19 people. I don't want to speak about them.

20 MEMBER GOTTLIEB: Lots of people don't like
21 to be together. I think with age that happens.

22 MS. BREUER: That happens when you're
23 twenty-five also.

24 MR. MACLEOD: So the sitting room is an
25 alternate sleeping space for when it's necessary.

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1 MS. BREUER: I guess it's a good idea my
2 in-laws are not here tonight.

3 MEMBER GOTTLIEB: We'll send them the
4 transcript.

5 MS. BREUER: Actually, my husband was in
6 Mishpacha this week. I don't know if anybody
7 reads it.

8 CHAIRMAN KEILSON: Is that a reason to grant
9 or decline the variance?

10 MS. BREUER: No, I'm just saying if you want
11 to get to know us more. They interviewed him this
12 week, this past week.

13 CHAIRMAN KEILSON: Mrs. Williams, ask your
14 question.

15 MEMBER WILLIAMS: What does your husband do?

16 MS. BREUER: He's a psychiatrist.

17 CHAIRMAN KEILSON: Now we understand.

18 MEMBER WILLIAMS: And his parents sleep in
19 separate rooms. That explains everything.

20 CHAIRMAN KEILSON: Off the record.

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

23 CHAIRMAN KEILSON: We're back on the record.

24 MEMBER GOTTLIEB: You buy a beautiful house,
25 it's a little bit too small, you have five kids,

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1 you have to find places for them. There are a
2 couple of bedrooms in the lower level in the
3 basement?

4 MS. BREUER: No.

5 MR. MACLEOD: There are two rooms in the
6 basement. It's a low ceiling basement, not a very
7 pleasant environment.

8 MEMBER GOTTLIEB: So those guest rooms are
9 for guests.

10 MR. MACLEOD: It would be a short stay.

11 MS. BREUER: The basement, it was finished.
12 Judy used it. I don't know how she used it. It's
13 like -- it's like moldy. Like the basement needs
14 to be ripped out. And we are going to put an
15 office for my husband. If you do read the
16 Mishpacha article you'll know why, and I can drop
17 you off a copy. So an office for my husband, and
18 the other room is really going to be a
19 housekeeper's room, a live-in room. I do have
20 five kids, they're ages two to eleven, so I really
21 need a live-in. You know, I could use an extra
22 room in the basement for a housekeeper, and I
23 think Judy was actually putting a housekeeper in
24 that basement. I would never ever put anybody in
25 the basement in the condition it is now.

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1 The basement is going to be done to code, you
2 know, so that, God forbid, there's a fire, you
3 know, there's access, egress, whatever you call
4 it.

5 MEMBER GOTTLIEB: So the basement renovation
6 as shown is part of the overall plan, the overall
7 scope of work?

8 MS. BREUER: Well, you know, as long as we're
9 working we might as well get all the -- you know,
10 it's painful to do work on your house, so you
11 might as well, you know, one dumpster, just rip
12 out the basement.

13 MEMBER HILLER: Is the ceiling of the
14 basement going to be raised?

15 MS. BREUER: No. There's no way to raise it.
16 We're just -- we're just ripping it out, cleaning
17 it up. We're going to have a play area for the
18 kids, an office for my husband, and a maid's room
19 with a bathroom, and we're going to redo the
20 laundry center.

21 MR. MACLEOD: It's an 84-inch ceiling, a
22 seven-foot ceiling in the basement.

23 MS. BREUER: It's like just high enough that
24 it's workable.

25 MEMBER GOTTLIEB: Okay. So getting back to

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1 the variances. One variance or two variances?

2 CHAIRMAN KEILSON: Two variances.

3 MR. MACLEOD: One for the rear, one for the
4 side.

5 CHAIRMAN KEILSON: The rear is actually
6 existing almost.

7 MR. MACLEOD: It's in line with the existing
8 house and --

9 CHAIRMAN KEILSON: It's actually --

10 MEMBER WILLIAMS: More than existing.

11 CHAIRMAN KEILSON: It's more than existing.

12 MEMBER WILLIAMS: Yeah. The rear is --

13 CHAIRMAN KEILSON: You're asking for less
14 than the existing. That's how it reads. Proposed
15 is 20.67. The existing is 19 point -- I'm sorry,
16 it's the opposite.

17 MR. MACLEOD: That is correct. The house is
18 on a slight tilt by a few inches, so at the garage
19 end it is slightly closer to the rear property
20 line. By the time we get to the portion where we
21 are adding onto the house, that is the 20.67, and
22 that will be our closest point of new
23 construction.

24 MEMBER WILLIAMS: It's not going to be very
25 different from what is there now, that part.

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1 MS. BREUER: Absolutely not. There's a
2 couple of shrubs there. It's a little rectangle.

3 MR. MACLEOD: And we suggest extending the
4 existing one-story structure that you see from the
5 street now, which is not very well built, it's not
6 very attractive, and we will be building
7 hopefully, in my opinion a much more attractive
8 structure. If you look at the front elevation of
9 the house, you will see that we detailed it very
10 nicely, and the extra three or four feet that we
11 will be picking up there will greatly benefit the
12 homeowner. I don't think it's going to do any
13 harm to the neighborhood or to the environment.

14 CHAIRMAN KEILSON: It's a significant
15 encroachment though. I think that's what
16 Mr. Gottlieb was pointing out.

17 MS. BREUER: Do you want to show him the
18 picture to see what it looks like?

19 MR. MACLEOD: I would also point out that it
20 is a one-story structure; it's not a two-story
21 structure. It doesn't create any shadows on
22 anybody else's properties.

23 MS. BREUER: We're basically improving --
24 whatever's there now it's a little bit -- it's an
25 eyesore. So we're getting rid of the eyesore and

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1 replacing it with something that's nice. We're
2 going to match the --

3 MEMBER GOTTLIEB: What's the adjacent
4 neighbor to the addition that you're putting on?

5 MS. BREUER: So I don't really know their
6 name. She works at the library. She's a
7 librarian.

8 MEMBER GOTTLIEB: I meant geographically, not
9 the individuals there. Where does the next house
10 start?

11 MS. BREUER: There's about six to eight feet
12 of shrubbery between our property. It's very,
13 very thick shrubs. Is that the right word,
14 shrubs?

15 MR. MACLEOD: If you would like to go to
16 drawing A3 and look at the front elevation, I'd
17 like to just show you the architectural detailing
18 that we have for that. The brickwork will match
19 the house and the white trim work will match the
20 house and the double hung windows with the
21 paneling below.

22 MEMBER GOTTLIEB: At the bottom of A3?

23 MR. MACLEOD: Looking at drawing A3, the top
24 drawing is the front elevation and you can see
25 this is the front view.

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1 MEMBER GOTTLIEB: One-story addition. And on
2 the bottom right, that's the side, that's what the
3 neighbor would be looking at?

4 MR. MACLEOD: That would be -- the bottom
5 right, yes, that is the view from the right-hand
6 neighbor, and the other drawing, bottom left, is
7 the rear view.

8 MEMBER WILLIAMS: So what you're saying is
9 that in front of this lower right view there are
10 shrubs.

11 MR. MACLEOD: Yes, between this and the
12 neighbor's house there is very dense shrubs here.

13 MEMBER WILLIAMS: Nobody would be able to
14 look into your windows if they wanted to.

15 MS. BREUER: I wish they would get rid of the
16 shrubs. It's very thick shrubs.

17 MR. GRAY: May I ask a question?

18 CHAIRMAN KEILSON: By all means.

19 MR. GRAY: That neighbor to the right on the
20 first-floor level, that's an attached garage,
21 correct? That's not living space on their
22 property?

23 MS. BREUER: It is the garage.

24 MR. GRAY: It's their garage.

25 MEMBER WILLIAMS: So it's really irrelevant.

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1 MR. MACLEOD: Yes, that's correct, thank you.

2 CHAIRMAN KEILSON: The addition, let's just
3 make sure we're all on the same page. The
4 addition is on the right side?

5 MR. MACLEOD: The addition is on the
6 right-hand side of the house, and the neighbor to
7 the right, that first section of their house as is
8 pointed out is the garage.

9 CHAIRMAN KEILSON: All right.

10 MR. MACLEOD: So there will be no loss of
11 privacy.

12 MEMBER GOTTLIEB: The plans in my opinion
13 were upside down or reversed, which might be a
14 British thing, but that's why I kept thinking it's
15 the end of the dead end adjacent to the neighbor
16 that is on the next block which would be Auerbach.

17 MS. BREUER: It's probably the most innocuous
18 thing.

19 MEMBER GOTTLIEB: Are there any letters of
20 support?

21 MS. BREUER: I don't have any -- I don't have
22 any letters of support. I didn't know that it was
23 something I needed. But Eva Staiman is one of my
24 neighbors. You're familiar with her. She's on
25 the Board of Building Design for Lawrence. And I

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1 mean, she knows that we're doing something.

2 Our neighbors directly across the street from
3 us have actually told us there's a big tree right
4 now in front of the one-story addition that exists
5 that we're knocking down. They told us not to get
6 rid of the tree until we knock down the addition.
7 You know, it's not a good looking -- the house is
8 brick and this one story existing it's almost like
9 a sun room. It's not -- it's shingled; it's like
10 white shingled; it's not very good looking.

11 MEMBER SCHRECK: The neighbor is Schwartz?

12 MS. BREUER: David Schwartz, yeah.

13 CHAIRMAN KEILSON: Any more questions from
14 the Board? Anyone from the audience want to
15 comment?

16 (No response.)

17 CHAIRMAN KEILSON: Okay. So we're going to
18 evaluate the benefit to the applicant, which has
19 been described by the applicant's wife, and we're
20 going to evaluate as far as any detriment.

21 And we're going to begin with Mr. Hiller.

22 MEMBER HILLER: I'll vote for.

23 CHAIRMAN KEILSON: Mrs. Williams.

24 MEMBER WILLIAMS: For.

25 CHAIRMAN KEILSON: Mr. Schreck.

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MEMBER SCHRECK: For.

CHAIRMAN KEILSON: Mr. Gottlieb.

MEMBER GOTTLIEB: 265-foot addition and there's no surface or building coverage issues, I'll vote for.

CHAIRMAN KEILSON: And the Chair will vote for as well. You have two years. Board of Building Design I guess.

MR. MACLEOD: Thank you very much.

(Whereupon, the hearing concluded at 8:40 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

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

September 9, 2015
8:40 p.m.

APPLICATION: Leifer
 11 Copperbeech Lane
 Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MS. ESTHER WILLIAMS
Member

MR. DANIEL HILLER
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MS. LINA FUSCO
Building Department

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1 CHAIRMAN KEILSON: Leifer of Copperbeech
2 Lane.

3 MR. DEFONSECA: Good evening.
4 Carlos DeFonseca, architect, 158 Middle Neck Road,
5 Great Neck, New York 11021.

6 We come to the Board and we propose to -- we
7 got a variance approved on 2007 to build and
8 extend an existing room on the south side of the
9 property on the side yard. That variance was --

10 CHAIRMAN KEILSON: That wasn't acted on.

11 MR. DEFONSECA: Excuse me?

12 CHAIRMAN KEILSON: It wasn't acted on, right?

13 MR. DEFONSECA: It was never built.

14 CHAIRMAN KEILSON: Right. So it's irrelevant
15 tonight, right?

16 MR. DEFONSECA: Exactly.

17 CHAIRMAN KEILSON: So why did you bring it
18 up?

19 MR. DEFONSECA: Okay. It's part of the
20 history. So you know all the history. Then what
21 we propose now is -- the reason that we look for
22 the variances is because they need the extra room
23 for the parents. That variance at that time
24 didn't have a bathroom. Now, you know, things
25 changed. They need -- they have to get -- want to

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1 get a guest room and they want to get a bathroom,
2 a full bathroom, which is impossible to do on the
3 existing part of the house on the first floor.
4 They have a powder room, but it would be
5 impossible to put a shower.

6 So by creating this room, which we have to
7 create this room and the extension on the front of
8 the room which is going to be set back from the
9 face of the existing house, this will give us a
10 study.

11 One of the problems that we have, like the
12 prior application before, we have the issue with
13 two big fireplaces, chimneys sticking out into
14 this side yard. So you have this chimney here.
15 So the room is really requesting to be only 11
16 feet wide. So if we try to -- we cannot really
17 make it any narrower because then the rooms would
18 be unusual. They don't have any option of doing
19 anything on the side yard, on the other side yard,
20 nor on the front, nor in the rear yard. So the
21 only area that will be feasible to build these
22 rooms will be on this side yard.

23 We basically have 10 feet -- 10 feet yard.
24 At the moment we have a bay window that projects
25 out two feet. And the reason that we have the bay

1 window is because also that chimney that projects
2 two and a half feet -- or two feet into the room,
3 which makes it unusable. Unless we get this bay
4 window to get like a window seat. One of the
5 things that we could do with that bay window is
6 make it without a foundation maybe, just only on
7 the first floor so it doesn't -- you know, it
8 won't be a normal encroachment.

9 It's a one-and-a-half-story addition. The
10 architecture of the proposed extension, this is
11 really in compliance with the existing building.
12 The house is a nice, beautiful Tudor house, and
13 what we're doing on the side is making it in
14 conformity with the design. It will look like it
15 was built with the building.

16 As I say, this is only a one and a half
17 story. The use of the attic space that it will be
18 a closet, a walk-in closet from the master bedroom
19 on the second floor, which at this moment has a
20 big bathroom, no closets. So they really need the
21 extra space for a closet in the master bedroom,
22 and the attic, using a portion of the attic. So
23 they really need the space and they don't have
24 many other options. They don't have any place.
25 They cannot take the space from the house. You

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1 know, they have a -- this is what we propose to
2 get this. That's why they need this space, the
3 extra space.

4 CHAIRMAN KEILSON: So the issue we're facing
5 is post Sandy we've not been granting these types
6 of variances. That's the issue tonight. Fifteen
7 percent.

8 Mr. Gottlieb, do you want to analyze it?

9 MS. LEIFER: My name is Astrid Leifer,
10 representing myself and Michael Leifer, owners of
11 the house. How are you?

12 I think the reason that Carlos was bringing
13 up the old variance is because when we bought the
14 house and we had actually already moved into the
15 house and I opened the curtains in the living room
16 and I was looking at insulation of an existing
17 structure that was incorrectly built on a patio
18 and not on proper foundation. So aside from it
19 being an eyesore on the outside, it was an eyesore
20 on the inside. It totally obstructed one living
21 room window, which we didn't realize when we
22 bought the house.

23 CHAIRMAN KEILSON: What are you referring to?
24 Let's make sure everybody is clear on what you're
25 referring to. You said you opened --

1 MS. LEIFER: In the original house, right,
2 there's the large living room that's adjacent to
3 the proposed extension. Towards the front right
4 past the chimney is a window. When you look out
5 that window right now you are looking at yellow
6 foam that is part of the structure that was built
7 by the previous owners for which they actually
8 didn't have a C of O when we bought the house,
9 because they built that without permission, and we
10 had to go through the process of getting a C of O.

11 So the first time we did construction we
12 looked to take that structure down and put the
13 proper foundation and rebuild it properly,
14 shifting it a little bit forward so we would
15 expose the window that was there. At the time the
16 scope of the project, as I'm sure most people
17 face, was way out of budget, and we decided to
18 leave that area as it is for now.

19 CHAIRMAN KEILSON: Hold that thought. Okay.

20 MEMBER GOTTLIEB: You're talking about the
21 brown shingled building?

22 MS. LEIFER: Yes, exactly. It's built on a
23 stone patio. There isn't any foundation
24 underneath it. It was like a hot tub room or
25 something that they won on the Price is Right, a

1 communal hot tub.

2 So we left the room, you know, as it was at
3 the time, thinking that in the future as our
4 family grew and as our needs changed we may
5 consider construction in the future and we left
6 that and we didn't do that portion of the original
7 project.

8 So now we're eight years later, our kids are
9 bigger, our parents are older, and a bedroom on
10 the first floor is something we'd really like to
11 have so that my in-laws who live in the
12 neighborhood, my father-in-law who cannot walk,
13 cannot come to us for Shabbas, it would be really
14 nice to have a room for them with a bathroom that
15 they can be comfortable in which didn't involve
16 going up and down stairs. So that's the primary
17 reason for enlarging the structure, so that we
18 could still have the space that we've, you know,
19 become accustomed to and add to it a first-floor
20 bedroom with a bathroom.

21 And then on top of that in the,
22 quote-unquote, half story, well, what girl doesn't
23 want a walk-in closet?

24 MR. DEFONSECA: I'm going to point this out
25 again, the fact that we have the two chimneys

1 sticking into the side yard made the room very
2 small.

3 CHAIRMAN KEILSON: One second.

4 MEMBER GOTTLIEB: There's a window in the
5 walk-in closet, right?

6 MR. DEFONSECA: Yes.

7 MS. LEIFER: There's a window, right.

8 So what I want to bring to your attention is
9 the house next-door, which are our neighbors,
10 we're all on very good terms, that is their garage
11 adjacent, and their master bedroom is on the
12 second floor, but there are no windows. It is a
13 brick wall. So they can't see anything that's
14 happening on our side. What they're looking at
15 now if they were to step outside would be that
16 brown shingled house with a roof that's peeling
17 with a leaking skylight. I mean, there's nothing
18 nice to look at there now. Also, I don't know if
19 you took the time to do a drive-by.

20 CHAIRMAN KEILSON: We did.

21 MS. LEIFER: I prize my flowers and my copper
22 beech tree and I try very much to make it look
23 beautiful. And there is nothing that I could
24 plant on that side of the house. The ground is
25 wet from the shade of the tree, nothing grows. So

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1 really, if you're building something there, aside
2 from the fact that you really can't even see it
3 because that giant tree is there, and because
4 we're on the curve of the block, if anything, it
5 would only be, you know, a beautification of the
6 block and of the house, as opposed to an eyesore
7 or anything like that.

8 MEMBER SCHRECK: The neighbor that's most
9 affected is it Perl?

10 MS. LEIFER: Perl.

11 MEMBER SCHRECK: Do you have any letters of
12 support?

13 MS. LEIFER: I don't, but a handshake at
14 Friday night minyan, and good luck. We have never
15 had any issues with them. Their structure was
16 built before they moved into the house. They did
17 construction, but they didn't touch that side.
18 They have a side yard of maybe four or five feet
19 from the property line. It's never been an issue
20 because it's like a dark corner, nobody really
21 utilizes that. You know, the space between our
22 two houses is sort of dead space. So I don't
23 think -- I mean, I know that they're fully
24 supportive, as are our back neighbors, the
25 Frielings.

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1 MR. GRAY: Mr. Chairman, I have a question
2 for the applicant, if that's okay.

3 CHAIRMAN KEILSON: By all means.

4 MR. GRAY: I see in the photographs the
5 existing what we were calling this brown shingled
6 structure, next to there is an air-conditioning
7 condensing unit. That would have to be relocated.
8 I don't see that on your plans as to where that's
9 being relocated.

10 MR. DEFONSECA: We don't show the mechanical
11 on that, but we will indicate on the construction,
12 and it's going to be probably towards the back
13 here.

14 MR. GRAY: Well, probably is one thing.

15 MR. DEFONSECA: It will be in the back.

16 MR. GRAY: Do you know if that will require
17 any other variances for locating it there?
18 Because if you want to put it to the side, you
19 might need an additional variance.

20 MR. DEFONSECA: No, we gonna put it in the
21 back. We don't go for any additional variance.
22 We put it in a place where it's not affected.

23 MR. GRAY: Thank you.

24 MS. LEIFER: And covered by trees because I
25 cover everything with trees.

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1 MEMBER GOTTLIEB: So we're looking at five
2 variances?

3 MS. LEIFER: It sounds like a lot.

4 MEMBER GOTTLIEB: It does.

5 MS. LEIFER: I was actually surprised by
6 that.

7 MEMBER GOTTLIEB: That's why you're here.

8 MS. LEIFER: Exactly.

9 MEMBER GOTTLIEB: You have 400 feet over in
10 building, 182 in surface, the side-yard setback is
11 going from 15 feet permitted or required to 9.79
12 feet -- sorry, that's what's existing -- to 8.5.

13 MR. DEFONSECA: With the bay window. That
14 could be eliminated if it's --

15 MS. LEIFER: Shh, shh.

16 MR. DEFONSECA: Okay.

17 MS. LEIFER: And my husband is here if you
18 have any questions. You don't have to go out and
19 get a copy of Mishpacha magazine. In the flesh.

20 MEMBER GOTTLIEB: This application is more
21 similar to the previous one than I thought it was.

22 Are there any neighbors? I'm sorry,
23 Mr. Chairman?

24 CHAIRMAN KEILSON: There's no neighbors. No
25 neighbors.

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1 MEMBER GOTTLIEB: No letters of support
2 either?

3 MS. LEIFER: No, but I can get that for you.
4 We didn't have that last time. We are a very
5 tight family on Copperbeech. Gluck is my
6 neighbor, and the Weissmans, and the Perls, and
7 we're all --

8 MEMBER GOTTLIEB: We're familiar that when
9 the people on Copperbeech want to speak, they
10 will.

11 MS. LEIFER: Well, I'd just like to say we
12 were supportive of the other neighbors because I
13 feel like they did a beautiful job. Their house
14 is beautiful. It was a big improvement to the
15 block, but that's neither here nor there.

16 CHAIRMAN KEILSON: Well said.

17 MEMBER GOTTLIEB: Mr. Chairman, I know
18 15 percent overage is beyond our comfort zone or
19 beyond your comfort zone, so I don't want to trade
20 horses, but I might be the only one here in the
21 horse trading business tonight. So is there
22 anything that you can give back to reduce the
23 400 feet of overage? And one of the big reasons
24 for this, just so you understand, after we had our
25 super storm nearly three years ago, we took

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1 another look at our Village and our susceptibility
2 to flooding, and every time you build over a
3 square foot, that's one square foot less of
4 absorption of water.

5 I'm sure there's a drainage plan here, right?

6 MR. DEFONSECA: Yes.

7 MEMBER GOTTLIEB: I didn't look at it, but
8 there is a drainage plan?

9 MS. LEIFER: There is. It so happens,
10 although we were very much affected, during the
11 storm we did not have power for two weeks. And
12 actually, when it rains regularly, we have like a
13 lake in the circle there, but during Sandy not a
14 drop of water.

15 MEMBER GOTTLIEB: It's because we didn't have
16 rain, we had tidal water, and you're pretty high
17 up.

18 MS. LEIFER: We didn't have any flooding from
19 the hurricane.

20 MEMBER GOTTLIEB: But for each of the
21 400 feet that you're going to be covering that
22 water has to go somewhere else.

23 MR. DEFONSECA: See, one of the things that,
24 as I say, you see what makes it really difficult
25 is, you know, the fact, you know, sometimes there

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1 are things that only within the house that makes
2 it -- see, if we didn't have the chimneys sticking
3 out, it's very easy to say let's cut the building
4 here, let's make this longer. But it's really
5 like a hardship. It's a real hardship. We cannot
6 eliminate the fireplaces because they are part of
7 the house, we cannot take that out. So you know,
8 if I -- if I deduct the area that is taken by
9 that, you know, the rooms end up being only like
10 eight foot wide. So if I say no, let's cut here,
11 let's cut here, it just -- it just -- it's just
12 almost impossible, you know. It would kill the
13 rooms. And I wish I could make it longer, but I
14 don't have any place to cut it.

15 MR. GRAY: Can I ask a question. That full
16 bathroom is that wheelchair accessible?

17 MR. DEFONSECA: Yeah, it has -- yeah, it
18 looks -- yeah, it's a big bathroom. That's the
19 reason --

20 MR. GRAY: It's big because it is wheelchair
21 accessible?

22 MS. LEIFER: It's going to have a roll-in
23 shower, a floor-level shower without a lip.

24 MR. DEFONSECA: We have a powder room here,
25 but the powder room cannot be extended because we

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1 have the kitchen. There's no place to make it
2 move, to make it bigger, to make it really to put
3 a shower. You cannot even put a small shower on
4 the existing bathroom.

5 MS. LEIFER: So the only other place to be
6 building what we're doing would be in the
7 basement, but currently, I use that -- I have -- I
8 have every Purim I have a costume gemach in the
9 house, and I've got bins and bins and bins and
10 bins of costumes, and that's where everybody comes
11 through, and that's where they change and they
12 look through the costumes, so I'd have to give
13 that up, and I'd rather not have to because
14 there's just nowhere else in the house to put it.

15 MR. DEFONSECA: By the way, we have a
16 crawlspace, it's not excavated. We're not
17 extending the slab. We're not going to be
18 extending. It's really only getting the space on
19 the first floor. And the fact that we have the
20 attic space gives us the option to have the attic,
21 because that's the architecture of the house.
22 It's a Tudor house and the roof lines have to
23 match.

24 MS. LEIFER: Actually, the builder was really
25 suggesting that we trench down. He was trying to

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1 explain how it's the same work for him whether he
2 creates a foundation at four feet or goes lower.
3 I'm not interested in empty rooms and more house.
4 It's just more work for me, and it just sits
5 there, and I'm not interested in that. I'm trying
6 to make sure that all the space in the house is
7 functional and it's for a purpose.

8 MEMBER GOTTLIEB: We understand the bay
9 window has to stay?

10 MS. LEIFER: It doesn't have to, but you
11 know, but I like to keep my cards close to the
12 vest and see where we have wiggle room. It's nice
13 to have daylight.

14 I wish I had known that you wanted letters of
15 support, but as you stated, when the people on
16 Copperbeech object they're here in droves. So
17 hopefully, that will be a testament to the fact
18 that their approval is shown by their silence.

19 MEMBER GOTTLIEB: If only it were always that
20 simple.

21 MS. LEIFER: I could only hope for simple.

22 CHAIRMAN KEILSON: I'd like you to take a
23 step outside with your architect and discuss it
24 while we take the next matter, and then we'll
25 reconvene for your matter.

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1 MS. LEIFER: Okay.

2 (Whereupon, a recess was taken; the
3 application was recalled.)

4 CHAIRMAN KEILSON: Okay, we're back on the
5 record for Leifer. Mr. Architect.

6 MS. LEIFER: We had a very nice time-out,
7 thank you.

8 CHAIRMAN KEILSON: That's what the rooms are
9 for, the time-outs.

10 MR. DEFONSECA: If I may point out a couple
11 of things more --

12 CHAIRMAN KEILSON: Please.

13 MR. DEFONSECA: -- on the size of the
14 property, on the size of the house. Remember this
15 house is extremely -- has a very large inside
16 garage. So a lot of the square footage of the
17 house is taken up by the garage. Even though we
18 use it on the second floor, we have a huge garage
19 here that makes it go over the code.

20 One of the things that we were talking, I
21 think something that we could maybe --

22 MS. LEIFER: Offer.

23 MR. DEFONSECA: -- offer or maybe make the
24 offer is make the percentage lower, is the fact
25 that we could do the bay window, we could do not a

1 walk-in bay window, we could do a bay window like
2 a cantilever bay window. A cantilever bay window
3 so that's just going to be -- it won't take a lot
4 of coverage.

5 MS. LEIFER: It would be for the aesthetics
6 and the light.

7 MR. DEFONSECA: So the aesthetics of the
8 house, it helps when you have an office, it could
9 be like a credenza space or something. Because by
10 the time you put a desk here, you have a
11 fireplace, the space is very narrow. See,
12 remember, around the fireplace -- around the
13 chimney, not the fireplace, you have to have one
14 inch of space, you have to put insulation, you
15 have to be allowed six or eight inches in front of
16 the fireplace.

17 MEMBER GOTTLIEB: You're not going to have
18 the exposed brick?

19 MR. DEFONSECA: No, not for the chimney. It
20 doesn't look appropriate.

21 CHAIRMAN KEILSON: So let's again see what
22 you are suggesting.

23 MR. DEFONSECA: So what we gonna do is we
24 going to cantilever the bay window. So it's a
25 regular window, it's cantilevered, no foundation,

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1 and that's basically it. You see, I can't really
2 -- I wish I could move the wall back here, but I
3 can't because my door, the window opening --

4 CHAIRMAN KEILSON: Can I suggest something?

5 MR. DEFONSECA: Yes.

6 CHAIRMAN KEILSON: Just tell me what you're
7 going to do, not what you're not going to do.

8 MR. DEFONSECA: Okay. What I'm going to do
9 is take the bay window, that's number one.

10 CHAIRMAN KEILSON: And number two and number
11 three?

12 MEMBER GOTTLIEB: How many square feet?

13 MR. DEFONSECA: The bay window is --

14 MEMBER GOTTLIEB: Three feet?

15 MR. DEFONSECA: No, no, no.

16 MEMBER GOTTLIEB: Two and a half feet?

17 MR. DEFONSECA: No, it's about ten -- it's
18 eighteen -- because you have six feet on the front
19 and two feet on each side, you have the length of
20 the bay window is ten feet, and it's bringing it
21 out two feet.

22 CHAIRMAN KEILSON: So how does it adjust the
23 request now?

24 MR. GRAY: Is that ten by two, you said?

25 MR. DEFONSECA: It will be ten feet by two

1 feet, approximately. Eighteen feet it's actually
2 going to be 18 square feet.

3 CHAIRMAN KEILSON: If you can, just give us
4 the number that now would be requested.

5 MR. GRAY: 14.6 percent, if I did it right.

6 MS. FUSCO: What was the size of it?

7 MR. DEFONSECA: See, one of the things that I
8 have to point out also, we have the exterior wall.
9 Remember, if you look at the elevation, the lower
10 section we have brick on the bottom, so it's a
11 little bit -- the wall is not really going to be a
12 one-foot wall as we showing it. We have only --
13 if you look at the elevation, the lower section is
14 brick and the upper part is stucco, which is going
15 to take from the perimeter you have 40 feet,
16 11 feet, you have 40, 50, 60, 60 linear feet. If
17 you take the thickness of the brick on the bottom,
18 the brick detail that we have on the bottom,
19 you're going to get around 30 feet less also that
20 we're going to take from there.

21 On the side elevation we have the wall -- if
22 you make a six-inch stucco wall, the wall is going
23 to be thinner. So we could actually make this
24 section a little bit thinner by --

25 MS. LEIFER: Yeah, but if you do that, then

1 it's not going to match the house. I like the
2 house to match, it looks nice.

3 CHAIRMAN KEILSON: Okay. So now let's just
4 take a look at the requests for the variance. So
5 the variances that are being requested, the
6 building coverage is now -- what are we down to?

7 MR. GRAY: I got it down to building area.

8 CHAIRMAN KEILSON: Excess building coverage.

9 MR. GRAY: I have it. If you take away the
10 18 feet, you're down to 3,006 feet, so it's 383
11 feet over, which I calculate as 14.6 percent.

12 CHAIRMAN KEILSON: Okay. Surface coverage is
13 not changing, right?

14 MR. DEFONSECA: It would change.

15 MR. GRAY: It would, yeah, it would. I
16 didn't get to that calculation yet, sir.

17 CHAIRMAN KEILSON: If you can do that.

18 MR. GRAY: I did 18 feet total. It was
19 18 feet total.

20 MS. FUSCO: Total, okay.

21 MR. GRAY: Sorry I'm not as good as
22 Mike Ryder here, I apologize.

23 CHAIRMAN KEILSON: That's okay. That way
24 we'll miss him more.

25 Normally, the architect does it.

1 MR. GRAY: 3.5 percent. Okay, for maximum
2 surface area, 4,790. The requested surface area
3 would be 4,790, where only 4,626 is required. So
4 that's an overage of 164 square feet, which works
5 out to 3.5 percent. Side-yard setbacks in my
6 opinion don't alter or change because the bay
7 window would still jut out.

8 MEMBER GOTTLIEB: Does the bay window count
9 with the added side yard?

10 MR. DEFONSECA: No, if it doesn't have a
11 foundation it doesn't count.

12 MS. FUSCO: It's not a walk-out bay, it does
13 not count.

14 MEMBER GOTTLIEB: So it would increase the
15 side yard?

16 MR. DEFONSECA: Exactly. It will be ten feet
17 instead of eight feet. It actually will be a
18 little more.

19 MR. GRAY: Well, instead of 24.32, the
20 aggregate would be 26.32.

21 MEMBER GOTTLIEB: Instead of 8.5, it would be
22 10.5?

23 MS. FUSCO: Yes.

24 MEMBER GOTTLIEB: We made the 10 feet, good.
25 And you didn't lose your window.

1 MS. LEIFER: We're happy about that, thank
2 you.

3 MR. GRAY: And I don't know about any of this
4 -- I can't do the calculation for the dimensional.

5 MS. FUSCO: The height/setback ratio.

6 MR. GRAY: The height/setback ratio is now
7 going to be adjusted.

8 CHAIRMAN KEILSON: So now we have the new
9 numbers. Hopefully, the record will reflect that.

10 Having said that, using the criteria of
11 weighing the benefit to the applicant as opposed
12 to any detriment to the community, and we thank
13 you for the concessions, it's helpful, and now
14 we'll put it to a vote to the Board.

15 Mr. Schreck.

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

17 CHAIRMAN KEILSON: Mr. Gottlieb.

18 MEMBER GOTTLIEB: For.

19 CHAIRMAN KEILSON: Mrs. Williams.

20 MEMBER WILLIAMS: For.

21 CHAIRMAN KEILSON: Mr. Hiller.

22 MEMBER HILLER: For.

23 CHAIRMAN KEILSON: And so I vote for.

24 MR. DEFONSECA: Thank you.

25 MS. LEIFER: Thank you very much.

1 MEMBER GOTTLIEB: Please keep your house as
2 beautiful as it has been.

3 MS. LEIFER: Thank you. I appreciate that.

4 MR. GRAY: I'm going to ask the architect to
5 resubmit --

6 MR. DEFONSECA: With the revisions, yes.

7 MR. GRAY: -- with the revisions.

8 MR. DEFONSECA: Oh, okay, the complete set.

9 CHAIRMAN KEILSON: Two years.

10 MS. FUSCO: And Board of Building Design.

11 MS. LEIFER: Thank you very much. Have a
12 happy and healthy new year.

13 MS. FUSCO: So I got for the other number
14 4,790, correct? That's what you got?

15 MR. GRAY: Yes.

16 MS. FUSCO: And you got 3,006, so we're good
17 on the numbers?

18 MR. GRAY: Yes.

19 MS. FUSCO: And 10.5 on one for the side
20 yard, and the aggregate now goes to 26.32.

21 MR. GRAY: That's what I got.

22 MS. FUSCO: Okay, so we're good.

23 MR. GRAY: And the other one --

24 MS. FUSCO: It's a cantilever bay window so
25 it doesn't go towards it, okay, all right.

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(Whereupon, the hearing concluded at
9:35 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

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

September 9, 2015
9:00 p.m.

APPLICATION: Kohn
260 Pearsall Place
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON
Chairman

MR. EDWARD GOTTLIEB
Member

MR. MARK SCHRECK
Member

MS. ESTHER WILLIAMS
Member

MR. DANIEL HILLER
Member

MR. KENNETH A. GRAY, ESQ.
Village Attorney

MS. LINA FUSCO
Building Department

Mary Benci, RPR
Court Reporter

Kohn - 9/9/15

1 CHAIRMAN KEILSON: Matter of Kohn,
2 260 Pearsall Place.

3 MR. JACOBS: Good evening. My name is
4 Leonard W. Jacobs. I'm an architect registered to
5 practice in the State of New York. I reside at
6 599 Derby Avenue in Woodmere, New York. And I'm
7 also here with my clients, Barry and Judy Kohn,
8 and I understand they have two neighbors that
9 joined us during the meeting.

10 We want to thank the Board for giving us this
11 opportunity to make our presentation.

12 CHAIRMAN KEILSON: Let's hope you feel that
13 way at the end of the presentation.

14 MR. JACOBS: Gee, I hope so, I'm hoping.

15 CHAIRMAN KEILSON: Go ahead.

16 MR. JACOBS: You know, I had a design
17 instructor in college that said if the house could
18 talk, what would it tell you? What would it want
19 to be? And a house, how it looks, its shape, its
20 size and everything else is a function of what's
21 happening on the inside. We do know that there
22 are codes and there is zoning and here, obviously,
23 we had a situation where we could not do what we
24 wanted to do within the zoning and we requested a
25 variance.

Kohn - 9/9/15

1 So your instruction at the beginning of the
2 meeting was to be brief, I'll be brief. The
3 objections are clear in the letter of denial. The
4 program that we have has tried very hard to meet
5 the requirements of the client that represent a
6 house that is a little bit different than when it
7 was constructed in the 1960s. People lived
8 differently, the codes were different then. The
9 zoning was different then.

10 And I think if you've looked at any of the
11 documents so far, because I know that you received
12 them I think before the hearing, you will clearly
13 see even without getting into the details there's
14 no mc-mansion here. There are no visions of
15 grandeur. Simply requested, we want to install a
16 master suite on the second floor, and we're doing
17 this by extending the roof line of the house over
18 to the right going over the garage, which is only
19 a one-story structure. Our total roof height will
20 remain the same or be even two feet lower. And I
21 could make a note here, we could all make a note
22 here, that the second-floor work does not require
23 a variance.

24 Getting down to the first floor, which is the
25 problem which created the variance, is the

Kohn - 9/9/15

1 clients' need for a breakfast area. I mean,
2 imagine a kitchen today without an ample breakfast
3 area to sit down at the table and eat at a space
4 other than the dining room. There is a dining
5 room that's under 15-foot long. For today it's
6 tight. We're proposing to extending that to
7 21 feet. I think you've heard at other hearings
8 the need for a first-floor master suite, not only
9 for the owner, but maybe for guests that will need
10 a first-floor suite and a bathroom.

11 There is also in the front of the house the
12 only place where we have a side-yard variance
13 issue. The side yard had to be 15 feet; the
14 present left side yard is 10.4. It's been that
15 way; it's a pre-existing condition. And what we
16 wanted to do is extend the house in the front and
17 give Barry and Judy at least a piece of icing on
18 the cake, which they call their porch, their front
19 porch, and how could you deny them a little piece
20 of Americana and tradition. We see the front
21 porch coming back and it's an open front porch.
22 We have no issues with height/setback ratios at
23 all.

24 The front yard we do require a variance in
25 the front yard. It's one of those conditions

Kohn - 9/9/15

1 where there's no sidewalk and you go out the front
2 of the house and travel a particular distance to
3 the paved road. We're short by seven -- by seven
4 feet. We have 23; the requirement is 30 from the
5 property line. But again, from the actual house,
6 from that front porch we will have practically
7 40 feet to the paved area. And the house to the
8 left of us also does have a one-story extension in
9 the front that actually we're lining up with them.
10 So it's the one-story parts of the house that
11 trigger the need for a variance.

12 MEMBER GOTTLIEB: So the application --
13 rather, the request in the front, that's a porch?

14 MR. JACOBS: About 50 percent of the front
15 extension will be a porch, part of it will be part
16 of the extended dining room and part of it will be
17 part of the extended front hall so we could have
18 more than a two-and-a-half-foot closet to hang a
19 coat.

20 MEMBER GOTTLIEB: So that's coming out
21 10 feet from where it is now?

22 MR. JACOBS: The front of the house we're
23 coming out 10.5 feet, 10 and a half feet, but on
24 the left-hand side of that projection, if you'll
25 take a look at the lower left corner drawing A2,

1 it's all porch, open porch, and then, of course,
2 that open porch at least visually extends in front
3 of the entrance and in front of the dining room.

4 MEMBER GOTTLIEB: Hold on. A2.

5 MR. JACOBS: A2, the bottom left-hand corner.
6 You could see proposed dining room expansion with
7 the porch in front of it. The entryway extension
8 with the porch in front of it, and then in front
9 of the existing living room the whole extension is
10 a porch, an open porch.

11 In the back left-hand corner, by the way, we
12 took the one-time exemption for that, Local Law 3,
13 where you're allowed to -- you can have less than
14 the required side yard as long as you're not less
15 than 10 feet and you don't extend the house more
16 than 20 feet. Our extension in the back used to
17 be actually 10 and a half. We reduced it to eight
18 and a half. It's a sliver of space. We tried to
19 squeeze in as much as we can, and I think we were
20 able to do it, but not without a variance.

21 CHAIRMAN KEILSON: We haven't been granting
22 20 percent variances.

23 MR. JACOBS: You know, I think if you reflect
24 on the work here, the lines and the setbacks and
25 the ratios and so on and so forth, I think I'd

1 also like to reflect on the house itself. Like
2 when I started, what would the house say?

3 CHAIRMAN KEILSON: Are we getting
4 philosophical?

5 MR. JACOBS: Are we a detriment to the
6 community? I think we certainly blend into the
7 community. The house blends into itself. We've
8 gotten --

9 CHAIRMAN KEILSON: The evaluation of a
10 detriment to the community also relates to
11 building coverage and surface coverage.

12 MR. JACOBS: Yes.

13 CHAIRMAN KEILSON: And the community has
14 spoken because there's no absorption anymore in
15 the community. We're suffering. We're suffering
16 from the water all over.

17 MR. JACOBS: Well, at least the water I know
18 that as part of the requirement we did get a soil
19 test from Soil Mechanics.

20 CHAIRMAN KEILSON: Everyone comes in here
21 with a soil test showing that there's no problem,
22 but the water is becoming a more egregious problem
23 every rainstorm. Where do we stop? Everybody's
24 house talks to us.

25 MR. JACOBS: We will be putting in dry wells.

Kohn - 9/9/15

1 CHAIRMAN KEILSON: That's required.

2 MEMBER GOTTLIEB: When you referred to the
3 house next-door with the front porch --

4 MR. JACOBS: It's not a porch. It's a
5 totally enclosed piece of house. You can see it
6 on the photographs.

7 MEMBER GOTTLIEB: That's what I'm looking at.
8 It's a little smaller than the proposed house,
9 than the house that's talking to us.

10 MR. JACOBS: It's one story there. It's an
11 extension that just about we're lined up with
12 that, and that is an enclosed extension rather
13 than an open porch.

14 In fact, I did a little calculation here.
15 The total that we are above is about 524 square
16 feet. It doesn't sound so terrible when you're
17 not in percentages, and 524 square feet is a
18 little bit larger than a two-car garage. Half of
19 which is the porch, the open porch. I have 231
20 square feet of open porch.

21 MEMBER GOTTLIEB: So you're referring to
22 524 square feet, but I look at --

23 MR. JACOBS: Above what you're allowed.

24 MEMBER GOTTLIEB: Right. But look at
25 842 feet above what's current.

Kohn - 9/9/15

1 MR. JACOBS: What's current, yes, sir.

2 MEMBER GOTTLIEB: We look at both, above what
3 is current and how much over what is allowed.

4 MR. JACOBS: We were actually called in
5 during the production of the drawings. We had
6 consultations with the Village extensively, and we
7 were told to actually list above what we are
8 allowed.

9 CHAIRMAN KEILSON: That's correct. You're
10 supposed to show over what's permitted because
11 that's what the variance is for. But the bulking
12 up is what Ed is referring to overall. So it's
13 the 800 square feet we're looking at. And we
14 would love to grant everybody everything that they
15 want.

16 MR. JACOBS: And I did the calculation of the
17 drainage on the entire roof surface, not only on
18 the addition. It's on the --

19 CHAIRMAN KEILSON: Of course.

20 MR. JACOBS: I don't know if there's time
21 left. I think Barry and/or Judy wanted to make a
22 comment to the Board.

23 CHAIRMAN KEILSON: Of course. We're here
24 until the morning services.

25 MR. KOHN: I'm Dr. Barry Kohn. I'm the

Kohn - 9/9/15

1 owner of the home. We have lived in the home
2 for 20 years. We bought the house 20 years ago.
3 At that time we had raised three children in this
4 house, and it was quite adequate and I never asked
5 for any modifications during those 20 years.

6 Twenty years later, I now have a married son,
7 and, thank God, a daughter who has just got
8 engaged, so I'm expecting another two adults in
9 the house to come visit. I have four
10 grandchildren running through the house. The
11 dining room is obviously too small because the
12 family, thank God, is growing.

13 The entryway is critical because with kids
14 running in and out of the house, and no buffer
15 zone between the outside and the inside, every
16 time the door opens the house chills down.

17 And finally, unfortunately, as I am getting
18 older and I've had some cardiac issues, and I have
19 a condition called paroxysmal small atrial
20 fibrillation and atrial tachycardia, during which
21 time while my heart is racing I really have a
22 difficult time getting up the stairs. So I'm
23 looking to be able to put a bedroom downstairs so
24 that I can have a second person with me so that
25 while I am not well, while I'm waiting for my

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1 cardiac procedure, and sometimes I have to wait a
2 week for that procedure to take place, I'm running
3 around tachycardic and it's very difficult to
4 function, and I'm looking for an ability to have a
5 place to stay while at my own home while that's
6 taking place.

7 So I understand that this is encroaching and
8 it's a variance, and I'm asking for a lot, but it
9 really reflects -- what happens is, as you age,
10 you try to age in place, and trying to accomplish
11 something that allows me to stay in my home, allow
12 me to enjoy my family and stay in this community.

13 CHAIRMAN KEILSON: Thank you very much.

14 MR. KOHN: I have two neighbors who've come.
15 I didn't get letters of support. I was -- I had
16 actual letters of people who offered but --

17 CHAIRMAN KEILSON: You have live letters.

18 MR. KOHN: I have live people instead.

19 MEMBER GOTTLIEB: So in addition to the
20 talking house, you have talking neighbors.

21 CHAIRMAN KEILSON: Your house is a speak
22 easy.

23 Please step forward, speak easy neighbors.

24 MR. BLISKO: My name is Mark Blisko, and my
25 address is 257 Pearsall Place.

1 CHAIRMAN KEILSON: Where is your house in
2 reference?

3 MR. BLISKO: Directly across from the Kohns.
4 I moved into the neighborhood I think a half a
5 year before Barry and Judy. We've been very good
6 neighbors back and forth. As a matter of fact,
7 I'm neighborly to everyone on the block. I'm very
8 close to everyone on the block. I have no
9 problems.

10 They're a nice couple, nice children. I have
11 no problems with what they're doing. I don't
12 think, except for the issues maybe of drainage, I
13 don't think it's going to be encroaching on
14 anything on the block.

15 To the right of them is Balter's house, which
16 is a monstrosity compared to theirs. To the left
17 is Diane's house, which has that extension, which
18 she really has a much smaller lot of land, and she
19 can't really do anything with it anyway.

20 I don't think it will be a detriment to the
21 block. I don't think it will be a detriment to
22 the neighbors. I'm speaking for myself, but
23 again, it's a small block, Pearsall, and everybody
24 pretty much gets along.

25 And he lives around the corner behind them,

1 but they're pretty good people, and if it can be
2 granted, I think it should be granted.

3 CHAIRMAN KEILSON: Thank you very much.

4 MR. LANDY: My name is Jeff Landy. I live at
5 15 Weston Place, which is behind Barry, a couple
6 of houses in. It's sort of --

7 CHAIRMAN KEILSON: Directly behind?

8 MR. LANDY: Pardon?

9 CHAIRMAN KEILSON: Directly behind?

10 MR. LANDY: Two houses or three houses
11 behind, but it's a very close neighborhood. And
12 having lived in this neighborhood I think going on
13 37 years, they are, you know, the salt of the
14 earth, great people, great neighbors to have.
15 Their kids play on my basketball court. You know,
16 we use their backyard to get through. We have
17 very close friends that live across the street
18 from them. We have minyan at Mark's house
19 sometimes on Friday night, we walk through.

20 I don't foresee any issue. I think that, you
21 know, what they seem to be looking for is more
22 than reasonable for what the neighborhood looks
23 like, and certainly camouflaging with what the
24 rest of the house looks like. And as far as
25 myself and a few of my neighbors are concerned,

1 acceptable to us, something you can give back on
2 it.

3 MR. JACOBS: I always thought that the front
4 porch could be counted as a little less. It
5 doesn't have walls.

6 MEMBER GOTTLIEB: Unfortunately, you're
7 encroaching into the front yard, which is another
8 issue. So the porch is creating two problems.
9 One is building coverage, but it's also front-yard
10 setback.

11 MR. JACOBS: Right. That open porch is half
12 -- exactly half of that build-out in the front in
13 numbers. There are times when, as I stated
14 previously, where you -- you have all the numbers
15 and the percentages, and so on. You know, I was
16 taking the photographs and working on the shadow
17 study, and I said the shadow study, all the trees
18 that are on every house is taller than the houses.
19 Could you count them? You don't, you exclude the
20 trees, you make believe the trees are not there
21 for purposes of the shadow study. But it's worth
22 seeing, if you look at the photographs and you go
23 down to the street, you'll see it's in between
24 every house.

25 MEMBER GOTTLIEB: We've all been there.

1 MR. JACOBS: There was one advantage in the
2 way we planned this. We didn't, like, come out
3 with some box in some corner. As I said, we added
4 an eight-foot strip to the back and a ten-foot
5 strip to the front, half of which is open. I
6 think it's much different had we have come out
7 even with a different variance and said, yes,
8 we're adding exactly 524 over and it's going to be
9 plop in the backyard and encroach on the rear lot
10 line. It would be a totally different story, but
11 the mathematics would be the same.

12 CHAIRMAN KEILSON: Mr. Jacobs, you can't put
13 the burden on us. We're not here to redefine for
14 you. So you have several options. You can
15 adjourn and rethink. You can ask us to vote on it
16 as is, okay. So it's time, at 9:20 at night,
17 we're tired after a long evening. It's not our
18 job to refashion your project.

19 MR. JACOBS: Of course not, of course not.

20 CHAIRMAN KEILSON: Okay. So I'm not sure
21 what you're waiting for. So we can put it to a
22 vote and that will be it. And I have no idea
23 which way it will go at this point.

24 MR. JACOBS: When you say adjourn, what
25 happens when you adjourn?

1 CHAIRMAN KEILSON: You can possibly refashion
2 what you're --

3 MR. JACOBS: Oh, okay.

4 MR. KOHN: So if we adjourn, we resubmit the
5 application with --

6 CHAIRMAN KEILSON: You can modify it in some
7 fashion.

8 MR. KOHN: And if you deny it, then what?

9 CHAIRMAN KEILSON: If we deny it, then it's
10 finished.

11 MR. JACOBS: No, but if we vote, what happens
12 when you vote?

13 CHAIRMAN KEILSON: Either it gets approved or
14 it gets disapproved.

15 MR. KOHN: If it gets disapproved, what do we
16 have to do then after that?

17 CHAIRMAN KEILSON: You're finished.

18 MR. KOHN: You're finished? You can't apply
19 for another variance?

20 CHAIRMAN KEILSON: You can apply for another
21 variance with something different. Not for the
22 same.

23 MR. KOHN: The adjournment to come back is
24 with another plan?

25 MR. JACOBS: If we vote, we have to come back

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with another plan?

MEMBER WILLIAMS: No, no.

CHAIRMAN KEILSON: It's a whole new application.

MR. KOHN: It's a whole new application.

MS. FUSCO: It's new fees. It's the whole process.

MR. KOHN: Adjourn it.

MR. JACOBS: My client advises to adjourn.

MR. GRAY: You're going to regroup.

CHAIRMAN KEILSON: Fine, thank you.

(Whereupon, the hearing concluded at 9:24 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