

Lawrence, New York July 12, 2010

A Regular Meeting of the Board of Building Design of the Incorporated Village of Lawrence was held on Monday, July 12, 2010 at the Lawrence Village Hall, 196 Central Avenue, Lawrence New York 11559 at 7:24 P.M.

Those members present were:                      Chairperson Benjamin Sporn  
Member Ronni Berman  
Member Barry Pomerantz

Those members absent were:                      Member Eva Staiman  
Member Barbara Kupferstein

Also present were: Ronald Goldman, Attorney to Board of Building Design, Thomas P. Rizzo, Secretary to Board of Building Design and Gail Daniels, Building Department.

Chairperson Sporn called to order the regular meeting of the Board of Building Design at 7:24 PM. Proof of posting for the meeting was submitted. Three members of the board were present for a quorum. The meeting was called to order with the following members present: Chairperson Sporn, Member Berman and Member Pomerantz.

The meeting agenda included fourteen new applications and no prior applications. Before the Board proceeded with the agenda items, Mr. Rizzo explained that there was a large agenda for the meeting and that both residents and contractors were present for the meeting. Mr. Rizzo asked the Chairman if he would entertain a motion to take the applications out of order. Chairman Sporn said he would do so in order not to delay residents with other matters that were not relevant to their applications. A motion was made by Mrs. Berman, seconded by Mr. Pomerantz and unanimously approved to take the applications out of order. Chairman Sporn asked Mr. Rizzo which application would be taken first, Mr. Rizzo quickly noted which order to follow and the meeting proceeded.

*The following new applications were considered:*

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**Simpson – 38 Muriel Ave.** – Two story front and rear addition, one story rear addition, second floor. Mr. Rizzo noted that the application had an approved variance. Mr. Goldman asked the Chairman if prior to the Board making a consideration of the application that he explains, with the Board's permission, the basis of Board actions and procedure for the audience, Chair Sporn agreed. Mr. Goldman explained to the audience that this was a public meeting of the Board of Building Design not necessarily a "public hearing" that the Board meets pursuant to the Open Meetings Law and the rules that govern the Board of Building Design. Mr. Goldman explained that the Board receives the plans and paperwork for each application before the meeting and, as individuals, review and investigate the applications and members make site visits prior, that the public would find that the questions from the Board are specific due to the review and investigation and thus their questions would focus on only important points. The members do not visit sites together, due to the Open Meeting Law and only discuss the application during a meeting. Applicants are welcome to attend the meeting and if available provide additional information to the Board of Building Design regarding their application. They can request a public hearing on their application should they not agree with the decision of the Board. Mr. Goldman apologized for the condition of the room for this evenings meeting (a ceiling had collapsed in the Village Court office and the court staff was required to relocate to this meeting room while repairs were being made). The Board then proceeded to review the applications and the plans. The Board reviewed the application and the plans. Mr. Rizzo advised the Board that the applicant was present if the Board had any questions. No one appeared before the Board to support or oppose the application. Members Sporn, Berman and Pomerantz voted unanimously to approve

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the application as submitted. (Mr. Goldman noted that there are usually five members but three members constitute a quorum.)

**Wilson – 281 Edward Bentley Rd.** – Part demo, two story addition with garage, one story addition, one story rear addition, second floor dormer additions and alterations and relocate paving. The Board reviewed the application and plans. Mr. Gerard Meyer introduced himself as the architect for the project and presented some additional large mounted drawings of the project which showed how the house would look after the additions were completed. Board Member Kupferstein arrived just as Mr. Meyer was beginning his presentation to the Board for the application. Mrs. Berman left her seat to take a closer look at the drawings that Mr. Meyer set up for the Board to review. Mr. Meyer presented an in-depth description of the existing residence and explained in detail the changes to be made, the section of the existing building to be removed, the new additions to the structure and the owners wish to increase the number of bedrooms with each having its own bath. Mr. Meyer provided pictures of other nearby homes to demonstrate how the existing building would be similar. The architect gave a detailed explanation of the siding, roofing, windows, railings, shutters and other finishes and colors. Mr. Rizzo asked Mr. Meyer what was being done with the existing driveway. Mr. Meyer explained that most of the existing driveway and second curb cut was being removed and lawn installed to replace the removed driveway and that the driveway paving would be changed to meet the new garage and existing landscaping would hide the remaining driveway paving. Mrs. Berman stated that she was very eager to see the house when completed and Mrs. Kupferstein noted the great attention to detail in the design of the house and Chairman Sporn agreed. No one else appeared before the Board to support or oppose the application. Members Sporn, Berman, Pomerantz and Kupferstein voted unanimously to approve the application as submitted.

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**Katsman – 160 Harborview South** – One story rear addition and inground swimming pool. Mr. Rizzo explained that there were two applications: the rear addition and the inground swimming pool. The Board reviewed the application and plans and materials for the pool. The Board questioned what the existing fence in the rear yard was. Chairman Sporn questioned what the Town code was regarding pool fences. The Board members discussed the variance granted and safety requirements. The Board unanimously approved the pool, paving, pool equipment and fence with the condition that the new sections of fence can only be five feet high. The Board next reviewed the proposed one story rear addition to the residence on this same property. The Board reviewed the plans for the addition and the finish materials. The Board voted unanimously to approve the application for the rear addition as submitted. It was noted for the record that no one appeared before the Board to support or oppose the application and Members Sporn, Berman, Pomerantz and Kupferstein voted unanimously to approve the application for the pool and the one story rear addition to the house.

**Eisikowitz – 143 Harborview South** – Replace existing fence on left side property line with new 6 foot high wood stockade fence and install new 6 foot high stockade fence on right side property line. The Board reviewed the application. Mrs. Eisikowitz came forward. There was a question as to the height of the existing fence to be replaced. Mr. Rizzo asked Mrs. Eisikowitz if she knew the height of the existing fence, Mrs. Eisikowitz was not sure explaining that she had been in her home twenty two years and the fence was always there so she did not know what the codes were when the fence was put in. The Board questioned what sections of fence would be replaced and what new fences would be installed. Reference was made to the reasons for the requested fence and

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reference was made to a letter from Mrs. Eisikowitz that was part of the application and stated the reasons for the requested fence. The Board took a moment to review the plan for the Eisikowitz property recognizing that the property fronted on two streets, (the front of the house on Harborview South and the back yard adjacent to Harborview West). Mrs. Eisikowitz explained that the property next door was under construction for a long time with boards with protruding nails close to her property line and a fence on the adjoining property that was damaged and falling into her yard. Mrs. Eisikowitz stated she was requesting the six foot high fence to shut out the construction on the adjoining property. The Board expressed its understanding the adverse circumstances with which Mrs. Eisikowitz was dealing, and Board members noted that they have lived with similar construction. Mrs. Eisikowitz questioned why construction fences are allowed higher than six feet and why she could not have a fence higher than six feet and down to the front property line. Mrs. Berman noted that Mrs. Eisikowitz was not asking for a construction fence. Mrs. Eisikowitz stated that the construction next door was damaging her landscaping and her property in general. The Board and Mrs. Eisikowitz had a lengthy discussion regarding the condition of the adjoining property under construction. The Board questioned why the house was in its present condition. Mr. Rizzo explained that construction at the site would start and stop and restart. The Board questioned if the property owners have been contacted about the site. Mr. Rizzo explained that the property owner has been advised that the site needed to be maintained, that notices of violation have been recorded against the property and the owner had made some attempts made to restore order to the property. Mr. Rizzo noted that the next step would be to have a summons issued. Several Board members agreed that summons should be issued. Mr. Pomerantz questioned if the owner needed to install a construction fence. Mr. Rizzo explained that the building was secured to keep the public out and did not know if the

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Building Department could require a construction fence if the building was protected. Mr. Goldman discussed the applicant's request for a fence with the Board. The Board considered adjourning the application until the Building Department reviewed the adjoining property. The Board made a decision to approve the fence application as amended, a five foot high stockade fence on the side property lines, not to extend past the front wall of the house into the front yard. No one else appeared before the Board to support or oppose the application. Members Sporn, Berman, Pomerantz and Kupferstein voted unanimously to approve the application as amended.

**Lopata – 237 Barrett Rd.** – Install back up electric generator in side yard. The Board reviewed the application and was advised that the contractor was present if the Board had any questions. The Board noted the setbacks of the unit from the property line. Chairman Sporn questioned the size of the unit and the flue type. Mrs. Berman questioned if the generator was located above ground. No one else appeared before the Board to support or oppose the application. Members Sporn, Berman, Pomerantz, and Kupferstein voted unanimously to approve the application as submitted.

**Fisher – 235 Barrett Rd.** – Install back up electric generator in side yard. The Board reviewed the application and noted that it is next to the property just approved for a back-up electric generator. Mr. Rizzo explained to the Board that this property was surrounded by bushes at the property line. No one appeared before the Board to support or oppose the application. Members Sporn, Berman, Pomerantz and Kupferstein voted unanimously to approve the application as submitted.

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**Herman – 351 Broadway** – Two story rear addition and interior alterations. Mr.

Herman, the property owner, was present for the review of his application. The Board reviewed the application, plans and the letter submitted by the designer which stated that new materials would match the existing materials of the house, brick, and roofing. The Board and the property owner noted that the rear addition would not be seen from the front. No one else appeared before the Board to support or oppose the application.

Members Sporn, Berman, Pomerantz and Kupferstein voted unanimously to approve the application as submitted. Mr. Herman thanked the Board.

**Ostreicher – 198 Harborview South** – Part demo, one and two story front and rear additions, deck addition and interior and exterior alterations to residence. The Board reviewed the application and the plans, asked questions regarding the approved variance and reviewed the material samples submitted. No one appeared before the Board to support or oppose the application. Members Sporn, Berman, Pomerantz, and Kupferstein voted unanimously to approve the application as submitted.

**Cohen – 43 Meadow Ln.** – Install inground swimming pool, paving, pool equipment and fence. The Board reviewed and discussed the application. Mrs. Berman asked if there was a landscape plan for the pool area and questioned where the pool equipment was to be located. Mr. Rizzo described where the pool equipment would be located and stated that there was no plan to install additional landscaping in the yard around the pool. No one appeared before the Board to support or oppose the application. Members Sporn, Berman, Pomerantz and Kupferstein, voted unanimously to approve the pool application as submitted.

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**Gottlieb – 69 Margaret Ave.** – Install 6 foot high wood stockade fence on one side property line, rear property line and in both side yards. The members reviewed and discussed the application for the requested fence heights. Chairman Sporn and Mrs. Berman explained that they had no problem with the six foot high fence on the rear property line but would only approve a five foot high fence on the side property lines. No one appeared before the Board to support or oppose the application. Members Sporn, Berman, Pomerantz and Kupferstein voted unanimously to conditionally approve the fence application with six foot high fence on the rear property line only and five foot high fence on the side property lines and in the side yards.

**Edelstein – 119 Lord Ave.** – Replace existing fence with new beige/tan PVC fence, 6 feet high, on part of right side property line. The Board reviewed the requested fence and noted the location of the property in relation to the highway and that the highway overlooks the property and that there is noise from the roadway. Several Board members noted that the one foot difference between a five foot and a six foot high fence would not make that much of a difference in the effect of the road way on the property. Mrs. Kupferstein asked if the neighbor could be consulted to see if they had an objection to the requested fence, Mrs. Berman did not think that should be done. Mr. Pomerantz asked if anyone knew if the neighbor had a six foot high fence on their property. None of the other Board members remembered how high the fence was on the adjoining property. Mrs. Berman noted that the applicant could always return to the Board if the adjoining property owner had a six foot high fence to make his request for a six foot high fence. No one appeared before the Board to support or oppose the application. Members Sporn, Berman, Pomerantz and Kupferstein voted unanimously to approve the application with



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the condition that the fence can only be five feet high on the side property line. The Board approved the PVC material and the color for the fence.

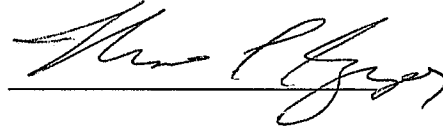
**Davis – 4 Copperbeech Ln.** – Install replacement 6 foot high khaki PVC fence on rear property line. Mrs. Berman noted that this was the home that backed up to Broadway and had a section of fence that fell onto Broadway. Mrs. Berman noted that the adjoining property had a PVC fence on Broadway and that this fence for Davis should match the color of the fence of the property next door for similarity along Broadway. Mrs. Kupferstein agreed with Mrs. Berman that it would look better along Broadway if the two fences matched. Mrs. Berman noted that this was a Board mandated to perform esthetic reviews and that for esthetics it would be better if the two fences matched. The Board members discussed the color chosen by the applicant, noting that it was close to the color of the PVC fence on the adjoining property and that the Board's request to change the fence color chosen to match the adjoining fence was not that large a request. No one appeared before the Board to support or oppose the application. Members Sporn, Berman, Pomerantz, and Kupferstein voted unanimously to conditionally approve the application with the condition that the color of the fence must match the color of the PVC fence on the adjoining property along Broadway.

**Gerlitz – 44 Central Ave.** – Install new five foot high khaki PVC fence on right side property line. The Board reviewed and discussed the application. No one appeared before the Board to support or oppose the fence application. Members Sporn, Berman, Pomerantz and Kupferstein voted unanimously to approve the application as submitted.

There being no further business the meeting was adjourned at 9:30 PM

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This is to certify that I, Thomas P. Rizzo, Secretary to the Board of Building Design,  
have read the foregoing minutes and the same are in all respects a full and correct record  
of such meeting.

A handwritten signature in cursive script, appearing to read "Thomas P. Rizzo", is written above a horizontal line.

Thomas P. Rizzo