

Lawrence, New York March 7, 2011

A Regular Meeting of the Board of Building Design of the Incorporated Village of Lawrence was held on Monday, March 7, 2011 at the Lawrence Village Hall, 196 Central Avenue, Lawrence New York 11559 at 7:15 P.M.

Those members present were:           Chairperson Benjamin Sporn  
  Member Eva Staiman  
  Alternate Member Myrna Breitman  
  Alternate Member Shoshana Weinstock

Those members absent were:           Member Ronni Berman  
  Member Barry Pomerantz  
  Member Barbara Kupferstein

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

Chairperson Sporn called to order the regular meeting of the Board of Building Design at 7:28 PM. Proof of posting for the meeting was submitted.

The minutes of the December 6, 2010 and the February 7, 2011 Board of Building Design meeting were submitted to the Board for approval. Upon a motion by Member Staiman and seconded by Alternate Member Breitman with the following vote cast:  
Ayes: Chairman Sporn, Member Staiman, Alternate Member Breitman and Alternate Member Weinstock, the minutes of the December 6, 2010 and the February 7, 2011 Board of Building Design meeting were approved as submitted.

The meeting agenda included two new applications and no prior applications. Mr. Rizzo advised the Board that the first application was Hoffman 6 Sealy Court. Mr. Goldman asked the Chairman if he could address the audience, Chairman Sporn approved. Mr. Goldman explained to the public that this meeting is open to the public but not necessary a public meeting, the Board is meeting under the open meetings law, it meets in a public capacity but it is not necessarily a public meeting where the Board draw

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on comments from the public. The Board is a group of volunteers that meets once a month, it is the Board of Building Design, it has a finite purpose, to see whether a proposed structure is within the guidelines of good taste and consistent etc. This Board does not address matters that are under the purview of the Planning Board or the Board of Zoning and Appeals and does not rule on those matters. This is a Board that addresses issues following decision by the Planning Board or the Board of Zoning and Appeals. The Board of Building Design does not rule or comment on the decisions rendered by those Boards. The Board of Building Design meets this evening as a collective group, they are well prepared. Prior to the meeting they are provided with the plans, they are independent individuals, they are conscience, they make site visits but in terms of reviewing it collectively as a Board they do so publicly. Additionally because the Board comes prepared they are not necessary going to make inquiry of the applicant or anyone else, they can make an independent judgment, they might choose to entertain comments but they are not under obligation to do so.

*The following new applications were considered:*

**Hoffman – 6 Sealy Court.** – Two story front addition and interior alterations to existing residence. The Board reviewed that application and plans. Mr. Rizzo advised the Board that there was a representative present, Mr. Kupferberg the architect for the project and submitted a color rendering to show what the house would look like with the proposed addition. Mr. Goldman marked the color rendering as applicant exhibit one and the drawing was given to the Board members for review. Several members and the chairman commented on how the color rendering was very helpful in the review of the application and provided a better view then flat drawings of how the building would look. No else

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one appeared before the Board to support or oppose the application. The Board members conferred on the application. A motion was made by Member Staiman to approve the application for the proposed additions as submitted. The motion was seconded by Alternate Member Weinstock, with the following votes cast: Alternate Member Weinstock yes, Member Staiman yes, Chairman Sporn yes and Alternate Member Breitman yes.

**Goldner – 22 Herrick Dr.** – New two story residence. The Board reviewed the application and plans. Mr. Rizzo advised the Board that a revised drawing for the front elevation of the proposed new residence was submitted but there was not enough time to get it to the Board in advance of tonight's meeting. Mr. Rizzo distributed the revised drawing to the Board members. Mr. Goldman noted for the record that the drawing was being made part of the record. Mr. Rizzo presented a sample board of materials submitted with the revised front elevation drawing. The Board reviewed and discussed the elevation drawings, plans, material sample board and the changes to the front windows of the proposed residence. Mr. David Shteierman came forward and identified himself as the architect for the project. Two members questioned Mr. Shteierman regarding the design and the proposed setbacks for the new house, they also asked questions about the existing detached garage building on the property and the existing pool and deck in the rear yard. Mr. Shteierman answered the Board members questions and explained the setbacks for the house as granted by the Board of Zoning and Appeals. The Board members discussed the information provided by Mr. Shteierman. Mr. Shteierman thanked the Board for listening to him. Chairman Sporn recognized Mr. Allan Hoffman residing at 21 Herrick Drive directly opposite the proposed Goldner

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house. Mr. Hoffman gave his age as 82 described himself as living at this address for 80 years, a long time resident of the street. He described the proposed house as beautiful but stated several reasons why the proposed house would be overbearing compared to five other tutor style homes on the block. Mr. Hoffman did note that a variance had been granted for this house but stated that the Board , in its judgment, should not just consider the plan in itself but should consider the environment in which this house will be set and that it is going to be overbearing and out of character. Mr. Hoffman thanked the Board for its time. Chairman Sporn recognized Annette Klein of 24 Herrick Drive. Mrs. Klein stated she was not at the other meeting (Board of Zoning and Appeals) due to an emergency in her family but she had submitted a letter. Mrs. Klein explained several issues she had regarding the proposed new house, including the number of entrances to the house, one of the entrances being a basement door with outside stairs adjacent to a side entrance to her home which will infringe on her privacy. Mrs. Klein stated that Mrs. Goldner had been denied the use of the property for a business. Additionally Mrs. Klein took issue with bay windows on the proposed home that would be eighteen inches out and questioned why the windows could not be flat and questioned why there would be windows on the side of the new Goldner house, facing her home. Mrs. Klein stated that this situation was totally not right and aesthetically the house was incorrect and the design had items that had previously been denied at other hearings and she was totally against it. Chairman Sporn asked Mrs. Klein if she was stating that elements on this plan had been denied. Mrs. Klein stated that things had been denied previously. The Board questioned if these things where denied at the last meeting (Board of Zoning Appeals), Mrs. Klein stated she was not at the last meeting but things had been denied at previous meeting. Mr. Aaron Philipson came forward and identified himself as the home owner

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on the other side, at 20 Herrick Drive, and stated that the issue is the stairs on the outside. He noted that the Board of Zoning Appeals minutes were not yet available but he and Mr. Hoffman were at the meeting and the stairs were described as being inside not outside. Chairman Sporn questioned if it would be appropriate to wait until the minutes are available to make a decision. Mr. Rizzo explained that the drawings submitted to the Board of Building Design matched the plans reviewed by the Board of Zoning Appeals and what was approved by the Board of Appeals. Mr. Goldman suggested that perhaps the architect could address these issues with the Board. Mr. Shteierman addressed the Board and stated he was at the Board of Appeals hearing and stated that other than the change to the shape of the front windows these were the plans that the Board of Appeals reviewed and approved. Mr. Shteierman explained that the exterior stairs to the basement are a convenience so that anyone using the pool could use the bathroom or change without going through the house. Additionally the exterior stair allows repairman to service the boiler without having to travel with tools and equipment through the house, and the stairs are for convenience and maintenance. Mrs. Klein interrupted Mr. Shteierman with a question regarding why the stairs could not be on the other side, the driveway side. Mr. Shteierman noted that all of these issues were approved at the Zoning Board and the applicant is not asking for any additional space here or to change the design of the house and stated that they were here strictly to address the building design. Several Board members noted that the new window design looked better than the original window design and one member stated that the house was in character to other homes on the block. Mrs. Klein questioned the Board about the door on her side. Several Board members agreed that the issue was not under their jurisdiction. Mrs. Klein and Mr. Philipson said that the door was addressed as an inside staircase at the hearing, it was not

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understood as an outside staircase. Mr. Philipson stated that the minutes (Board of Zoning Appeals) were not available yet and it would be appropriate to defer a decision until the minutes were available. One Board member stated that the stair did not affect the look of the house. Mr. Philipson questioned whether the look of the house would not be diminished by the staircase? Mrs. Klein stated that Miss. Goldner has an agenda to make a business that is why there is an outside stairs to the basement. Mr. Goldman addressed Mrs. Klein's claim stating that was a hypothetical issue regarding a business use that such an issue was beyond the scope of this Board. Chairman Sporn stated that if a business is opened that is an issue to be addressed with the Village, Mr. Goldman agreed and stated that the issues in Mrs. Klein's claim , if it occur, it would have to be addressed by the Village and then if approved it would then have to be addressed by the Building Department. Mr. Goldman questioned that if the stairs were located on the outside would not the plans reflect that and Mr. Shteierman said the plans did show the stairs on the outside and these same plans were reviewed by the Board of Zoning Appeals and Mr. Shteierman stated these are the same plans that went to the BZA. Mr. Goldman noted if these are the same plans that went to the Board of Zoning Appeals and Mr. Rizzo stated to Mr. Goldman that these are the same plans except for the proposed change to the front windows, and Mr. Goldman agreed, these are the same plans before the Board of Building Design, except for the changed windows on the front, the point is that regarding the staircase, these are the plans reviewed by the Board of Appeals, there is a presumption of regularity, the Board of Appeals had the plan and reviewed the plan, if there was a misunderstanding by parties it is not an issue under the purview of this Board. Mrs. Klein asked about windows on the side of the proposed house facing her home, she asked if they could be removed. Mr. Rizzo asked if she was referring to basement

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windows, Mrs. Klein stated not basement windows but windows across from her entrance. The Board reviewed the plans and Mr. Shteierman directed the Board to page A-7, the south elevations drawing. Again Mrs. Klein stated that the windows would be opposite her door and she wanted the windows moved and she was entitled to her privacy. The Board reviewed the elevation drawings and floor plans regarding the referenced windows, several Board members stated that they saw no problem with the referenced windows. The Board and Mr. Goldman questioned Mrs. Klein regarding her difficulty with these windows. Chairman Sporn respectfully addressed Mrs. Klein stating that these issues are Zoning Board issues and not under the purview of this Board, the Board of Building Design could not tell the applicant she could not have a window. Mrs. Klein asked to raise other points, she could not attend the last meeting (Board of Zoning Appeals) because her husband was sick and needed surgery that day. Mrs. Klein stated that no one could expect her to come to that meeting that day, this is her only outlet here and she had submitted a letter to the Board. Mr. Goldman confirmed that a letter from Mrs. Klein was submitted and made part of that record (Board of Zoning Appeals). Mrs. Klein stated she did not get to see these plans until last week. Again Chairman Sporn stated he believed that the issues raised by Mrs. Klein are Zoning Board issues and suggested that she check that record and make sure that things were done as should have been done but that is beyond this Board jurisdiction. Chairman Sporn suggested that this Board should vote on the matter from its perspective. Mr. Goldman explained to the Board and Mrs. Klein that there was recourse regarding the BZA but that was not this Board's issue. Mrs. Klein question Mr. Goldman regarding the recourse process but Mr. Goldman advised her he could not give her legal advice but there is a legal process. Mrs. Klein continued to question the Board and Mr. Goldman regarding review of the minutes

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from the Board of Zoning Appeals hearing regarding this matter, her legal rights and how to challenge the Board of Zoning Appeals decision. Mr. Goldman advised Mrs. Klein she would need her own legal counsel regarding the Board of Zoning Appeals decision which Mrs. Klein stated was unfair. Mrs. Klein next questioned the bay window over the front door. The Board members, Mrs. Klein and the architect, Mr. Shteierman discussed the curved wall with the windows on the front, the Board stated it had no problem with the curved front wall with windows. No one else appeared before the Board to support or oppose the application. Several Board members discussed voting on the application. A motion was made by Mrs. Weinstock to approve the design for the exterior of the house as submitted. The motion was seconded by Mrs. Staiman and the Board conferred and the following votes cast: Member Breitman yes, Chairman Sporn yes, Mrs. Staiman yes and Member Weinstock yes. Mr. Shteierman thanked the Board.

There being no further business the meeting was adjourned at 8:08 PM.

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.

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Thomas P. Rizzo